

Village of Bolivar, Ohio

Ordinance Number: 0-16-2023

TITLE: AN ORDINANCE TO COMBINE THE POSITIONS OF VILLAGE ADMINISTRATOR AND VILLAGE STREET SUPERINTENDENT AND APPOINTING LEVI KASER TO THE COMBINED POSITION OF VILLAGE ADMINISTRATOR AND VILLAGE STREET SUPERINTENDENT; AND DECLARING AN EMERGENCY

WHEREAS, pursuant to R.C. 735.271, the Legislative Authority for the Village of Bolivar has established the position of Village Administrator; and

WHEREAS, the powers and duties of the Village Administrator are set forth in R.C. 735.271 and otherwise dictated by the Ohio Revised Code, the policies/procedures of the Village of Bolivar, and other legislation of the Village of Bolivar; and

WHEREAS, separate from the position of a Village Administrator, the Legislative Authority for the Village of Bolivar has created the position of Street Superintendent; and

WHEREAS, Levi Kaser is currently serving as the Street Superintendent for the Village of Bolivar and there has existed a vacancy in the office of Village Administrator for the Village of Bolivar; and

WHEREAS, the position of Village Administrator and the position of Village Street Superintendent both report directly to and are supervised by the Mayor of the Village of Bolivar; and

WHEREAS, the Legislative Authority for the Village of Bolivar has determined that the positions of Village Administrator and Village Street Superintendent are compatible with one another for the following reasons:

1. Neither position consists of classified employment within the terms of R.C. 124.57;
2. The empowering statute or other legislation for the positions of Village Administrator and Village Street Superintendent are not in conflict;
3. Since both positions directly report to the Mayor, neither position is nor shall be subordinate or act as a check upon the other;
4. It is physically possible for one person to discharge the duties of both positions;
5. The Legislative Authority for the Village of Bolivar cannot identify any conflict of interest between the two positions;
6. The ordinance will be controlling as to the combined position of Village Administrator and Village Street Superintendent; and
7. There are no other federal, state, or local departmental regulations that would apply to this situation.

WHEREAS, Levi Kaser has expressed a willingness and ability to adequately perform the job functions of both Village Administrator and Village Street Superintendent; and

WHEREAS, the Legislative Authority for the Village of Bolivar desires to combine the positions of Village Administrator and Village Street Superintendent and waive any residency requirements associated therewith; and

WHEREAS, the Legislative Authority for the Village of Bolivar desires to appoint Levi Kaser to the combined position of Village Administrator/Village Street Superintendent.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BOLIVAR, COUNTY OF TUSCARAWAS, STATE OF OHIO, A MAJORITY OF ITS MEMBERS ELECTED THERETO CONCURRING, THAT:

SECTION 1. The positions of Village Administrator and Village Street Superintendent are hereby combined into one position of Village Administrator/Street Superintendent.

SECTION 2. The combined position of Village Administrator/Street Superintendent shall serve at the pleasure of the Mayor and Legislative Authority for the Village of Bolivar and may be removed in accordance with R.C. 735.271.

SECTION 3. The combined position of Village Administrator/Street Superintendent shall directly report to and be supervised by the Mayor of the Village of Bolivar.

SECTION 4. The combined position of Village Administrator/Street Superintendent shall be a full-time employee, entitled to any and all benefits afforded to full-time employees of the Village of Bolivar, and shall be compensated at the hourly equivalent rate of \$_____ per hour.

SECTION 5. The combined position of Village Administrator/Street Superintendent shall be considered an exempt, full-time employee, and will not be eligible for overtime compensation, except as otherwise authorized by the Mayor in writing.

SECTION 6. The residency requirement set forth in R.C. 735.271 or otherwise in the Ohio Revised Code is hereby waived by this Ordinance for the combined position of Village Administrator/Street Superintendent.

SECTION 7. The combined position of Village Administrator/Street Superintendent shall be responsible for fulfilling the powers and duties of both positions as set forth in the Ohio Revised Code or otherwise dictated by job description, policy/procedure, or other legislation of the Village of Bolivar.

SECTION 8. The Legislative Authority of the Village of Bolivar hereby appoints Levi Kaser to the combined position of Village Administrator/Street Superintendent, as set forth in this Ordinance.

SECTION 9. This Ordinance repeals all previous Ordinances or parts thereof in conflict herewith.

SECTION 10. It is found and determined that all formal actions of this Council concerning and related to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 11. This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety, and general welfare for the reason that the Village is in immediate need of a Village Administrator/Street Superintendent to attend to the duties thereof; and, this Ordinance shall be in full force and effective immediately upon its passage.

PASSED IN COUNCIL this 3rd day of August 2023.

Attest:

Tedd Finlayson, Mayor

Barb Kline, Fiscal Officer

Approved as to Legal Form by:

Stephan P. Babik, Village Solicitor