

Rockland Fire Protection District
Board of Trustees

Minutes of Regular Meeting
Monday, February 11, 2019
Rockland Fire Protection District, Meeting Room
14 Skokie Highway, Lake Bluff, IL. 60044

1. Call to Order and Roll Call. President Rogers called the meeting to order at 5:00 p.m. Roll call was taken with the following attendance noted:

Trustee/President Dan Rogers
Trustee/Secretary Robert Grum
Trustee Karl Snoblin
Treasurer Tami Bryan

Attorney Brian O'Connor
Chief Siebert [Lake Forest FD]
Chief Carani [Libertyville FD](late)

Quorum acknowledged.

Others Present Resident Ed Whitehead, Marcin Malinowski and 1 other

2. Pledge of Allegiance. Recitation led by President Rogers.
3. Consideration of Minutes. Motion by Trustee Grum, seconded by Trustee Snoblin, to approve the minutes for the regular board meeting of January 14, 2019. Trustees had reviewed the minutes. No further discussion. Voice vote: 3 Aye (Grum, Rogers, Snoblin), 0 Nay. The motion passed.
4. Chiefs' Report.
Chief Siebert offered a summary of services by Lake Forest FD to the District over the past month.
 - a. Chiefs Siebert discussed possible revisions to building/fire/life safety codes for adoption by the District, the "fire prevention codes." This is separate agenda item later in the meeting.

Chief Carani arrives.

Chief Carani offered a summary of services by Libertyville FD to the District over the past month.

- a. Chief Carani stated he would confirm routine submission of service reports by email to the District to enable the service reports to be posted on the District's website.
- b. Chief Carani noted that services and responses continued during the recent extreme cold weather (polar vortex). The Trustees all thanked Chief Carani for the emails updating them on the weather and service impacts from the weather during that challenging period.

5. Public Comment. Marcin Malinowski offered two comments: (1) inquiring into unpublicized TOPPS-conducted training event for Lake County Sheriffs' Department canines occurring on January 30, 2019 at the fire station, which was noted as being a separate agenda item later in the meeting. And (2) inquiring into documents related to the reimbursement to Trustee Rogers for damage occurring to his privately owned vehicle. [For more complete discussion, see Item 14 in the minutes from the meeting of January 14, 2019, approved at this meeting.] There was no further comment offered.
6. Attorney Report.
 - a. Attorney O'Connor reported that the court had granted the motion to dismiss the petitioners' compliant/petition related to the District/Village/City service intergovernmental agreement (IGA). Attorney O'Connor shared a copy of the court's order with the Board.
 - b. In response to President Rogers comment, Attorney O'Connor noted:
 - i. On 8/22/2019, Petitioners' original petition seeking a Temporary Restraining Order (TRO) seeking to prohibit enactment of the IGA which was filed 8/21/2018 was denied due to a lack of notice.
 - ii. On 9/25/2018, Respondents' filed a Motion to Dismiss Petitioners' Petition.
 - iii. On 9/27/2018, the court subsequently denied Petitioners' motion for issuance of a TRO seeking to prohibit enactment of the IGA finding a lack of showing of irreparable injury and lack of showing a likelihood of success on the merits.
 - iv. On 12/13/2018, the court denied Petitioners' emergency motion for issuance of a TRO seeking to prohibit enactment of the IGA finding a lack of showing of a likelihood of success on the merits.
 - v. On 2/07/2019, the court granted Respondents' Motion to Dismiss Petitioners' Petition without prejudice.
 - c. Attorney O'Connor reported District litigation costs through 1/31/2019 amounted to \$16,917.14. Attorney O'Connor noted this costs would increase for efforts in February through and including the 2/07/2019 hearing. Attorney O'Connor shared a copy of a summary of litigation legal effort and costs with the Board.

7. Treasurer's Report, December 2018. The Board reviewed the District's financial position as of December 31, 2018, as follows:

LF Bank and Trust – Capital	\$ 36,434.19
LF Bank and Trust – Checking	\$313,768.60
LF Bank and Trust – Reserve	<u>\$274,259.30</u>
TOTAL	\$624,462.09

The Board reviewed the District's profit & loss/budget tracking report.

No further discussion. Motion to approve by Trustee Grum, seconded by Trustee Snoblin. Roll vote: 3 Aye (Grum, Rogers, Snoblin), 0 Nay. The motion passed.

8. Review of Outstanding Invoices (for discussion only). The Board reviewed the list of outstanding invoices for the amount of \$26,456.87.

No further discussion. Motion to approve by Trustee Grum, seconded by Trustee Snoblin. Roll vote: 3 Aye (Grum, Rogers, Snoblin), 0 Nay. The motion passed.

9. Treasurer's Report, January 2019. The Board reviewed the District's financial position as of January 31, 2019, as follows:

LF Bank and Trust – Capital	\$ 36,440.38
LF Bank and Trust – Checking	\$316,786.36
LF Bank and Trust – Reserve	<u>\$274,287.93</u>
TOTAL	\$627,514.67

The Board reviewed the District's profit & loss/budget tracking report.

No further discussion. Motion to approve by Trustee Snoblin, seconded by Trustee Grum. Roll vote: 3 Aye (Grum, Rogers, Snoblin), 0 Nay. The motion passed.

10. Review of Outstanding Invoices (for discussion only). The Board reviewed the list of outstanding invoices for the amount of \$147,627.69.

No further discussion. Motion to approve by Trustee Grum, seconded by Trustee Snoblin. Roll vote: 3 Aye (Grum, Rogers, Snoblin), 0 Nay. The motion passed.

11. Building and Officers' Insurance. Trustee Snoblin reported on his researching regarding District Building (general liability) and Officers' (errors, omissions) insurances. Trustee Snoblin reported this District would receive a rebate of \$4,853.00 for premiums on cancelled employee/vehicle coverages. Trustee Snoblin stated he expected he would be receiving the notice for the 2019-2020 premium from the carrier in the near future. Trustee Snoblin confirmed the liability insurance continued on the station and property, as did the errors and omissions insurance for the trustees and officials.

12. Building Appraisal and Consideration of the Potential Sale of the Fire Station. Attorney O'Connor addressed this at the Board's request.
- President Rogers noted that Attorney O'Connor had shared some thoughts on any potential sale of the fire station, and asked Attorney O'Connor to summarize these for the Board.
 - Attorney O'Connor noted that the appraisal authorized by the Board by Resolution 2018-04 on October 8, 2018, was an appraisal for the lease of the fire station.
 - Attorney O'Connor explained that an appraisal for the lease of a commercial property was quite different than the appraisal for the sale of a commercial property.
 - Attorney O'Connor explained the sale of real property by a fire protection district had statutory steps which needed to be followed.
 - Attorney O'Connor shared a copy of the relevant statute [70 ILCS 705/10a] with the Board, and noted none of these steps had yet taken place.
 - Attorney O'Connor reviewed highlights of salient points of Section 10a, noting the step-by-step approach.

- iii. Attorney O'Connor noted while any such action began with a certified MAI appraisal of the property the steps subsequent to receipt of that appraisal would take time, perhaps 4-6 weeks.
 - iv. Attorney O'Connor noted that voters would elect the next trustees at the Consolidated Election scheduled for 4/02/2019, and that the new elected Board would be seated in May 2019.
 - v. Attorney O'Connor continued that even if the procedural steps were completed, the Board selected a qualifying bidder, and directed Attorney O'Connor to sell the fire station that the process to sell a commercial property like the fire station would likely take 6-10 weeks.
 - vi. Attorney O'Connor noted that the following elected Board would be properly positioned to reconsider a proposed sale of the fire station.
 - e. Attorney O'Connor agreed with President Rogers that obtaining a certified MAI appraisal of the fire station was like a prudent measure to enable the Board to appreciate the value of the fire station. Consensus of the Board for President Rogers to pursue obtaining a certified MAI appraisal of the fire station for use by the current or follow-on elected Board.
13. January 30, 2019, Use of the Fire Station. President Rogers reviewed the circumstances and events leading to the TOPPS-conducted training event for Lake County Sheriffs' Department canines occurring on January 30, 2019 at the fire station. President Rogers noted the Lake County Sheriff Department, a governmental entity, asked for use of the fire station. Other Lake County offices have used the fire station, such as the Clerk's office as a polling place. President Rogers stated the Lake County Sheriff's contact had provided him the certificate of insurance for the event along with a nominal payment. The concerns voices seemed to focus on the absence of notice of the event rather than the Sheriff's Department actual event.
14. Payment of Trustees Legal Fees re: Ethics Complaint. Trustees Rogers and Grum advised county ethics complaints had been filed against each in their capacity at a Board trustee and asked Attorney O'Connor about possible reimbursement of legal fees for representation. Attorney O'Connor distributed Section 2-302 of the Local Governmental and Government Employees Tort Immunity Act [745 ILCS 10/2-302] which is the relevant statute. Attorney O'Connor noted that while the Board is permitted to reimburse costs, a necessary requirement was to first ensure the District's errors and omissions policy and carrier would not cover the costs of the attorneys' efforts on behalf of Trustees Rogers and Grum. Trustee Snoblin would provide Trustee Rogers the insurance carrier contact for the District's errors and omissions policy for follow-up.
15. Consideration of Ordinance 2019-01 Approving an Updated District Fire Prevention Code. The prior District code was adopted by Ord. 2019-02 on September 9, 2013. As discussed at the January meeting, with the implementation of code enforcement efforts by the Village of Libertyville (Village) and City of Lake Forest (City) per the approved Inter-Governmental Service Agreement there is a need to update the District Code and make it more consistent with the Lake County codes and more easily enforceable by the Village and City code enforcement officials. Attorney O'Connor explained he had

integrated the proposed code provided by Chief Siebert based on the recommendations of the Village and City code enforcement officials into an implementing ordinance, namely Ordinance 2019-01. Discussion ensued. Several provisions required amendment or revisions. Chief Carani offered suggested language for some changes to which the Board was amendable. Chief Carani will email recommendations to Attorney O'Connor for incorporation into Ord. 2019-1 for consideration and possible approval at the March 2019 meeting.

16. Adjournment. There being no further business, Trustee Grum made a motion to adjourn the meeting at 5:42 p.m. which was seconded by Trustee Snoblin. The Motion was approved by a voice vote: 3 Aye (Grum, Rogers, Snoblin), 0 No. Meeting adjourned at 5:42 p.m.

Respectfully submitted,

Brian J. O'Connor
District Attorney

Approved _____, 2019

Dan Rogers, Board President

Robert Grum, Board Secretary