

# **Bond Case Briefs**

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## **BENEFITS - OHIO**

### **DeMoss v. Silver Lake**

**Court of Appeals of Ohio, Ninth District, Summit County - June 1, 2016 - Slip Copy - 2016 WL 3078844 - 2016 -Ohio- 3241**

In 1972, the Village of Silver Lake enacted an ordinance establishing medical and life insurance benefits for employees who retired under the PERS or Police Pension plans after having completed at least 15 years of service to the Village.

In 1995, the Village enacted an amendment repealing the prior language regarding medical and life insurance benefits for retirees, retaining such benefits solely for “permanent regular employees \* \* \* under such terms as Council may periodically determine provided such coverage is available from commercial sources.”

Retirees sued, seeking a declaration that their rights to medical and life insurance benefits under the 1972 ordinance vested upon each attaining 15 years of service with the Village prior to the enactment of the 1995 amendment.

The magistrate ruled in favor of the Village and retirees appealed.

The Court of Appeals reversed, finding that the modification of section 139.05 of the codified ordinances enacted in 1972 by way of the 1995 enactment violated the Retroactivity Clause of the Ohio Constitution.