

North Canton City Council  
Personnel and Safety Committee

ORDINANCE 10 - 2021

An ordinance to re-establish the North Canton Volunteer Firefighters' Dependents Fund Board, to clarify provisions for the selection of its members and to create a related chapter of the Codified Ordinances of the City of North Canton, and declaring the same to be an emergency.

WHEREAS, Ohio Revised Code Chapter 146 requires that political subdivisions having a fire department that employs volunteer firefighters establish a Volunteer Firefighters' Dependents Fund Board; and

WHEREAS, North Canton Charter Section 3.03 requires that boards and commissions established for the City must be provided for by ordinance of City Council; and

WHEREAS, no establishing ordinance for a Volunteer Firefighters' Dependents Fund Board could be located in City Records; and

WHEREAS, the City wishes to ensure the continued and proper operation of a North Canton Volunteer Firefighters' Dependents Fund Board to protect the interests of the City's volunteer firefighters and their families as provided for under the volunteer firefighters' dependents fund established pursuant to Chapter 146 of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That there be, and is hereby, created Chapter 151, Volunteer Firefighters' Dependents Fund Board, of the codified ordinances of the City of North Canton the provisions of which shall govern the North Canton Volunteer Firefighters' Dependents Fund Board.
- Section 2. That the text of such chapter shall be as set forth in "Exhibit A" attached hereto and incorporated herein.
- Section 3. That the Clerk of Council and Mayor of the City of North Canton be, and are hereby, authorized to make such amendments as may be needed to the codified ordinances of the City of North Canton to accurately reflect this ordinance upon approval of such amended pages by a voice vote of Council.
- Section 4. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton; and; further necessary to ensure the timely completion of special elections necessary to form a board as described herein for the calendar year 2021, wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 22nd day of February, 2021.

Attest: Benjamin R. Young  
Benjamin R. Young, Clerk of Council

Stephan B. Wilder  
Stephan B. Wilder, Mayor

Signed on: 22 February 2021

## **CHAPTER 151 – VOLUNTEER FIREFIGHTERS’ DEPENDENTS FUND BOARD**

### **SECTION 151.01 BOARD ESTABLISHED; PURPOSE**

Pursuant to the provisions of ORC 146.02(A) the City of North Canton does hereby establish the North Canton Volunteer Firefighters’ Dependents Fund Board for the administration of North Canton’s participation in the Ohio Volunteer Firefighters’ Dependents Fund.

### **SECTION 151.02 BOARD MEMBERS; VACANCIES**

(a) The Volunteer Firefighters’ Dependents Fund Board shall consist of five members elected annually for terms beginning January 1 in accordance with the following:

- (1) Two members elected by City Council (ORC 146.03(A)(1))
  - (A) The election of such members shall be held each year no earlier than the first day of November and no later than the second Monday in December. (ORC 146.04(B))
- (2) Two members elected by the employees of the North Canton Fire Department who shall be employees of the same. (ORC 146.03(A)(2))
  - (A) The election of such members shall be held each year on or before the second Monday in December in accordance with ORC 146.04(C). (ORC 146.04(C))
  - (B) The Secretary of the Volunteer Firefighters’ Dependents Fund Board shall give notice of such election by posting it in a conspicuous place at the headquarters of the North Canton Fire Department, and at the house of each company composing the North Canton Fire Department. (ORC 146.04(C)(1))
  - (C) Voting shall take place from nine a.m. to nine p.m. on the day of the election during which time each member of the North Canton Fire Department shall send in writing the names of two persons, who are members of the North Canton Fire Department, who are the member’s choices. (ORC 146.04(C)(1))
  - (D) All votes cast 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 any two persons receive the same number of votes, the tie shall be broken by lot or in a manner agreed to by both persons for whom such tie vote was cast. (ORC 146.04(C)(2))
- (3) One member elected by the other four members of the Board who were elected pursuant to Sections (1) and (2) above, who shall be an elector of the City of North Canton, but who shall not be a public employee and who shall hold no other elected or appointed municipal office. (ORC 146.03(A)(3))
  - (A) The election of such member shall take place each year on or before December 31<sup>st</sup>. (ORC 146.04(B))

(b) Any vacancy occurring on the Volunteer Firefighters’ Dependents Fund Board shall be filled at a special election called by the Secretary of the Board. (ORC 146.03(C))

### **SECTION 151.03 BOARD OFFICERS; ORGANIZATION**

(a) The Board shall meet promptly after its election and elect from among its members a Chairperson and a Secretary.

(b) The Secretary shall keep a complete record of proceedings of the Board which record shall be maintained as a permanent file.

(c) The Board may adopt rules as it deems necessary for the handling and processing of claims and such other duties as are required by ORC Chapter 146.

(d) The Secretary of the Board shall immediately certify to the state fire marshal the names and addresses of the members elected, by whom elected, and the names of the Board Chairperson and Secretary. The Secretary shall also forward a certificate prepared by the clerk of

the City of the current assessed valuation of the City or fire district if the City is a member of the Ohio Volunteer Firefighters' Dependents Fund.

(ORC 146.05)

#### SECTION 151.04 LEGAL COUNSEL

The legal advisor for the Volunteer Firefighters' Dependents Fund Board shall be the Stark County Prosecutor. (ORC 146.06)

#### SECTION 151.05 MEETINGS; NOTICE

(a) The Board shall meet at a City-owned facility as necessary to conduct its business in accordance with this Chapter and ORC Chapter 146.

(b) The Secretary of the Board shall post notice of all such meetings in accordance with ORC Section 121.22.

#### SECTION 151.06 FILING OF CLAIMS

(a) Initial claims made under ORC Section 146.14 for benefits payable under ORC Section 146.12 for members of the North Canton Fire Department shall be filed with the Volunteer Firefighters' Dependents Fund Board in accordance with ORC Section 146.14.

(b) After such initial filing, claims may be transferred at the request of the claimant or the Board to another Volunteer Firefighters' Dependents Fund Board near the current residence of the claimant provided that the transfer is mutually agreed to by the Boards involved. (ORC 146.15)

#### SECTION 151.07 CERTIFYING CLAIMS FOR PAYMENT

(a) The Board shall meet within five days after receipt of a claim to consider the claim and, if satisfied with the validity of the claim, shall make a determination of the amount due and to become due and shall certify its determination to the state fire marshal for payment.

- (1) The certificate shall show the name and address of the Board, the name and address of each beneficiary of the claim, the amount to be received by or on behalf of each beneficiary, and the name and address of the person to whom the payments shall be made.
- (2) The board may make a continuing order for monthly payments to become due to a claimant for a period not exceeding three months from the date of the determination.
- (3) The determination may be modified after issuance to reflect any changes in eligibility of the claimant.
- (4) If no changes occur at the end of the three-month period, it is sufficient authority for the state fire marshal to provide for payment if the Board certifies to the state fire marshal that the original certificate is continued for an additional three-month period.

(ORC 146.16)

(b) If the Board, after consideration of a claim, finds that the claimant has no right to benefits or that the claim is without merit, it shall deny the claim and issue notice of such action by delivering to the claimant a copy of the order, or by leaving a copy at the claimant's place of residence, or by mailing to the claimant a copy thereof by registered mail. (ORC 146.17)