

JUL 21 2008

ORDINANCE NO. 2669

Wally Jaffee
City Clerk

AN ORDINANCE TO AMEND SECTION 2.36 (FIRE DEPARTMENT) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE MUNICIPAL CODE OF THE CITY OF COLUMBIA, ILLINOIS TO ADD THERETO CHAPTER 2.36.100 (FOREIGN FIRE INSURANCE COMPANY FEE) TO ASSESS A FOREIGN FIRE INSURANCE COMPANY FEE OF 2% OF THE GROSS RECEIPTS RECEIVED FROM THE SALE OF FIRE INSURANCE BY INSURANCE COMPANIES NOT INCORPORATED IN ILLINOIS UPON PROPERTY SITUATED IN THE CITY OF COLUMBIA, ILLINOIS AND TO ESTABLISH A FOREIGN FIRE INSURANCE BOARD TO ADMINISTER THE FOREIGN FIRE INSURANCE FEES RECEIVED BY THE CITY UNDER AND PURSUANT TO THE FOREIGN FIRE INSURANCE COMPANY FEE STATUTE OF THE STATE OF ILLINOIS (65 ILCS 5/11-10-1, ET. SEQ.)

WHEREAS, Section 1 of the Foreign Fire Insurance Company Fees Statute (the "Act") provides and allows that the City of Columbia, Illinois (the "City") may prescribe by ordinance the rate of tax or license fee to be paid by foreign fire insurance companies collecting premiums on the sale of fire insurance on properties located in the City, not to exceed 2% of the gross receipts received from fire insurance upon property situated within the city (65 ILCS 5/11-10-1);

WHEREAS, Section 2 of the Act requires and states that the City must establish a Foreign Fire Insurance Board to manage the funds to be received by the City from the Foreign Fire Insurance Fees received by the City under and pursuant to the Act;

WHEREAS, the City Council of the City has found and determined and does hereby declare that it is necessary and appropriate that the City enact this ordinance to impose said foreign fire insurance fee, prescribe the amount of said Fee to be paid by foreign fire insurance companies collecting premiums from the sale of fire insurance on properties located in the city and to establish the Foreign Fire Insurance Board to manage said fees collected by the City under and pursuant to the Act.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. Section 2.36 (FIRE DEPARTMENT) of Title 2 (ADMINISTRATION AND PERSONNEL) of the Columbia, Illinois Municipal Code is hereby changed and

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amended to add thereto Chapter 2.36.100, entitled: "Foreign Fire Insurance Company Fee", to read as follows:

"Chapter 2.36.100 Foreign Fire Insurance Company Fee.

(A). Foreign Fire Insurance Company Fee Imposed.

Every corporation, company, and association which is not incorporated under the laws of the State of Illinois and which is engaged in effecting fire insurance in the City of Columbia, Illinois, (the "City") shall pay to the Columbia City Clerk for the maintenance, use, and benefit of the Columbia Fire Department, a fee in the amount of two per cent (2%) of the gross receipts received from fire insurance upon property situated within the City. All payments under the provisions of this chapter shall be made on or before the fifteenth day of July following the termination of the year for which such payments are due.

Every person acting as representative for or on behalf of any such company or association shall, on or before the fifteenth (15th) day of July of each year, render to the City Clerk a full, true and just account, verified by his oath of all premiums which have been received by him on behalf of the company during the year ending the preceding July first (1st) on such fire insurance policies on property located within the City. Such agent shall at the time of rendering such report, pay to the City Clerk the sum of money for which the company, corporation, or association represented by him is chargeable, by virtue of the provisions of the Illinois Foreign Fire Insurance Fee Act and this Chapter.

If the account is not rendered on or before the fifteenth (15th) of July of each year, or if the sum due remains unpaid after that day, it shall be unlawful for any corporation, company, or association, so in default, to transact any business in the City until the sum due has been fully paid. This provision shall not relieve any corporation, company, or association from the payment of any loss upon any risk that may be taken in violation of this requirement.

(B). Foreign Fire Insurance Fee Board.

1. Establishment. There is hereby established the Foreign Fire Insurance Fee Board, to be known as the Foreign Fire Insurance Board (and hereinafter referred to in this Chapter as "the Board" or the "Foreign Fire Insurance Board").

2. Election of Officers.

The Foreign Fire Insurance Board shall consist of five (5) officers who shall be elected from the non-probationary, non-civilian members of the Columbia Fire Department, (including the Firefighters, Captain and Chief of the fire department), as follows:

(a) Temporary Election Committee.

(1) There is hereby established a temporary election committee to consist of three (3) members to be comprised of the Chief of the Columbia Fire Department and two (2) members to be selected by the Chief of the Fire Department and the President of the Fire Company from the non-probationary, non-civilian members of the Columbia Fire Department.

(2) The Temporary Election Committee shall be responsible for organizing, conducting, and supervising the initial election of the officers of the Foreign Fire Insurance Board by the members of the fire department. The committee shall establish election procedures consistent with the requirements of this Chapter and the Foreign Fire Insurance Company Fee Act of the State of Illinois (65 ILCS 5/10-11-1, et. seq.).

(b) Election procedures.

(1) The Board shall develop a procedure governing the nomination of members to serve on the Foreign Fire Insurance Board. The nominating procedures, after the election of the initial members of the Board, shall be established a minimum of thirty (30) days prior to the expiration of the term of office of the Board member whose office is require to be filled by election.

(2) The Board shall develop procedures for the conduct of the election to elect Board members, same to be established a minimum of thirty (30) days before the expiration of the term of office of the Board member whose office is required to be filled by the election, except for the initial election of the Board members.

(3) Within 30 days of the effective date of the ordinance creating the Board, an election shall be held to elect the five (5) officers of the Board. Three (3) of the officers to be elected shall serve two-year terms of office. Two (2) of the officers to be elected shall serve one-year terms of office. Thereafter elections for officers to the Board shall be conducted in March of each year and each officer of the Board elected shall serve a two-year term of office. Officers shall take office immediately after their election.

(c) Vacancies in office.

(1) Each Board officer shall hold office during his term unless the officer resigns from the Board or the Fire Department, retires from the Fire Department or is discharged, in which case the officer shall be immediately removed from the Board and the position deemed vacant.

(2) Vacancies on the Board during an unexpired term shall be filled by election and such election shall be for the unexpired term.

3. Selection of the Chairman, Vice Chairman, Secretary and Treasurer of the Board.

(a) At the first meeting of the Board and every year thereafter, the officers shall select a Chairman, Vice-Chairman, Secretary and Treasurer of the Board. Each officer may serve in such capacity so long as such officer remains on the Board.

(b) The Treasurer of the Board shall give a sufficient bond to the City, to be approved by the Mayor. This bond shall be conditioned upon the faithful performance by the Treasurer of his duties under the statutes of the State of Illinois, this Chapter and the rules and regulations of the Board.

4. Powers, Duties and Procedures of the Board.

(a) The Board may establish rules and regulations consistent with the provisions of the Illinois Foreign Fire Insurance Fee Act and this Chapter governing the Board and the conduct of the meetings and business of the Board. After the initial election of the Board members, the Board shall provide for the election of its members and the management of its funds. These rules and regulations may be changed and amended from time to time as the Board shall decide.

(b) The expenditure of funds received by the Board shall be made solely for the maintenance, use and benefit of the Columbia Fire Department.

(c) The Board shall develop and maintain a list of those items the Board determines are appropriate expenditures for the maintenance, use and benefit of the Columbia Fire Department. The Board shall update the listing from time to time, but in no event less than every two (2) years. No expenditures shall be made for items not set forth on the list of appropriate expenditures.

(d) The Treasurer of the Board shall receive the appropriated funds from the City treasurer and shall pay out the money upon the order of the Board for the maintenance, use and benefit of the Columbia Fire Department for appropriate expenditures determined by the list of appropriate expenditures prepared and maintained by the Board.

(e) The funds the Treasurer of the Board receives from the City shall be included in the annual audit of the city and shall be audited to verify that the expenditure of the funds for purchases are for the maintenance, use, and benefit of the Columbia Fire Department.

(f) Any items purchased by the Board shall belong to the City and Title to any items purchased by the Board shall be in the City.

5. Board Meetings.

(a) The Board shall establish a regular time and place for its meetings and all meetings of the Board shall be conducted in compliance with the provisions of the

Open Meetings Act.

(b) The Chairman (or in the absence of the Chairman, the Vice-Chairman) shall preside at all Board meetings. If the Chairman and the Vice-Chairman are both unable to attend any meeting, the Treasurer shall preside at the meeting. The Secretary shall keep record of the proceedings of all meetings and the actions of the Board, and the records shall be open to the public on reasonable notice to the Secretary.

(c) Three (3) members of the Board shall constitute a quorum for the purpose of conducting a meeting and a majority of a quorum shall be required for the transaction of the Board's business.

(d) The Chairman or any three (3) members of the Board may call a special meeting at any time. Notice of a special meeting shall be in writing signed by the Chairman or the three (3) members of the Board. Such notice shall set forth the nature or the object of the special meeting.

(e) Any person shall be entitled to appear and be heard on any matter before the Board.

(f) Minutes of all Board meetings shall be filed with the City Clerk.

6. Marine Insurance.

The provisions of this ordinance shall not be applicable to receipts from contracts of marine insurance, even though they include insurance against fire, where the premium for the fire insurance is not separately specified."

Section 3. All resolutions or ordinances, or parts of resolutions or ordinances of the City in conflict herewith, are hereby changed and amended to read and be in compliance with the requirements of this ordinance; and to the extent that conflicting resolutions or ordinances, or parts of resolutions or ordinances, cannot be changed and amended to comply with this ordinance the same, to the extent of such conflict, are hereby repealed.

Section 4. This Ordinance shall be in full force and effect, from and after its passage and approval, as provided by law.

Alderman Ebersohl moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Hejna, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberfell, Stumpf and

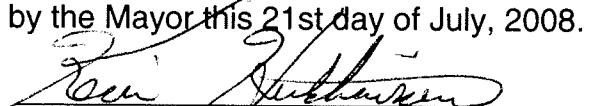
Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 21st day of July, 2008.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)