

1 RESOLUTION NO. 2014-313

\*Late Filing\*

2  
3 SPONSOR Mr. Pry

4  
5 DATE June 30, 2014

COMMITTEE Finance

6  
7 **A Resolution, ratifying a professional service contract with Bank of America, N.A., to**  
8 **provide merchant services and bank card processing services to the Clerk of Courts, for an**  
9 **initial term from 3/1/08 through 4/30/11, and three one-year renewals, from 5/1/11 through**  
10 **4/30/14, ratifying payments made by the County to Bank of America, N.A., in the amount**  
11 **of \$59,559.43, made from 8/11/10 through 4/30/14 and authorizing a renewal (4<sup>th</sup> of 5) of**  
12 **the contract with Bank of America, N.A. for an additional one-year term, from 5/1/14**  
13 **through 4/30/15, for an amount not to exceed \$150,000.00, all subject to the approval of the**  
14 **Board of Control, for the Clerk of Courts, and declaring an emergency.**

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16 WHEREAS, County Council previously adopted Resolution No. 2008-017, confirming  
17 an award by the Board of Control of a professional service contract with National City Merchant  
18 Services ("National City") to provide merchant services and bank card processing services to the  
19 Clerk of Courts; and

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21 WHEREAS, National City was selected after quotes were requested from five vendors;  
22 and

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24 WHEREAS, neither Resolution No. 2008-017 nor Board of Control Directive No. 004-08  
25 specified a contract term or amount; and

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27 WHEREAS, the Clerk of Courts agreed to an initial term of three years with National  
28 City Merchant Services but the professional service contract was not executed by the County  
29 Executive; and

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31 WHEREAS, on October 28, 2008, PNC Financial Services ("PNC") acquired National  
32 City Corp. during the financial crisis in 2008; and

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34 WHEREAS, PNC uses Bank of America, N.A. to provide credit card merchant services;  
35 and

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37 WHEREAS, on 9/18/09, the County Executive executed the professional service contract  
38 with National City and an addendum to the contract substituting Bank of America N.A. ("Bank  
39 of America") for National City, for an initial term from 3/1/08 through 4/30/11, with five  
40 options to renew for an additional one-year term; and

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42 WHEREAS, Bank of America has provided merchant services and bank card processing  
43 services to the Clerk of Courts Office for transactions from 3/1/08 through 4/30/14; and

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45 WHEREAS, from 8/11/10 through 4/30/14, the County made payments to Bank of  
46 America in amount of \$59,559.43; and

47  
48 WHEREAS, the County of Summit Court of Common Pleas, General Division has  
49 mandated, pursuant to Local Rule 7, that effective August 2014, all case filings shall be done  
50 electronically through the Clerk of Courts Office, which will vastly increase the amount of  
51 necessary merchant services and bank card processing services due to filing fees; and  
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4 WHEREAS, the County of Summit Court of Common Pleas—Domestic Division will  
5 similarly mandate electronic filing in January 2015; and

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7 WHEREAS, the Clerk of Courts estimates that the cost for the necessary merchant  
8 services and bank card processing services could be as high as \$150,000.00 from 5/1/14 through  
9 4/30/15; and

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11 WHEREAS, the failure to renew the professional service contract with Bank of America  
12 would adversely affect the ability of Summit County citizens to pay fees, including filing fees, to  
13 the Clerk of Courts Office; and

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15 WHEREAS, it is necessary to ratify, subject to the approval of the Board of Control, the  
16 professional service contract with Bank of America to provide merchant services and bank card  
17 processing services to the Clerk of Courts, for an initial term from 3/1/08 through 4/30/11 and  
18 three one year renewals, from 5/1/11 through 4/30/14; and

19  
20 WHEREAS, it is further necessary to ratify the payments made by the County to Bank of  
21 America, subject to the approval of the Board of Control, in the amount of \$59,559.43, from  
22 8/11/10 through 4/30/14; and

23  
24 WHEREAS, it is further necessary to authorize a renewal (4<sup>th</sup> of 5) of the professional  
25 service contract with Bank of America, subject to the approval of the Board of Control, for an  
26 additional one-year term, from 5/1/14 through 4/30/15, for an amount not to exceed \$150,000.00;  
27 and

28  
29 WHEREAS this Council finds and determines, after reviewing all pertinent information,  
30 that it is necessary and in the best interest of the County to ratify the aforementioned professional  
31 service contract with Bank America for merchant services and bank card processing services for  
32 the Clerk of Courts, for an initial term from 3/1/08 through 4/30/11 and three one-year renewals,  
33 from 5/1/11 through 4/30/14, to ratify the payments made by the County to Bank of America in  
34 the amount of \$59,559.43, made from 8/11/10 through 4/30/14 and to authorize a renewal (4<sup>th</sup> of  
35 5) of the contract with Bank of America for an additional one-year term, from 5/1/14 through  
36 4/30/15, for an amount not to exceed \$150,000.00, all subject to the approval of the Board of  
37 Control;

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39 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
40 of Ohio, that:

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42 SECTION 1

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44 This Council hereby ratifies a professional service contract with Bank of America, N.A.,  
45 subject to the approval of the Board of Control, to provide merchant services and bank card  
46 processing services to the Clerk of Courts, for an initial term from 3/1/08 through 4/30/11 and  
47 three one year renewals, from 5/1/11 through 4/30/14. The professional service contract and  
48 addendum are attached to this Resolution as Exhibit A and incorporated herein as if fully  
49 restated. This Council further ratifies the payments made by the County to Bank of America,  
50 N.A., subject to the approval of the Board of Control, in the amount of \$59,559.43, from 8/11/10  
51 through 4/30/14.  
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1 RESOLUTION NO. 2014-313

2 PAGE THREE

3  
4 SECTION 2

5  
6 This Council hereby authorizes a renewal (4th of 5) of the contract with Bank of  
7 America, N.A., subject to the approval of the Board of Control, for an additional one-year term,  
8 from 5/1/14 through 4/30/15, for an amount not to exceed \$150,000.00.

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10 SECTION 3

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12 This Resolution is hereby declared an emergency in the interest of the health, safety and  
13 welfare of the citizens of the County of Summit, and for the further reason to ratify a  
14 professional service contract and renewals of that contract with Bank of America, N.A. to  
15 provide necessary merchant services and bank card processing services to the Clerk of Courts  
16 and to ratify previous payments made for such services.

17  
18 SECTION 4

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20 Provided this Resolution receives the affirmative vote of eight members, it shall take  
21 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
22 effect and be in force at the earliest time provided by law.

23  
24 SECTION 5

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26 It is found and determined that all formal actions of this Council concerning and relating  
27 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
28 deliberations of this Council and of any of its committees that resulted in such formal action,  
29 were in meetings open to the public, in compliance with all legal requirements, including Section  
30 121.22 of the Ohio Revised Code.

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33 INTRODUCED June 16, 2014

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35 ADOPTED June 30, 2014

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39 CLERK OF COUNCIL

  
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41 PRESIDENT OF COUNCIL

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43 APPROVED July 1, 2014

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45 EXECUTIVE

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47 ENACTED EFFECTIVE July 1, 2014

Voice Vote: 10-0 YES: Comunale, Crawford, Feeman, Kostandaras,  
Kurt, Lee, Rodgers, Roemer, Schmidt, Shapiro  
ABSENT: Prentice