

ORDINANCE NO. F-1481

AN ORDINANCE AMENDING CHAPTER 30, FIRE PREVENTION AND PROTECTION, ARTICLE V., FOREIGN FIRE INSURANCE TAX BOARD, OF THE WHEATON CITY CODE

BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule power, as follows:

Section 1: That Chapter 30, Fire Prevention and Protection, Article V., Foreign Fire Insurance Tax Board, Sections 30-100 thru 30-105, of the Wheaton City Code, be deleted in their entirety and replaced with the following:

“Sec. 30-100. Foreign fire insurance tax board.

The City of Wheaton Foreign Fire Insurance Tax Board (board) shall consist of 7 trustees; the fire chief, who shall hold office by virtue of rank, and 6 members, who shall be elected at large by the sworn members of the department. If there is an insufficient number of candidates to fill all these positions, the number of board members may be reduced, but not to fewer than 3 trustees. All members of the department shall be eligible to be elected as officers of the department foreign fire insurance board. The members of this board shall annually elect officers. These officers shall be a chairman, a treasurer, and secretary. The trustees of the department foreign fire insurance board shall make all needful rules and regulations with respect to the department foreign fire insurance board and the management of the money to be appropriated to the board.

Sec. 30-101. Elections.

1. Elections for three (3) trustee positions shall be held in the month of May each year. Trustee terms are for two-years. Elections shall be by secret ballot, with the names of those sworn members showing interest, submitted by written nomination to the board secretary.
2. For the May 2010 thru May 2011 trustee elections, four (4) positions shall be elected in order to balance rotations of board members to three (3) trustees being elected every two (2) years. Three (3) trustees' terms shall be for two (2) years; and one (1) trustee term shall be for one (1) year. The 2010-2011 elected trustees shall be placed in order of votes: the top three (3) with the most votes shall hold the trustee position for two (2) years, and the fourth shall be for one (1) year. Elections after the 2010-2011 elections shall be revert to Section 30-101-1 above.

Sec. 30-102. Powers, duties, procedures.

All revenue received by the city from the foreign fire insurance tax shall be deposited in the fund and shall be held and expended according to the following procedures:

- (1) By December 1st of each year the trustees of the board shall approve a preliminary budget for the expenditure of the funds received pursuant to the foreign fire insurance tax. The trustees of the board shall, no later than February 1st, adopt a final budget for the collection and expenditure of the foreign fire insurance tax; the budget shall be subject to the approval of the city council. The final budget may be amended at any time by a majority vote of the trustees of the board; any amendment shall be subject to approval of the city council. Expenditures shall be made only for items specifically described in the

final budget as originally adopted or subsequently amended by the board and approved by the city council.

(2) The board shall have the power to approve the expenditure of money from the fund for items specifically described in the approved budget.

(3) Any expenditure made from the fund shall be made in accordance with city rules, regulations, practices and ordinances, as may be amended from time to time, which govern the procurement of goods and services.

(4) Prior to placing any item(s) and/or service which would be placed within any fire station(s) in the proposed budget, the board shall submit a written statement to the fire chief stating the descriptions of the items and/or services and the proposed locations within any fire station(s). The fire chief reserves the right to prohibit any such item(s) and/or service(s) to be placed or located into any fire station(s). If the fire chief decides to allow any such item(s) and/or service into any fire station, the fire chief shall also reserves the right to prohibit the board's proposed physical location of any such item(s) or rendering of service in any fire station. The fire chief must respond in writing to any written statement of the board within 30 days from his receipt of the statement and the fire chief must explain the basis for his decision(s). Upon the purchase of any approved items, title shall be placed in the name of the city.

(5) The board may appeal, in writing, any decision of the fire chief rendered pursuant to subsection four to the city manager who shall issue his decision in writing within 21 days of his receipt of the board's written appeal. The decision of the city manager shall be final.

(6) The treasurer of the board shall:

a. Have charge and custody of and be responsible for all funds collected by the city from the foreign fire insurance tax;

b. Deposit all such monies in the name of the foreign fire insurance board for the city fire department in such banks, savings and loan associations, or other depositories as shall be authorized by the city council;

c. Invest such funds as are not immediately required in such securities as the city council shall specify or generally designate from time to time;

d. Maintain the financial books and records of the fund.

e. Provide the city director of finance a monthly accounting of receipts and expenditures of the fund.

f. Furnish a bond to the city in an amount equal to three times the amount of foreign fire insurance tax revenue to ensure the faithful performance of the board treasurer of his duties imposed by law and by board rules and regulations. Fees

for the bond shall be paid from the funds collected from the foreign fire insurance tax.

g. Pay the service charge levied by the Illinois Municipal League for the collection of the foreign fire insurance tax from the proceeds of the foreign fire insurance tax, provided such fee is chargeable by state law; and provided that the service charge has not already been retained by the Illinois Municipal League prior to disbursement of the tax funds.

(7) The secretary of the board shall:

As part of the annual municipal audit, the funds of the foreign fire tax shall be audited to verify that the funds have been expended by the board for the maintenance, use, and benefit of the department. The annual audit shall be delivered to the mayor and city manager. The cost of said audit shall be paid from the funds collected from the foreign fire insurance tax.

(8) The board members shall be subject to the disclosure requirements set forth in article VIII, chapter 2, of the Wheaton City Code.

Sec. 30-103. Meetings.

The board shall, in accordance with the Open Meetings Act, establish a regular time and place for its meetings. The Chairman shall preside at the meetings and the Secretary shall keep a record of all resolutions, proceedings and actions of the board; these records shall be open to the public. Four (4) members of the board shall constitute a quorum for the transaction of its business. A simple majority vote of four (4) members of the board present shall be necessary to conduct or transact any business. Special meetings, with appropriate notice, may be called by the Chairman or by no less than four (4) other members of the board. Any person shall be entitled to appear and be heard on any matter before the board.

Sec. 30-104. Rules and regulations.

The board may promulgate written rules and regulations governing board matters so long as such rules and regulations are not inconsistent with law. All rules and regulations promulgated by the board must be approved by a majority of the members of the city council. All rules and regulations shall be posted in each fire station, the city hall, and a copy provided to the city clerk. Before any rule or regulation shall become effective, such rule or regulation shall be filed with the city clerk and shall be made available for public inspection. Rules or regulations of the board shall become effective when the ordinance enacted by the city council becomes law. The board secretary shall maintain a record of all board rules and regulations, which shall be available for public inspection.

Sec. 30-105. Limited function of board.

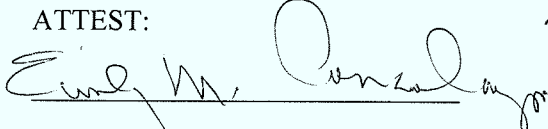
The board shall be limited in function to the administration of the funds derived from foreign fire insurance taxes as may be levied from time to time by the city. Nothing in this article shall give the board any function or authority for any other purpose. At no time shall the actions of the

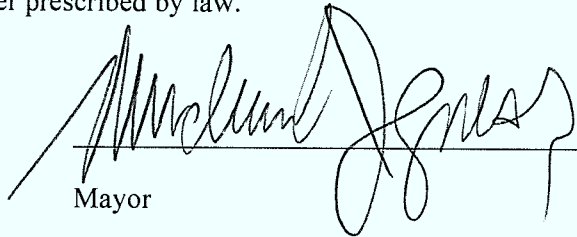
board interfere with the duties, responsibilities and rights of the fire chief, the city manager, the city council, the board of fire and police commissioners nor shall its actions in any way impede the ordinary, usual and customary operation of the fire department. “

Section 2: In all other respects, the terms and provisions of the Wheaton City Code are ratified and remain in full force and effect.

Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 4: That this ordinance shall become effective from and after its passage, approval and publication in pamphlet form, in the manner prescribed by law.

ATTEST:

City Clerk


Mayor

Roll Call Vote:

Ayes: Councilman Prendiville
Councilman Scalzo
Councilman Suess
Councilwoman Corry
Councilman Mouhelis
Mayor Gresk

Nays: None

Absent: Councilman Levine

Motion Carried Unanimously

Passed: April 19, 2010

Published: April 20, 2010