

ORDINANCE NO. 1690-11-25

TOWN OF AVILLA, INDIANA

AN ORDINANCE ELIMINATING THE POSITION OF DEPUTY CLERK AND ESTABLISHING THE POSITION OF TOWN CLERK

WHEREAS, the Town of Avilla ("Town") is organized as a town under the laws of the State of Indiana; and

WHEREAS, the Town Council is responsible for establishing Town departments, creating and eliminating non-elected positions, and determining personnel structures pursuant to Indiana Code Titles 36-1, 36-4, and 36-5; and

WHEREAS, the Town currently employs a Deputy Clerk, a non-elected position created by prior ordinance; and

WHEREAS, the Town Council has determined that the existing administrative structure no longer reflects the operational needs of the Town, and that a reorganization of administrative duties will promote efficiency and improved public service; and

WHEREAS, the Town Council desires to reorganize the administrative functions of the Clerk-Treasurer's office by eliminating the position of Deputy Clerk and creating a new administrative position to support Town operations and customer service; and

WHEREAS, the Clerk-Treasurer remains the Town's fiscal officer under IC 36-5-6, and nothing in this ordinance alters or diminishes the statutory responsibilities or authority of the elected Clerk-Treasurer; and

WHEREAS, the reorganization described herein is administrative in nature and is not a disciplinary action against any employee, nor is it intended to affect employee tenure or continuity of service;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Avilla, Indiana as follows:

Section 1. Elimination of Deputy Clerk Position.

A. Effective January 1, 2026 ("Effective Date"), the position of Deputy Clerk is hereby eliminated as part of a reorganization of the Town's administrative structure.

B. All prior ordinances or resolutions creating or describing the Deputy Clerk position are repealed to the extent they conflict with this Section.

C. The elimination of the Deputy Clerk position shall not be construed as a disciplinary action or adverse employment action against any individual employee.

Section 2. Establishment of the Position of "Town Clerk."

A. There is hereby created the non-elected position of Town Clerk.

B. The Town Clerk shall be an employee of the Town and shall serve at the direction of the Town Council, with day-to-day oversight as assigned by the Council to the Town Manager.

C. The Town Clerk is not the statutory Clerk-Treasurer. The Town Clerk shall not perform any duties reserved by law to the fiscal officer under IC 36-5-6, except as expressly delegated in writing by the Clerk-Treasurer.

D. The Town Clerk shall perform administrative and operational duties as described in the job description approved by the Town Council, including without limitation:

1. Customer service for utilities and Town departments;
2. Processing utility billing information and related clerical functions;
3. Maintaining Town records as assigned;
4. Assisting with office administration, public communication, and document preparation;
5. Any additional duties assigned by the Town Council in accordance with law.

E. The Town Clerk position may supervise staff or clerical personnel as authorized by the Town Council.

Section 3. Salary and Benefits.

A. The salary and wage classification for the Town Clerk shall be established by amendment to the Town's Salary Ordinance.

B. The Town Clerk shall be entitled to benefits as provided by Town policy for full-time employees, unless otherwise specified in the Salary Ordinance.

Section 4. Amendment to Salary Ordinance

A. The Town of Avilla Salary Ordinance for the year 2026, as previously adopted and subsequently amended, is hereby amended as follows:

1. The position titled "Deputy Clerk" is hereby deleted from the Salary Ordinance, and all references to that position are removed.
2. The following position is hereby added to the Salary Ordinance:

Position Title: *Town Clerk*

Status: Full-Time

Fair Labor Standards Act (FLSA) Classification: Non-Exempt (hourly)

Supervisor: As assigned by the Town Council

Duties: As set forth in the job description approved by the Town Council

Maximum Annual Salary / Hourly Rate: \$ _____ per (hour/year)

Benefits: Eligible for all benefits afforded to full-time Town employees in accordance with Town policy

B. All other provisions of the Salary Ordinance not specifically amended herein shall remain in full force and effect.

C. The amendment set forth in this Section shall become effective on January 1, 2026

Section 5. Appointment of Personnel.

A. Upon adoption of this ordinance and the corresponding Salary Ordinance amendment, the Town Council may appoint an individual to the position of Town Clerk by motion at a public meeting.

B. The appointment shall be effective on the Effective Date unless otherwise specified in the Council's motion.

Section 6. Transition.

A. The Clerk-Treasurer and the Town Clerk shall cooperate to ensure a smooth transition of administrative duties.

B. All Town property, records, files, software access, and work materials used by the Deputy Clerk shall be reassigned to the Town Clerk on the Effective Date.

C. The Clerk-Treasurer shall retain exclusive custody of all fiscal records and statutory duties required under Indiana law.

Section 7. Internal Controls.

A. Within 15 days of the Effective Date, the Clerk-Treasurer and Town Clerk shall update the Town's Internal Control Standards under IC 5-11-1-27 to reflect the revised administrative structure.

B. Updated internal controls shall be submitted to the Town Council for approval by resolution.

Section 8. Repealer and Conflict Clause.

All ordinances or parts of ordinances inconsistent with this Ordinance are repealed to the extent of such inconsistency.

Section 9. Severability.

If any section of this Ordinance is found invalid, the remainder shall remain in full force and effect.

Section 10. Effective Date.

This Ordinance shall be effective upon passage, approval, and publication as required by law.

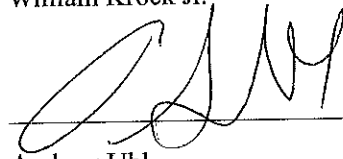
Adopted and Passed this 19 Day of Nov, 2025, by a vote of 3 in favor and 0 opposed.

AVILLA TOWN COUNCIL

Philip Pucket, Jr.
Philip Pucket, Jr., President

William H. Kwoetz

William Krock Jr.

A handwritten signature in black ink, appearing to be 'W. Krock Jr.', written over a horizontal line.

Andrew Uhl

ATTEST:

Lisa Duerksen, Deputy Clerk

Rita Grocock, Clerk-Treasurer