

(additions to existing text marked with underlined text;
deletions to existing text marked using ~~strikethrough~~)

ORDINANCE NO. CO-2023-18

**AN ORDINANCE AMENDING SECTION 33.16
(MAYWOOD FIRE DEPARTMENT FOREIGN FIRE INSURANCE TAX FUND ASSOCIATION)
OF CHAPTER 33 (FIRE DEPARTMENT)
OF TITLE III (ADMINISTRATION) TO COMPLY WITH
AMENDMENTS TO THE FOREIGN FIRE INSURANCE LICENSE FEE ACT**

WHEREAS, Public Act 102-0740, effective January 1, 2023, made certain amendments to a division of the Illinois Municipal Code (65 ILCS 5/11-10.) known as the Illinois Foreign Fire Insurance License Fee Act (the “Act”). The changes made to the Act require certain amendments to the Village of Maywood Village Code (the “Village Code”) in order to ensure compliance with the newly enacted statutory amendments to the Act and those amendments are set forth below in Sections 2 and 3 of this Ordinance (the “Code Amendments”); and

WHEREAS, Section 11-10-1 of the Illinois Municipal Code (65 ILCS 5/11-10-1) requires every corporation, company and association which is not incorporated under the laws of Illinois and which is engaged in effecting fire insurance in a municipality or fire protection district in Illinois to pay a fee equaling a sum of 2% of their gross receipts received from fire insurance upon property situated within such municipality or fire protection district to a foreign fire insurance board or to the secretary of a fire protection district; and

WHEREAS, Section 11-10-2 of the Illinois Municipal Code (65 ILCS 5/11-10-2) requires that the members of a fire department established in any municipality with fewer than 500,000 inhabitants shall create a foreign fire insurance board (the “Board”) from its members. Such foreign fire insurance board shall consist of seven (7) trustees, comprised of the fire chief and six (6) members of the fire department elected at large. The Board shall include a chairman, a treasurer and any other officers deemed necessary by the Board, all to be elected annually, and shall oversee the jurisdiction’s foreign fire insurance tax fund; and

WHEREAS, the President and Board of Trustees have previously created a Foreign Fire Insurance Tax Fund Association under Section 33.16 (Maywood Fire Department Foreign Fire Insurance Tax Fund Association) of Chapter 33 (Fire Department) of Title III (Administration) of the Maywood Village Code in satisfaction of the previous version of Section 11-10-2 of the Illinois Municipal Code (65 ILCS 5/11-10-2); and

WHEREAS, the President and Board of Trustees find that certain amendments to the existing Village Code establishing the Foreign Fire Insurance Board, as set forth below, are necessary to comply with the above-referenced amendments to the Illinois Foreign Fire Insurance License Fee Act (65 ILCS 5/11-10-0.01 *et seq.*) and are in the best interests of the Village, its residents, property owners, businesses and the public.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: Code Amendments. The Index of General Provisions of Chapter 33 (Fire Department) of Title III (Administration) shall be amended to read in its entirety as follows (new text is marked with underlining; deletions to existing text marked using strikethrough):

“Section 33.16 Maywood Fire Department Foreign Fire Insurance Tax Fund Association”

SECTION 3: Code Amendments. Section 33.16 (Maywood Fire Department Foreign Fire Insurance Tax Fund Association) of Chapter 33 (Fire Department) of Title III (Administration) shall be amended, in its entirety, as follows (new text is marked as underlined text; deletions to existing text marked using strikethrough):

“§ 33.16 MAYWOOD FIRE DEPARTMENT FOREIGN FIRE INSURANCE TAX FUND ASSOCIATIONBOARD.

(A) Name. With the passage of Public Act 102-0740, effective January 1, 2023, that amended certain provisions of the Illinois Foreign Fire Insurance License Fee Act, a division of the Illinois Municipal Code (65 ILCS 5/11-10), the corporate authorities of the Village have created the Maywood Foreign Fire Insurance Board, and, as such the Maywood Fire Department Foreign Fire Insurance Tax Fund Association shall now be known as the Maywood Foreign Fire Insurance Board. The object and sole function of this Foreign Fire Insurance Board is to provide all needful rules and regulations governing its officers and its operation, and to manage the monies received from fire insurance companies to be used for the maintenance, use and benefit of the Fire Department in accordance with 65 ILCS 5/11-10 (“Maywood Foreign Fire Insurance Tax Fund”).

(B) Creation; Maywood Foreign Fire Insurance Board. The Maywood Foreign Fire Insurance Tax Fund is hereby created and shall consist of all fees collected from fire insurance companies under the Foreign Fire Insurance License Fee Act by the Maywood Foreign Fire Insurance Board. The Fund shall be managed, maintained and overseen by the Maywood Foreign Fire Insurance Board and shall be used for the maintenance, use and benefit of the Fire Department.

(C) Membership. The Maywood Foreign Fire Insurance Board shall include the Fire Chief, who shall hold office by virtue of rank, and six (6) members, who shall be elected at large by the sworn members of the Fire Department. The Board shall consist of these seven (7) trustees, comprised the Fire Chief and six (6) trustees who are elected annually from among the sworn members of the Fire Department, and shall serve for terms of one (1) year.

(D) Officers. The officers of this Board shall consist of a Chairperson, Secretary and Treasurer, and any other offices deemed necessary by the members of the Board. These officers shall be elected at an annual meeting established by Board rules. A vacancy occurring in an office shall be filled through election at a Board meeting which shall be held within two (2) weeks of the occurrence of the vacancy. If the office of Treasurer becomes vacant, the Chairperson shall assume those duties until a new Treasurer is elected.

(E) Meetings. Regular meetings of this Board shall be held in accordance with the Open Meetings Act, subject to meeting protocol rules adopted by the Board. Special meetings may be called by the

Chairperson, forty-eight (48) hours' written notice having been given. The annual meeting date shall be established in the Board rules, at which time the election of officers shall occur.

(F) Powers And Duties.

1. The Foreign Fire Insurance Board shall oversee, maintain and manage the Maywood Foreign Fire Insurance Tax Fund.

2. The Foreign Fire Insurance Board shall develop and maintain a listing of those goods, services and items that it feels are appropriate expenditures under the Foreign Fire Insurance License Fee Act, in that they are for the maintenance, use and benefit of the Maywood Department of Fire and Emergency Medical Services.

3. The Foreign Fire Insurance Board may contract for the purchase of goods and services using Foreign Fire Insurance Tax funds paid to the Board. Contracting for services may include, but is not limited to, the procurement and payment of all accounting, legal, collection or other professional services deemed by the Board to be necessary to the execution of its duties under the Foreign Fire Insurance License Fee Act.

4. The Foreign Fire Insurance Board shall make all needful rules and regulations with respect to the Foreign Fire Insurance Board, and the management of the funds to be paid to the Board.

5. All monies shall be deposited in accordance with State law on investing public funds in an interest bearing account at a local FDIC insured depository selected by the Treasurer and qualified for the deposit of public funds under State law.

6. All monies collected from fire insurance companies pursuant to 65 ILCS 5/11-10 shall be paid over from the Village Treasurer to the Foreign Fire Insurance Board Treasurer and deposited into the Foreign Fire Insurance Tax Fund as established above. Such monies may be used only upon order of the Foreign Fire Insurance Board for the maintenance, use and benefit of the Department. These funds shall be audited on an annual basis to verify that the funds have been expended by that Board only for the maintenance, use, and benefit of the department using funds paid to the Board.

(G) Duties of Officers.

1. The Chairperson shall preside at all meetings of the Foreign Fire Insurance Board, may call for special meetings and shall perform all other duties as set forth in the rules of the Board.

2. All officers shall:

(a) Perform the duties prescribed in the rules of the Board and by applicable statute in addition to those outlined above and those assigned from time to time;

(b) Deliver to their successors all official records and other materials within seven (7) calendar days following the meeting at which the successors take office or immediately upon resignation or otherwise leaving the Department.

~~-(A) Name. The name of this association shall be the Maywood Fire Department Foreign Fire Insurance Tax Fund Association.~~

~~-(B) Object. The object and sole function of this Association is to provide all needful rules and regulations governing its officers and its operation and to manage the monies received from fire insurance companies to be used for the maintenance, use and benefit of the Fire Department in accordance with 65 ILCS 5/11-10-2.~~

~~-(C) Membership. The Fire Chief, officers and all full time firefighters of the Maywood Fire Department are members of this Association and shall have the privilege of holding office, attending meetings and electing officers.~~

~~—(D) Officers and their election.~~

~~—(1) The officers of this Association shall consist of a President, Secretary and Treasurer. These officers shall be elected at an annual meeting to be held each year during the month of May, except that, upon passage of this section, an initial meeting shall be held as soon as is practical to elect the officers and adopt needed rules and regulations to form the Association.~~

~~—(2) A vacancy occurring in an office shall be filled through election at an Association meeting which shall be held within 2 weeks of the occurrence of the vacancy. If the office of Treasurer becomes vacant, the President shall assume those duties until a new Treasurer is elected.~~

~~—(E) Duties of officers.~~

~~—(1) The President shall preside at all meetings of the Association, may call for special meetings and shall perform all other duties as set forth in the rules of the Association.~~

~~—(2) The Secretary shall keep the minutes for all meetings of the Association and shall post a copy of the approved minutes of each meeting at all fire stations. The Secretary shall perform such other duties as may be delegated under Association rules and shall supply new members of the Department with a copy of such rules.~~

~~—(3) The Treasurer shall receive all monies of the Association; shall keep an accurate record of receipts and expenditures; and shall pay out funds in accordance with the approved expenditure as authorized by the Association in accordance with its rules. The Treasurer shall present a statement of accounts at every meeting of the Association and at other times when requested by the President and shall make a full Annual Report at the Annual Meeting.~~

~~—(4) The Treasurer's books shall be examined annually by an Auditing Committee of not less than 3 members (or an auditor) who, satisfied that the Treasurer's Annual Report is correct, shall sign a statement at the end of the report certifying its correctness. The Auditing Committee shall be appointed by the President at least 30 days before the Annual Meeting.~~

~~—(5) All monies shall be deposited in accordance with state law on investing public funds in an interest bearing account at a local FDIC insured depository selected by the Treasurer and qualified for the deposit of public funds under state law.~~

~~—(6) All officers shall:~~

~~—(a) Perform the duties prescribed in the rules of the Association in addition to those outlined above and those assigned from time to time;~~

~~—(b) Deliver to their successors all official records and other materials within 7 days following the meeting at which the successors take office or immediately upon resignation or otherwise leaving the Department.~~

~~—(F) Meetings. Regular meetings of this Association shall be held at least twice per year on dates provided for in its rules. Seven days notice shall be given of the change of the date of a regular meeting. Special meetings may be called by the President, 3 days notice having been given. The annual meeting date shall be established in the Association rules and shall be held in May, at which time the election of officers shall occur.~~

~~—(G) Standing committee. Standing committees may be created by the Executive Board which shall consist of the President, Treasurer and Secretary, as the need arises.~~

~~—(H) Parliamentary authority. Robert's Rules of Order Revised shall govern the meetings of this Association in all cases to which they are applicable and in which they are not in conflict with this section.~~

~~—(I) Bond of Treasurer. The Treasurer of the Association shall provide the Village with sufficient bond which shall be approved by the Village President and conditioned upon the faithful performance of the Treasurer of his or her duties under the ordinance creating this Association and the rules and regulations provided for therein.~~

~~—(J) Disposition of revenue. The monies collected from fire insurance companies pursuant to 65 ILCS 5/11-10-1 shall be paid over from the Village Treasurer to the Association Treasurer and deposited~~

~~into the Fire Association Foreign Fire Insurance Tax Fund as established above. Such monies may be used only upon order of the Department for the maintenance, use and benefit of the Department."~~

SECTION 4: Codifier to Make All Necessary Internal Amendments. To the extent necessary, all tables of contents, indexes, headings, and internal references or cross-references to sections and other text that need to be amended or deleted within the Maywood Code of Ordinances, as amended, as a consequence of the above Code Amendments, shall be amended by the Village's codifier so as to be consistent with the terms of this Ordinance.

SECTION 5: Repeal of Conflicting Legislation; Severability; Validity of Non-Conflicting Legislation. All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed. Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision. Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

SECTION 6: Effective Date. This Ordinance shall be in full force and effect from and after its adoption, approval and publication, as provided by law.

ADOPTED this 16th day of May, 2023, pursuant to a roll call vote as follows:

AYES: Mayor Booker, Trustees A. Sanchez, S. Reyes-Plummer, M. Lightford, A. Peppers and I. Brandon

NAYS: None

ABSENT: Trustee M. Jones

APPROVED by me as Village President this 16th day of May, 2023, and attested by the Village Clerk on the same day.

Nathaniel George Booker, Village President

ATTEST:

Gwaine Dianne Williams, Village Clerk

Published by me in pamphlet form this 16th day of May, 2023.

Gwaine Dianne Williams, Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Gwaine Dianne Williams, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. CO-2023-18

**AN ORDINANCE AMENDING SECTION 33.16
(MAYWOOD FIRE DEPARTMENT FOREIGN FIRE INSURANCE TAX FUND ASSOCIATION)
OF CHAPTER 33 (FIRE DEPARTMENT)
OF TITLE III (ADMINISTRATION) TO COMPLY WITH
AMENDMENTS TO THE FOREIGN FIRE INSURANCE LICENSE FEE ACT**

which Ordinance was passed by a roll call vote of the Board of Trustees of the Village of Maywood at a Special Village Board Meeting on the 16th day of May, 2023, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 16th day of May, 2023.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

AYES: Mayor Booker, Trustees A. Sanchez, S. Reyes-Plummer, M. Lightford, A. Peppers and I. Brandon

NAYS: None

ABSENT: Trustee M. Jones

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 16th day of May, 2023.

Gwaine Dianne Williams, Village Clerk

[SEAL]