



Ohio Township Association Risk Management Authority

UPDATE

SPRING 2020

OTARMA Bids Farewell to Two Board Members



Matthew DeTemple

On December 31, 2019, Mr. Matthew DeTemple officially retired from his duties as the Ohio Township Association (OTA) Executive Director, a position he proudly held since 2010 when his predecessor, Mr. Michael Cochran, retired. As the OTA's Executive Director, Mr. DeTemple also held a seat on OTARMA's Board of Directors.

For the past ten years, Mr. DeTemple has been committed to the shared success of the OTA, OTARMA and each of its member townships. During this time, OTARMA Members benefited from significant accomplishments implemented by the OTARMA Board. These accomplishments included: the Budget Relief Credit (2009), a three-year rate guarantee for small OTARMA Member townships (2012), a one-million dollar Capital Reserve Fund Distribution for qualifying members (each year since 2013), introduction of the MORE Grant (2013), OTARMA reached 1,000 members and 21 counties with 100% membership (2017), a Property Appraisal service offered for all members (2018), introduction of Police & Fire Policy Grants (2018), and offered Cyber, Active Assailant and Terrorism Coverages to all members (2019).

Steve Johnson, Agency Principal at Burnham & Flower Insurance Agency, states, "The partnership and relationship between the Ohio Township Association and OTARMA is at the core strength of both organizations and is a fundamental reason for OTARMA's extreme success over the past 32 years! The ability to work with Matt DeTemple, Connie Fink, and others like



Franklin County Township Association's Certificate of Recognition was presented by Nancy White to Matt DeTemple upon his retirement.

OTARMA Board of Directors

Joyce Fetzer

Chair
Perry Township, Stark County

Marsha Funk

Vice Chair
Brownhelm Township, Lorain County

Nick Schwab

Secretary
Reily Township, Butler County

Heidi Fought

Board Member
Ohio Township Association

Tim Lynch

Board Member
Liberty Township, Seneca County

Philip Cox

Board Member
Monroe Township, Miami County



The OTARMA Program is exclusively endorsed by the OTA

Every effort has been made to ensure the accuracy of the information in this newsletter. Professional counsel should be sought before any action is taken or decision is made based on this material.

www.OTARMA.org

Photo courtesy of Madison Township, Butler County.

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MEMBER PROFILE: BLENDON TOWNSHIP, FRANKLIN COUNTY

Blendon Township is a small community with a population of nearly 9,200 residents in 6.3 square miles. The township is located in the northeastern part of Franklin County in an area that boasts beautiful family parks, nature trails, and parts of the stunning Hoover Reservoir. When the township was established in 1815, life included baking bread on oak shingles over a wood fire and using oxen to cut and haul timber. Farming and milling of wood and grain were common occupations. The roads were dirt. When it rained, travel became very difficult as horse-drawn wagons sank up to their axles in mud.

One of Blendon's early settlers was Captain Timothy Lee, a veteran of the War of 1812. Captain Lee traveled to Ohio from Connecticut, having purchased several hundred acres of land sight unseen. He was an educated businessman and became the township's first law enforcement official. He was successful in keeping Blendon out of debt, which was a difficult task when money was scarce. Captain Lee's log cabin was built along the banks of Big Walnut Creek on what is known today as Lee Road. The cabin was later moved just a few yards north of the present Lee mansion.

One of the responsibilities of Blendon's early trustees included monitoring fences to prevent farmers' cows from getting loose. Current Blendon Township Trustee Mrs. Jan Heichel expressed, "The current board of trustees wishes they could bring back Blendon's founders for a tour. We hope they would be proud of what

Blendon has become. Much of the farmland has been transformed into residential communities and thriving businesses. We are a family environment where neighbors talk to each other and help one another."

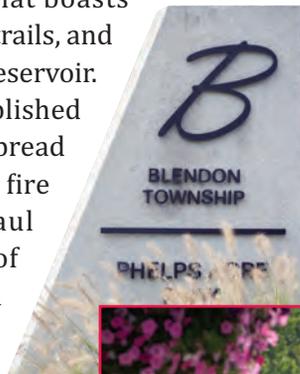
According to Mrs. Heichel, "When I was elected to the Board of Trustees in 2009, I learned that the other Board members and I shared some of the same goals. We worked hard together and asked the residents for their support and for their community visions. They put their trust in us and voted for Blendon to become a Home Rule community and supported a JEDZ (Joint Economic Development Zone). This has allowed us to fulfill many of their visions for Blendon Township. We work hard each and every day to make Blendon safer, stronger, and a better place to live."

Mrs. Heichel is extremely proud of Blendon Township. She exclaimed, "We're a small community with a big heart!" When asked what she enjoys most about her responsibilities, Mrs. Heichel replied, "Being a Township Trustee gives me the resources and connections to make a difference in people's lives. Being able to provide assistance to families in need is not only rewarding but also heartwarming. Being a Trustee

means every day I'm able to work for others, whether it is resolving certain situations or implementing legislation to make people's lives safer and better. This is what it's about – people helping people."

Blendon Township has been a loyal OTARMA Member for over 28 years. When asked why the township joined and continues to renew its membership, Mrs. Heichel responded, "Blendon Township's late Fiscal Officer, Wade Estep, chose OTARMA many years ago in 1991. He explained to the Board of Trustees that OTARMA's commitment to Ohio townships was a definite asset for Blendon. OTARMA's leadership and support in risk management services has been unwavering over the years, one of several key reasons for the township's ongoing membership."

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them over these past three decades is something I will always cherish. I thank Matt and Connie for their dedication and service to the OTA and OTARMA!"

In addition, after more than three decades of service to Ohio townships, the OTARMA Board of Directors says farewell to Mrs. Connie Fink and wishes her well in retirement. Mrs. Fink has been involved in township government since 1987, when she was elected as the Fiscal Officer for Springfield Township in Muskingum County. In 2014, she began serving as the Chairperson of the OTA Insurance Committee and became a member of the OTARMA Board of Directors. She most recently has served as the OTA's President. The OTA elected a new President at the 2020 Annual Winter Conference in February. The new President assumed Mrs. Fink's position on the OTARMA Board.



Connie Fink

Mr. Timothy Lynch, who has served with Mrs. Fink on the OTA and OTARMA Boards, says, "Connie and I were elected to the OTA Board the same year. We have similar backgrounds as retired teachers and have served together for the past 12 years on the OTA Board. Her energy and enthusiasm have been an inspiration to anyone who has had the privilege to serve with her."

OTARMA bids farewell to Mr. DeTemple and Mrs. Fink and thanks them for many years of dedicated and meaningful service to Ohio townships.

Upon Mr. DeTemple's retirement, new OTA Executive Director Ms. Heidi Fought carries forward the legacy of leadership established by her predecessors. Ms. Fought joined the OTA in 2000, as the Director of Governmental Affairs, was promoted to



Heidi Fought

Assistant Executive Director in 2019, and became Executive Director on January 1, 2020.

When asked what she will strive for as the OTA's new Executive Director, Ms. Fought states, "To serve as a leader and use my passion and dedication to continue to make townships the best place to live and work." She adds, "I look forward to serving in this new capacity and am ready to face any challenges that may arise."

The OTARMA Board of Directors consists of the OTA's Executive Director, President, and Insurance Committee Chairperson, plus four elected township officials and/or up to one township administrator voted upon by the OTARMA Membership. The steadfast partnership between the OTA and OTARMA has a long and successful history. In the 1980s, public entities were unable to purchase insurance at any cost. This prompted the OTA to identify a coverage solution for member townships. Township government representatives and specialized service providers worked together to assist the OTA in drafting the legislation allowing for group self-insurance pools in Ohio. The legislation led to the creation of OTARMA in 1987, and provided Ohio townships with an alternative to traditional insurance.

The partnership between OTARMA and the OTA distinguishes itself by its longevity and commitment to work together on behalf of Ohio townships. OTARMA provides a vital service to townships and does so in a cost-effective and comprehensive way, evidenced by more than 1,030 member townships. Together, we look forward to continued success, long-term strength, stability, and industry-leading protection for existing and prospective members.

For more information about OTARMA, go to www.OTARMA.org or contact an OTARMA Representative at (800) 748-0554.

Mrs. Heichel continued, "I would recommend OTARMA to any Ohio township. In addition to risk management services, there are grant opportunities, which we are a proud recipient of, and we were able to purchase safety vests and other safety supplies for our Police Department. And OTARMA's Resource eLibrary is an excellent resource, as well as their cyber risk management tools."

For more information about Blendon Township, visit www.blendontwp.org.

If your Ohio township is interested in learning more about OTARMA, we invite you to visit the website at www.OTARMA.org or call (800) 748-0554 and ask to speak with an OTARMA Representative.

SUPREME COURT OF OHIO AWARDS ATTORNEY FEES FOR LATE PRODUCTION OF BODY CAMERA FOOTAGE

By Steven Strang, Esq.
Gallagher Sharp

The Supreme Court of Ohio in *State ex rel. Cincinnati Enquirer v. Cincinnati*, 157 Ohio St.3d 290, 2019-Ohio-3876, granted a Cincinnati newspaper's request for attorney fees and court costs based upon the City of Cincinnati's production of police body camera footage only after a writ of mandamus was filed.

substantial risk of bodily harm, and possibly even death, from a perceived likely threat.”

The Supreme Court of Ohio first determined that the redactions were proper due to the covert nature of the officers' work and the risk of harm to them if their identities were disclosed. Further, the request for a writ was denied as moot because the City provided the requested videos once the writ was filed.



The Court then considered whether the City's conduct warranted awarding attorney fees, and summarized the history of fee claims under the statute. In 2016, Ohio's Public Records Act was amended, and, in some instances, now authorizes the award of attorney fees even when a writ is not granted. A court may award attorney fees when “[t]he public office or person responsible for the public records

This case stems from Cincinnati's denial of the *Cincinnati Enquirer's* request for public records, including police body camera videos, related to an incident in which Cincinnati police officers used a Taser to subdue two men who were resisting arrest. The public records request was denied because the response purportedly contained investigatory work product, and the *Enquirer* filed an original action for a writ of mandamus in the Supreme Court of Ohio.



Seventeen days after the complaint was filed, the City provided the videos to the *Enquirer*. The faces of plainclothes officers were obscured in the videos because the officers operated in a covert capacity and disclosing their faces could compromise their safety. The *Enquirer* challenged the City's decision to obscure the faces and the delayed production.

acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not” the records should have been produced. R.C. 149.43(C)(3)(b)(iii).

The Supreme Court of Ohio began by explaining that body camera videos generally must be disclosed under Ohio's Public Records Act, R.C. 149.43. An exception to disclosure exists for records containing private information that, if disclosed, would “create a

This provision closed a loophole that allowed municipalities to initially deny public records requests, comply once “called out” by the requestor by filing for a writ, and face no penalty so long as the writ was not issued. See *State ex rel. DiFranco v. S. Euclid*, 138 Ohio St.3d 367, 2014-Ohio-538.

COVERAGE CORNER

It is important each year at your renewal to review your exposures with your agent and review your Statement of Values. Make sure your Statement of Values is accurate and up to date, as certain items must be scheduled for coverage to be provided in the event of a loss. One of the most commonly unscheduled exposures that must be scheduled is fencing. Whether the fencing is at a park, baseball field, or building, it must be scheduled on your property coverage document under the Statement of Values. Some other exposures that are commonly forgotten that need to be listed are: street lights, traffic lights, traffic signs, basketball and tennis courts, playground equipment, welcome signs, and baseball fields (including dugouts, bleachers, and scoreboards). Please review your Statement of Values, and contact your agent if any of these items are not listed. This will allow for proper coverage to be afforded, protecting your township's assets.

Under the current iteration of the Public Records Act, “if the court finds that the public office or official responsible for the records acted in bad faith ..., ‘the court shall determine and award to the relator all court costs[.]’” *Cincinnati Enquirer* at ¶ 12 (quoting R.C. 149.43(C)(3)(a)(ii)) (Emphasis added and citations omitted). While attorney fees “may be awarded” upon a showing of bad faith, the court costs award is mandatory. *Id.* The Public Records Act deems attorney fees and court costs remedial, not punitive, because they essentially place the requesting party in the same position they would have been had their request been granted.

The Supreme Court of Ohio noted that the City admitted that the body camera videos only contained footage of the officers driving, which was not of investigative value so as to fall within the exception, and should have been produced. The City argued that this proved that its failure to produce the videos was a good faith oversight because it had nothing to hide. The Supreme Court disagreed, and found that the banality of the videos actually suggested that the City denied the request without even reviewing them. The Court relied on this inference when it rejected the City’s argument that reviewing the videos would have been too time consuming. The Court determined that the content of the videos indicated bad faith, and awarded court costs to the *Enquirer* in addition to attorney fees.

Public records requests for body camera videos are becoming increasingly common and present logistical hurdles for municipalities because of short request turnaround times and legitimate privacy concerns.

However, *Cincinnati Enquirer* demonstrates the Supreme Court of Ohio’s dim view of attempts to circumvent records requests by hiding behind disclosure exceptions in bad faith. This decision provides a succinct summary of Ohio law on body camera requests and shows that the Supreme Court of Ohio will impose penalties for late disclosures.



Steven Strang defends municipal entities and employees against state and federal claims. He has represented school boards, fire departments and firefighters, police departments and officers, first responders, city council members, and law directors on a variety of issues. Steven is also an active member of Gallagher Sharp’s Professional Liability Group and is the Insurance Practice Group Manager.

WELCOME, AARON WILLIS



Aaron Willis

Aaron Willis has recently joined the OTARMA Risk Control team as the IT Certified Auditor & Risk Management Specialist. Aaron has over 19 years of IT experience, working for over ten years at Cooper Communications Group, in addition to his positions at Verizon and Maloney & Novotny.

Aaron will be scheduling visits with OTARMA Members, and in the event that you need immediate assistance with an IT issue, Aaron can be reached at (614) 702-9262 or aaron.willis@persopool.com. Please remember, if you have a cyber breach claim, immediately reach out to PERSO, the OTARMA Claims Service Provider, at (866) 907-3776.

PROPERTY APPRAISAL SERVICE FOR OTARMA MEMBERS IN ITS FINAL PHASE IN 2020

To ensure that members' buildings are properly valued, OTARMA has partnered with CBIZ Valuation Group to conduct on-site appraisals on qualified and scheduled buildings. The appraisals occur in three phases over three years, from 2018 through 2020.



Contents: Modeling Approach - CBIZ applied contents valuation models based on building occupancy. CBIZ performed a limited walk-through of each facility. Content values were summarized on a building-by-building basis.

The valuation method used by CBIZ for OTARMA Members is based on the cost to acquire new, known as the cost approach. Using the cost approach, members can choose replacement cost, actual cash value, or functional replacement cost.

CBIZ's valuation scope includes property classified as buildings, contents, and site improvements. All buildings scheduled at \$50,000 or more are appraised. If an OTARMA Member does not have a building scheduled at \$50,000, the building with the highest value is appraised.



Following is an example of the valuation scope from an actual property appraisal report:

Buildings & Structures - CBIZ completed a limited scope physical inspection and valuation of buildings (structures with permanent foundations) with a replacement cost of \$50,000 or greater at the sites inspected. During the inspections, basic construction components were observed and collected. Square footage was calculated using a combination of physically measuring the buildings, conducting take-offs of blueprints, and information made available by the township. Digital photos were taken of each structure inspected.

Utility Buildings & Structures - When inspecting utility facilities (wastewater and water treatment facilities and related structures), CBIZ followed the same approach used for standard buildings and structures but identified and valued each structure individually by process, regardless of value.

Insurable Site

Improvements - Above-ground improvements associated with inspected structures (flagpoles, fencing, outdoor lighting, etc.) were recorded and valued in aggregate by site.

OTARMA Members are contacted by phone or email to schedule the appraisal. During the site visit, someone from the township should be available to let the appraiser inside buildings. Within 60 days of completing the appraisal, CBIZ prepares a formal report with detailed statements of insurable values and appraisal reports. The report is available to members via an individual link that is provided in a follow-up letter from OTARMA.

Here's what OTARMA Members have been saying about the property appraisal service:

"If CBIZ representative Patrick Keim is an example of the quality of work provided by all CBIZ appraisers, OTARMA has contracted with a great company. Patrick was easy to work with and very thorough."

Nancy White, Administrator
Mifflin Township, Franklin County

"This has been very helpful in providing up-to-date information which we have used to implement needed fiscal policies to protect and maintain the value of our township's assets."

Marie "Midi" Drew, Fiscal Officer
Monroe Township, Clermont County

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OTARMA PROVIDES BENEFITS TO MEMBERS

OTARMA has achieved its goal to provide the broadest coverage available to Ohio townships, and after 30 years, the program continues to enhance its coverage offerings to address trending exposures. Although the level of protection continues to increase, rates have remained stable, allowing members to accurately budget year after year.

It is because of the unwavering membership commitment that OTARMA has become the largest local government risk-sharing pool in the state of Ohio.

FYI

\$1.3 Million!

MORE Grant funds awarded since 2013



The OTARMA Board of Directors, the Ohio Township Association, Sedgwick (pool administrator), Burnham & Flower Insurance Group (marketing and sales), Public Entity Risk Services of Ohio (claims service), KLA Risk Consulting (risk consulting), Crowe LLP (auditor), and UBS Financial Services (investment firm), truly enjoy working with township officials because they care so deeply for their communities.

FYI

30 YEARS!

For the 30th consecutive year, OTARMA is awarded AAA, the highest independent Financial Stability Rating (FSR) available.




Reily Township, Butler County - (left to right) Thomas Welsh, OTARMA Representative; Trustees Dennis Conrad and Tim Miller; Dianne Halcomb, Fiscal Officer; and Nick Schwab, Trustee.



Mifflin Township, Franklin County received a Police & Fire Grant - (left to right) Kevin Cavener, Trustee; Thomas Welsh, OTARMA Representative; and Richard Angelou and Lynn Stewart, Trustees.



Van Buren Township, Shelby County - (left to right) David Berning, Dave Kettler and Alan Luthman, Trustees; Joan Buehler, Fiscal Officer; and Craig Hibner, OTARMA Representative.

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"The Trustees and I were very appreciative for the extra bonus OTARMA provided with this appraisal, the thorough report CBIZ put together was wonderful."

Karen Gibson, Fiscal Officer
Clark Township, Clinton County

OTARMA is committed to offering members specialized coverage and loss control programs. The complimentary

property appraisal service is just one of many valuable benefits provided by OTARMA that are tailored to meet the needs of Ohio townships.

If you have questions about the property appraisal service or if your township is not yet an OTARMA Member and you would like to learn how OTARMA can benefit your township, we invite you to visit www.OTARMA.org or contact an OTARMA Representative at (800) 748-0554.



OTARMA Service Center
315 S. Kalamazoo Mall
Kalamazoo, MI 49007

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If your contact information needs to be updated, please contact the OTARMA Service Center at (800) 748-0554, ext. 3136. Newsletters are available for viewing and printing at www.OTARMA.org.

OTARMA WELCOMES NEW MEMBERS

Bath Township, Allen County

Bath Township, one of 12 townships in Allen County, is located in northwest Ohio, along I-75 between Dayton and Toledo. The population is nearly 10,000 residents.



Improved coverage and cyber risk management tools were key factors in the township's decision to join OTARMA.

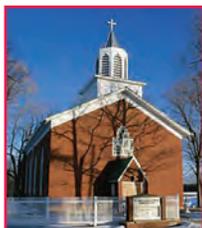
Claridon Township, Geauga County

Claridon Township is one of 16 townships in Geauga County. The township's 3,000 residents are conveniently located within an hour's drive of Cleveland. Better coverage with enhanced services convinced the township to join OTARMA.



Franklin Township, Columbiana County

Franklin Township in northeast Ohio is located



approximately 30 miles east of Canton. The township has nearly 800 residents. The township joined OTARMA for improved coverage at a lower cost.

Monroe Township Water & Sewer District, Miami County

The Monroe Township Water & Sewer District in Miami County provides water and sewer services with a focus on protecting the health and safety of the citizens within the community. The Monroe Township Water & Sewer District selected OTARMA for broader coverage than they had previously.



St. Albans Township, Licking County

St. Albans Township, located 30 miles northeast of Columbus, is one of 25 townships in Licking County. There are approximately 2,500 residents in the township. St. Albans Township selected OTARMA in part because of the program's knowledge of Ohio townships and their unique needs.



The township also valued member benefits such as the grant opportunities.

Union Township, Van Wert County

Union Township, with a population of approximately 1,000 residents, is located in northwest Ohio, and is one of 12 townships in Van Wert County. The township joined OTARMA for higher limits, improved coverage, and member benefits.



If your township is not yet an OTARMA Member, we invite you to consider joining. Please contact us at (800) 748-0554 and ask to speak with an OTARMA Representative. We welcome the opportunity to meet with you, learn more about your township, and discuss how OTARMA can best serve you.

