

ORDINANCE NO. 2022- 03

AN ORDINANCE APPROVING THE RESIDENCY OF KATHY J. NIEHM, VILLAGE FISCAL OFFICER, OUTSIDE OF THE CORPORATE LIMITS OF THE VILLAGE OF CASTALIA, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Castalia has previously eliminated the elected position of Clerk-Treasurer and created the appointed position of Village Fiscal Officer pursuant to *RC 733.262 and the Charter of the Village of Castalia, Ohio*; and

WHEREAS, effective November 1, 2022, the Mayor, with the advice and consent of Council, appointed Kathy J. Niehm as Fiscal Officer of the Village of Castalia; and

WHEREAS, the Mayor and Council are aware that both *RC §733.262* and *§5.13 the Charter of the Village of Castalia* requires that the Village Fiscal Officer shall become a resident of the municipal corporation within six months after his or her appointment, unless the residency requirement is waived by the legislative authority by ordinance; and

WHEREAS, Kathy J. Niehm, Village Fiscal Officer, currently resides outside the corporate limits of the Village of Castalia, Ohio, but within the near proximity of the Village; and

WHEREAS, Council has determined that the fact that Kathy J. Niehm resides outside the Village of Castalia will not impair her ability to perform the powers, duties, and functions of her position as Village Fiscal Officer; and

WHEREAS, Council has further determined that it would create a personal hardship upon Kathy J. Niehm if she were to be required to reside within the corporate limits of the Village of Castalia due to her position as Village Fiscal Officer; and

WHEREAS, Council has determined, pursuant to *§733.262 of the Revised Code and §5.13 of the Charter of the Village of Castalia, Ohio*, that it is in the best interest of the Village to adopt an ordinance to permit Kathy J. Niehm, Village Fiscal Officer, to reside outside the corporate limits of the Village of Castalia; and


NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CASTALIA, STATE OF OHIO:

Section 1. That Council, pursuant to *§733.262 of the Ohio Revised Code and §5.13 of the Charter of the Village of Castalia, Ohio*, hereby approves the residency of Kathy J. Niehm outside the corporate limits of the Village of Castalia, during her appointment to the position of Fiscal Officer of the Village of Castalia.

Section 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council; and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were

taken in meetings open to the public in full compliance with applicable legal requirements, including §121.22 of the Ohio Revised Code.

Section 3. Council has determined that the approval of the fiscal officer's residence outside the corporate limits of the Village of Castalia, during her appointment to the position of Fiscal Officer of the Village of Castalia, is directly related to the immediate preservation of the public peace, health, and safety of the Village, and as such this Ordinance shall be deemed an emergency measure and shall be effective immediately upon its adoption and due authentication by the Mayor and Village Fiscal Officer, respectively.



Mayor

Attest:



Village Fiscal Officer

Adopted: May 10, 2022