

# RECORD OF RESOLUTION

Resolution No. 2024-R-03

Passed April 01, 2024  
YEAR

## VILLAGE COUNCIL OF NORTH FAIRFIELD, OHIO RESOLUTION NO. 2024-R-03

A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH NECO FOR THE WATER METER READING EQUIPMENT UPGRADE AND THE ANNUAL SOFTWARE MAINTENANCE SUBSCRIPTION; AND DECLARING AN EMERGENCY

WHEREAS the Software Maintenance Agreement for the software that enables water meter readings expired March 31, 2024; and

WHEREAS, the software provider advises that the current software has become dated and will no longer be supported. The old version of the software has been replaced with a more current version; and

WHEREAS, the software provider (NECO) recommends that the village upgrade both the software and the meter reading equipment; and

WHEREAS, NECO of 11082 Southland Rd, Cincinnati, OH 45240, advertises that for 80 years Neptune Equipment has supplied water meters to the municipal and rural water utility industry and has supplied and supported meter reading systems for 26 of those years; and

WHEREAS, the Village Fiscal Officer also recommends the upgrades and reports that such upgrades are within the budget of the Village; and

WHEREAS, Village Council believes that the upgrades are in the best interest of the Village; and

WHEREAS, the Village Council would like to upgrade the equipment and software, and retroactively renew the Software Maintenance Agreement effective 04/01/2024.

WHEREAS, RC 731.14 requires that all contracts made by the legislative authority of a village shall be executed in the name of the village and signed on its behalf by the mayor and clerk. [RC 731.14, paragraph 1]

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NORTH FAIRFIELD, STATE OF OHIO: (RC 731.18)

SECTION 1. That Village Council hereby accepts the terms submitted by Quote dated 3/18/24 from NECO for the Neptune 360 Upgrade and Annual Costs ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

SECTION 4. That the contract shall be executed in the name of the village and signed on its behalf by the mayor and clerk (fiscal officer). [RC 731.14, paragraph 1]

SECTION 3. That the MAYOR and FISCAL OFFICER are hereby authorized and directed to execute an Agreement.

SECTION 2. RETROACTIVE. That the Agreement will begin retroactively on 04/01/2024. Village Council expressly intends the Agreement to operate retrospectively pursuant to Section 1.48 of the Ohio Revised Code.

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Council further finds that the retroactive application does not take away or impair vested rights acquired under current existing laws, nor does it create new obligations, nor imposes a new duty, nor attaches a new disability, in respect to transactions or considerations already passed and adopted.

SECTION 5. DURATION. That the Agreement is hereby authorized for a term of:

*One Year*

SECTION 6. DISPENSE WITH THREE READINGS. That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days. [R.C. 731.17(A)(2)]

SECTION 7. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT. That by two-thirds vote of all the members elected to the legislative authority, this Ordinance/Resolution is hereby declared to be an emergency measure pursuant to RC 731.30, being necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation and shall go into immediate effect for the following reason(s):

*The current Agreement expired 03/31/24.*

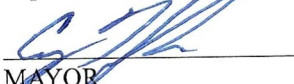
SECTION 8. PUBLIC MEETING. That it is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall take effect at the earliest period allowed by law.

PASSED AND ADOPTED on this 01 day of April, 2024.

## ATTESTATION (RC 731.20)

We hereby attest and affirm that the foregoing legislation received the necessary affirmative roll call votes required for passage by R.C. 731.17.

  
MAYOR

  
FISCAL OFFICER

## LEGISLATION READINGS ORC 731.17(A)

- (1) Each ordinance and resolution shall be read by title only, provided the legislative authority may require any reading to be in full by a majority vote of its members.  
(2) Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.

First Reading: 4/01/24 Second Reading: Dispensed Third Reading: Dispensed

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## ROLL CALL VOTE ORC 731.17(A)(3)

The vote on the passage was taken by yeas and nays and entered upon the journal. Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority. Yeas, nays, abstentions, excused or absent votes were recorded as follows:

yes  
Adam Rouse

yes  
Sharleen Coy

absent  
Jeremy Antill

yes  
Cody Washer

yes  
Trevor Arnold

yes  
Joshua Radcliffe

PREPARED BY AND APPROVED AS TO FORM [See also RC 731.21(B)]:

  
VILLAGE SOLICITOR, Steve Palmer

## CERTIFICATE OF PUBLICATION ORC 731.21 and 731.22

Pursuant to ORC 731.21(A)(3), I hereby certify that a succinct summary of the above legislation was/will be published using the following method: **ON THE WEBSITE AND SOCIAL MEDIA ACCOUNT OF THE MUNICIPAL CORPORATION**. The succinct summary was reviewed by the village solicitor as required by ORC 731.21(B). Publication was/will be made at least once a week for two consecutive weeks as required by ORC 731.22.

Shellie Cherry  
FISCAL OFFICER

ATTACHMENT(S) TO FOLLOW