

ORDINANCE # O-16-2016

AN ORDINANCE TO ESTABLISH THE VILLAGE OF BOLIVAR VOLUNTEER PEACE OFFICERS' DEPENDANTS FUND BOARD AND PAY THE REQUIRED PREMIUM; ESTABLISHING AN EMERGENCY

WHEREAS, Ohio Revised Code Chapter 143 has been revised to create a state volunteer peace officers' dependents fund, which provides death benefits to survivors of volunteer peace officers killed in the line of duty and disability benefits for disabled volunteer peace officers; and

WHEREAS, under the new changes, each county, municipal corporation, township, township police district, and joint police district with a police or sheriff's department that employs volunteer peace officers is now a member of the volunteer peace officers' dependents fund and is required to pay the required premium and establish a volunteer peace officers' dependents fund board; and

WHEREAS, the Village, through the Bolivar Police Department, employs volunteer peace officers; and

WHEREAS, the current version of ORC 143 requires an initial premium based upon the total assessed property valuation of the Village per the County Auditor; and

WHEREAS, the current total assessed property valuation of the Village as of the date of this Ordinance is \$15,189,630.00, which results in a premium of \$400.00;

WHEREAS, the Village must establish a board according to the requirements found in ORC 143 and pay the required premium;

Now, therefore be it ordained by the Village Council the Village of Bolivar, Ohio, as follows:

O-16-2016.01

As used in this Ordinance:

(a) "Killed in the line of duty" means either of the following:

(1) Death in the line of duty;

(2) Death from injury sustained in the line of duty, including heart attack or other fatal injury or illness caused while in the line of duty.

(b) "Totally and permanently disabled means unable to engage in any substantial gainful employment for a period of not less than twelve months by reason of a medically determinable physical impairment that is permanent or presumed to be permanent.

(c) "Volunteer peace officer" means any person who is employed as a police officer, sheriff's deputy, constable, or deputy marshal in a part-time, reserve, or volunteer capacity by a county sheriff's department or the police department of a municipal corporation, township, township police district, or joint police district and is not a member of the public employees retirement systems, Ohio police and fire pension fund, state highway patrol retirement system, or the Cincinnati retirement system.

(d) The “Board” means the Village of Bolivar’s Volunteer Peace Officers’ Dependents Fund Board.

(f) “ORC” means Ohio Revised Code.

O-16-2016.02 Membership, Terms of Membership, Vacancy

The Board shall consist of the following board members:

(a)

(1) Two board members elected by the Village Council;

(2) Two board members elected by the volunteer peace officers of the Village police department;

(3) One board member elected by the board members pursuant to divisions (a)(1) and (2) of this section. The board member must be an elector of the Village, but not a public employee, member of the Village Council, or Village peace officer.

(b) The term of office of a Board member begins the first day of January and shall be for one year.

(c)

(1) The election of the Board members specified in division (a)(1) of this section shall be held each year not earlier than the first day of November and not later than the second Monday in December. The election of the member specified in division (a)(3) of this section shall be held each year on or before the 31st day of December.

(2) The members specified in division (a)(2) of this section shall be elected on or before the second Monday in December, as follows:

(A) The secretary of the Board shall give notice of the election by posting it in a conspicuous place at the headquarters of the Village police department. Between nine a.m. and nine p.m. on the day designated, each person eligible to vote shall send in writing the name of the two persons eligible to be elected to the Board who are the person’s choices.

(B) All votes cast at the election shall be counted and recorded by the Board, which shall announce the result. The two persons receiving the highest number of votes are elected. If there is a tie vote for any two persons, the election shall be decided by lot or in any other way agreed on by the persons for whom the tie vote was cast.

(d) Any vacancy occurring on the Board shall be filled at a special election called by the Board’s secretary.

O-16-2016.03 First Meeting, Selection of Chairperson and Secretary, Duties of Secretary

(a) The Board shall meet promptly after election of the Board’s members and organize. The Board shall select from among its members a chairperson and a secretary.

(b) The secretary of the Board shall keep a complete record of the Board’s proceedings, which shall be maintained as a permanent file.

(c) Board members shall serve without compensation.

(d) The Village Council shall provide sufficient meeting space and supplies for the Board to carry out its duties.

(e) The secretary shall submit all of the following to the Ohio Director of Commerce:

(1) The name and address of each Board member and an indication of the group or authority the elected the member;

(2) The names of the chairperson and secretary;

(3) A certificate indicating the current assessed property valuation of the Village that is prepared by the Village Fiscal Officer.

O-16-2016.04 Rules

(a) The Board may adopt rules as necessary for handling and processing claims for benefits.

(b) The Board shall perform such other duties as are necessary to implement this Ordinance.

O-16-2016.05 Legal Advisor

Pursuant to ORC 143, the Tuscarawas County Prosecuting Attorney shall serve as legal advisor to the Board.

O-16-2016.06 Maintenance of Fund; Initial Premiums

(a) The volunteer peace officers' dependents fund is maintained in the state treasury. All investment earnings of the fund are collected by the treasurer of state and placed to the credit of the fund.

(b) The Village shall pay to the Treasurer of the State of Ohio, to the credit of the fund, an initial premium pursuant to ORC 143.

O-16-2016.07 Basic Capital Account; Contributions

The total of all initial premiums collected by the Treasurer of State under ORC 143.06 is the basic capital account of the volunteer peace officers' dependents fund. No further contributions are required of the Village until claims against the fund have reduced it to 95% or less of its basic capital account. In that event, the Director of Commerce shall cause the following assessments, based on current property valuation, to be made and certified to the Bolivar Village Council according to ORC 143.07.

O-16-2016.08 Failure to Pay Premium

(a) If the Village does not pay a premium as provided in ORC 143.06, the Director of Commerce will certify the failure as an assessment against the Village to the Tuscarawas County Auditor. The county auditor will withhold the amount of the assessment, together with interest at the rate of 6% from the due date of the premium, from the next ensuing tax settlement due the Village and pay the amount to the Treasurer of State to the credit of the volunteer peace officers' dependents fund.

If the secretary of the Board fails to submit to the director a certificate of the current assessed property valuation in accordance with ORC 143.03, the director shall use division (B)(5) of the ORC 143.96 as a basis for the assessment.

(b) If the Village does not pay the assessment provided in ORC 143.07 within 45 days after notice, the director will proceed with collection in accordance with ORC 143.08(A).

O-16-2016.09 Payments to Volunteer Peace Officers who are Totally and Permanently Disabled; Death Benefits

(a) A volunteer peace officer who is totally and permanently disabled as a result of discharging the duties of a volunteer peace officer shall receive a benefit from the volunteer peace officers' dependents fund according to ORC 143.09(A).

(b) Regardless of whether the volunteer peace officer receives a benefit under ORC 143.09(A), death benefits shall be paid from the fund to the surviving spouse or dependent children of a volunteer peace officer who is killed in the line of duty.

(c) An individual eligible for benefits payable under ORC 143.09 shall file a claim for benefits with the Board on a form provided by the Board. Information shall be submitted with the claim as specified in ORC 143.09(C).

(d) All claimants shall certify that neither the claimant nor the person on whose behalf the claim is filed qualifies for other benefits from any of the following based on the officer's service as a volunteer peace officer: the public employees retirement system, Ohio police and fire pension fund, state highway patrol retirement system, Cincinnati retirement system, or the Ohio public safety officers death benefit fund.

(e) Initial claims shall be filed with the Board. Thereafter, on request of the claimant or the Board, claims may be transferred to a board near the claimant's current residence, if the boards concerned agree to the transfer.

O-16-2016.10 Determination of Validity of Claims

(a)

(1) Not later than 5 days after receipt of a claim for benefits, the Board shall meet and determine the validity of the claim. If the Board determines that the claim is valid, it shall make a determination of the amount due and certify its determination to the Director of Commerce for payment. The certificate shall show the name and address of the Board, the name and address of each beneficiary, the amount to be received by or on behalf of each beneficiary, and the names and address of the person to whom payments are to be made.

(2) If the Board determines that a claimant is ineligible for benefits, the Board shall deny the claim and issue to the claimant a copy of its order.

(b) The Board may make a continuing order for monthly payments to a claimant for a period not exceeding three months from the date of the determination. The determination may be modified after issuance to reflect any changes in the claimant's eligibility. If no changes occur at the end of the three-month period, the director may provide for payment if the Board certifies that the original certificate is continued for an additional three month period.

O-16-2016.11 Nature of Right to Benefit

The right of an individual to benefit under this Chapter and ORC 143 shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable except as specifically provided in this Ordinance, ORC Chapter 143, and ORC

Sections 3105.171, 3105.65, and 3115.32 and ORC Chapters 3119, 3121, 3123, and 3125.

O-16-2016.12

Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

O-16-2016.13

This Ordinance is hereby declared to be an emergency measure and its passage is immediately necessary in order to preserve, protect, and maintain health, safety and welfare of the citizens of the Village of Bolivar, Ohio, to bring Bolivar into compliance with the requirements of ORC 143, which went into effect April 22, 2016, and therefore three readings are impossible and the same shall be in full force and effect immediately.

O-16-2016.14

The Village Fiscal Officer is hereby empowered to take all actions necessary to bring the Village into compliance with the new requirements of ORC 143.

READ: June 6, 2016

PASSED: June 6, 2016

REBECCA HUBBLE, MAYOR

ATTEST:

MARIA APP, FISCAL OFFICER