



H.B. 245

124th General Assembly
(As Passed by the General Assembly)

Reps. Evans, Blasdel, Brinkman, Calvert, Cates, Collier, Flowers, Hollister, Hoops, Husted, Kearns, Lendrum, Peterson, Raga, Reinhard, Roman, Schaffer, Schmidt, Seitz, Setzer, G. Smith, Britton, Sulzer, Coates, Sferra, Widowfield, Salerno, Grendell, Hagan, Niehaus, Carmichael, Latta, Schneider

Sens. Mead, McLin, Spada, Amstutz, Armbruster, Robert Gardner, Harris

Effective date: *

ACT SUMMARY

- Permits the offices of village clerk and treasurer in a statutory village to be combined into an appointed office of village fiscal officer.
- Permits the office of village fiscal officer to be converted into the elected office of village clerk-treasurer.

CONTENT AND OPERATION

Continuing law

Villages that follow the statutory form of government generally have elected offices for mayor, clerk, and treasurer, and appointed offices for marshal and street commissioner. A village clerk serves a four-year term that begins on April 1 and is required to be an elector of the village (sec. 733.26, not in the act). The clerk must attend all meetings of the village legislative authority and keep records of its proceedings, as well as keep the books of the village and perform other specified duties (secs. 733.27 and 733.28, not in the act). The treasurer serves a four-year term that begins on January 1 and is also required to be an elector of the village (sec. 733.42, not in the act). The treasurer must keep account

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

of all village receipts and disbursements, receive taxes and assessments, and disburse funds to appropriate persons. The treasurer also must provide the village's legislative authority with quarterly financial reports. (Secs. 733.43, 733.44, and 733.45, not in the act.)

Statutory law permits the village legislative authority to combine the duties of the clerk and the treasurer into one elected office, known as the clerk-treasurer. A clerk-treasurer serves a four-year term that begins on April 1 following the clerk-treasurer's election. If a village creates a clerk-treasurer office, the legislative authority may later separate the offices by an ordinance or resolution (1) when a vacancy exists in the clerk-treasurer's office or (2) at least 105 days before the next primary, or, if there is to be no primary, the next general election, at which the village clerk and treasurer offices are to be elected. (Sec. 733.261, not in the act.)

Changes made by the act

Village fiscal officer

The act permits a statutory village to create an appointed office, instead of an elected office or offices, to perform the duties of the clerk and the treasurer. This appointed officer is the "village fiscal officer," and the officer must perform the duties of the village clerk and treasurer and any other duties consistent with the nature of the office that are provided for by village ordinance. (Sec. 733.262(A) and (C).)

Creation of and appointment to office

To create the appointed office, the village legislative authority must pass, by a two-thirds vote, an ordinance or resolution proposing to make the change (1) on January 1 following the next regular municipal election at which the village clerk or clerk-treasurer is to be elected or (2) when a vacancy exists in the office of village clerk or village clerk-treasurer (sec. 733.262(A) and (B)).¹

Once the position is created, the mayor of the village must appoint the village fiscal officer, but the appointment is not effective until it is approved by a majority vote of the legislative authority. The fiscal officer does not have to be an elector of the village or reside in the village at the time of appointment. But, the fiscal officer must become a resident of the village within six months after the appointment takes effect, unless an ordinance is passed approving of the fiscal officer's residence outside the village. (Sec. 733.262(D).)

¹ For the first type of change, the village legislative authority must file a certified copy of the ordinance or resolution with the board of elections in a prescribed period of time.

Removal from office

Once appointed, a village fiscal officer can be removed from office without cause either by the mayor with the consent of a majority of the legislative authority, or by a three-fourths vote of the legislative authority with or without the mayor's consent (sec. 733.262(D)).

Return to an elected office

After creating an appointed village fiscal officer, the legislative authority may abolish that 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 takes effect on the effective date of the ordinance or resolution. The mayor then will appoint a village clerk-treasurer to serve until a clerk-treasurer is elected and commences a term of office on April 1 following the election. If the ordinance or resolution is passed and no vacancy exists in the office of village fiscal officer, the legislative authority must certify the ordinance or resolution to the board of elections at least 105 days before the next municipal primary election. (Sec. 733.262(E).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-08-01	p. 410
Reported, H. Local Gov't & Townships	06-20-01	pp. 703-704
Passed House (95-4)	06-28-01	pp. 748-749
Reported, S. State & Local Gov't & Veterans Affairs	10-11-01	p. 959
Passed Senate (32-0)	10-16-01	p. 971

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