

## RESOLUTION NO. 2023-2

### A RESOLUTION TO ESTABLISH AN EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY POLICY AND DECLARING AN EMERGENCY.

**WHEREAS**, Ohio Revised Code 3.061 authorizes the use of an “Employee Dishonesty and Faithful Performance of Duty Policy,” under which alternative insurance can be used instead of individual surety bonds for the Fiscal Officer, who would otherwise be required by law to post a bond before entering upon the discharge of duties; and

**WHEREAS**, in accordance with ORC 3.061, the Village Council wishes to adopts an Employee Dishonesty and Faithful Performance of Duty Policy.

**NOW THEREFORE BE IT ORDAINED** by the Council for the Village of Windham, County of Portage, State of Ohio, that with at least two-thirds of the members thereto concurring that:

**SECTION 1:** Village Council hereby adopts and enacts the following as the Employee Dishonesty and Faithful Performance of Duty Policy of the Village of Windham.

#### Employee Dishonesty and Faithful Performance of Duty Policy

(1) An officer, employee, or appointee otherwise required by law to give an individual surety bond shall not commence or continue the discharge of duties until coverage is documented as required by the Council of the Village of Windham. A lack of coverage on the date on which the discharge of duties are commenced or continued by the individual shall render the office vacant and it shall be filled as required by law.

(2) Notwithstanding any section of the Ohio Revised Code requiring an officer, employee, or appointee of a political subdivision to give bond before being entitled to enter upon the duties of the office or employment, an officer, employee, or appointee shall be considered qualified to hold the office or employment, without giving bond, on the date the oath of office is taken, certified, and filed as required by law.

(3) Notwithstanding any section of the Ohio Revised Code requiring an officer, employee, or appointee of a political subdivision to maintain bond to continue being entitled to discharge the duties of the office or employment, an officer, employee, or appointee who becomes covered under an employee dishonesty and faithful performance of duty policy during the individual’s term or employment and who remains covered under the employee dishonesty and faithful performance of duty policy for the duration of the individual’s term or employment shall be considered qualified to hold the office or employment, without maintaining bond for the duration of the individual’s term or employment as required by law.

(4) Notwithstanding section 3.30 or any other section of the Ohio Revised Code that provides an office or employment is vacated upon the failure to file bond, the officer, employee, or appointee shall be entitled to enter upon the duties of the office or

employment when the policy is in effect as provided in this policy and the oath is filed as provided in paragraph (2) of this policy.

(5) 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.

(6) 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. If no amount, or only a minimum amount, of coverage is specified in law for the particular officer, employee, or appointee, the amount of coverage shall be an amount agreed upon by the legislative authority or the authority otherwise designated by law to determine the amount of the bond.

**SECTION 2:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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 §121.22 of the Revised Code of the State of Ohio.

**SECTION 3:** This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public, peace, health and safety of this municipality and for the additional reason that the Council wishes to establish the Employee Dishonesty and Faithful Performance of Duty Policy immediately so as to comply with Ohio Law requiring the Fiscal Officer to be bonded prior to taking office. Wherefore, provided it receives the affirmative vote of at least two-thirds of its members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage by Council and approval of the Mayor; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

Passed in Council as an emergency on January 24, 2023.

Vote of Council:       Ayes: 6

                              Nays: 0

ATTEST:

Fiscal Officer *Katrina Washington*

Mayor *Scott Garrett*

Approved as to Form:

Village Solicitor *Thomas Reitz*