

**HAMILTON TOWNSHIP TRUSTEES
EMERGENCY MEETING
March 14, 2014**

Mr. Weber made a motion and Mr. Duvelius seconded the motion to open the emergency meeting at 12:03 p.m.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

The Pledge of Allegiance to the Flag was recited by all in attendance.

Mr. Warren Ritchie, Law Director, stated it was appropriate that the emergency meeting was called. Mr. Ritchie stated the reason for the emergency meeting was because of certain events involving the retirement and vacancy of office for the Fiscal Officer position. Every effort was made to notify members of the public and press by posting to the social media outlets and our bulletin board. Late yesterday afternoon the Fiscal Officer, Ms. Jackie Terwilleger submitted the following letter dated March 13, 2014 addressed to the Hamilton Township trustees:

“Please accept this letter as my notice to retire from my position as Hamilton Township Fiscal Officer effective immediately. Thank you for the time that we have served together. I wish you and all the residents of Hamilton Township the best.”

Mr. Ritchie stated the letter is addressed to the board, but any type of resignation or retirement is not officially tendered to the board of trustees because the Fiscal Officer does not report to or work for the board. It would be appropriate today for the board to acknowledge receipt of the notice for retirement.

Mr. Weber made a motion and Mr. Wallace seconded the motion to acknowledge the receipt of Ms. Jackie Terwilleger’s letter of retirement.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes
	Gene Duvelius	Yes

Mr. Ritchie stated he read the Ohio Revised Code on vacancy in office and the Board of Elections had to be notified which he did this morning.

Mr. Duvelius made a motion and Mr. Weber seconded the motion to ratify the action of the President of the Board that the Board of Elections was notified this date.

Roll call as follows:	Gene Duvelius	Yes
	Kurt Weber	Yes
	David Wallace	Yes

Mr. Ritchie stated the question is who will serve as the acting Fiscal Officer. In Ohio there is a Deputy Fiscal Officer position. The Deputy Fiscal Officer wording is a problem because it stated the position as an assistant to the Fiscal Officer which would not be the case here as we have a vacancy. Mr. Ritchie wanted to do additional research on the question of paying bills, certification of the availability of funds, and payroll.

Mr. Ritchie stated the Fiscal Officer has been involved with the access to bank accounts, township records and general financial affairs. Mr. Gary Boeres, Administrator, has bank authorization for the board to sign allowing the trustees to be the sole signatories on the bank account. Mr. Ritchie recommended the electronic signatures not be utilized at this time.

Mr. Gary Boeres, Administrator, asked the board to sign authorization letters from the banks where the accounts are held and a letter to remove Ms. Terwilleger name from the accounts. This would be filed with the bank today.

Mr. Ritchie noted steps have been taken to implement normal practices to change physical access to the building from the Fiscal Officer.

Mr. Ritchie stated the general procedure from the Ohio Revised Code as to the appointment of a successor to the Fiscal Officer and the process. Mr. Ritchie recommends no action should be taken to fill the position at the emergency meeting and that a special meeting time should be set to discuss the procedure and process of the situation.

The Ohio Revised Code states if there is a vacancy by reason of non-acceptance, death, or removal of a person chosen to an office in any township or a vacancy due to any other cause it is up to the board of township trustees to appoint a person having the qualifications to fill the vacancy for the unexpired term of the person who has retired. The township trustees have 30 days to pick a person they deem appropriate. If the trustees fail to do so within the period then a five (5) person committee that may have been listed on Ms. Terwilleger nominating petition when she ran for election would pick a successor. This is only so if the board fails to appoint a successor. If Ms. Terwilleger did not appoint a committee or if three (3) of the names are persons no longer in the township then the appointment would be made by the probate court judge. The successor appointed would serve out the unexpired term of the retiring Fiscal Officer. The term expires on April 1, 2016.

The qualifications are the candidate must be a qualified elector of the township, thus the candidate must be a citizen of the United States of America. The person must be 18 years of age or older and a resident of Ohio for 30 days preceding the appointment. The candidate must be a resident of Hamilton Township with a permanent residence here. The candidate must be bonded and take the oath of office. The Fiscal Officer is appointed to administer the affairs of township government as a representative of the people and holds office and trust for people of the township. Therefore, personal qualifications of integrity and dedication to duty are of importance.

Mr. Wallace stated he was concerned with payroll. Mr. Boeres stated payroll will be issued next week. Mr. Wallace wanted to know who is authorized to sign the checks for payroll. Mr. Boeres stated the bank will cash the check with the trustee's signatures. Mr. Wallace asked if a Fiscal Officer from a surrounding community could sign anything. Mr. Ritchie stated he would look into it, but believed this is not a remedy because they would have not authority in Hamilton Township.

Mr. Duvelius asked about the CPA that has been working with the township. Mr. Ritchie stated he met with Mr. Mark Hurst, CPA Consultant, this morning on an unrelated matter to the vacancy and he stated he is willing to continue his role as financial consultant to the township and would provide any guidance he could provide in the interim period.

Mr. Duvelius asked about Mr. Hurst being the cosigner in the Fiscal Officers absence. Mr. Ritchie stated no, he advised against it. The checks will be honored; it is just the case of a Fiscal Officer certifying the funds.

Mr. Wallace stated he wanted to start with a clean slate and start doing things right and be as transparent as possible. There is no front runner that the board is trying to put in the position.

There was discussion of setting a Special Meeting date to start the process of vacancy for the Fiscal Officer position. Notice only has to be 24 hours minimum. This will be posted on the website, Facebook, bulletin board and all media press releases. Mr. Wallace wanted an update of the payroll process at the special meeting as well.

Mr. Weber made a motion to hold a Special Meeting Monday, March 17, 2014 at 6:00 p.m. to discuss the process of filling the vacancy of the Fiscal Officer and an update of processing the payroll checks.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to hold a Special Meeting Monday, March 17, 2014 at 6:00 p.m. to discuss the process of filling the vacancy of the Fiscal Officer and an update of processing the payroll checks.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Wallace asked about a back-up to Ms. Ellen Horman, Finance Coordinator, since she was the back-up to Ms. Terwilleger. Mr. Boeres stated he needed a motion from the board to allow Ms. Horman to be the temporary contact for the UAN System.

Mr. Duvelius made a motion and Mr. Wallace seconded the motion to appoint Ms. Horman as the temporary contact for the UAN System.

Roll call as follows:	Gene Duvelius	Yes
	David Wallace	Yes
	Kurt Weber	Yes

Mr. Boeres stated Ms. Terwilleger was part of the triangle of financial controls that were set in place. Mr. Boeres would like to revise this with Mr. Hurst and present something to them on possibly Mondays meeting.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to amend a previous motion to hold a Special Meeting Monday, March 17, 2014 at 6:00 p.m. to discuss the process of filling the vacancy of the Fiscal Officer and an update of processing the payroll checks and such other business.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Wallace asked how much certifying was done on a daily basis. Mr. Boeres noted no checks will be issued; no one has that ability now.

Mr. Weber stated he appreciated Ms. Terwilleger giving 33+ years of service, dedication and he wished her well in her retirement. It was the best decision for her and for the township.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to adjourn the meeting at 12:36 p.m.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes