

RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

Resolution No. 2023-R-13

Passed June 28, 2023

VILLAGE COUNCIL OF GREENWICH, OHIO RESOLUTION NO. 2023-R-13

A RESOLUTION PROVIDING FOR AND CONFIRMING THE
MAYOR'S PROBATIONARY APPOINTMENT OF ANDREW C.
NICHOLLS TO THE GREENWICH POLICE DEPARTMENT AND
DECLARING AN EMERGENCY

RC 737.16

WHEREAS, Section 242.01 of the Greenwich Codified Municipal Code of Ordinances provides that the Greenwich Police Department shall consist of a Chief of Police and such other officers and personnel as determined from time to time by Council; and

WHEREAS, Section 242.025(a) of the Greenwich Codified Municipal Code of Ordinances (*See Ord. 883. Passed 4-15-97*) provides that an Assistant Chief at the rank of Lieutenant in the Police Department is recognized and therefore established, the position to be filled as recommended by the Police Chief and Mayor; and

WHEREAS, Ohio Revised Code Section 737.16 provides that the mayor shall, when provided by the legislative authority of a village, and subject to its confirmation, appoint all police officers, and

WHEREAS, the Chief of Police reports that the Police Department is presently staffed as follows:

1 full-time Chief of Police; and
1 full-time Assistant Chief-Lieutenant [Greenwich 242.025(a)]; and
2 full time police officer(s); and
4-part time police officer(s); and
Variable voluntary-without compensation reserve officer(s) (Greenwich 242.06) (*See RC 737.161 Auxiliary*)

WHEREAS, the Chief of Police further reports that recently the Police Department's staffing has changed as follows:

Part-time officer Alex Michel has been appointed to a full-time position in the department.

WHEREAS, the Chief of Police respectfully submits that the current staffing is insufficient to adequately assure proper police protection to the village; and

WHEREAS, the Chief of Police has requested that the Mayor be provided with Council's authority to appoint an additional deputy marshal / police officer; and

WHEREAS, upon the recommendation of the Chief of Police, the Mayor has designated the following as the potential probationary appointee to the department:

Andrew C. Nicholls
Designee has served as a Greenwich Reserve / Auxiliary Officer since 6/15/2022

WHEREAS, the Chief of Police reports that the designated probationary appointee has completed the necessary initial officer certification and training; and

WHEREAS, the Chief of Police further reports that the designated probationary appointee has, not more than sixty days prior to receiving this appointment, passed a physical examination required Section 737.16 of the Ohio Revised Code, showing that the person meets the physical requirements necessary to perform the duties of the position as established by the legislative authority; and

WHEREAS, the Chief of Police further reports that the designated probationary appointee has not been previously convicted of or has pleaded guilty to a felony [RC 737.162(B)(1)]; and

WHEREAS, if the position is Full Time, a copy of the physical results report for the designated probationary appointee has been filed with the Ohio Police Pension Fund on behalf of the appointing authority as required by Section 737.16 of the Ohio Revised Code; and

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WHEREAS, the Chief of Police recommends that the Mayor's designated probationary appointee be confirmed.

THEREFORE, BE IT RESOLVED, BY COUNCIL, THE LEGISLATIVE AUTHORITY OF THE VILLAGE OF GREENWICH, STATE OF OHIO, (RC 731.18) to wit:

SECTION 1. AUTHORITY. That Council hereby provides the mayor with the authority to appoint an additional deputy marshal / police officer to the police department pursuant to R.C. 737.16.

SECTION 2. CONFIRMATION. That Council hereby confirms the Mayor's probationary appointment of the following deputy marshal / police officer to the Greenwich Police Department:

ANDREW C. NICHOLLS

SECTION 3. That the probationary appointment shall be for a **part-time** position.

SECTION 4. That the probationary period and appointment shall begin the **1st** day of **July 2023**.

SECTION 5. That as required by Section 242.07(b) of the Greenwich Municipal Code, all Village patrolmen, **whether full time or part time**, shall serve a one-year continuous service Probationary period and none shall be finally hired until the appointee has satisfactorily served the probationary period. [See also Section 737.17 of the Ohio Revised Code, See also Section 737.17 of the Ohio Revised Code.]

SECTION 6. That during the probationary period, the probationary patrolman shall receive the probationary rate of compensation plus any yearly increases as are awarded to other village employees. [Section 242.07(b) Greenwich Municipal Code, See also Section 737.17 of the Ohio Revised Code]

SECTION 7. OATH. That the Mayor and Chief of Police are hereby authorized to assure that the newly confirmed probationary police officer is properly sworn into office as required by law.

SECTION 8. STATIONING. That the Chief of Police shall have exclusive authority over the stationing and transfer of this officer within the police department of the village, under the general rules that the mayor prescribes as provided by Section 737.19 of the Ohio Revised Code.

SECTION 9. SERVICE RECORD. That at the end of the probationary period, the mayor shall transmit to Council a record of such probationary patrolman's service along with the mayor's recommendation thereof and the mayor may, with the concurrence of Council, remove or finally appoint the patrolman. [Section 242.07(b) of the Greenwich Municipal Code. See also Section 737.17 of the Ohio Revised Code.]

SECTION 10. REMOVAL OR FINAL APPOINTMENT. That no appointments shall be finally made until the appointee has satisfactorily served his probationary period. Probation shall continue until the mayor and council concur on either removing or finally appointing the officer. (See R.C. 737.17)

SECTION 11. 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 12. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT. That by two-thirds vote of all the members elected to the legislative authority, this legislation 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): ***To replace police department staff lost due to department turn over.***

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SECTION 13. PUBLIC MEETING. That it is found and determined that all formal action of this public body concerning or relating to the passage of this legislation 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 will be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 20 day of June, 2023.

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.

Wesley Hallee
MAYOR

Shelbie Cheng
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: 5 NAYS: 0 ABSTAIN: 0

First Reading: June 20 23

Second Reading: Dispensed

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

Third Reading: Dispensed

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

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

Steve Palmer
VILLAGE SELECTOR, Steve Palmer

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.*

Shelbie Cheng
CLERK OF COUNCIL