

**VILLAGE OF YELLOW SPRINGS**

**RESOLUTION #2007-35**

**WHEREAS**, the Clerk of Council, Deborah L. Benning, has had an annual performance evaluation by Village Council for the year 2007; and

**WHEREAS**, Council has found that Ms. Benning's performance continues to meet expectations; and

**WHEREAS**, Ms. Benning continues to perform her administrative duties with a high level of independent discretion and judgment with respect to matters of significance within the Village and continues to perform duties directly related to the management and/or general business operations of the Village; and

**WHEREAS**, accordance with Section 4 of her employment agreement, and in consideration of the results of the performance evaluation, the Village Council wishes to increase Ms. Benning's compensation and to begin paying her on a salary basis.

**NOW, THEREFORE, THE COUNCIL OF THE VILLAGE OF YELLOW SPRINGS OHIO HEREBY RESOLVES THAT:**

**Section 1.** Deborah L. Benning is offered continued employment as Clerk of Council in accordance with the terms of the attached employment agreement, which contains an adjustment in salary as provided in Section 4.

**Section 2.** This compensation adjustment shall be effective for the payroll period, which begins November 12, 2007.

**Section 3.** The Council expresses appreciation to Ms Benning for her dedication and service as Clerk of Council.

**Section 4.** The Vice President of Village Council is hereby authorized and directed to execute the aforesaid amended employment agreement with Ms. Benning on behalf of the Village of Yellow Springs.

\_\_\_\_\_  
Karen Wintrow, Vice President of Council

Passed:

Attest: \_\_\_\_\_  
Deborah Benning, Clerk of Council

Roll Call:

Rickenbach \_\_\_\_\_ Wintrow \_\_\_\_\_ Hempfling \_\_\_\_\_  
Chase \_\_\_\_\_ Van der Heiden \_\_\_\_\_

## EMPLOYMENT AGREEMENT

CLERK OF COUNCIL

November 12, 2007

The Village Council hereby employs Deborah L. Benning (“Employee”) to serve as Clerk of Council as a part time, unclassified employee. Such employment shall, as provided in the Village Charter, be at the pleasure of Council.

1. **Duties and Hours.** The Village Council hereby appoints Employee as Clerk of Council of the Village in accordance with Section 16 of the Charter of the Village of Yellow Springs. The Employee shall be expected to work in the Village office thirty (30) hours each week and during such time to perform duties including, but not limited to: research and draft legislation for the Council’s consideration, keep and index records of all Council proceedings, address and fulfill public records requests, manage the office and any volunteers or interns working therein, manage the records commission, update and manage the Village website, coordinate projects, including seminars and workshops, and other such duties as may be required by the Council.

In addition to her office hours, the Employee shall attend and take minutes of all regularly scheduled meetings of Village Council, Planning Commission and Board of Zoning Appeals, and any other meetings as directed by the Council.

2. **Extra Time Off.** It is expected that, through a combination of office hours and meetings, the Employee shall work approximately thirty-four (34) to thirty-six (36) hours per week on a regular basis. Employee shall be designated as an “Exempt” Employee pursuant to the Fair Labor Standards Act and is therefore not entitled to overtime compensation. However, in recognition of her extra efforts on behalf of the Village, for each hour worked over thirty-six (36) in any single workweek (Monday through Sunday), Employee shall be entitled to one (1) paid hour of leave to be taken at a mutually agreeable date and time. Employee shall be entitled to accrue a maximum of twenty-four (24) hours of extra time off pursuant to this paragraph.
3. **Salary.** The Employee shall be entitled to a 4% increase paid bi-weekly in the same manner and on the same schedule as the Village’s present payroll.
4. **Performance Evaluation and Pay Adjustment.** The Employee will receive an annual performance evaluation. Merit pay adjustments will be based upon the evaluation. The Employee shall be entitled to cost-of-living adjustments applied in the same manner as applied to classified employees. It is agreed and understood that the Employee shall not be compensated according to any pay schedules or step increases provided for classified employees. The Village Council shall perform an annual performance review upon which merit increases may be based.
5. **Benefits.** The Employee shall be entitled to all benefits including health, dental and life insurance commonly extended to classified employees at a prorated rate contributed by the Village, except as otherwise specified herein. Specifically with respect to health insurance, the Village shall contribute 85% of the cost of the premium for the core health insurance plan provided to classified employees. The

remaining premium for the core health insurance plan and any cost associated with a voluntary buy-up to any premium plan offered shall be borne solely by Employee. The Employee shall be included in the Worker's Compensation Program, Public Employees Retirement System and the Employee Assistance Program of the Village.

6. **Vacation and Other Leaves of Absence.** The Employee shall receive three (3) weeks of paid vacation (a total of ninety (90) hours) and three (3) weeks of paid sick leave (a total of ninety (90) hours) per calendar year to be requested and approved in advance by the President of Council. Employee shall be entitled to all holidays designated for classified employees. In addition, the Employee shall be entitled to four (4) personal leave days, equivalent to a total of twenty-four (24) total hours, during each calendar year, on a non-accumulating basis, which days may be used for any reason, including, but not limited to, the Employee's own illness or injury. However, the Employee shall not be entitled to use personal leave on days when Village Council, the Planning Commission, or the Board of Zoning Appeals is scheduled to meet, except with prior consent of the President of Council.
7. **Severability.** If any provision, or portion thereof, contained in the Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this agreement or portions thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.
8. **Term and Termination.** This agreement shall be effective for the payroll period, which includes the 1st day of November 2006 and continue in full force until terminated by the Employee or Council as provided herein. This agreement may be terminated by the Employee or by the Council upon giving of thirty (30) day's advance written notice to the terminating party's intention to terminate at the end of such thirty (30) day period.
9. The Clerk of Council shall serve as an at-will employee of the Council subject to the terms of the Village Charter, Ordinances and Resolutions and Employment Contract. The Clerk of Council may only be terminated by the following procedure: Any member of Council may, at any Council meeting, introduce a motion to terminate the Clerk of Council. If such motion is seconded, the matter shall then immediately be tabled until the following Council meeting. At the following Council meeting, the Clerk of Council shall have the opportunity to have a hearing before Council, either in public or in Executive Session, at the employee's request, to present information the employee feels is relevant to the question of whether they should be terminated. Following the end of that hearing the Motion shall be automatically removed from the table and following deliberation by Council a vote taken on its adoption.

VILLAGE OF YELLOW SPRINGS

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

Karen Wintrow  
Vice President of Council

\_\_\_\_\_

## **DESCRIPTION OF DUTIES (In General)**

### **1. Technology Skills: Use of computer, telephone, photocopier, facsimile, calculator, typewriter, and printer.**

The Clerk of Council uses **Word Processing** skills for preparing Minutes for Council, Planning commission, Board of Zoning Appeals; Legislation for Council action, and written communication. The Clerk also uses **e-mail, the Internet and Databases** for communicating with Council members, auditor, solicitor, AMP Ohio, etc., and for research activities for Council, citizens, solicitor, Village Manager, and Commissions, committees, and boards. The Clerk is also responsible for the Village Website update.

### **2. Organization/Administrative Skills:**

The Clerk is responsible for keeping files up-to-date, in compliance with state record keeping requirements, assisting and preparing for, as well as attending Council meetings and selected boards and commissions.

### **3. Communication Skills:**

The Clerk is responsible for written and oral communications with Council, the news media, citizens, the Manager and staff, the Solicitor, various Village boards and commissions, and outside public agencies and organizations in the performance of her duties.

### **4. Research Skills and Knowledge:**

The Clerk will research specific information from municipal organizations, state departments, county departments, the Solicitor, Village historical documents, Internet, and other sources in order to locate requested information for the various entities that the Clerk serves.

### **5. Other kinds of Knowledge:**

The Clerk must have an adequate knowledge base concerning the village organization and departments, the Codified Ordinances, The Ohio Revised Code, Council procedures, and the community of Yellow Springs.

### **6. Professional Characteristics:**

The Clerk is expected to display professional characteristics, which will help the office to operate effectively and smoothly.

**JOB DESCRIPTION**  
**Clerk of Council**  
**Village of Yellow Springs**

**Council**

1. Prepare minutes.
2. Assist in research and draft legislation for review by Village Manager and/or Village Solicitor.
3. Maintain records and files according to state requirements.
4. Responsible for content to the Village's website.
5. Assist in the preparation of the agenda.
6. Assembly of Council packet.
7. Prepare and/or assist in general correspondence.
8. Other directives as assigned.

**Planning Commission.**

1. Prepare minutes.
2. Assist in research.
3. Maintain records and files according to state requirements.
4. Assist in the preparation of the Planning Packet.

**Board of Zoning Appeals**

1. Prepare minutes.
2. Assist in research.
3. Maintain records and files according to state requirements.
4. Assist in the preparation of the Board of Zoning Appeals Packet.
5. Prepare and distribute public hearing results.

**Records Commission**

1. Coordinate meeting dates and times.
2. Take minutes of the meetings and distribute.
3. Maintain records retention schedule.
4. Assist departments in preparation of their records retention schedule.
5. Enforce the laws and guidelines of the Ohio Archivist and the State of Ohio.

**Commission, Committees and Boards**

1. Maintain records and files according to state requirements.
2. Assist members with the Open Meetings Law and the Sunshine Law.
3. Assist in research.
4. Prepare new membership packets.

**Special Projects**

1. Assist and/or coordinate special events such as interviews for Council staff, commissions, committees and boards.
2. Assist and/or coordinate the Volunteer Recognition Program.
3. Coordinate the Council Orientation Program.
4. Manage volunteers from various programs such as Bonner Scholars.
5. Coordinate and prepare the legislation for codification.

**Miscellaneous**

- 1. Research and prepare public record requests.**
- 2. Research for the Village Solicitor and various legal representatives.**
- 3. Maintain professional certifications and requirements.**
- 4. Act as public relations liaison between the public, the media, and Council.**
- 5. Keep Council updated on various state legislations.**
- 6. Assist the Charter Review Committee.**