

RECORD OF ORDINANCES

Ordinance No. 2023-15

Passed December 5, 2023

VILLAGE COUNCIL OF GREENWICH, OHIO
ORDINANCE NO.: 2023-15

BOND

AN ORDINANCE AMENDING SECTIONS 230.01, 232.10, 236.05, 242.04, 252.09, AND 201.05 OF THE GREENWICH CODIFIED MUNICIPAL CODE OF ORDINANCES REGARDING BOND FOR MUNICIPAL OFFICERS AND THE USE OF "EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY" POLICY PURSUANT TO SECTION 3.061(B) OF THE OHIO REVISED CODE

WHEREAS, Ohio R.C. 733.69 provides for bond for municipal officers and reads:

Section 733.69 | Bond of municipal officers.
Except as otherwise provided in the municipal charter or in section 3.061 of the Revised Code, each officer of a municipal corporation required by law or ordinance to give bond shall do so before entering upon the duties of the office. Except as otherwise provided in the municipal charter or in section 3.061 of the Revised Code, the legislative authority thereof may at any time require each officer to give a new or additional bond. Each bond except that of the municipal auditor or municipal clerk, upon its approval, shall be delivered to the auditor or clerk, who shall immediately record it in a record provided for that purpose and file and carefully preserve it in the auditor's or clerk's office. The bond of the auditor or clerk shall be delivered to the municipal treasurer, who shall in like manner record and preserve it.

WHEREAS, Ohio R.C. 733.70 provides for the approval of bonds and reads:

Section 733.70 | Approval of bonds.
The official bonds of all officers of a municipal corporation shall be prepared by its village solicitor or city director of law. Except as otherwise provided in Title VII of the Revised Code, the bonds shall be in such sum as the legislative authority of the municipal corporation prescribes by general or special ordinance and shall be subject to the approval of the mayor. The mayor's bond shall be approved by the legislative authority, or, if it is not legally organized, by the clerk of the court of common pleas of the county in which the municipal corporation or the large part thereof is situated.

WHEREAS, the Village of Greenwich Codified Municipal Code of Ordinances currently requires that the following village officials be bonded:

- 230.01 Mayor
230.01 BOND.
The Mayor of the Village shall be bonded for the amount of one thousand dollars (\$1,000.00).
The Village shall pay the cost of such bond.
(Ord. 941. Passed 2-19-02.)
- 232.10 Village Administrator
232.10 BOND.
The Village Administrator shall be bonded for the amount of one thousand dollars (\$1,000.00).
The Village shall pay the cost of such bond.
(Ord. 941. Passed 2-19-02.)
- 236.05 Clerk-treasurer
236.05 BOND.
The Clerk-Treasurer of the Village shall be bonded for twenty thousand dollars (\$20,000.00).
The Village shall pay the cost of such bond.
(Ord. 941. Passed 2-19-02.)
- 242.04 Chief of Police
242.04 CHIEF OF POLICE; BOND.
The Chief of Police of the Village shall be bonded for one thousand dollars (\$1,000.00). The Village shall pay the cost of such bond.
(Ord. 941. Passed 2-19-02.)

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252.09 Utility/Income Tax Clerk

252.09 UTILITY/INCOME TAX CLERK; BOND.

The Village Utility/Income Tax Clerk shall be bonded for twenty thousand dollars (\$20,000.00).

The Village shall pay the cost of such bond.

(Ord. 941. Passed 2-19-02.)

WHEREAS, Section 201.05 of the Greenwich Codified Municipal Code of Ordinances defines "BOND" as follows:

BOND: Means any form of security including a cash deposit, surety-bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Village Council.

WHEREAS, Ohio R.C. 3.061(B) permits the following bond policy:

3.061(B) A political subdivision may adopt a policy, by ordinance or resolution, to allow for the use of an employee dishonesty and faithful performance of duty policy, rather than a surety bond that would otherwise be required by law to be given by any of the following:

(1) The political subdivision;

(2) An officer, employee, or appointee of the political subdivision;

(3) Any other entity or individual, if the entity or individual is required by law to give a surety bond to the political subdivision.

WHEREAS, in accordance with Ohio R.C. 3.061, the village adopted a policy to allow the use of an "employee dishonesty and faithful performance of duty" coverage document, rather than a surety bond, to cover loss by fraudulent or dishonest actions of employees and failure of employees to faithfully perform duties in Resolution No.: 2023-R-19, passed and adopted on the 1st day of August, 2023; and

WHEREAS, Ohio R.C. 2744.08(A)(1) provides:

(A)(1) A political subdivision may use public funds to secure insurance with respect to its and its employees' potential liability in damages in civil actions for injury, death, or loss to persons or property allegedly caused by an act or omission of the political subdivision or any of its employees in connection with a governmental or proprietary function. The insurance may be at the limits, for the circumstances, and subject to the terms and conditions, that are determined by the political subdivision in its discretion.

WHEREAS, Ohio R.C. 2744.081(A) provides:

2744.081(A) Regardless of whether a political subdivision, under section 2744.08 of the Revised Code, secures a policy or policies of liability insurance, establishes and maintains a self-insurance program, or enters into an agreement for the joint administration of a self-insurance program, the political subdivision may, pursuant to a written agreement and to the extent that it considers necessary, join with other political subdivisions in establishing and maintaining a joint self-insurance pool to provide for the payment of judgments, settlement of claims, expense, loss, and damage that arises, or is claimed to have arisen, from an act or omission of the political subdivision or any of its employees in connection with a governmental or proprietary function and to indemnify or hold harmless the subdivision's employees against such loss or damage.

WHEREAS, the Village is a member of the Public Entities Pool (PEP), a political subdivision risk pool established pursuant to Ohio R.C. 2744.081.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GREENWICH, STATE OF OHIO: (RC 731.18)

SECTION 1. AMEND – BOND - MAYOR. That Section 230.01 of the Greenwich Codified Municipal Code of Ordinances is hereby amended as follows:

230.01 BOND.

(a) The Mayor of the Village shall be bonded for the amount of twenty thousand dollars (\$20,000.00). The Village shall pay the cost of such bond.

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(Ord. 941. Passed 2-19-02.)

(b) The Village may adopt a policy, by ordinance or resolution, pursuant to Ohio R.C. 3.061(B) to allow for the use of an employee dishonesty and faithful performance of duty policy, rather than a surety bond that would otherwise be required by law.

SECTION 2. AMEND – BOND - ADMINISTRATOR. That Section 232.10 of the Greenwich Codified Municipal Code of Ordinances is hereby amended as follows:

232.10 BOND.

(a) The Village Administrator shall be bonded for the amount of twenty thousand dollars (\$20,000.00). The Village shall pay the cost of such bond.

(Ord. 941. Passed 2-19-02.)

(b) The Village may adopt a policy, by ordinance or resolution, pursuant to Ohio R.C. 3.061(B) to allow for the use of an employee dishonesty and faithful performance of duty policy, rather than a surety bond that would otherwise be required by law.

SECTION 3. AMEND - BOND – INCOME TAX CLERK-TREASURER. That Section 236.05 of the Greenwich Codified Municipal Code of Ordinances is hereby amended as follows:

236.05 BOND.

(a) The Income Tax Clerk-Treasurer of the Village shall be bonded for twenty thousand dollars (\$20,000.00). The Village shall pay the cost of such bond.

(Ord. 941. Passed 2-19-02.)

(b) The Village may adopt a policy, by ordinance or resolution, pursuant to Ohio R.C. 3.061(B) to allow for the use of an employee dishonesty and faithful performance of duty policy, rather than a surety bond that would otherwise be required by law.

SECTION 4. AMEND - BOND – CHIEF OF POLICE. That Section 242.04 of the Greenwich Codified Municipal Code of Ordinances is hereby amended as follows:

242.04 CHIEF OF POLICE; BOND.

(a) The Chief of Police of the Village shall be bonded for twenty thousand dollars (\$20,000.00). The Village shall pay the cost of such bond.

(Ord. 941. Passed 2-19-02.)

(b) The Village may adopt a policy, by ordinance or resolution, pursuant to Ohio R.C. 3.061(B) to allow for the use of an employee dishonesty and faithful performance of duty policy, rather than a surety bond that would otherwise be required by law.

SECTION 5. AMEND - BOND – UTILITY CLERK. That Section 252.09 of the Greenwich Codified Municipal Code of Ordinances is hereby amended as follows:

252.09 UTILITY CLERK; BOND.

(a) The Village Utility Clerk shall be bonded for twenty thousand dollars (\$20,000.00). The Village shall pay the cost of such bond.

(Ord. 941. Passed 2-19-02.)

(b) The Village may adopt a policy, by ordinance or resolution, pursuant to Ohio R.C. 3.061(B) to allow for the use of an employee dishonesty and faithful performance of duty policy, rather than a surety bond that would otherwise be required by law.

SECTION 6. AMEND – BOND – DEFINITION. That Section 201.05 of the Greenwich Codified Municipal Code of Ordinances is hereby amended as follows:

BOND: Means any form of security including a cash deposit, surety-bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Village Council. The Village may adopt a policy, by ordinance or resolution, pursuant to Ohio R.C. 3.061(B) to allow for the use of an employee dishonesty and faithful performance of duty policy, rather than a surety bond that would otherwise be required by law.

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SECTION 7. PUBLIC MEETING. That it is found and determined that all formal action of this public body concerning or relating to the passage of this legislation were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 5 day of December, 2023.

ATTESTATION

(RC 731.20)

We hereby attest and affirm that the foregoing legislation received the necessary affirmative roll call votes required for passage by R.C. 731.17.

Wesley Helber
MAYOR

Shellie Cherry
FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 6 NAYS: 0 ABSTAIN: 0

First Reading:
Second Reading:
Third Reading:

October 17, 2023

November 7, 2023

December 5, 23

(may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)

(may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)

PREPARED BY AND APPROVED AS TO FORM [See also RC 731.21(B)]:

Steve Palmer
VILLAGE SOLICITOR

CERTIFICATE OF PUBLICATION

RC 731.24

I hereby certify that a succinct summary of the above legislation was/will be published once a week for two consecutive weeks as required by RC 731.21 and 731.22(A) in the following newspaper(s) of general circulation: **Shopper's Helper North, 211 Myrtle Ave., P.O. Box 368, Willard, OH 44890, 419.935.0184.**

Shellie Cherry
CLERK OF COUNCIL