

# RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

Resolution No. 2023-R-19

Passed August 1, 20 2023

## VILLAGE COUNCIL OF GREENWICH, OHIO RESOLUTION NO.: 2023-R-19

### POLICY R.C. 3.061

A RESOLUTION ADOPTING AND ESTABLISHING A POLICY PERMITTING THE USE OF “EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY” COVERAGE DOCUMENT RATHER THAN A SURETY BOND AND DECLARING AN EMERGENCY

WHEREAS, Ohio R.C. 2744.08(A)(1) provides that 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; and

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 of Greenwich**, in **Huron County** is a member of the Public Entities Pool (PEP), a political subdivision risk pool established pursuant to Ohio R.C. 2744.081; and

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

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

230.10 Mayor  
236.05 Clerk-treasurer  
232.10 Village Administrator  
242.04 Chief of Police

WHEREAS, in accordance with Ohio R.C. 3.061, the village desires to adopt 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; and

WHEREAS, the **Village of Greenwich**, in **Huron County**’s “employee dishonesty and faithful performance of duty policy” through PEP coverage document complies with ORC 3.061.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF



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GREENWICH, STATE OF OHIO: (RC 731.18)

**SECTION 1. POLICY.** That the Village of Greenwich, in Huron County hereby adopts a policy allowing the use of "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 to faithfully perform duties.

**SECTION 2. POLICY APPLICATION AND SCOPE.** That the following shall apply to the policy:

1. An officer, employee, or appointee shall be considered qualified to hold the office or employment, without acquiring a bond, on the date the oath of office is taken, certified, and filed as required by law.
2. An officer, employee, or appointee shall have the employee dishonesty and faithful performance of duty policy in effect before the individual's term of office or employment and the officer, employee or appointee shall not commence the discharge of duties until coverage is documented.
3. All officers, employees, or appointees who would otherwise be required to file a bond before commencing the discharge of duties shall be covered by and are subject to the employee dishonesty and faithful performance of duty policy instead of a surety bond requirement.
4. The coverage amount for an officer, employee, or appointee under an employee dishonesty and faithful performance of duty policy shall be equal to or greater than the maximum amount of the bond otherwise required by law.
5. Elected officials, prior to taking the oath of office and holding office, shall obtain approval of the intent to use the PEP coverage agreement and affirm that the public entity's coverage complies with ORC 3.061.
6. Said approval shall be obtained by the Village of Greenwich, in Huron County.

**SECTION 2. DISPENSE WITH THREE READINGS.** That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days. [R.C. 705.15 and 731.17(A)(2)]

**SECTION 3. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT.** That by two-thirds vote of all the members elected to the legislative authority, this legislation is hereby declared to be an emergency measure pursuant to RC 731.30, being necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation and shall go into immediate effect for the following reason(s): ***The bond of current officers will begin to expire in September 2023.***

**SECTION 4. 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 1 day of August, 2023.

## ATTESTATION

(RC 731.20)

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

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Passed August 1, 2023
Wesley Lallee
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: 5 NAYS: 0 ABSTAIN: 0

First Reading: August 1, 2023
Second Reading: Dispensed (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))
Third Reading: Dispensed (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)]:

VILLAGE SOLICITOR, Steve Palmer

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