

# FIRE COUNSEL NOTES



## Time To Check The Calendar!

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Summer is here and the year is more than half over. Hopefully, the pandemic is passing away and doing business at the fire district is returning to the “before-time” (pre-pandemic) for most districts. With that in mind, it may be a good idea to dust off the 2021 Calendar & Checklist at an upcoming meeting to see where things stand at this point in the year insofar as compliance with legal requirements is concerned and to consider what might be appropriate topics to review at the next Board of Trustees meeting.

### **Budget, Levy & Financial Reports**

Most districts are likely well attuned to the schedule for these annual “financial life cycle” items, but it never hurts to double check to be certain that things are being done on time. While work on the district’s tax levy or levies is likely an item for a bit later in the year, now is the time to confirm that the tax extension for last year’s tax levy (2020 payable in 2021) was done properly by the county. Did your Board check the 2020 extension report? Most County Clerks send out an extension confirmation request prior to the issuance of tax bills. Did your district receive one and was it presented to the Board of Trustees or did it not even get to the Board? Was it simply signed without examination and returned to the County Clerk? Who did that and did that person really check the extension? Mistakes can be and are made and after tax bills are issued, it is

typically too late to correct extension errors—at least in the current year. Has work commenced on preparation of the required annual financial reports by your Treasurer, bookkeeper, or accountant? All trustees should know and understand that Districts are required to prepare, file, and, in some cases, publish various financial reports annually. These reports generally are required to be completed and filed within 180 days or 6 months of the end of the fiscal year. Most districts have a fiscal year ending in April, May, or June. Now is the time for the Board to confirm that the reports are being prepared for timely completion. In particular, the AFR (Annual Financial Report) must be filed with the Illinois Comptroller electronically within 180 days of the close of the fiscal year or penalties will be assessed for late filing. While a one-time extension 60 day extension can be obtained, it must be requested prior to the initial filing deadline. Similarly, the Statement of Receipts & Disbursements is due within 6 months of the end of the fiscal year. If it is not filed and published when and as required, the district may find its tax distributions from the County delayed until there is compliance. Accordingly, it pays to address these requirements in a timely manner and, while the Board may rely on the Treasurer or someone else to put these reports together, it should verify that the reports are in process or have been completed.

### **OMA & FOIA Training**

Have your new trustees taken the required Open Meetings Act training upon being appointed or elected to the Board last spring? While the Attorney General’s website is currently not working to provide that source of on-line training and certification, the IAFPD offered training at the Annual Conference in June and will be making more opportunities before the year is out. The OMA requires completion of the training within 90 days of taking office, but, because the AG’s website is down, there is a deferral of that time limit for now. Even so, districts and their new trustees should not forget to take care of this important requirement since it can become important in the event a complaint is made to the Public Access Counselor regarding an OMA matter. Remember also to document the training by placing the certificate of completion of training (or a copy of it) in each trustee’s district file. Likewise, the annual update training requirements for the OMA officer and the Freedom of Information Act (FOIA) officer also need to be met and documented. And, remember to make and document in the Board minutes the annual appointment or reappointment of the OMA and FOIA officers.

### **Closed Session Minutes**

Have you reviewed your closed session minutes to determine if any of those minutes can now be released to the public on request under FOIA? The

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district is required to make such a review at least semi-annually and to open to the public any closed session minutes which relate to matters that are concluded and regarding which the reason for not making them available publicly no longer exists.

### Fire Department Training

While firefighter training is primarily a responsibility of the Fire Chief and Department Officers, at the end of the day, if training is not occurring or is not sufficient, responsibility for that deficiency will rest on the Board of Trustees. Whether it is Illinois OSHA (Illinois Department of Labor) enforcing the OSHA regulations for firefighter safety or ISO rating the Department's effectiveness for fire insurance rating purposes, the final responsibility for the competency of the Department will be a District (and, therefore Board of Trustees) matter. An injury to a firefighter or the failure to properly suppress a fire or perform a rescue because of inadequate training can be the basis for a liability claim against the District, higher insurance costs for the District, or a downgrading of the Department which will cost taxpayers higher fire insurance premiums. Along with training activities, has the Board verified that training records are, in fact, being adequately prepared and maintained? (Remember the Sinclair Rule: "If it's not on paper, it didn't happen.")

### Equipment & Facilities Inspections and SCBA Fit Testing

Has the Board verified that pump, ladder, and hose testing has been done for the year? Has all of the PPE gear been checked? Has the annual fit testing for department members who use Self Contained Breathing Apparatus for interior structural firefighting been performed? These are all annual compliance matters which should be carried out and documented by the Department. Again, while these may be requirements which the Board has appropriately delegated to the Fire Chief and the Fire Department to carry out, note the use of the term "delegated"—even though the Board may have placed the responsibility on others, the Board will ultimately be held accountable, and it needs to be certain that such delegated matters are being timely and properly carried out.

### Insurance Review

Has the Board met with the District's insurance representative (agent or broker) to go over the current insurance coverages being maintained by the District? Has the insured vehicles listing been verified as current and correct? Has the broker or agent gone over all of the existing coverages and inquired about any new activities which have been added or changed (such as EMS)? A good agent or broker will ask these questions, but if the coverage does not exist at the time a claim occurs, it will ultimately fall back on

the Board for the coverage omission. If your District's agent has not met with the Board in some time, that is not a good sign that things are current. This is another area where delegation to the Chief or reliance wholly on the broker or agent can be problematic if a claim arises and coverage becomes an issue.

### Updated LOD & Other Benefits Beneficiary Designations

At least once each year, the Board should verify with the Chief (or with whomever this function has been delegated) that all members of the Department have reviewed and, if needed, revised, beneficiary designation documentation for any benefits payable to the firefighter or the firefighter's family in the event of the injury or death of the firefighter. Failure to do so can result in significant detrimental consequences for a member or the member's family in the event of a serious injury or death.

Admittedly, most, if not all of the foregoing items are mundane and routine. They are not fun like buying a new fire apparatus and fighting over the details of the compartment sizes etc., but the failure to "take care of business" like the items discussed above and the rest of the events listed on the Annual Calendar & Checklist, can lead to significant and often extremely detrimental outcomes for the District and Department if not taken care of. So, please, bore yourselves and use some time this summer to "Check the Calendar!". ■



The new **2021 Edition** of the **Trustee's Handbook** has arrived and is available for purchase \$50 each. The authors revised about 30 pages of the previous 2018 version. This exceptional resource is a breakdown on the duties and responsibilities for the administration but also explains the fire laws in layman's terms. Contact IAFFPD to order by phone 217-525-6620 or email [info@iafpd.org](mailto:info@iafpd.org).