

**AN ORDINANCE AMENDING CHAPTER 31 AND SECTIONS 31.001, 31.045,  
31.060, 31.077, 31.140, 33.14, AND 36.018 OF THE CODIFIED ORDINANCES OF  
THE VILLAGE OF BREWSTER TO PROVIDE FOR THE USE OF AN EMPLOYEE  
DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY POLICY, IN LIEU OF  
A SURETY BOND, FOR VARIOUS OFFICIALS OF THE VILLAGE GOVERNMENT**

**WHEREAS**, recent amendments to the Ohio Revised Code permit municipalities to substitute faithful performance of duty insurance policies, surety bonds when such bonds are otherwise required for municipal officials and employees, and

**WHEREAS**, such polices benefit the official and employee and the municipality to a greater extent than surety bonds and paying for both is an unneeded duplication, and,

**WHEREAS**, such insurance provided a remedy for official and employee wrong doing to the same extent as a surety bond and therefore is an equivalent functional substitute for a surety bond.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, OHIO THAT:**

**SECTION 1:** That Chapter 31 of the Codified Ordinances of the Village of Brewster is amended with the addition of 31.05 which shall read as follows:

**31.05 INSURANCE FOR FAITHFUL PERFORMANCE OF DUTY**

In lieu of surety bonds, the following officials and employees of the Village shall have insurance coverage for the faithful performance of duties, on such terms and with such policy limits as shall be approved and provided by ordinance or resolution of Council in amounts to be determined by Council upon motion of Council or as otherwise required by law in accordance with O.R.C. 3.061(4):: The Mayor, Clerk-Treasurer, Director of Public Service, Solicitor, Police Chief, Police Officers and Secretaries

**SECTION 2:** That each of the Sections of the Codified Ordinances of the Village of Brewster that provides surety bonds for Village officials and employees is changed and amended to read as follows:

**31.001 FIXING OF BOND OF THE TRUSTEES OF THE SINKING FUND.**

Trustees of the Sinking Fund shall serve without compensation and the said Trustees shall give bond in the sum of \$3,000, or in lieu of surety bonds, insurance coverage for the faithful performance of duties, on such terms and with such policy limits as approved and provided by Village Council

**31.045 SALARY OF THE VILLAGE CLERK-TREASURER; BOND.**

- (A) The salary of the Village Clerk-Treasurer shall be as set by Council.
- (B) Said Clerk-Treasurer shall post a bond in the amount of not less than \$50,000 with a suitable surety, , or in lieu of surety bonds, insurance coverage for the faithful performance of duties, on such terms and with such policy limits as approved and provided by Village Council

**31.060 VILLAGE SOLICITOR.**

It shall be the duty of the Village Solicitor to act as attorney and counsel for the village and the officers thereof in their official capacity, and as such attorney to prosecute and defend all actions by or against the village or any department or officer during the term of his or her employment; and to render legal opinions to the Council and to any department or officer of the village, upon request; and to attend all regular meetings of the Council, and all such other meetings as he or she may be called upon by the Mayor to attend; to prepare all ordinances, franchises and resolutions that may be deemed necessary by the Council and the Mayor to be prepared; and that special compensation shall be allowed said Solicitor for extra work outside the routine business of the village. The Solicitor shall give bond, or in lieu of surety bonds, insurance coverage for the faithful performance of duties, on such terms and with such policy limits as approved and provided by Village Council. The salary of the Solicitor shall be such amount as shall be designated by the Village Council upon the retaining of such Solicitor.

**31.077 VILLAGE ENGINEER; SALARY.**

The Village Engineer shall give bond as to be approved by the Mayor of the Village, or in lieu of surety bonds, insurance coverage for the faithful performance of duties, on such terms and with such policy limits as approved and provided by Village Council. The salary of the Village Engineer shall be as set by Council from time to time.

**31.140 SUPERINTENDENT OF STREETS.**

The Superintendent of Streets is to be an able-bodied person whose duties will consist of labor to maintain the village streets, grounds, buildings, storm sewers and other duties in accordance to the direction of the Mayor. In addition to these duties will be those required in the administration and supervision of the Public Service and Maintenance Department. Said worker will be hired by the Village Council at a salary of as set by Council and shall post a bond in an amount as set by Council, or in lieu of surety bonds, insurance coverage for the faithful performance of duties, on such terms and with such policy limits as approved and provided by Village Council. Initial employment is conditional to a physical by a licensed physician at village expense and a report from the Bureau of Motor Vehicles.

**33.14 AUXILIARY POLICE UNIT.**

(A) *Appointment of members.* There is created within the Village Police Department an auxiliary police unit, the members of which shall be appointed by the Mayor. Each auxiliary police officer shall be administered an oath or affirmation of office and shall give bond in the penal sum of \$10,000, or in lieu of surety bonds, insurance coverage for the faithful performance of duties, on such terms and with such policy limits as approved and provided by Village Council.

**36.018 BOND.**

The Income Tax Administrator shall provide bond in the amount of \$10,000 with a good and suitable surety, or in lieu of surety bonds, insurance coverage for the faithful performance of duties, on such terms and with such policy limits as approved and provided by Village Council.

**SECTION 3:** That any and all parts of Village ordinances or resolutions in conflict herewith are hereby repealed; but if consistent herewith are hereby ratified and affirmed.

**SECTION 4:** That this legislation shall take effect and be in force at the earliest period allowed by law.

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Mayor Michael E. Schwab

ATTEST:

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Village Clerk Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on November 18, 2019

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Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Belloni’s IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

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Clerk K. Kris King