

Village of Crooksville, Perry County, Ohio

RESOLUTION No. 2016- 35 __

**RESOLUTION ESTABLISHING
VOLUNTEER PEACE OFFICERS DEPENDENTS FUND BOARD**

Whereas, pursuant to Ohio Revised Code Section 143.02, the State of Ohio did establish a Volunteer Peace Officers Dependents Fund; and

Whereas, the Village of Crooksville employs volunteer peace officers; and

Whereas, pursuant to Ohio Revised Code Section 143.02, each municipal corporation with a police department that employs volunteer peace officers is a member of the Volunteer Peace Officers' Dependents Fund and shall establish a Volunteer Peace Officers' Dependents Fund Board, consisting of members as required per the statute, and, as required per the statute, shall provide for annual election, establishment of rules for the Board, and payment of premium for membership.

NOW THEREFORE, a majority of the members of the Council of the Village of Crooksville, Perry County, Ohio, concurring therein, **BE IT, THEREFORE, RESOLVED:**

Section 1: There is hereby established for the Village of Crooksville a Volunteer Peace Officers' Dependents Fund Board.

Section 2: The Village of Crooksville Peace Officers' Dependents Fund Board shall consist of five members.

- a. Two of the five board members shall be elected by the Village Council.
- b. Two of the five board members shall be elected by the Village of Crooksville Police Auxiliary.
- c. One of the five board members shall be elected by the other four board members, and shall be an elector within the Village of Crooksville, but shall not be a public employee, or a member of the Village Council, or a Village of Crooksville police officer.

Section 3. The regular term of office for a board member specified in Section 2 of this Resolution begins the first day of January and is one year. For the 2016 year, the regular term of office for a board member shall commence with the effective date of this Resolution and shall end at midnight on December 31, 2016.

Section 4. For the year 2017:

- a. The Village Council shall elect its board members for 2017 at the first regular meeting in November 2016, and in each succeeding year, in November of the year preceding the Board service year;
- b. The Village of Crooksville Police Auxiliary shall elect its board members for 2017 on or before the second Monday in December as follows, and in each succeeding year, on or before the second Monday in December preceding the Board service year:

- (1) The secretary of the Board shall give notice of the election by posting it in a conspicuous place at the headquarters of the Crooksville Police Department. Between 9am and 9pm on the day designated, each person eligible to vote shall send in writing the name of two persons eligible to be elected to the Board who are the person's choices.
- (2) 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.
- c. The election of the board member specified in Section 2.c. for 2017 shall be held on or before December 31, 2016, and in each succeeding year, on or before December 31 in the year preceding the Board service year.
- d. Any vacancy on a board shall be filled at a special election called by the Board's secretary.

Section 5. In accordance with Ohio Revised Code Section 143.03:

- a. The Village of Crooksville Peace Officers' Dependents Fund Board shall meet promptly after election of the Board's members and organize.
- b. The Board shall select from among its members a Chairperson and a Secretary.
- c. The Secretary of the Board shall keep a complete record of the Board's proceedings, which shall be maintained as a permanent file.
- d. Board members shall serve without compensation.
- e. The Council for the Village of Crooksville shall provide sufficient meeting space and supplies for the Board to carry out its duties.
- f. The Secretary of the Board shall submit all of the following to the State of Ohio Director of Commerce:
 - (1) The name and address of each Board Member and an indication of the group or authority that elected the member;
 - (2) The names of the Chairperson and Secretary; and
 - (3) A certificate indicating the current assessed property valuation of the fund member that is prepared by the Clerk of the Village of Crooksville.

Section 6. As provided by Ohio Revised Code Section 143.04, the Village of Crooksville Peace Officers' Dependents Fund Board may adopt rules as necessary for handling and processing claims for benefits.

Section 7. As provided by Ohio Revised Code Section 143.05, the legal advisor for the Village of Crooksville Peace Officers' Dependents Fund Board shall be the Perry County Prosecuting Attorney.

Section 8. The Village of Crooksville shall provide for and authorize payment of an initial premium as provided in Ohio Revised Code Section 143.06. Any premium required thereafter shall be paid in accordance with a proper assessment by the Treasure of State pursuant to Ohio Revised Code Section 143.07.

Section 9. Payments of benefits to Village of Crooksville Volunteer Peace Officers who are totally and permanently disabled and/or Village of Crooksville Volunteer Peace Officers who are killed in the line of duty are provided for in Ohio Revised Code Section 143.09. An individual eligible for benefits in accordance with Ohio Revised Code Section 143.09 shall file a claim for benefits with the Village of Crooksville Peace Officers' Dependents Fund Board, providing in accordance with Ohio Revised Code Section 143.09:

- a. In the case of a totally and permanently disabled volunteer peace officer, the following:
 - (1) The name of the police department for which the officer was a Volunteer Peace Officer;
 - (2) The date of the injury;
 - (3) Satisfactory medical evidence that the officer is totally and permanently disabled.
- b. In the case of a surviving spouse or a parent, guardian, or other person in charge of a dependent child of a Volunteer Peace officer killed in the line of duty, the following:
 - (1) The full name of the deceased Volunteer Peace officer;
 - (2) The name of the police department for which the deceased officer was a volunteer peace officer;
 - (3) The name and address of the surviving spouse, as applicable;
 - (4) The names, ages and addresses of any dependent children;
 - (5) Any other evidence required by the Board.
- c. 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 Ohio public safety officers death benefit fund.

Section 10. In accordance with Ohio Revised Code Section 143.10, the Village of Crooksville Peace Officers' Dependents Fund Board shall meet not later than five days after receipt of a claim for benefits 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 pursuant to Ohio Revised Code Section 143.09, 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 behalf of each beneficiary, and the name and address of the person to whom payments are to be made.

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.

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 of Commerce may provide for payment if the Board certifies that the original certificate is continued for an additional three month period.

Section 11. That this Resolution shall take effect at the earliest date allowable by law.

1st Reading: 05/02/2016.
2nd Reading: 05/16/2016.
3rd Reading: 06/20/2016.

Passed: June 20, 2016.

Fred Redfern
Fred Redfern, Mayor

ATTESTED:

Brittany Ross
Brittany Ross, Fiscal Officer

Posting Certification

This ordinance was posted at the five prescribed locations within the Village of Crooksville, Ohio, on the 21 day of June, 2016.

Brittany Ross
Brittany Ross, Fiscal Officer