

# RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. 2023-05

Passed April 18, 2023

## VILLAGE COUNCIL OF GREENWICH, OHIO ORDINANCE NO: 2023-05

### AN ORDINANCE APPROVING THE MAYOR'S APPOINTMENT OF FISCAL OFFICER, ESTABLISHING DUTIES AND STARTING COMPENSATION; AND DECLARING AN EMERGENCY

WHEREAS, the village of Greenwich needs a Fiscal Officer due to an unexpected opening; and

WHEREAS, Section 236.01 of the Greenwich Codified Municipal Code Village combines the positions of Clerk of Council and Village Treasurer as provided by Section 733.261 of the Ohio Revised Code; and

WHEREAS, Pursuant to Section 733.262 of the Ohio Revised Code, in lieu of having the combined elected office of village clerk-treasurer, the village combined the duties of the clerk and treasurer into one appointed office known as the village fiscal officer. See Section 236.015 of the Greenwich Codified Municipal Code which provides:

#### 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.*
- (b) *The Clerk-Treasurer benefit and wage compensation will be paid from the following funds: water, electric, and sewer, according to the available funds and appropriation made.*
- (c) *The Clerk-Treasurer 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.*
- (d) *The Clerk-Treasurer may or may not be a resident of the Village.*

*(Ord. 944. Passed 4-16-02; Ord. 2011-08 Passed 8-16-11.)*

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 733.262(D) of the Ohio Revised Code; and

WHEREAS, the Mayor is seeking Council's approval for the appointment of SHELLIE CHERRY to the position of Village Fiscal Officer.

NOW THEREFORE, BE IT ORDAINED 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 SHELLIE CHERRY to the position of Village Fiscal Officer.

SECTION 2. That the Fiscal Officer 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. [See Section 733.262(C) of the Ohio Revised Code]

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. That the Fiscal Officer shall perform other tasks and assignments not inconsistent with the position as directed from time to time by the mayor.

SECTION 5. 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 Section 733.46(B) of the Ohio Revised Code.

SECTION 6. 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]

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**SECTION 7. 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 8. 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 9. BOND.** That the Interim Fiscal Officer shall be bonded for twenty thousand dollars (\$20,000.00). The Village shall pay the cost of such bond. [See 236.05 of the Greenwich Codified Municipal Code]

**SECTION 10. TRAINING.** That the Fiscal Officer, as village clerk shall attend training programs for new 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 11. 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 12. EXEMPT EMPLOYEE.** That the Fiscal Officer shall be an Salaried employee since it will be Full Time professional position

**SECTION 13.** That the Fiscal Officer shall be compensated equivalent to the Fiscal Officer hourly rate as provided in the Village of Greenwich Wage Ordinance, as the same may be amended from time to time.

**SECTION 14.** That the newly appointed Full Time Fiscal Officer shall be compensated starting at a rate of \$20.00 /hr. @ 2080 hours per year

**SECTION 16.** Any and all Ordinances, Resolutions, By-Laws or Measures inconsistent herewith are hereby rescinded and repealed.

**SECTION 15. 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 16. 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 immediate effectiveness of this ordinance is necessary to provide the ongoing efficient operations of the Village.***

**SECTION 16. 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 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 Ordinance/Resolution shall take effect at the earliest period allowed by law.

PASSED AND ADOPTED on this 18<sup>th</sup> day of April 2023.

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## AUTHENTICATION and ATTESTATION

(RC 731.20)

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

Wesley Sallee  
MAYOR

Shellie Cherry  
FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 6 NAYS: 0 ABSTAIN: 0

First Reading: April 18, 23  
Second Reading: Dispensed  
Third Reading: Dispensed

[may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)]  
[may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)]

## CERTIFICATE OF PUBLICATION

RC 731.24

I hereby certify that a succinct summary of the above legislation was/will be published *once a week for two consecutive weeks* as required by RC 731.21 and 731.22(A) in the following newspaper(s) of general circulation: *Shopper's Helper North, 211 Myrtle Ave., P.O. Box 368, Willard, OH 44890, 419.935.0184.*

Shellie Cherry  
CLERK OF COUNCIL