

ORDINANCE NO. 66-16

BY: **BRIAN BROCHETTI**

AN ORDINANCE TO ENACT SECTION 143.38
“VOLUNTEER PEACE OFFICERS’
DEPENDENTS FUND BOARD” OF THE
CODIFIED ORDINANCES OF THE CITY OF
PARMA, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That Section 143.38 “Volunteer Peace Officers’ Dependents Fund Board” of the Codified Ordinances of the City of Parma, is hereby enacted to read as follows:

“143.38 VOLUNTEER PEACE OFFICERS’ DEPENDENTS FUND BOARD

(A) For purposes of this section, the terms in this sub-part shall be defined as follows:

- (1) “Volunteer Peace Officer” shall have the meaning given in R.C. 143.01(C).
- (2) “Killed in the line of duty” means either (a) death in the line of duty, or (b) 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.
- (3) “Totally and permanently disabled” means being unable to engage in any substantial gainful employment for a period of not less than 12 months by reason of a medically determinable physical impairment that is permanent or presumed to be permanent.

(B) There is hereby established a Volunteer Peace Officers’ Dependent Fund Board (hereinafter the “Board”) to administer claims for benefits from the Volunteer Peace Officers’ Dependent Fund (hereinafter the “Fund”), which was established under R.C. Chapter 143. The Fund was created to provide death benefits to survivors of volunteer peace officers killed in the line of duty, and disability benefits to such disabled officers who are totally and permanently disabled as a result of discharging their duties.

(C) The Board shall consist of 5 members who shall serve without compensation. Board members shall be elected as follows:

- (1) Two members shall be elected by City Council. These Board members must be City Councilpersons serving on the Committee on Public Safety. Election for these Board members must be held each year between November 1 and the second Monday in December.

(2) Two members shall be elected by the volunteer peace officers serving on the Parma Police Auxiliary Unit. These Board members must be employed with the Parma Police Department. Election for these Board members must be held each year by the second Monday in December.

The Board's secretary must give notice of the election to the volunteer peace officers serving in the Parma Police Auxiliary Unit by posting it in a conspicuous place at the Parma Police headquarters. Between 9 a.m. and 9 p.m. on the day designated, each officer eligible to vote must send in writing the name of two persons eligible to be elected to the Board who are the officer's choices. The Board must count and record all votes cast at the election, and 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 is to be decided by lot or in any other way agreed on by the persons for whom the tie vote was cast.

(3) One member shall be elected by the other four members. This Board member must be a registered voter in the City of Parma, and cannot be a public employee, a member of City Council, or a peace officer employed with the Parma Police Department. The election of this Board member must be held each year by December 31.

(D) Terms of office of Board members are one year and begin the first day of January. Any vacancy occurring on the Board is to be filled at a special election called by the Board's secretary.

(E) The Board is to meet promptly after every election to select from among its members a Chairperson and a Secretary. The Board's secretary must submit the following to the Ohio Director of Commerce: (1) the name and address of each Board member and 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 City of Parma that is prepared by the Clerk of the Parma City Council. The Board's secretary must also keep a complete record of the Board's proceedings, which must be maintained as a permanent file.

The Board may adopt rules as necessary for handling and processing claims for benefits. The Board must perform other duties as necessary to implement the law governing the fund.

(F) Not later than five days after receiving a claim for benefits, the Board must meet and determine the validity of the claim. If the Board determines that the claim is valid, it must make a determination of the amount due and certify its determination to the Ohio Director of Commerce for payment. The certification must show (1) the Board's name and address, (2) the name and address of each beneficiary, (3) the amount to be received by each beneficiary, and (4) 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, it must deny the claim and issue to the claimant a copy of its order."

Section 3. That 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 the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

