

12
RESOLUTION R-10-07

**A RESOLUTION AUTHORIZING THE VILLAGE OF SPENCER, OHIO,
TO PARTICIPATE IN THE NORTHEAST OHIO SOURCING
OFFICE'S ("NEO/SO'S") BULK ROAD SALT PROGRAM, TO
PURCHASE SALT THROUGH NEO/SO'S BULK ROAD
SALT PROGRAM, AND DECLARING AN EMERGENCY**

WHEREAS, this resolution constitutes an emergency measure necessary for the daily operation of municipal departments, and provided it receives the affirmative vote of three-fourths (3/4) of the members elected to Council, it shall take effect and be in force immediately upon its passage, otherwise it shall take effect and be in force from and after the earliest period allowed by law; and

WHEREAS, NEO/SO, an Ohio nonprofit corporation organized as a regional council of governments under § 167 of the Ohio Revised Code, has established a bulk road salt program through and with North American Salt Company ("North American"), which NEO/SO has determined to be the best and lowest bidder pursuant to a competitive bidding process (the "NEO/SO Bulk Road Salt Program"); and

WHEREAS, the Village of Spencer, Ohio, committed to participate in the NEO/SO Bulk Road Salt Program in the amount of twenty (20) tons of road salt for the 2007-2008 winter; and

WHEREAS, the bid price for bulk road salt for the Village of Spencer, Ohio, as part of the NEO/SO Bulk Road Salt Program is Forty-three and 31/100 Dollars (\$43.31) per ton dumped and Forty-five and 89/100 Dollars (\$45.89) per ton piled (which NEO/SO determined to be the best and lowest bid price), which prices are applicable to the Village of Spencer's purchases of bulk road salt during the period August 1, 2007, through, and including, July 31, 2008 (the "NEO/SO Bulk Road Salt Program Period"); and

WHEREAS, NEO/SO has entered into a Master Agreement for Bulk Road Salt with North American effective August 1, 2007, a copy of which is attached hereto as Exhibit A (along with a Summary of Key Terms and Services) and the terms of which are incorporated herein; and

WHEREAS, NEO/SO's Master Agreement with North American with respect to the NEO/SO Bulk Road Salt Program requires the participating entities to purchase a minimum of sixty-five percent (65%) of its road salt commitment through this Program and limits each participating entity to purchasing a maximum of one hundred thirty-five percent (135%) of its road salt commitment through this Program.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF SPENCER, OHIO, three-fourths (3/4) of its members concurring herein as follows:

Section 1. Authorization to Participate in NEO/SO Bulk Salt Program. This Council authorizes the Village to participate in the NEO/SO Bulk Road Salt Program for the winter of 2007-2008, which includes purchases of bulk road salt during the NEO/SO Bulk Road Salt Program Period.

Section 2. Authorization and Directive to Purchase Bulk Road Salt Through NEO/SO Bulk Road Salt Program. This Council authorizes and directs the Village to purchase bulk road salt as required during the NEO/SO bulk Road Salt Program Period based upon a commitment of twenty (20) tons, with a minimum required purchase during this period of thirteen (13) tons and a maximum allowable purchase during this period of twenty-seven (27) tons.

Section 3. Chargeable Accounts. All amounts incurred and paid with respect to the NEO/SO Bulk Road Salt Program as authorized herein shall be charged to Account No. _____.

Section 4. This Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare in the Village of Spencer, Ohio, and for the particular reason that an agreement is immediately necessary to have a proper provision of salt for the winter season that is approaching, and that this Resolution shall be in full force and effect from and after its passage.

PASSED: September 19, 2007

TOMMY RAMEY, Mayor

ATTEST:

SHERI RAMEY, Village Fiscal Officer