

RECORD OF RESOLUTION

Resolution No.

2024 R-26

Passed

October 22, 2024
YEAR

VILLAGE COUNCIL OF GREENWICH, OHIO RESOLUTION NO.: 2024-26

APPROVAL OF APPOINTMENT

FISCAL OFFICER

ORC 733.262(D)

Greenwich Code 236.015(a)

A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF **HOPE A. ADAMS** AS FISCAL OFFICER, AND ESTABLISHING DUTIES AND COMPENSATION; AND DECLARING AN EMERGENCY

WHEREAS, the Village Fiscal Officer resigned effective 10/07/2024; and

WHEREAS, ORC 733.26 requires that a village elect a village clerk and reads:

ORC Section 733.26 | Election, term, and qualifications of village clerk.

The village clerk shall be elected for a term of four years, commencing on the first day of April next after his election. He shall be an elector of the village.

WHEREAS, however, ORC 733.261(A) permits a village to combine the duties of the clerk and the treasurer into one officer and reads in part that:

ORC Section 733.261 | Village clerk-treasurer.

(A) The legislative authority of a village may, by ordinance or resolution passed by at least a majority vote, combine the duties of the clerk and the treasurer into one office, to be known as the clerk-treasurer.

WHEREAS, Pursuant to ORC 733.261, the village enacted Section 236.01 of the Greenwich Codified Municipal Code which combined the positions of Clerk of Council and Village Treasurer which reads:

GREENWICH 236.01 COMBINATION OF POSITIONS OF CLERK OF COUNCIL AND VILLAGE TREASURER.

For the more efficient provision of administrative and financial services to the Village, it is in the best interests of the Village to combine the positions of Clerk of Council and Village Treasurer, and such positions, therefore, are hereby combined.

(Ord. 752. Passed 4-23-85.)

WHEREAS, ORC Section 733.262(B) further provides that, in lieu of having the combined elected office of village clerk-treasurer, the village may combine the duties of the clerk and treasurer into one appointed office known as the village fiscal officer and reads in part:

ORC Section 733.262 | Village fiscal officer

(A) In lieu of having the elected office of village clerk and the office of village treasurer, or the combined elected office of village clerk-treasurer, a village may combine the duties of the clerk and treasurer into one appointed office, to be known as the village fiscal officer.

WHEREAS, Pursuant to ORC 733.262(B), the Village enacted Section 236.015(a) of the Greenwich Codified Municipal Code and combined the duties of the clerk and the treasurer into the appointed office of village fiscal officer which provides in part:

GREENWICH 236.015 CLERK-TREASURER (VILLAGE FISCAL OFFICER): APPOINTMENT

(a) The Clerk-Treasurer shall be appointed by the Mayor and appointment will become effective after approval by a majority vote of the Council.

WHEREAS, the Fiscal Officer shall be appointed by the Mayor and appointment will become effective after approval by a majority vote of the Council. [See Section 236.015(a) of the Greenwich Codified Municipal Code and Section

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733.262(D) of the Ohio Revised Code]

ORC Section 733.262 | Village fiscal officer

(D) A village fiscal officer shall be appointed by the mayor of the village, but that appointment does not become effective until it is approved by a majority vote of the village legislative authority. The village fiscal officer need not be an elector of the village or reside in the village at the time of appointment; however, the fiscal officer shall become a resident of the village within six months after the appointment takes effect, unless an ordinance is passed approving the fiscal officer's residence outside of the village.

GREENWICH 236.015 CLERK-TREASURER (VILLAGE FISCAL OFFICER): APPOINTMENT

(a) The Clerk-Treasurer shall be appointed by the Mayor and appointment will become effective after approval by a majority vote of the Council.

WHEREAS, the Mayor has selected his potential appointee to serve as village fiscal officer and now seeks the approval of a majority vote of council.

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

SECTION 1. APPROVAL OF APPOINTMENT. That Council hereby approves the mayor's appointment of Village Fiscal Officer of the following:

HOPE A. ADAMS

SECTION 2. DUTIES. Pursuant to ORC 733.262(C) the village fiscal officer shall perform the duties of village clerk and treasurer which reads in part:

ORC Section 733.262 | Village fiscal officer

(C) A village fiscal officer appointed under this section shall perform the duties provided by law for the village clerk and treasurer and any other duties consistent with the nature of the office that are provided for by municipal ordinance.

SECTION 3. TAX ADMINISTRATOR. That the Fiscal Officer shall further perform the duties necessary for the operation of the village Tax Department pursuant to Section 236.02 of the Greenwich Codified Municipal Code. Accordingly, the Fiscal Officer is hereby charged with direct responsibility for administration of any income tax levied by the village in accordance with this Chapter 881 of the Greenwich Codified Municipal Code and is designated as Tax Administrator as defined by Section 881.03(c)(44) of the Greenwich Tax Code.

SECTION 4. OTHER DUTIES. That the Fiscal Officer shall perform other tasks and assignments not inconsistent with the position as directed from time to time by the mayor, which includes, but not limited to serving as clerk/secretary to village committees, boards, and commissions.

SECTION 5. RECEIPT AND DISBURSEMENT OF FUNDS. That the Fiscal Officer shall not disburse any funds except upon an order signed by at least one member of the village's legislative authority and countersigned by the village fiscal officer pursuant to ORC Section 733.46(B).

SECTION 6. RESIDENCY NOT REQUIRED. That the Fiscal Officer may or may not be a resident of the Village. [See 236.015(d) of the Greenwich Codified Municipal Code and Section 733.262(D) of the Ohio Revised Code]

SECTION 7. BOND. That the Fiscal Officer shall be bonded for twenty thousand dollars (\$20,000.00). The Village shall pay the cost of such bond. The Village may adopt a policy, by ordinance or resolution, pursuant to R.C. § 3.061(B) to allow for the use of an employee dishonesty and faithful performance of duty policy, rather than a surety bond that would otherwise be required by law. [See 236.05 of the Greenwich Codified Municipal Code]

SECTION 8. TRAINING. That the Fiscal Officer, as village clerk shall attend training programs for new

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village clerks and annual training programs of continuing education for village clerks that are provided by the auditor of state pursuant to section 117.44 of the Revised Code. *[As required by Section 733.27(B) of the Ohio Revised Code.]*

SECTION 9. SEAL OF VILLAGE CLERK. That the legislative authority of the village shall provide a seal for the village clerk, in the center of which shall be the name of the village, and around the margin "Village Clerk," an impression of which seal shall be affixed to all transcripts, orders, certificates, or other papers requiring authentication as required by Section 733.29 of the Ohio Revised Code.

SECTION 10. INVESTMENT POLICY. That the fiscal officer shall follow the Village Investment Policy as required by Greenwich Code Section 236.06 which reads:

236.06 INVESTMENT POLICY.

The investment policy appended to Ord. 2012-02 is hereby adopted by reference and made a part of this code, and the Fiscal Clerk is hereby authorized and directed to follow its guidelines in connection with the investment activities of the Village.

SECTION 11. COMPENSATION. That the fiscal officer shall be compensated as fixed by council pursuant to Section 731.13 of the Ohio Revised Code and Section 232.03 of the Village of Greenwich Codified Municipal Code of Ordinances. Specifically, the fiscal officer shall be compensated at a rate of **Twenty-Two Dollars (\$22.00)** per hour

That the Fiscal Officer benefit and wage compensation will be paid from the following funds: water, electric, and sewer, according to the available funds and appropriation made. *[See 236.015(b) of the Greenwich Codified Municipal Code]*

SECTION 12. REMOVAL. That the Fiscal Officer may be removed from the position without cause by the Mayor with consent of a majority of the Village Council or a three-fourths vote of Council without the consent of the Mayor. *[See 236.015(c) of the Greenwich Codified Municipal Code and Section 733.262(D) of the Ohio Revised Code]*

SECTION 13. Any and all Ordinances, Resolutions, By-Laws or Measures inconsistent herewith are hereby rescinded and repealed.

SECTION 14. EFFECT. That this legislation shall take effect **RETROACTIVELY on 10/21/2024**

SECTION 15. RETROACTIVE. That Council expressly intends the amendments adopted herein to operate retrospectively pursuant to Section 1.48 of the Ohio Revised Code.

Council further finds that the retroactive application does not takes 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 16. DISPENSE WITH THREE READINGS. *[R.C. 731.17(A)(2)]* 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.

SECTION 17. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT. That by two-thirds vote of all the members elected to the legislative authority, this Ordinance 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 village has been without a fiscal officer since 10/07/2024

SECTION 18. PUBLIC MEETING. 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

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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 be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 22 day of October, 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.

James Jurdale
MAYOR

[Signature]
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: 10-22-2024 Second Reading: 10-22-2024 Third Reading: 10-22-2024

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
Mike King

Yes
Randy Wilson

Yes
Lynne Phillips

Excused
Jason Hunter

Yes
Regina Lueck

Yes
Dorene Beverly

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

[Signature]
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.

[Signature]
FISCAL OFFICER