**ORDINANCE NO. 26-2019**

**AUTHORIZING THE RETENTION OF AN INDEPENDENT CONTRACTOR AS SECRETARY OF THE ZONING BOARD OF APPEALS AND PLANNING COMMISSION OF THE VILLAGE OF FAIRFAX AND DECLARING AN EMERGENCY**

 **WHEREAS,** the Village of Fairfax (“Village”) Zoning Board of Appeals (“ZBA”) and Planning Commission have traditionally utilized a Secretary at their meetings and hearings to keep minutes, receive documents, and perform other administrative functions; and

 **WHEREAS,** the Clerk-Treasurer or her designee traditionally served in such capacities; and

 **WHEREAS,** with the recent adoption of a Fiscal Officer model in lieu of having a Clerk-Treasurer, new arrangements are necessary for the provision of a Secretary for the ZBA and Planning Commission; and

 **WHEREAS,** given the limited nature and irregular timing of the duties of Secretary for the ZBA and Planning Commission, it is appropriate to retain an independent contractor to serve in such roles on an as-needed, periodic basis; and

 **WHEREAS,** Charlene Metzger, having performed the duties of Secretary of the ZBA and Planning Commission for many years while serving as Assistant Clerk-Treasurer, is highly qualified to provide such services; and

 **WHEREAS,** Ms. Metzger is willing to provide such services on an independent contractor basis only, and not as a Village employee;

 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Fairfax, State of Ohio that:

 **SECTION I:** Council hereby authorizes the retention of an independent contractor to serve as Secretary of the ZBA and Planning Commission at the discretion of those bodies or otherwise as required by law. Such position shall be utilized on an as-needed, hourly basis for meetings, hearings, and related proceedings of the ZBA and Planning Commission.

 **SECTION II:** Council hereby appoints Charlene Metzger to the positions of Secretary of the ZBA and Secretary of the Planning Commission.

 **SECTION III:** Ms. Metzger shall be paid at the rate of thirty-five dollars ($35.00) per hour for work requested by the ZBA or Planning Commission and performed by Ms. Metzger as Secretary.

 **SECTION IV:** Ms. Metzger is not an employee of the Village and shall not be treated as such for any purpose whatsoever, including but not limited to employee pay, withholding, benefits, reporting, supervision, discipline, insurance, workers compensation, or unemployment compensation.

 **SECTION V:** This ordinance does not create a contract with the person(s) serving as Secretary of the ZBA or Planning Commission. Such person(s) may be terminated from service as Secretary at the sole discretion of Council for any reason.

 **SECTION VI:** If the person(s) appointed as Secretary of the ZBA or Planning Commission cannot serve at any particular meeting, hearing, or related proceeding, such body may designate a temporary replacement for the duration of such proceeding. If the designee is an employee of the Village, such employee shall be paid according to the terms, conditions, and requirements of such person’s employment.

 **SECTION VII:** This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall be effective immediately. The reason for said declaration of emergency is the immediate need to provide a Secretary for the ZBA and Planning Commission of the Village of Fairfax to assist with meetings and hearings of those bodies.

Passed this 20th day of May, 2019.

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 Mayor

ATTEST:

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Clerk-Treasurer

**CERTIFICATE**

I hereby certify this to be a true and correct copy of Ordinance No. 26-2019 passed by the Council of the Village of Fairfax at its regular meeting held on the 20th day of May, 2019.

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 Clerk-Treasurer