

**ORDINANCE NO. 2016-26\_\_**

**AN ORDINANCE AUTHORIZING LOWELL ANDERSON, OR HIS DESIGNEE, TO ENTER INTO AN EMPLOYMENT AGREEMENT WITH CINDY MILLER FOR THE POSITION OF FISCAL OFFICER FOR THE VILLAGE OF MOUNT STERLING, OHIO AND DECLARING AN EMERGENCY**

**WHEREAS**, The Council of the Village of Mount Sterling desires to hire Cindy Miller for the position of Fiscal Officer; and.

**WHEREAS**, Lowell Anderson, Mayor, or his designee needs the authorization of Council of the Village of Mount Sterling to hire Cindy Miller for the position of Fiscal Officer.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MOUNT STERLING, MADISON COUNTY, OHIO AS FOLLOWS:**

**SECTION I.**

That the Village Council hereby agrees to employ the services of Cindy Miller as Fiscal Officer according to the terms of the Personnel Rules of the Village of Mount Sterling and the conditions and stipulations contained in the Employment Contract, a copy of which is attached hereto and incorporated by reference herein.

**SECTION II.**

That the provisions of this Ordinance shall be in full force and effect from and immediately after the passage of this resolution and its approval by the Mayor and majority of Council.

**SECTION III.**

That the Clerk of Council, pursuant to O.R.C §731.23, shall cause to be published in a manner required by law, this Ordinance.

**SECTION IV.**

This Ordinance is hereby declared to be an emergency measure and is necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the Village of Mount Sterling. The emergency existing is the continued sound fiscal management of the Village's financial affairs. This Ordinance shall be in full force and effective upon the passage and signing by the Mayor.

PASSED:

ATTEST:

\_\_\_\_\_  
Bonnie Liff  
Clerk of Council

\_\_\_\_\_  
Lowell Anderson  
Mayor

Submitted to Mayor: \_\_\_\_\_

APPROVED:

Date of Approval: \_\_\_\_\_

\_\_\_\_\_  
Mark J. Pitstick, Law Director  
Approved as to Form

I, Bonnie Liff, the Clerk of Council, hereby certify that the foregoing Ordinance No.2016-\_\_\_\_\_  
\_\_\_\_\_ was published in the Madison Messenger for once a week for two consecutive weeks  
beginning on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 and ending on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2016.

\_\_\_\_\_  
Bonnie Liff, Clerk of Council

## **EMPLOYMENT AGREEMENT**

This agreement is made effective on the 12<sup>th</sup> day of September, 2016, between the Council of the Village of Mount Sterling, Ohio, hereinafter referred to as "Village", and Cindy Miller, hereinafter referred to as "Fiscal Officer". In consideration of the mutual convenience and agreements set forth below, the parties agree as follows:

### **TERMS OF EMPLOYMENT**

The Village employs the Fiscal Officer and the Fiscal Officer accepts employment with the Village for a period beginning on the 12th day of September, 2016, subject to favorable semi-annual performance reviews.

### **DUTIES**

The duties and services to be performed by the Fiscal Officer<sup>1</sup> are those set forth in the Ohio Revised Code and such additional duties as are from time to time determined appropriate by Mayor and/or the Village Council of Mount Sterling.

The Fiscal Officer shall devote thirty-two (32) hours per week to the performance of her duties on behalf of the Village for the term of the agreement. Additional hours may be allowed if Village Council, in consultation with the Mayor, deem it appropriate and necessary. The Fiscal Officer shall not directly nor indirectly render any services to any other person, organization, or political subdivision during the term of this agreement without the prior knowledge of the Village Council.

### **COMPENSATION**

As compensation for services rendered under this agreement, the Fiscal Officer shall be entitled to receive from the Village, an hourly rate of Thirty Five (\$35.00) per hour. Fiscal Officer is required to be included in Ohio Public Employees Retirement System. Semi-annual evaluations will be given to determine any increase in the hourly rate.

## **SENIORITY**

The seniority and length of employment of the Village Fiscal Officer shall be calculated from the 24<sup>th</sup> day of February, 2016, as though she had worked in Mount Sterling continuously from this time.

## **VACATION PAY**

Pursuant to the section of this contract, concerning seniority, the Fiscal Officer shall be entitled to annual vacation, according to seniority in the Village of Mount Sterling Personnel Policy Manual and hours worked. Unused annual vacation time may accumulate and be carried over into the next year, so long as consistent with established Village guidelines. Subject to the approval of the Village Council, the Fiscal Officer shall determine when to take vacation. Upon termination, retirement, or other separation, any unused vacation will be paid to the Fiscal Officer.

## **SICK LEAVE**

The Fiscal Officer shall accumulate sick leave and be entitled to use it in accordance with the Village of Mount Sterling Personnel Policy Manual, hours worked and laws of the State of Ohio.

## **PROFESSIONAL DEVELOPMENT**

The Village agrees to budget and provide funds for travel, attendance and reasonable expenses at seminars that are deemed beneficial to the continued professional development of the Fiscal Officer and for the good of the Village of Mount Sterling.

## **EVALUATION**

The Village agrees to conduct a semi-annual review of the Fiscal Officer's performance. This evaluation will be discussed with the Fiscal Officer in an effort to provide her with the opportunity to determine whether training, education, or other measures should be instituted to improve her abilities or performance of her duties.

## **TERMINATION**

In accordance with the Codified Ordinances of the Village of Mount Sterling and the laws of the State of Ohio, the Fiscal Officer is employed at the pleasure of the Village under the conditions herein agreed to. This agreement may be terminated by the Village Fiscal Officer or by Village Council by providing the other party to the agreement thirty (30) days written notice of such termination. At its discretion the Village may release the Fiscal

Officer from the full completion of the thirty (30) days' notice. In the event that Village Council chooses to terminate this agreement under this provision, the Fiscal Officer shall, in all instances, be paid for any accumulated but unused vacation days through her last day of work if applicable.

VILLAGE OF MOUNT STERLING

\_\_\_\_\_  
Mayor Lowell Anderson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cindy Miller, Village Fiscal Officer

\_\_\_\_\_  
Date

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<sup>i</sup> 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. To make this change, the village legislative authority shall pass, by a two-thirds vote, an ordinance or resolution proposing to make the change effective on the first day of January following the next regular municipal election at which the village clerk or village clerk-treasurer is to be elected.

So that no election for the office of village clerk or village clerk-treasurer is held after the passage of the ordinance or resolution, the village legislative authority shall file a certified copy of the ordinance or resolution with the board of elections not less than one hundred twenty days before the day of the next succeeding municipal primary election at which candidates for the office of village clerk or village clerk-treasurer are to be nominated, or, in villages with a population of under two thousand in which no petition for a primary election is filed under [section 3513.01 of the Revised Code](#) or in villages in which no primary is held under [section 3513.02 of the Revised Code](#), not less than one hundred twenty days before the next succeeding regular municipal election at which the village clerk or village clerk-treasurer is to be elected.

(B) In addition to the circumstances described in division (A) of this section, when a vacancy exists in the office of village clerk or village clerk-treasurer, the village legislative authority may pass, by a two-thirds vote, an ordinance or resolution to combine the duties of the clerk and the treasurer into the appointed office of village fiscal officer. That change shall take effect on the effective date of the ordinance or resolution.

(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.

(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.

The village fiscal officer may be removed without cause either by the mayor with the consent of a majority of the members of the village legislative authority or by a three-fourths vote of the village legislative authority with or without the consent of the mayor.

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(E) The legislative authority of a village that has a village fiscal officer may abolish that appointed office and return to an elected office of village clerk-treasurer by passing an ordinance or resolution by a two-thirds vote.

If a vacancy exists in the office of village fiscal officer when this ordinance or resolution is passed, the abolition shall take effect on the effective date of the ordinance or resolution, and the mayor shall appoint a village clerk-treasurer to serve until the first day of April following the next regular municipal election at which a clerk-treasurer can be elected. So an election can be held, the village legislative authority shall file a certified copy of the ordinance or resolution with the board of elections not less than one hundred twenty days before the day of the next succeeding municipal primary election.

If a vacancy does not exist in the office of village fiscal officer when the abolishing ordinance or resolution is passed, the village legislative authority shall certify a copy of the ordinance or resolution to the board of elections not less than one hundred twenty days before the day of the next succeeding municipal primary election.

The person elected at the next regular municipal election as village clerk-treasurer under the circumstances described in this division shall serve a four-year term commencing on the first day of April following that election.