

ORDINANCE NO. 2569

AN ORDINANCE CREATING
THE FOREIGN FIRE INSURANCE BOARD
WITHIN THE FIRE DEPARTMENT OF THE CITY OF HIGHLAND
AND ESTABLISHING RULES AND REGULATIONS THEREFOR

WHEREAS, Public Act 96-0505, effective August 14, 2009, amending Section 11-10-2 of the Illinois Municipal Code (65 ILCS 5/11-10-2), provides that “A department foreign fire insurance board shall be created within the fire department of each municipality with fewer than 500,000 inhabitants that has an organized fire department”;

WHEREAS, because the City of Highland meets these criteria, the creation of a foreign fire insurance board, within the fire department of the City of Highland, is required by Section 11-10-2 of the Illinois Municipal Code (65 ILCS 5/11-10-2);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND, ILLINOIS, AS FOLLOWS:

Section 1. A Foreign Fire Insurance Board (the “Board”) is hereby created within the fire department of the City of Highland, Illinois, (the “Department”), pursuant to Section 11-10-2 of the Illinois Municipal Code (65 ILCS 5/11-10-2).

Section 2. It is the mission of the Board to receive and account for revenues received from the tax on fire insurance policies sold by foreign (out-of-state) insurance companies, and to use such funds for the maintenance, use, and benefit of the Department, as set forth in Sections 11-10-1 and 11-10-2 of the Illinois Municipal Code (65 ILCS 5/11-10-1 and 11-10-2).

Section 3. The Foreign Fire Insurance Fund previously established by the City of Highland shall be the Foreign Fire Insurance Fund (“Fund”) administered by the Board. The Board shall not have the power to change that account in any way, but shall merely have

authority over the disposition of the revenue from the Foreign Fire Insurance Company tax levied by Section 70-77 of the *Code of Ordinances, City of Highland*. Money from the Fund may be used only for the maintenance, use and benefit of the Department, as determined by the Board.

Section 4. The Board shall develop and maintain a list of those items that the Board determines to be appropriate expenditures under Section 11-10-2 of the Illinois Municipal Code (65 ILCS 5/11-10-2). The Board shall review this list at least semi-annually, and it shall update the list if necessary.

Section 5. The Board shall consist of seven (7) Trustees.

Section 6. The Fire Chief of the Department shall be a Trustee by virtue of rank.

Section 7. Six (6) Trustees shall be elected at large by the sworn members of the Department from among themselves.

Section 8. The first elected Board shall consist of two (2) Trustees elected for one-year terms, two (2) Trustees elected for two-year terms, and two (2) Trustees elected for three-year terms. In every year thereafter, two (2) Trustees shall be elected for three-year terms to fill the positions of the two (2) Trustees whose terms are expiring that year. Trustees shall be eligible for reelection. Elections shall be held in the third week of April, and terms shall begin on the first day of May.

Section 9. Elected members of the Board shall serve until their successors are elected and installed.

Section 10. Elections shall be called and organized by the Chairman of the Board or the Fire Chief if no Chairman or Vice Chairman exists. The Board shall develop a procedure governing nominations and elections.

Section 11. If there is an insufficient number of candidates to fill all the Trustee positions, the number of Trustees may be reduced, but the number of Trustees shall not be fewer than three (3).

Section 12. Vacancy shall be declared by the Chairman if an elected Trustee resigns from the Board, is no longer a sworn member of the Department or is otherwise, in the opinion of the Chairman, unwilling or unable to serve. Vacancies shall be filled by election if more than one (1) year remains in the term of office. Otherwise, the Board shall fill the vacancy and appoint as a member a person who would be eligible for election to that vacancy.

Section 13. The Trustees shall annually elect a Chairman, a Vice Chairman, a Secretary and a Treasurer from among their members in the month following each annual election.

Section 14. The Chairman (or, in the Chairman's absence, the Vice Chairman) shall preside over all meetings of the Board.

Section 15. The Vice Chairman shall assume the duties of the Chairman in the absence or incapacity of the Chairman.

Section 16. The Secretary shall record and keep accurate minutes of all meetings conducted by the Board, which shall include, but need not be limited to, (a) the date, time and place of the meeting; (b) the members of the Board recorded as either present or absent and whether the members were physically present or present by means of video or audio conference; and (c) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken. The Secretary shall make all minutes of Board meetings available for public inspection within seven (7) days of approval of such minutes by the Board, including posting on its website if one is maintained. If the Secretary is absent from a meeting, another Board

member shall be appointed by the Chairman to record the minutes. In addition, the Secretary shall be responsible for the Board's written communications and shall be the custodian of the Board's non-financial records.

Section 17. The Treasurer shall be responsible for receiving all funds appropriated to the Board and implementing expenditures for the maintenance, use, and benefit of the Department upon the order of the Board. The Treasurer shall keep accurate and current records of the Fund and all accounts maintained thereunder, including all deposits thereto, withdrawals and disbursements therefrom, balances therein, and all other regular and customary financial and accounting information.

Section 18. The Treasurer shall give a sufficient bond to the municipality in which the Department is organized. This bond shall be approved by the Mayor, conditioned upon the faithful performance by the Treasurer of his or her duties under Section 11-10-2 of the Illinois Municipal Code (65 ILCS 5/11-10-2).

Section 19. As part of the annual municipal audit, the Board's funds shall be audited to verify that they have been expended by the Board only for the maintenance, use, and benefit of the Department.

Section 20. The Board shall comply with the requirements of the Open Meetings Act (5 ILCS 120/1 *et seq.*).

Section 21. The Board shall meet quarterly. If the Board has six (6) or seven (7) members, four (4) members constitute a quorum required to conduct business, and a majority of those present shall be necessary to adopt any motion or resolution, with the exception of a vote to adopt or amend the Board's Rules and Regulations, which shall require the affirmative vote of four (4) members. If the Board has four (4) or five (5) members, three (3) members constitute a

quorum required to conduct business, and an affirmative vote of three (3) members is necessary to adopt any motion or resolution, including a vote to adopt or amend the Board's Rules and Regulations. If the Board has three (3) members, two (2) members constitute a quorum required to conduct business, and an affirmative vote of two (2) members is necessary to adopt any motion or resolution, including a vote to adopt or amend the Board's Rules and Regulations.

Section 22. The Board shall establish a regular time and place for its meetings, which shall be open to the public.

Section 23. The Board shall authorize use of money from the Fund by written resolution setting forth with particularity the items on which funds are to be expended and the amounts approved for expenditure, provided that such items approved for funding shall be contained within the list described in Section 4 above. The Treasurer shall pay out money from the Fund as authorized by resolution of the Board. The signatures of two of the four titled officers of the Board shall be required on any check, draft or other order drawn on the account of the Fund.

Section 24. The Board shall not incur debt or enter into any contract or other agreement for any expenditure in excess of the unencumbered funds currently on deposit in, and authorized for expenditure from, the Fund at the time of execution of any such contract or agreement.

Section 25. The Board shall make all needful Rules and Regulations with respect to the Board and the management of the money appropriated to the Board. An affirmative vote of a majority of the total number of Trustees shall be required for the adoption or amendment of any Rules or Regulations.

Section 26. This ordinance shall be known as Ordinance Number 2569, and shall be in full force and effect from and after its passage, approval, and publication in accordance with law.

Passed by the City Council of the City of Highland and deposited and filed in the Office of the City Clerk, on the 20th day of May, 2013, the vote being taken by a roll call vote of ayes and noes and entered on the legislative record as follows:

AYES: Schwarz, Frey, Bellm, Nicolaides

NOES: None

APPROVED:

Joseph R. Michaelis, Mayor
City of Highland, Madison County, Illinois

ATTEST:

Barbara Bellm, City Clerk
City of Highland, Madison County, Illinois