

**ORDINANCE 04-09-26-01**

**AN ORDINANCE REPEALING ORDINANCE 12-14-23-01, ABOLISHING THE POLICE DEPARTMENT, TERMINATING EMPLOYMENT OF PERSONS SAID TO BE POLICE DEPARTMENT EMPLOYEES, REPEALING INCONSISTENT ORDINANCES, and DECLARING AN EMERGENCY.**

**Sponsored by:** \_\_\_\_\_

**WHEREAS**, the village of Pleasantville, Fairfield County, Ohio, in 2023, undertook procedural measures to establish a police department;

**WHEREAS**, in order to complete these measures, the village proposed the enactment of Ordinance 12-14-23-01 and subsequent ordinances, including Ordinance 4-11-24-04; Ordinance 06-13-24-01; and Ordinance 02-12-26-01, all of which pertain to the appointment, pay for personnel, and funding for the village police department, and each declaring an emergency;

**WHEREAS**, each of the listed ordinances was proposed in support of the village police department;

**WHEREAS**, this council, having reviewed the procedures set forth in the Ohio Revised Code necessary to enact an ordinance under Ohio law, and upon the advice of legal counsel, has determined that its procedures followed in enacting the listed ordinances, including Ordinance 12-14-23-01, did not fully comply with those procedures;

**WHEREAS**, with the advice of legal counsel, it is the opinion of this council that the ongoing operations of the village of Pleasantville police department are not lawfully authorized under Chapter 737 of the Ohio Revised Code;

**WHEREAS**, upon the advice of legal counsel, continuing to operate a police department presents an extreme risk of civil liability to the village, the officials, officers, and employees of the village, and to the individual police officers;

**WHEREAS**, the village is statutorily prohibited from spending village funds on unlawful matters;

**WHEREAS**, this council desires to bring its actions into full compliance with its statutory and fiduciary duties to the village of Pleasantville, including being good stewards of village finances by preserving funds not allocated to be expended on void ordinances and unlawful agreements.

**WHEREAS**, this council seeks to fully and explicitly abolish, renounce, and terminate, formally and informally, whether implied by act or apparent authority, any and all operations of the village of Pleasantville police department;

**WHEREAS**, this council seeks to clearly and unequivocally and with finality notify those persons serving as village of Pleasantville police officers that, upon enactment of this Ordinance, such persons shall have no authority to function as or to represent themselves in any form or fashion as a village of Pleasantville police officer;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF PLEASANTVILLE, FAIRFIELD, STATE OF OHIO:**

- Section 1.** Ordinance 12-14-23-01 is hereby repealed in its entirety. With this act, the village of Pleasantville hereby abolishes the village of Pleasantville police department.
- Section 2.** Ordinance 4-11-24-04; Ordinance 06-13-24-01; and Ordinance 02-12-26-01, and Ordinance 06-13-24-01, and any and all ordinances or resolutions inconsistent with this ordinance or abolishing the police department and terminating employment of persons said to be police department employees, are hereby repealed.
- Section 3.** The employment of all persons said to be, or claiming to be, employed, whether formally, informally, and/or as a volunteer, including those serving pursuant to any ordinance or resolution now repealed, by the village of Pleasantville police department, is hereby terminated. Such termination includes, without limitation, any person said to be, or claiming to be, holding the position of chief, captain, corporal, patrol officer, auxiliary officer, volunteer, or any other rank or position. The mayor is hereby directed to provide each person listed by the Pleasantville police department, and the Ohio Attorney General, as being a Pleasantville police department employee with a written letter stating that such person is not employed by the village of Pleasantville in any capacity or function; that such person is prohibited from performing , and shall not perform, any duties, services, functions, or labor on behalf of the village of Pleasantville; that such person shall not hold him or herself out to others as being employed by the village of Pleasantville; and that such person shall not be eligible to claim or attempt to claim wages, salaries, or health or retirement benefits from this date for any duties, services, or labor said to have been performed by such person on behalf of the village of Pleasantville, as of 11:59 p.m., April 9, 2026. Such letter shall be delivered via hand-delivery or via certified US mail, return receipt requested, and regular US mail to each person at his or her home address. Such letter shall also be delivered via email transmission to each person noted, if such email address is available to the village.
- Section 4.** The mayor, or her designee, is directed to notify the Ohio Police Officer Training Commission, the Fairfield County Prosecutor, the Fairfield County

Sheriff, the Lancaster city attorney, the Fairfield County municipal clerk of courts, the Fairfield County common pleas clerk of courts, the Ohio State Highway Patrol, the Ohio Attorney General, the Ohio Police and Fire Pension Fund, the Ohio Public Employees Retirement System, the Social Security Insurance office, the village's liability insurance provider, and the Ohio Auditor of State that the Pleasantville police department has been abolished. The mayor, at her discretion, shall provide to each agency a copy of any document demonstrating or supporting the rationale for this council's enactment of this ordinance, including those otherwise protected by the attorney-client privilege.

**Section 5.** Each person said to be employed with the village of Pleasantville police department shall surrender his badge, uniform patch, village-owned equipment, uniform, weapon (if owned by the village of Pleasantville), identification badge, ballistic vests, including any canine vests, and all other items owned by the village of Pleasantville forthwith.

**Section 6.** The village fiscal officer is hereby directed to cease all payments for wages, salaries, and benefits to persons being paid as village police department employees, except for wages and salaries and retirement benefits, and other accrued benefits owed pursuant to state law or ordinance upon separation from employment, owed through 11:59 p.m., April 9, 2026. The village fiscal officer is further hereby directed to cease all payments of any kind (except for wages and salaries and retirement benefits, and other accrued benefits owed pursuant to state law or ordinance upon separation from employment) for, without limitation, any debt, reimbursements, claims for expenses, mileage, obligations, contracts, or other encumbrances arising from or incurred by any action of the Pleasantville police department or persons said to be acting on behalf of the Pleasantville police department.

The village fiscal officer and mayor shall review all claims for reimbursement of expense other than wages, salaries, benefits, and accrued benefits on a case-by-case basis. Such claims may be paid only if authorized by local ordinance or state or federal law. Any claim for reimbursement shall be supported by documentation showing (a) They were incurred as part of ordinary and necessary village business and have a clear and exclusive business purpose; (b) They were properly authorized, reviewed, and approved; (c) They are properly documented with proof of the amount claimed, the necessity for the expense, the date the expense was incurred, itemized receipts, itemized work orders, proof of payment, and any other pertinent documentation; and (d) They are not personal in nature, and were incurred exclusively for a village purpose. Claims for reimbursement not authorized by local ordinance or state or federal law shall not be paid,

**Section 7.** The fiscal officer is hereby directed to prepare an account of all village funds expended on behalf of the police department since January 2024 through May 1, 2026. The fiscal officer is further directed to isolate and preserve any funds in the budget, except those funds necessary to pay police officers for hours worked and benefits contributions due through 11:59 p.m., April 9, 2026, and those isolated and preserved funds shall be reapportioned by this council. Funds necessary to pay persons said to be employed by the police department shall be paid for properly recorded hours worked, or salaries, including benefits, up to and including through 11:59 p.m., April 9, 2026.

**Section 8.** The mayor, or her designee, shall immediately, on this date, take all necessary measures to firmly chain and padlock or otherwise secure the police office from intrusion by any person and to collect all keys and codes necessary to access the police department; to prevent the removal of any items from the police department; and to take all necessary measures to firmly secure and hold safe all items held as evidence, police property and equipment, including investigative files, personnel files, police reports, confidential records of any kind, and complaint files, until confidential investigative files and evidence is turned over to a representative law enforcement agency, as determined by the mayor and Ohio Attorney General or Fairfield County Sheriff; and to secure and hold safe all motor vehicles, and to hold them safe from waste, loss or harm.

Further, the mayor, or her designee, is directed to immediately contact the Fairfield County Sheriff or the Ohio Attorney General regarding, and to surrender to the Ohio Attorney General or Fairfield County Sheriff, all confidential police files, investigatory files and reports, and evidence. The mayor shall immediately, as of this date, take all necessary measures to ensure that absolutely no person shall enter the police department unless accompanied by a representative of the Ohio Attorney General or Fairfield County Sheriff, as doing so may destroy the chain of custody of evidence and the office may contain materials capable of cause serious physical injury or death unless handled properly.

Any person entering the police department as of this date, unless authorized in writing by the mayor or accompanied by the mayor, shall be considered to be trespassing in violation of state law.

**Section 9.** This ordinance is hereby declared to be an emergency ordinance necessary for the health, safety, and welfare of the village of Pleasantville, to wit, the village of Pleasantville has been operating, and continuing to operate the village of Pleasantville police department, pursuant to a void and unlawful ordinance and, further, the village is expending funding improperly by paying

