

Effective Date: December 11, 2009

11/18/2009

10/8/2009

**101-O-09**

**AN ORDINANCE**

**Amending Title 3, "Business Regulation,"  
Chapter 2, "Municipal Occupation Taxes,"  
Section 3, "Foreign Fire Insurance Companies Tax"**

**WHEREAS**, on August 14, 2009, Governor Patrick Quinn signed into law Public Act 96-0505 which modifies the make up of the Foreign Fire Tax Board; and

**WHEREAS**, the City Code of the City of Evanston of 1979, as amended, will conform with the newly enacted state legislation.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** That Title 3, "Business Regulation," Chapter 2, "Municipal Occupation Taxes," Section 3, "Foreign Fire Insurance Companies Tax" of the Evanston City Code of 1979, as amended, is hereby further amended to read as follows:

**3-2-3: FOREIGN FIRE INSURANCE COMPANIES TAX:**

**(A) Tax Levied:** All corporations, companies and associations, not incorporated under the laws of this State, which are engaged in the City in effecting fire insurance, shall pay annually to the State Treasurer, who shall in turn remit the tax and reports to the Illinois Municipal League, and said Illinois Municipal League shall transmit the tax and reports to the City, at the time of filing the reports mentioned in subsection (B) hereof, as a tax or license fee, a sum equal to two percent (2%) of the gross receipts for premiums received by such corporations, companies or associations, or their agency or agents respectively, for business effected or transacted for fire insurance within the City for the year ending July 1 preceding such report.

**(B) Annual Report of Premiums:** Every person acting as agent or otherwise for or on behalf of any corporation, company or association described in the preceding subsection shall on or before July 15 of each and every year file as described in subsection (A) a full report, verified by his oath, of all the premiums which, during the year ending on July 1 preceding such report, shall have been received by him or any other person for him on behalf of any such corporation, company or association, and

shall fully and specifically set out in such report the amounts received as premiums for fire insurance; provided, however, that in cases where a firm acts as agent or otherwise, such verified report may be made by one member on behalf of such firm.

**(C) Transacting Business without Payment of Tax or Filing Report:** If the report required by the preceding subsection is not filed on or before the day designated for that purpose, or if the amount of rates for the tax or license fee shall remain unpaid after such date, as provided in subsection (A) hereof, it shall be unlawful for any such corporation, company or association to transact any business of fire insurance in the City until the requirements of this Section have been fully complied with; but this provision shall not relieve any such corporation, company or association from the payment of any risk that may be taken in violation thereof.

**(D) Penalty for Failure to File Report or Pay Tax:** If any corporation, company or association contemplated by this Section shall fail to file the report herein designated by the day required herein, or if the amount of rates required shall remain unpaid after the day limited for the payment thereof, every such corporation, company or association shall forfeit and pay to the City the sum of five hundred dollars (\$500.00) upon conviction for each and every offense. In addition to such penalty, the City shall recover in an action in its name, and for its use, against such corporation, company or association so failing to make such report or pay such rates, the full amount of the rates which may be due under the provisions hereof. (1957 Code, sec. 17-36; amd. Ord. 1-O-64)

**(E) Foreign Fire Insurance Board; Appropriation of Funds:**

1. Board Established: There is hereby established a Board known as the Foreign Fire Insurance Board (Board). This Board shall be comprised of and shall exercise the powers as designated herein consistent with 65 Illinois compiled Statutes 5/11-10-2 of the Illinois Municipal Code.

**2. Election of Officers:**

a. The Board shall consist of seven (7) members. One of them is the Evanston Fire Chief and the others are sworn members that are elected by sworn members. The members of the Board shall be designated; chairman, vice chairman, secretary, treasurer and trustee. Each member of the Board shall be an active, full-time, member of the Evanston Fire Department (Department).

b. With the exception of the Fire Chief, the members of the Board shall be elected by the active, full-time members of the Department.

c. The members of the Board shall serve two (2) year terms and until their successors are elected. The Fire Chief is a permanent member of the Board. The initial terms of office of the members of the Board shall begin thirty (30) days after the completion of the election and each member of the Board shall hold office during his/her

term unless he/she no longer holds a qualifying position (is no longer an active full-time member of the Department) in the Department, in which case the respective term shall cease immediately and the member shall thereby be removed from the Board.

d. With the exception of the Fire Chief, vacancies in the Board shall be filled by election by the active, full-time members of the Department, and such election shall be for the balance of the unexpired term.

### **3. Election Procedure (Temporary):**

a. There is hereby established a temporary Evanston Fire Department election committee. The temporary election committee shall consist of three (3) members. The Chief of the Fire Department shall serve ex officio as chairman of the committee. The Chief shall appoint one member of the Department to serve on the committee and one member shall be the bargaining unit president.

b. The temporary election committee shall be responsible for organizing, conducting and supervising the initial election of Department officers to serve on the Board. Thereafter, the Board shall establish election procedures consistent with this subsection (E).

c. The board shall develop a procedure for governing the nomination of members to run for the various offices to serve on the board. The nominating procedure shall be established a minimum of thirty (30) days prior to the expiration of the board members' terms of office.

d. The board shall develop a procedure for the final election of members to the various offices of the board. The final election procedure shall be established a minimum of thirty (30) days prior to the expiration of the board members' terms of office.

e. The board may adopt rules and regulations governing the election of officers of the board. All rules and regulations with respect to the election process shall be posted throughout the department a minimum of thirty (30) days prior to the election.

### **4. Powers and Duties and Procedures:**

a. The board shall make all needful rules and regulations with respect to the foreign fire insurance board and/or the management of monies appropriated to the board.

b. Prior to the appropriation of funds by the City Council, the board shall develop and maintain a listing of those items that the board feels are appropriate expenditures under the statute 1.

c. All expenditures by the board shall be in accordance with all City ordinances, rules, procedures and policies concerning the expenditure of municipal funds.

d. The funds of the board shall be annually reviewed as part of the City audit. The audit shall verify that purchases by the board are for the maintenance, use and benefit of the fire department.

e. The treasurer of the board shall give a sufficient bond to the City. This bond shall be approved by the mayor. The bond shall be conditioned upon the faithful performance by the treasurer of his or her duties under the state statute, ordinance, and the rules and regulations adopted by the board.

f. The funds received by the City pursuant to the levy of the foreign fire insurance company tax shall be directly handed over to the foreign fire insurance board.

g. The treasurer of the board shall pay out money and or otherwise make expenditures upon the order of the board. Any expenditures made by the treasurer, pursuant to the order of the board, shall be solely for the maintenance, use and benefit of the fire department.

**5. Quorum, Special Meetings:** The board shall, in accordance with the open meetings act, establish a regular time and place for its meetings; and publish notice of same. The board shall be subject to the provisions of the Illinois open meeting act. The chairman shall preside at board meetings, the secretary shall keep a record of the proceedings and actions of the board and may certify the same. Three (3) members of the board shall constitute a quorum for the transaction of business. The chairman may call a special meeting at any time. A special meeting may also be called upon the written notice of three (3) members of the board. Such notice shall be in writing, duly signed by the board members. Such notice shall describe in brief the nature or object of the special meeting. Any person shall be entitled to appear and be heard on any matter before the board. Minutes of board meetings shall be filed with the City Clerk.

**SECTION 2:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** That if any provision of this Ordinance 101-O-09 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid application of this Ordinance is severable.

**SECTION 4:** That this Ordinance 101-O-09 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: November 9, 2009

Adopted: November 23, 2009

Approved:

November 25, 2009

Elizabeth B. Tisdahl

Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene  
Rodney Greene, City Clerk

Approved as to form:

Elke Tober-Purze  
Elke Tober-Purze, Deputy City Attorney

