

BOARD OF EDUCATION
BIG WALNUT LOCAL SCHOOL DISTRICT
DELAWARE COUNTY, OHIO

The Board of Education (the “Board”) of the Big Walnut Local School District, Delaware County, Ohio, met in general session on June 17, 2021, at 7:30 a.m., at the offices of the Board, 110 Tippet Court, Sunbury, Ohio 43074 with the following members present:

_____ moved the adoption of the following Resolution:

**RESOLUTION:
EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE
OF DUTY POLICY IN LIEU OF BOND (R.C. 3.061)**

WHEREAS, the Board of Education of Big Walnut Local School District, Delaware County, Ohio (“Board”) is a member of the Ohio School Plan, a joint self-insurance pool established pursuant to Ohio Revised Code § 2744.081;

WHEREAS Ohio Revised Code § 3.061, authorizes political subdivisions to acquire employee dishonesty and faithful performance of duty policy coverage for officers, employees, and appointees of political subdivisions who are otherwise required by law to obtain individual surety bonds for the faithful performance of the discharge of their duties before assuming office;

WHEREAS, such employee dishonesty and faithful performance of duty policy may be in lieu of such officers, employees, and appointees being required to obtain individual surety bonds;

WHEREAS, under Ohio Revised Code § 3.061(A)(2), “employee dishonesty and faithful performance of duty policy” is defined as a policy of insurance, or a coverage document issued by a joint self-insurance pool authorized under Ohio Revised Code § 2744.081, to protect a political subdivision from financial or property loss caused by the fraudulent or dishonest actions of, and the failure to perform a duty prescribed by law for, an officer, employee, or appointee that is otherwise required by law to give an individual surety bond before the discharge of official duties;

WHEREAS, the Big Walnut Local School District is a “political subdivision” for purposes of Ohio Revised Code § 3.061;

WHEREAS, in accordance with Ohio Revised Code § 3.061, the Board may adopt a policy by resolution authorizing the purchase of “employee dishonesty and faithful performance of duty policy” in lieu of requiring officers, employees, and appointees to acquire individual surety bonds before the beginning of the individual’s term of office or employment;

WHEREAS, a school officer, employee, or appointee who is otherwise required by law to obtain a surety bond for the faithful performance of discharge of public duties shall not commence the discharge of duties until coverage by an “employee dishonesty and faithful performance of duty policy” is documented; and

WHEREAS, it is the desire of the Board, in accordance with the authority granted to it under Ohio Revised Code § 3.061, to adopt an employee dishonesty and faithful performance of duty policy in lieu of requiring those officers, employees, and appointees to obtain individual surety bonds for the faithful performance of the discharge of their public duties, and all of the following shall apply:

1. The Board hereby adopts revisions to Policy 1310 – Employment of the Treasurer, attached hereto as Exhibit A, in order to authorize any officer, employee, or appointee who would otherwise be required by law to acquire an individual surety bond for the faithful discharge of their duties to instead be covered by an insurance policy issued by a Board-approved and accredited insurance carrier or joint self-insurance pool covering the Board from losses caused by the fraudulent or dishonest actions of, and the failure to perform a duty prescribed by law of such officer, employee, or appointee in lieu of providing a surety bond;
2. The Board hereby adopts revisions to Policy 1340 – Non-Reemployment of the Treasurer, attached hereto as Exhibit B, to reflect the changes to Policy 1310 as adopted in Paragraph 1 above;
3. The Board hereby rescinds Policy 8740 – Bonding;
4. Notwithstanding any section of the Revised Code requiring an officer, employee, or appointee of the Board 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;
5. Notwithstanding Ohio Revised Code § 3.30 or any other section of the 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 without acquiring an individual surety bond after (a) the date of the adoption of this resolution, (b) the acquisition of an employee dishonesty and faithful performance of duty policy, and (c) the oath of office is filed as provided in the preceding paragraph;
6. 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;
7. The coverage amount for an officer, employee, or appointee under the 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 Board; and
8. Prior to taking the oath of office and commencing the discharge of his or her duties, an officer, employee, or appointee otherwise required by law to acquire an individual surety bond for the

faithful discharge of public duties shall first confirm that coverage under the Board's policy is documented and effective as of the date of commencement of the discharge of said public duties.

NOW, THEREFORE, BE IT RESOLVED, that on this 17 day of June, 2021, the Board of Education of Big Walnut Local School District, Delaware County, Ohio, hereby authorizes the Treasurer to purchase an employee dishonesty and faithful performance of duty policy to provide coverage for those school officers, employees, or appointees who are otherwise required by law to acquire a surety bond before entering upon the discharge of public duties. The Treasurer is further authorized to effect all policies and procedures necessary to carry out this Resolution and administer the terms of the employee dishonesty and faithful performance of duty policy in accordance with this Resolution.

_____ seconded the motion.

Upon roll call on the adoption of the foregoing Resolution, the vote was as follows:

Ayes: _____

Nays: _____

The resolution passed.

Passed: _____, 2021

Attest: _____

Treasurer