

# NORTHWESTERN JOINT FIRE DISTRICT

July 14, 2021

Minutes

The Northwestern Joint Fire District Board met at 6:00 p.m.. Mr. Logan Rife made a motion for the Board to go into Executive Session to meet with the Fire Chief for a performance review. The motion was seconded by Ms. Beth Marshall. The Board left executive session at 7:08 p.m. with Mr. Rife making a motion to end executive session and go into the regular session; with a second from Ms. Marshall. The Board opened the meeting with the Pledge of Allegiance. Mr. Logan Rife, representative of York Township, Mr. Jerry McClary, representative of Liberty Township, Ms. Beth Marshall, representative of Taylor Township, and Ms. Allison Hamilton, Fiscal Officer were in attendance. Chief Tim Merrick, Mr. Lloyd Segner, Mr. Dave Thomas and Mr. Chad Heminger were noted in attendance .

The Board reviewed the June 9, 2021 minutes.

- i. Ms. Marshall made a motion to accept the minutes; Mr. McClary seconded the motion.  
All were in favor.

Ms. Hamilton provided the Board with the 2021 June Bank Reconciliation, purchase orders, payments, payroll and receipts. Ms. Hamilton noted the void checks from 10413-10415 were due to a printer misfeed. She also wanted to point out that there were late fees associated with the May State & School tax filing. It was unsure if it was due to internet or if the Ohio Business Gateway was experiencing issues. The amount was a total of \$1.91.

- ii. Mr. Rife made a motion to accept and approve the Fiscal Officer's Financial Report. Mr. McClary seconded the motion.  
All were in favor.

Chief Merrick went over the Chief's report. He pointed out that the Fire Department had over 25% increase in responding to mutual aid. There was also an increase number of runs taken in York Township. Chief Merrick noted there were a couple of resignations for Permanent Part-time positions. He also presented an applicant, Jessica Post, for approval to hire. There were four candidates interested in the Lieutenant positions and have passed all of the written requirements. In the meantime, each day a member is selected as Firefighter of the Day to act as Officer in Charge.

The Department is searching for a daily truck check program. The ImageTrend reports, are not sufficient for the needed data. In addition, he noted he is looking to update the accountability system.

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Chief Merrick is completing all of the necessary applications for the District to be recognized as a preferred provider. This will allow insurance companies to submit payments directly to the District.

It was reported the coolant system in Engine 293 needed repairs. Also, Chief Merrick reported the station renovations are continuing.

Chief Merrick spoke about the 911 system. Mr. Rife asked the Chief to put together a fact sheet and incorporate it into his report next month.

- iii. Mr. Logan Rife made a motion to accept the Fire Chief's report including the approval to hire the additional member as presented. Mr. Jerry McClary seconded the motion.  
All were in favor.

The Board reviewed Resolution 04-2021; A Resolution to Proceed. The Board intends for the levy to be first due in 2022.

04-2021

### **Northwestern Joint Fire District Union County, Ohio**

A RESOLUTION TO PROCEED AND TO SUBMIT THE QUESTION OF LEVYING A TAX OUTSIDE THE TEN-MILL LIMITATION AS AN ADDITIONAL LEVY FOR FIRE, EMS AND RELATED PURPOSES IN NORTHWESTERN JOINT FIRE DISTRICT, UNION COUNTY, OHIO, AND DIRECTING THE FISCAL OFFICER TO CERTIFY AND TO FILE THE NECESSARY DOCUMENTS WITH THE BOARD OF ELECTIONS.

The Board of Trustees, Northwestern Joint Fire District, Union County, Ohio, met in regular session on July 14, 2021, at the Liberty Township Hall, 21463 Main Street, Raymond, Ohio, with these members present: Jerry McClary, Beth Marshall, and Logan Rife.

Mr. Logan Rife introduced this resolution and moved its passage:

**WHEREAS**, on May 12, 2021, the Northwestern Joint Fire District Board of Trustees passed a resolution declaring the necessity, for the purpose of providing and maintaining Fire, EMS, and related purposes, to levy an additional tax in excess of the ten-mill limitation under R.C. §5705.19(I) at the rate of eight (8) mills for each one dollar of valuation, which amounts to eighty cents (\$0.80) for each one hundred dollars of valuation, for a continuing period of time; and

**WHEREAS**, on June 1, 2021, the Union County Auditor certified to the Northwestern Joint Fire District Board of Trustees that the dollar amount of revenue that would be generated by the tax levy during the first year of collection is One Million Eight Hundred Forty-Eight Thousand, Six Hundred Fifty-Six Dollars (\$1,848,656.00), based on the current assessed

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valuation in the District of Two Hundred Forty-Three Million, Two Hundred Forty-Four Thousand, One Hundred Sixty Dollars (\$243,244,160.00);

THEREFORE, BE IT **RESOLVED** BY THE NORTHWESTERN JOINT FIRE DISTRICT TOWNSHIP BOARD OF TOWNSHIP TRUSTEES, UNION COUNTY, OHIO, THAT:

Section 1. The Board of Trustees, not less than two-thirds of all members elected thereto concurring, desires to proceed with submitting the question of an Additional tax levy for the purpose of providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs under R.C. §5705.19(I) at the rate of eight (8) mills for each one dollar of valuation, which amounts to Eighty Cents (\$0.80) for each one hundred dollars of valuation, to the electors of Northwestern Joint Fire District.

Section 2. The tax levy will be for a continuing period of time, and such levy will include a levy on the current year's tax list beginning in 2021, first due in calendar year 2022, if approved by a majority of the electors voting on the question.

Section 3. The question of such tax levy shall be submitted to the electors of Northwestern Joint Fire District at the election to be held therein on November 2, 2021.

Section 4. On or before August 3, 2021, the Fiscal Officer is directed to certify to the Board of Elections, Union County, Ohio, a copy of the Resolution of Necessity, a copy of the certification of Estimated Revenue by the Union County Auditor, and a copy of this Resolution to Proceed, and to notify the Board of Elections to cause notice of election on the question of levying the tax to be given as required by law.

Section 5. that it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were passed in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal action, were in meetings open to the public, and in compliance with all legal requirements including Revised Code §121.22.

Mr. Jerry McClary seconded the motion, after discussion, the roll was called on the question of its adoption. The vote was:

<u>Trustee</u>	<u>Vote</u>
Jerry McClary	Yes
Beth Marshall	Yes
Logan Rife	Yes

Resolution 04-2021; Resolution to Proceed passed. The Board signed 3 copies of the Resolution.

Ms. Hamilton will deliver the Resolution along with pertinent documents to the Board of Elections.

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There was discussion on getting information out to the Community about the levy.

Mr. Rife advised the Board met with Chief Merrick to hold a performance review. Ms. Hamilton will bring a copy of the Fire Chief Agreement to the next meeting.

- iv. Ms. Marshall made a motion to approve NWJFD entering into contract with ImageTrend. Mr. Rife seconded the motion.  
Roll Call Vote: Ms. Marshall, yea; Mr. Rife, yea; Mr. McClary, abstain

The Board reviewed the recommended resolution for the Lawful Expenditure of Funds as proposed by Mr. Comstock, NWJFD attorney.

05-2021 Resolution Relating to the Lawful Expenditure of Funds

### **Northwestern Joint Fire District**

### **Union County, Ohio**

#### **RESOLUTION RELATING TO THE LAWFUL EXPENDITURE OF FUNDS AND THE REQUIREMENT TO PAY FIRE DISTRICT INDEBTEDNESS IN A TIMELY MANNER**

WHEREFORE, the Northwestern Joint Fire District, Union County, Ohio; is a political entity created pursuant to Section 505.371 of the Ohio Revised Code;

WHEREAS, as a public entity, the District is subject to the provisions and requirements of the Ohio Revised Code, including those provision relating to the appropriation and expenditure of public money;

WHEREAS, the District Board of Trustees appropriates public monies and encumbers funds in accordance with Title 51 of the Ohio Revised Code;

WHEREAS, the Ohio Supreme Court has held, in *State ex rel. McClure v. Hageman*, 155 Ohio St. 320 (1951), that expenditures made by a governmental unit should serve a public purpose;

WHEREAS, the determination of what constitutes a “proper public purpose” rests with the judgment of a governmental entity, unless such determination is arbitrary or unreasonable;

WHEREAS, the Ohio Attorney General has determined, in Opinion 82-006, that the governmental entity’s determination must be memorialized by a duly enacted ordinance or resolution;

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WHEREAS, under Ohio law, any public official who either authorizes an illegal expenditure of public funds or supervises the accounts of a public office from which such illegal expenditure is made is strictly liable for the amount of the expenditure (see *Seward v. National Surety Corp.*, 120 Ohio St. 47 (1929); 1980 Op. Atty. Gen. No. 80-074; Ohio Revised Code §9.39; *State ex rel. Village of Linndale v. Masten*, 18 Ohio St.3d 228 (1985);

WHEREAS, public officials controlling public funds or property are liable for the loss incurred should such funds or property be fraudulently obtained by another, converted, misappropriated, lost or stolen to the extent that recovery or restitution is not obtained from persons who unlawfully obtained such funds or property. (1980 Op. Atty. Gen. No. 8-074);

WHEREAS, the Board of Trustees believes that the District should be making timely payments on all financial obligations, and that failing to make timely payments, authorized by the Board, can result in unnecessary and excessive disbursements;

WHEREFORE, the Board of Trustees of the District hereby declare that any penalties, late fees or interest incurred by the District as a result of the fiscal officer's failure to remit payment approved by the Board does not serve a public purpose, and that pursuant to Ohio law, the fiscal officer, as the official controlling public funds, shall be liable for the loss incurred by the District due to the fiscal officer's acts or omissions, unless a late fee or any interest incurred by the District is expressly approved by the Board of Trustees.

\_\_Mr. Jerry McClary\_\_\_\_\_ moved for the adoption of the resolution.

\_\_Ms. Beth Marshall\_\_\_\_\_ seconded for the adoption of the resolution.

All were in favor.

Ms. Hamilton presented language, as used at another public entity, as it relates the Expenditure of Public Funds. This will give the Department Head(s); in this case the Fire Chief the ability to be able to make purchases for the purpose of the advancement of staff and advancement of public purpose of the Fire Department. After discussion;

- v. Mr. Rife moved, with a second from Ms. Marshall to authorize the Fire Chief to expend public funds for the purpose of advancement of the staff, staff incentives, staff programs and staff meetings and deem the expenditures appropriate for the support and advancement of the public purpose of the Northwestern Joint Fire Department.

All were in favor.

In other business there was roundtable discussion on open house ideas, information pamphlets, etc..

Mr. Rife made a motion to adjourn the meeting, with Ms. Marshall seconding the motion. All were in favor. The Meeting was adjourned at 8:17 p.m..

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Respectfully Submitted By:

Allison M. Hamilton, Fiscal Officer

Northwestern Joint Fire District

Reviewed:

\_\_\_\_\_ Logan Rife

\_\_\_\_\_ Beth Marshall

\_\_\_\_\_ Jerry McClary