

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in a regular meeting session at 6:30 p.m., on October 14, 2015, at the Danbury Township Hall, 5972 E. Port Clinton Eastern Road, Marblehead, Ohio 43440, with the following members present:

Ms. Dianne Rozak; Mr. Charles Scott; Mr. David Hirt

Mr./Ms. ROZAK introduced the following resolution and moved its adoption:

RESOLUTION NO. 25 - 2015

AMENDING DANBURY TOWNSHIP RESOLUTION 04-2014
AUTHORIZING THE USE OF THE FIRE LOSS PROCEDURES
SET FORTH IN O.R.C. §3929.86 (C) and (D).

PREAMBLE

WHEREAS, pursuant to the Ohio Revised Code (O.R.C.) §3929.86, establishes procedures and the depositing of certain insurance monies with a township for fire losses that equal or exceed sixty (60%) percent of the aggregate limits of liability on all fire policies covering building or structures located in Danbury Township; and

WHEREAS, the provisions of the O.R.C. §3929.86 are designed to deter the commission of arson and related crime, abandonment of property, development of nuisance properties and to further assist townships in removing, repairing, or securing buildings or structures damaged by fire; and

WHEREAS, The Board of Trustees of Danbury Township, Ottawa County, Ohio believe that it is in the best interest of the Township to authorize the use of the procedures set forth in O.R.C. §3929.86 (C) and (D) as such sections presently exist or are hereafter amended; and

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Danbury Township, Ottawa County, Ohio (the "Board") that the following Resolution be and it hereby is, adopted as such sections presently exist or are hereafter amended:

- Section 1.** The board hereby authorizes the use of the provisions and procedures set forth in O.R.C. §3929.86 (C) and (D). No insurance company doing business in the State of Ohio shall pay a claim of a named insured for fire damage to a structure located within the unincorporated area of Danbury Township (the "Township") where the loss agreed to between the named insured or insureds and the insurance company or companies, is more than \$5,000.00 and equals or exceeds 60% of the aggregate limits of liability on all fire insurance policies covering the building or structure unless there is compliance with the following procedure:
- a. The insurance company or companies in accordance with division (G) of O.R.C. §505.86 and Sections (C) and (D) of O.R.C. §3929.86 shall transfer from the insurance proceeds to the Danbury Township Fiscal Officer (the "Fiscal Officer") in the aggregate \$2,000.00 for each \$15,000.00, and each fraction of that amount, of a claim, or, if, at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies, the names insured or insureds have submitted a contractor's signed estimate of the cost of removing, repairing, or securing the building or other structure, shall transfer from the insurance proceeds the amounts

specified in the estimate. Such transfer of proceeds shall be on a prorated basis by all companies insuring the building or structure.

- b. Upon receipt of proceeds by the Fiscal Officer as authorized by this section, the Fiscal Officer shall deposit all proceeds received in a separate fund to be used solely as security against the total cost of removing, repairing or securing the building or structure incurred by the Township, pursuant to O.R.C. §505.86.
- c. When transferring the funds as required by this resolution, each insurance company shall provide the Fiscal Officer with the name and address of the named insured or insureds, whereupon the Fiscal Officer shall contact the named insured or insureds, certify that the proceeds have been received by the Township and notify them that the following procedures will be followed:
 - i. The funds shall be returned to the named insured or insureds when repairs to, removal of or securing of the building or other structure have been completed and the required proof has been received by the Fiscal Officer if the Township has not incurred any costs for the repairs, removal or securing. The funds shall be returned to the named insured or insureds no later than 60 days after the Fiscal Officer received the required proof. If the Township has incurred any costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund, and if excess funds remain, the Fiscal Officer shall transfer, no later than 60 days after all such costs have been paid, the remaining funds to the named insured or insureds. Nothing in this section shall be construed to limit the ability of the Township to recover any deficiency under O.R.C. §505.86.

Section 2. The Board hereby authorizes, empowers, appoints and designates the Township Fiscal Officer as the individual responsible to carry-out the duties of this resolution and the provisions set forth in O.R.C. §3929.86 (C) and (D).

Section 3. The Board hereby authorizes, empowers and appoints Trustee Charles B. Scott, for and on behalf of the Board to file for public record a certified copy of this Resolution with the Superintendent of the Ohio Department of Insurance and to execute such documents and take such actions as may be necessary or desirable in connection with the establishment of fire loss procedures pursuant to O.R.C. §3929.86.

Section 4. Nothing in this resolution shall be construed to prohibit the Township and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

Section 5. This Resolution and the procedures of O.R.C. §3929.86 shall apply only to fire losses that occur after the filing of the certified copy of this Resolution with the Superintendent of the Ohio Department of Insurance.

Section 6. It is found and determined that all formal actions by the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board and that all deliberations of the Board and of any of its committees that resulted in such formal action, were in meeting open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

This Resolution shall take effect and be in force from or after the earliest period allowed by law.

Mr./Ms. Hirt seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Rozak yes Mr. Scott yes Mr. Hirt yes

ADOPTED this 14th day of October, 2015.

Attest:

Shelley J Seamon
Fiscal Officer

Board of Trustees
Danbury Township
Ottawa County, Ohio

Dianne M. Rozak
Dianne M. Rozak

Charles B. Scott
Charles B. Scott

David M Hirt
David M Hirt

AUTHENTICATION

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution duly passed by this Board of Trustees in session this 14th day of October, 2015 and filed with the Danbury Township Fiscal Officer.

Shelley J Seamon
Shelley Seamon
Danbury Township Fiscal Officer