

1 RESOLUTION NO. 2023-274

2

3 SPONSOR Executive Shapiro

4

5 DATE September 11, 2023

COMMITTEE Public Safety

6

7 **A Resolution authorizing the Executive, pursuant to Section 177.13 of the Codified**
8 **Ordinances of the County of Summit, to increase the purchase aggregate total for calendar**
9 **year 2023 for Federal Express Corporation and confirming the award by the Board of**
10 **Control of a purchase contract with Federal Express Corporation, as a Best Practical**
11 **Source, for service of process of documents for the Clerk of Courts for an estimated**
12 **amount not to exceed \$55,000.00, for a total yearly amount not to exceed \$104,500.00 for**
13 **calendar year 2023, for the Clerk of Courts, and declaring an emergency.**

14

15 WHEREAS, pursuant to Rule 4.1 of the Ohio Rules of Civil Procedure, a Clerk of Courts
16 may utilize the services of a commercial carrier service to perform service of process of
17 documents that the Clerk is required to serve upon parties and others; and

18

19 WHEREAS, pursuant to the aforementioned Rule and Misc. Order No. 325, the Clerk of
20 Courts utilizes Federal Express Corporation to perform service of process under certain
21 circumstances and the cost of service of process is generally paid by parties requesting the
22 service and is recovered through court costs; and

23

24 WHEREAS, Federal Express Corporation currently provides commercial service of
25 process of documents for the Clerk of Courts which pursuant to Sections 177.01(h)(4)D. and
26 177.07(a)(5) of the Codified Ordinances of the County of Summit makes it a Best Practical
27 Source; and

28

29 WHEREAS, Section 177.13 of the Codified Ordinances of the County of Summit,
30 requires that purchases by an officeholder from any single vendor exceeding \$50,000.00 in the
31 aggregate in any calendar year, where no additional competitive quotes or bids were taken, shall
32 be made only upon authorization of this Council; and

33

34 WHEREAS, pursuant to Directive No. 013-23, the Board of Control previously awarded
35 a purchase contract to Federal Express Corporation, as a Best Practical Source, for service of
36 process of documents for the Clerk of Courts, for a total estimated amount not to exceed
37 \$49,500.00, for the period of 1/1/23 through 12/31/23; and

38

39 WHEREAS, the Board of Control, at its meeting held on August 23, 2023, awarded a
40 purchase contract to Federal Express Corporation, as a Best Practical Source, for service of
41 process of documents for the Clerk of Courts, for a total estimated amount not to exceed
42 \$55,000.00, for the remainder of calendar year 2023; and

43

44 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
45 that it is necessary and in the best interest of the County to authorize the Executive to increase
46 the purchase aggregate total for calendar year 2023 for Federal Express Corporation and that the
47 aforementioned purchase contract with Federal Express Corporation is necessary and in the best
48 interest of the County of Summit;

49

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

52

1 RESOLUTION NO. 2023-274

2 PAGE TWO

3

4 SECTION 1

5

6 The Executive is hereby authorized, pursuant to Section 177.13 of the Codified
7 Ordinances of the County of Summit, to increase the purchase aggregate total for calendar year
8 2023 for Federal Express Corporation to an amount not to exceed \$104,500.00.

9

10 SECTION 2

11

12 The award by the Board of Control of a purchase contract with Federal Express
13 Corporation, as a Best Practical Source, for service of process of documents for the Clerk of
14 Courts, for a total estimated amount not to exceed \$55,000.00, for the remainder of calendar year
15 2023 is hereby confirmed, and the Executive is hereby authorized to execute said purchase
16 contract and any other necessary related documents.

17

18 SECTION 3

19

20 This Resolution is hereby declared an emergency in the interest of the health, safety and
21 welfare of the residents of the County of Summit, and for the further purpose of timely obtaining
22 service of process services for the Clerk of Courts in 2023.

23

24 SECTION 4

25

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

29

30 SECTION 5

31

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

37

38

39 INTRODUCED September 11, 2023

40

41 ADOPTED September 25, 2023

42

43 DocuSigned by:
hauren maush
F8D2D8132BE041B...
CLERK OF COUNCIL

DocuSigned by:
Veronica R Sim
C65A946F-E4B442A...
PRESIDENT OF COUNCIL

44

46 APPROVED September 25, 2023

47

48 DocuSigned by:
Gene Shapiro
CB033E40D287473...
EXECUTIVE

Voice Vote – YES: 10 – 0: Darrow, Dickinson,
Donofrio, McKenney, Rodgers, Schmidt, Sims,
Walters, Wiedie Higham, Wilhite
Absent: DeVitis

49

50 ENACTED EFFECTIVE September 27, 2023

51