

1 RESOLUTION NO. 2022-346

2
3 SPONSOR Executive Shapiro

4
5 DATE November 21, 2022 COMMITTEE Finance

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7 **A Resolution authorizing the County's participation in a sublease-purchase arrangement**
8 **with the Ohio Secretary of State for the purpose of acquiring and implementing voting**
9 **machines and equipment and financing certain costs thereof, a sublease-purchase agreement**
10 **evidencing such arrangement, and matters related thereto, for the Executive and the Board**
11 **of Elections, and declaring an emergency.**

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13 WHEREAS, pursuant to Amended Substitute Senate Bill 135 of the 132nd Ohio General
14 Assembly (as the same may be amended, modified, revised, supplemented or superseded from
15 time to time, the "Act") and the financing program authorized thereunder (the "SoS Financing
16 Program"), the Secretary of State of the State of the Ohio (the "Sublessor") is providing
17 financing to Ohio counties for the acquisition of voting systems, including, but not limited to,
18 voting machines, marking devices, automatic tabulating equipment, and direct record electronic
19 voting machines, as defined in Ohio Revised Code ("ORC") Section 3506.01, together with
20 associated allowable expenditures, as defined in the Act; and

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22 WHEREAS, in accordance with ORC Section 3506.02, it has been determined that the
23 equipment used by the citizens residing in the County of Summit Ohio (the "Sublessee") to vote in
24 federal, state and local elections shall be changed to that equipment described in the Proposal of
25 Clear Ballot Group (the "Proposal") which will be approximately in the amount of \$4,580,586.00;
26 and

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28 WHEREAS, Clear Ballot Group has submitted a draft contract for the implementation of the
29 Proposal to the Board of Elections (the "Project Contract"), and the Sublessor is currently in the
30 process of reviewing the Project Contract (as it relates to the SoS Financing Program) and the
31 Project Equipment (as hereinafter defined) for approval; and

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33 WHEREAS, the Proposal requires the Board of Elections to acquire certain voting machines
34 and equipment (the "Project Equipment") and pay certain costs related to implementing the
35 Proposal (along with the acquisition of the Project Equipment, the "Project") and this Council of the
36 County of Summit (the "Legislative Authority") desires to accept the Proposal, enter into the Project
37 Contract, undertake the Project, and finance a portion of the cost of the Project by utilizing the
38 provisions of the SoS Financing Program which will be up to \$4,623,000.00;

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

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43 SECTION 1

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45 It is hereby determined to be necessary, desirable and expedient, and in the best interests
46 of the County and its citizens, for the County of Summit, after review and approval of the
47 Proposal by the financing program authorized thereunder (the "SoS Financing Program"), (i) to
48 accept the Proposal, (ii) enter into the Project Contract, (iii) acquire the Project Equipment, and
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2 PAGE TWO

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4 SECTION 1 (Continued)

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6 (iv) finance a portion of the costs of the Project Equipment (the "State-Financed Equipment")
7 and other costs of the Project by participating in the SoS Financing Program.

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9 SECTION 2

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11 The County's participation in the SoS Financing Program shall be evidenced by a
12 Sublease-Purchase Agreement between the Sublessor and the Sublessee (together with all exhibits
13 and appendices thereto, the "Sublease"), attached hereto as Exhibit A. The Executive is hereby
14 authorized to execute said Sublease in substantially the same form as is attached hereto together
15 with any revisions thereto as are not materially adverse to the County, and any other necessary
16 related documents.

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18 SECTION 3

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20 Council acknowledges that the Sublessor has obtained or will shortly obtain funds for the
21 SoS Financing Program by utilizing a sublease-purchase / certificates of participation
22 arrangement, and that the interest component of the Sublessor's lease payments thereunder is
23 intended to be exempt from federal income taxation under the Internal Revenue Code of 1986, as
24 amended and the regulations prescribed thereunder.

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26 SECTION 4

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

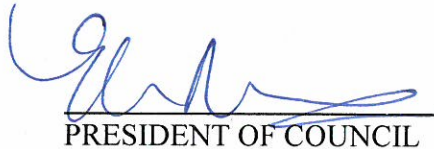
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32 SECTION 5

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34 It is found and determined that all formal actions of this Council concerning and relating
35 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
36 deliberations of this Council and any of its committees that resulted in such formal action, were
37 in meetings open to the public, in compliance with all legal requirements, including Section
38 121.22 of the Ohio Revised Code.

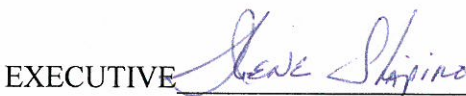
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41 INTRODUCED November 7, 2022

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43 ADOPTED November 21, 2022

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47 CLERK OF COUNCIL

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50 PRESIDENT OF COUNCIL

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52 APPROVED November 22, 2022


EXECUTIVE

ENACTED EFFECTIVE November 22, 2022

Voice Vote - YES: 11-0: Darrow, DeVitis, Dickinson, Donofrio, McKenney, Rodgers, Schmidt, Sims, Walters, Wiedie Higham, Wilhite