

RECORD OF ORDINANCES

Ordinance No. 2025-O-04

Passed April 07, 2025
YEAR

VILLAGE COUNCIL OF NORTH FAIRFIELD, OHIO ORDINANCE NO.: 2025-O-04

FISCAL OFFICER Approval of Residency Outside Village ORC 733.262(D)

AN ORDINANCE APPROVING THE CURRENT FISCAL OFFICER SHELLIE CHERRY'S RESIDENCE OUTSIDE OF THE VILLAGE AS PERMITTED BY SECTION 733.262(D) OF THE OHIO REVISED CODE AND NORTH FAIRFIELD (UNCODIFIED) LEGISLATIVE ORDINANCE No.: 2002-O-14.

WHEREAS, Village Council created the position of part time Village Fiscal Officer within Ord. No.: 2002-O-14 adopted on October 14, 2002 (Uncodified), which provides in relevant part as follows:

North Fairfield Uncodified Legislative Ord No.: 2002-O-14

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Section 3. The 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 Council. 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.

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WHEREAS, Section 733.262(D) of the Ohio Revised Code requires that 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. See ORC 733.262(D) below:

ORC Section 733.262 | Village fiscal officer.

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(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.

WHEREAS, the Ohio Basic Codified Municipal Code also requires that 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. See 31.044(B)(4)(a) below:

Ohio Basic Codified Code § 31.044 COMBINED OFFICES OF CLERK AND TREASURER; FISCAL OFFICER.

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(B) Office of Fiscal Officer.

(4) (a) A Fiscal Officer shall be appointed by the Mayor, but that appointment does not become effective until it is approved by a majority vote of the Legislative Authority. The 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.

WHEREAS, the current Fiscal Officer Shellie Cherry was nominated for appointment by the Mayor at Village Council meeting on July 29, 2019 and was approved by a majority vote of Council by Motion on August 1, 2019; and

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WHEREAS the current Fiscal Officer Shellie Cherry has requested Village Council pass an ordinance approving her residence outside of the Village; and

WHEREAS, the Village previously passed an ordinance approving a former fiscal officer's (Linda Prater) residence outside of the village within Ord No.: 2005-O-6, adopted August 8, 2005.

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

SECTION 1. APPROVAL. That Village Council hereby approves the current fiscal officer SHELLIE CHERRY'S residence outside of the village throughout the duration of the appointment.

SECTION 2. EFFECT. That the approval herein shall apply RETROACTIVELY back to the date of the appointment approval on August 1, 2019.

SECTION 3. RETROACTIVE. That Village Council expressly intends this legislation to operate retrospectively pursuant to Section 1.48 of the Ohio Revised Code. 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 4. PUBLIC MEETING. That it is found and determined that all formal actions 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 be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 7 day of April, 2025.

ATTESTATION (RC 731.20)

We hereby attest and affirm that the foregoing legislation received the necessary affirmative roll call votes required for passage by ORC 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: 4/7/25 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

Yes
Jeremy Anhalt

Yes
Cody Hacker

Yes
Trevor Arnold

Yes
Joshua Radcliffe

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

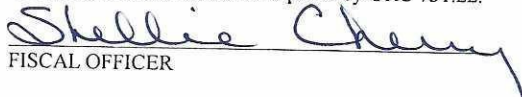

VILLAGE SOLICITOR, Steve Palmer

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.


FISCAL OFFICER