

P/C 2-6-24 legislative
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1st R 2-20-24
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CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11388-2024

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE
AMENDING SECTION 153.09
OF THE BROOK PARK CODIFIED ORDINANCES,
ENTITLED 'BONDS.'
AND DECLARING AN EMERGENCY

WHEREAS, Ohio Revised Code §3.061 was effective April 12, 2021; and

WHEREAS, said statute provided a legislative alternative for political subdivisions regarding employee malfeasance, dishonesty, and faithful performance of duty insurance coverage; and

WHEREAS, said statute authorized a singular policy of insurance coverage rather than an itemized list of covered employees and a Blanket Bond for all other employees; and

WHEREAS, current legislation requires the City of Brook Park to provide Performance Bonds for the Finance/Tax Director (\$50,000.00) and the Clerk of Courts (\$10,000.00) and a Blanket Policy for all other employees; and

WHEREAS, the City has secured insurance coverage consistent with Ohio Revised Code §3.061 and shall be able to reduce incurred annual premium costs by eliminating the two employees noted above who are currently covered by Performance Bond as well as three (3) additional City Employees also covered by individual Performance Bonds; and

WHEREAS, the City seeks to eliminate the requirement for individual Performance Bonds and move forward with a General Dishonesty and Faithful Performance of Duty Policy for all city employees.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Section 153.09 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 7896-1993, passed December 21, 1993, and amended by Ordinance No. 9333-2006, passed December 19, 2006, and amended again by Ordinance No. 9917-2014, passed June 3, 2014 and reading as follows:

153.09 BONDS.

- (a) The following persons shall be bonded in the respective amounts indicated:

<i>Officers</i>	<i>Bonds</i>
(1) Finance/Tax Director	\$50,000
(2) Clerk of Courts	10,000

- (b) Effective January 1, 1966, all officers and employees of the City, not specifically required to furnish an individual bond, shall be covered by a blanket bond, which bond shall indemnify against losses through one of the following one of the following conditions:

- (1) The failure of such officers and employees covered thereunder to faithfully perform their duties or to account properly for all moneys or property received by virtue of their positions or employment;
- (2) Fraudulent or dishonest acts committed by the officers and employees covered thereunder.

Any such blanket bond shall be approved as to its form and sufficiency of the surety by the Solicitor. The premium of any such blanket bond shall be paid by the City as provided in Ohio R. C. 3929.17.

SECTION 2: Former Section 153.09 of the Brook Park Codified Ordinances as enacted by Ordinance No. 7896-1993, passed December 21, 1993, and amended by Ordinance No. 9333-2006, passed December 19, 2006, and amended again by Ordinance No. 9917-2014, passed June 3, 2014 is hereby expressly repealed.

SECTION 3: Brook Park Codified Ordinance \$153.09 is hereby amended to read as follows:

153.09 BONDS.

- (a) All employees shall be covered by a General Dishonesty and Faithful Performance of Duty Insurance Policy effective with final passage of the within Ordinance.

- (b) The Law Director shall review and approve the Policy as to its form and sufficiency of the Surety.

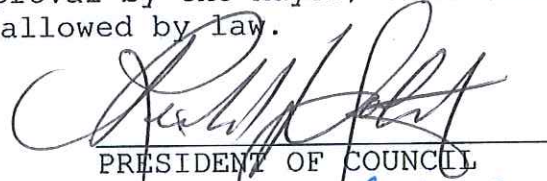
- (c) The premium shall be paid by the City pursuant to Ohio Revised Code \$3929.17.

SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to amend Section 153.09; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED:

February 20, 2024


PRESIDENT OF COUNCIL

ATTEST:

Carol Johnson
Clerk of Council

APPROVED:


MAYOR

CERTIFICATE

Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/ Resolution

No. 11388 - 2024
passed on the 20 day of February
20 24 by said council.

Carol Johnson
Clerk of Council

2-20-24
DATE

	Yea	Nay	Abstain
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McCorkle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dutour	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS.


DIRECTOR OF LAW