**ORDINANCE NO. 9-2021**

**AMENDING ORDINANCE NO. 9-1999, AS AMENDED, PROVIDING FURTHER AUTHORITY AND REQUIREMENTS FOR THE POSITION OF FULL-TIME TAX CLERK EMPLOYED IN THE ADMINISTRATION OF THE VILLAGE INCOME TAX, AND DECLARING AN EMERGENCY**

 **WHEREAS,** the Village of Fairfax, Ohio (the “Village”) previously adopted Ordinance No. 9-1999, as amended, creating and providing for the position of full-time Tax Clerk for the Village; and

 **WHEREAS,** it is necessary to revise certain authority and requirements for the position of Tax Clerk in light of changes in policy and practice made since 1999, including, but not limited to, the development of an employee handbook, and the change from an elected Clerk-Treasurer with supervision over the Tax Clerk to an appointed Fiscal Officer; and

 **WHEREAS,** the current Tax Clerk gave notice that she anticipates resigning from the position in the next four-to-six weeks, in the immediate aftermath of peak tax season, making the imminent hiring of a new Tax Clerk necessary under such revised authority and requirements;

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

 **SECTION I:** Sections II, III, IV, V, and VI of Ordinance No. 9-1999 are hereby amended to read as follows:

 **SECTION II:** The Tax Clerk shall be appointed by the Fiscal Officer, in consultation with the Mayor, and report to the Fiscal Officer as department head. The Tax Clerk shall be an at-will employee of the Village, removable at the discretion of the Fiscal Officer.

 **SECTION III:** The Fiscal Officer shall direct and supervise the work of the Tax Clerk subject to the terms and conditions set forth in the Employee Handbook of the Village, as revised and supplemented, or as otherwise set forth by ordinance or Village policy, including, but not limited to, all benefits, vacation, sick leave or other leave, holidays, and overtime.

 **SECTION IV:** Subject to Section VI of this Ordinance, the Tax Clerk shall be paid at the rate of: (a) twenty dollars and ninety cents ($20.90) per hour for the first six months of service in that position; (b) twenty-two dollars and forty cents ($22.40) per hour for the next six months of service in that position; and (c) twenty-three dollars and ninety cents ($23.90) per hour for all years following one year of service in that position.

 **SECTION V:** The Mayor and Fiscal Officer shall establish criteria for, and administer, an annual performance evaluation of the Tax Clerk to be completed by January 31 of each calendar year. For each established criterion, the Tax Clerk shall receive a performance evaluation on a ten (10) point scale where a score of ten represents the highest level of performance, a score of five (5) represents acceptable performance, and a score of zero (0) represents the lowest level of performance. In addition to the foregoing regular pay, the Tax Clerk shall be paid a performance bonus of two hundred fifty dollars ($250.00) for a total average evaluation score of 5-6, seven hundred fifty dollars ($750.00) for a total average evaluation score of 7-8, or one thousand two hundred fifty dollars ($1,250.00) for a total average evaluation score of 9-10. Such performance bonus shall be paid during the first regular April pay period following the annual evaluation. In the event of an irreconcilable disagreement between the Mayor and Fiscal Officer as to the applicable criteria, scoring scale, or the scoring of such criteria during the evaluation process, the final decision shall be made by the Mayor.

 **SECTION VI**: Council may change the hourly rates of pay or performance bonus amounts set forth in Sections IV and V of this Ordinance by subsequent resolution adopted from time-to-time. The hourly rates of pay set forth in Section IV of this Ordinance shall take effect as of the pay period beginning March 28, 2021. Until then, the hourly rates of pay set forth in Ordinance No. 3-2020 shall remain in effect.

 **SECTION II:** The existing sections II, III, V, and VI of Ordinance No. 9-1999, as amended, are hereby repealed. The existing Section IV of Ordinance No. 9-1999, as amended, shall be, and is hereby, repealed as of the pay period beginning March 28, 2021.

 **SECTION III:** 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 revise the authority and requirements for the position of Tax Clerk in time to hire a replacement for the current Tax Clerk, whose resignation is forthcoming in the immediate aftermath of peak tax season.

Passed this 15th day of March, 2021.

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 Mayor

ATTEST:

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Fiscal Officer

**CERTIFICATE**

I hereby certify this to be a true and correct copy of Ordinance No. 9-2021, adopted at a meeting of the Council of the Village of Fairfax on this 15th day of March, 2021.

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 Fiscal Officer