

# Fire Guard



## Letter from the President



The Northern Alliance is progressing and rebuilding. It's been a busy Spring legislatively and we hope to keep the momentum moving. We have renewed our relations with Chuck Vaughn and look forward to the Fall activity!

On that note, more "proposed" Bylaw revisions are coming your way. The Board is in need of the additional revision due to a technicality in language. The NIAFPD has applied to the Illinois Fire Services Organization and is required to offer membership "State wide". The NIAFPD would like to join the Fire Caucus and have a vote in fire legislation. Additionally, representatives of the three fire organizations (Illinois State Fire Districts, Illinois Fire Chiefs & Northern Alliance) met to discuss future goals and objectives. Primarily, the focus is directed on our Education and Legislation involvements in conjunction with working together to fund them accordingly.

NIAFPD is looking for your help!!! Please help us rebuild our Legislative and Educational committees. Interested persons should contact the office. The Directors will be setting this year's goals and objectives and we need your help! We have also made offers to both the State Fire Marshal's Office and the University of Illinois to help fund specific educational programs that impact Trustees of Fire Districts.

More Rebuilding – the Double Tree is renovating our conference location for 2006. We will be continuing our relationship with Kathy McAllister and look forward to our February conference.

The NIAFPD is always striving to represent your Fire District and its needs in the best way possible. Help us educate your administrations and Fire Protection Districts. Be a part of determining each of our futures! "Stay safe", have fun, and thanks for doing what you do!

*Jack L. Mancione, President  
Northern Illinois Alliance of Fire Protection Districts  
Darien Woodridge Fire Protection District*

## Message From Executive Director



The NIAFPD was established in order to educate its members and the public regarding the functions and responsibilities of fire protection districts as prescribed by law. Trustee Mark Justen of the McHenry Township Fire Protection District donated an autographed FDNY hat to the NIAFPD for an Educational Fund Raffle. Mark's generous contribution will help the NIAFPD fund educational programs to our members.

By early fall, you will be requested to provide updated information on your fire district for our 2006 Membership Directory. Our Lobbyist Chuck Vaughn has requested a list of our members' legislative districts to use in our efforts in Springfield. When updating your information please take a minute to check the accuracy of your districts legislative districts. Please call or email me (khaagedbfd@syn.net) with any suggestions you may have to enhance the Membership Directory.

*Kathleen Haage, Executive Director  
Northern Illinois Alliance of Fire Protection Districts*

# Legislative Update. . . .

by Charles R. Vaughn, Vaughn Consulting Services



When the Fire Caucus was created from a discussion, I had with Representative Don Moffitt a few years ago, we had high hopes that a great deal more could be done for the fire service. We could have not possibly imagined how successful this would be. This session is the living embodiment of that success!

We all meet in the fall at the Motorola Campus to go through all related fire issues and to arrive at a consensus for agreed bill topics. Represented at the table include districts, chiefs, labor, fire training and education, insurance, City of Chicago, MABAS, Fire

Marshal, and others. Two days result in an agenda that is then divided up as to project responsibility. We all work together to shepherd these bills through the twisted process.

This year we implemented a very sophisticated and aggressive program to apply grass-roots pressure to stimulate, or to stop, things that affect us. One benefit has been a much closer relationship with labor on the vast majority of bills. While cooperation grows, we often still have meaningful differences. HB 1438 concerning firefighters running for office is an example.

As the session ended with members of each party questioning the marital status of the opposite side's parents, and estimates of the average IQs on the other side being a low two-

digit number, the smile of satisfaction on our face, reflected that our work was done, and well done! While no one got relief on tax caps, almost everything else we sought was passed. We follow many bills and have effected numerous compromises to meet our needs in bills that started on the wrong path (in our opinion) and changed to something we can deal with. Four days before session ended, we were finished, and the envy of most other interests in Springfield.

I am so grateful for the combined strength of the groups I represent and the confidence you place in me. Together we are reaching great heights.



## May 4, 2005 • Legislative Day • Springfield, Illinois



Addison FPD and Glenside FPD with Representative Roger Jenisch



North Palos Fire Protection District



Jack Mancione and Representative Don Moffitt



Winfield FPD with Executive Director Kathy Haage

# Recent Changes Impacting the Open Meetings Act

by Brian O'Connor, Ottosen Trevarthen Britz Kelly & Cooper, Ltd.

Recent events impacting the Open Meetings Act (5 ILCS 120/1 *et seq.*) provide a good, if brief, insight into the dynamic state of the law. This past April, the Illinois Fourth Appellate District in *Henry v. Anderson*, \_\_\_ Ill.App.3d \_\_\_, 827 N.E.2d 522, 292 Ill.Dec. 993 (4<sup>th</sup> Dist. 2005), provided guidance that addresses the justification needed for a public body to go into closed session. Earlier this month, the Governor signed into law amendments to the Open Meetings Act affecting how notices, agendas, and minutes of public body meetings will be posted.

## HENRY V. ANDERSON

The Illinois Fourth Appellate District issued its decision in *Henry v. Anderson* on April 18, 2005. The essence of the case focused on whether certain procedural actions by the Board of Education of the Champaign Community School District No. 4 when it entered into closed session violated the Illinois Open Meetings Act. The court noted that Section 2(a) of the Open Meetings Act establishes two conditions for a public body to conduct a closed meeting:

1. the reason for the closed session must fall within one of the twenty-three enumerated exceptions listed in Section 2(c);
2. the public body must close the meeting according to the provisions of Section 2(a).

In its analysis of the case, the Fourth Appellate District noted that Section 2(a) of the Open Meetings Act requires that a public body cite to the specific exception of Section 2(c) as the reason for going into a closed meeting. However, it does not require the public body to cite to the specific numerical statutory citation of the exception. In referring to the exception of Section 2(c) as the basis for entering closed session, the court noted specificity was needed.

The court found the board's basis for entering closed session sufficient when it referred to "an employee matter" or the "reclassification of employment" under the exceptions listed in Section 2(c)(1). However, the court found the board's basis for entering closed session inadequate when it referred to "potential litigation," "a contested litigation matter," or "negotiations discussions" under the exceptions listed in Section 2(c). The court noted the board's reference to litigation evinced an intention of the board to invoke exception 2(c)(11). The court noted the problem with the exception arose because the board did not distinguish whether the matter of litigation "has been filed and is [currently] pending" or whether "the action is probable and imminent, in which case the basis for the finding [of the need to go into closed session needs to be] recorded and entered into the minutes of the closed meeting."

## PUBLIC ACT 94-0028

On June 14, 2005, the Governor signed Public Act 94-0028 into law, amending various provisions of the Open Meetings Act. Specifically, in certain circumstances, public bodies will be required to post meeting notices, agendas, and eventually minutes electronically. When required, the timeline for posting meeting notices, agendas, and minutes remains the same as in the past. Notices for regular meetings continue to require posting at the beginning of the calendar or fiscal year; notices for special meetings and meeting agendas require posting forty-eight hours prior to the meeting; and minutes are required to be posted within seven days after the meeting. The meeting notice and agenda are to remain posted until the conclusion of the meeting or the conclusion of all regular meetings for the annual notice.

The requirement for electronic posting applies to public bodies in certain circumstances, namely:

- (1) the public body has a website; and
- (2) the website is maintained by full-time staff of the public body.

The amendatory language specifically notes that a failure of a public body required to post notices or agendas electronically on its website will not invalidate the meeting or actions taken during the meeting. However, while the meeting or actions might remain valid, failure to post electronically, if required, would invite a claim against the public body for non-compliance with the Open Meetings Act.

The provisions of Public Act 94-0028 take effect in 2006. If required, a public body must electronically post meeting notices and agendas beginning January 1, 2006 and must post meeting minutes effective July 1, 2006.

## LESSONS FOR THE FIRE SERVICE

From the perspective of the governing body of a fire protection district, the lesson of the Fourth Appellate District's decision in *Henry v. Anderson* is for the board of trustees to scrupulously abide by the procedures of the Open Meetings Act in the conduct of public meetings, particularly when going into closed session. If your district has a website maintained by full-time staff, you will want to be gearing up to implement the various electronic posting provisions required by Public Act 94-0028. Even if not required by the statute, districts with a website should seriously consider electronic posting of meeting notices, agendas, and minutes.



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# Disclosure in the Health Insurance Industry

by Martin Lyons, Gallagher Benefit Services

Working in the Public Sector provides all of us with first hand experiences with a vital word, disclosure. Whenever an entity is using public resources for a public purpose, all operations are and should be subject to reasonable disclosure. In Illinois, all Fire Districts are required to conduct an annual financial report and place it on file with the State of Illinois.

Beyond the legal aspects of disclosure public entities operate in an environment where information is vital in determining total performance for their constituents. To aid in this process the Fire Service uses performance standards provided by a variety of federal and state agencies as well as the NFPA. The standards from these resources provide each district with a metric for measuring their performance on a consistent basis.

What are the requirements for disclosure and the measures for performance in the Health and Benefits industry? In the private sector, firms are subject to ERISA. ERISA is the Employee Retirement Income Security Act of 1974. This act requires companies to file information with the IRS on their qualified pension and welfare plans on an annual basis. No such requirement is currently in place for public entities in Illinois. This lack of required disclosure is somewhat at odds with the way that public entities operate in general and certainly can impact the value of services received when administering your health and welfare benefits plans.

Rather than go through the many things that can and should be changed with industry regulations for health benefit plans, the remainder of this article is going to discuss a few simple steps to take in managing your health plan effectively.

## The Environment:

In Illinois smaller public entities use insurance consultants to access the health, life, dental and other benefit related insurance markets. Using a consultant is necessary for smaller entities for the following reasons:

- Insurance administration is a very complicated arena involving insurance companies, doctors, hospitals and others, and using a consultant that specializes in understanding the industry is a viable option.
- Consultants aggregate customers and provide a larger more informed voice when making requests and demands on insurance companies and providers.
- Consultants can standardize the insurance review process reducing the administrative burden on public entity staff.

Larger public entities (over 1,000 employees) can bring their consulting function in-house, but the pros and cons of such a move are an article in and of itself.

## Duties of the Consultant:

As your conduit to the industry your consultant needs to have the following characteristics in order to represent you and get your district the best value for your employees:

- **Licensing/accreditation:** The Fire Service takes great pride in providing qualified personnel in the administration of life safety services. Your consultant should be qualified as well.
- **Resources:** Health Insurance is one of the top five expenses in your budgets each year. When buying a piece of apparatus, shopping at the local truck dealer is no longer viewed as a good use of tax dollars. The same can be said about your health consultant. The firm you choose needs to have adequate resources to provide consistent, and qualified support. Opinions provided by your consultant can have major impacts on your operations.

*Continued on page 7*



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**Illinois State Fair**  
Springfield, IL  
August 12 - 21, 2005

notes...

**Illinois Fire Safety Alliance Fire  
Prevention Week Luncheon**  
White Eagle  
Niles, IL  
October 6, 2005

notes...

**Illinois Fire Chief Association  
Annual Conference**  
Hotel Pere Marquette / Peoria Civic Center  
Peoria, IL  
October 16-19, 2005

notes...

**Northern Illinois Alliance of Fire  
Protection Districts Annual Conference**  
Double Tree Hotel  
Oak Brook, IL  
February 16-19, 2006

On June 19-25, 2005, Camp "I Am Me" celebrated its 15<sup>th</sup> year with 88 campers and 75 volunteer staff. How we have grown, back in 1991 when the IFSA held it's first Burn Camp there were 45 campers and approximately 25 volunteer staff. Eight of the original volunteer staff has returned to volunteer all fifteen years of Burn Camp. Many of our past campers are now counselors or in our junior counselor/counselor-in-training programs.

# 15<sup>th</sup> Annual Illinois Fire Safety Alliance Burn Camp "I AM ME"



**Campers and Staff Celebrated the 15<sup>th</sup> Anniversary Burn Camp by working on a Postage Stamp Collage**

# Disclosure in Health Insurance

Continued from page 4

- **Technological Capabilities:** Although a resource, in today's environment, the ability of a consulting firm to communicate and provide reporting in compliance with HIPAA guidelines is so critical we list it separately.
- **Commitment:** Being a conduit to the health insurance industry in obtaining pricing is only a fraction of the consultant's duties. Managing your health care plan should be a year round process not a one-time event that occurs just before your plan renews and receives next year's rates. Your consultant should also understand your industry and needs (belonging to state associations is always a good measure, if the consultant is active).
- **Disclosure:** It is the consultant's responsibility to make sure that the district receives the best pricing, and optimal plan designs to meet its goals and objectives. This should be done in an open process. This process also should include the consultant's own revenues associated with your business.

## Good Questions to Ask

When selecting insurance carriers and consultants it is important to remember one thing: There are ZIP, NONE, ZERO not-for-profit insurance companies (with the exception of public cooperatives) or consultants in the health insurance

industry. While this should not be a surprise, it is always something to keep in mind when selecting your consultant and insurance company. Questions that will help you ensure that your consultant is performing their required duties in a cost effective manner include:

- Do you provide an Annual Service Plan to your clients?
- Are all of your staff licensed insurance professionals?
- To how many public sector clients do you currently provide services ?
- Who will be working on the account, and what are their qualifications and experience? Do you have a transition plan if personnel change?
- How many employees work in your firm in total?
- When shopping for our insurance will you approach all viable markets and provide a detail of who was approached and who was not and why?
- How much do you get paid? Will this be paid through commission (percent of total premiums), flat fee, or a per employee charge?
- Will you sign a disclosure statement on all fees received from this account regardless of the source, or make such a statement a part of your service plan?

The final three bullet points above are designed to address recent issues in the insurance industry. Consultants at some firms were found to be "steering" business to certain companies even though the review process appeared to be competitive. These favored insurance companies provided payments to consulting firms based on the total volume of business placed through them, and these payments were not a part of the normal payment to the consultant for services to a given client. While volume based business practices are not illegal, steering business is illegal according to Illinois Compiled Statutes.

In summary, there is no "right price" for a consultant to charge for their services. It is incumbent upon both the client and consultant to come to an agreement that provides for a fair price for proper services rendered. Both the services and fees in this relationship should be completely reviewed and disclosed on an annual basis at a minimum. Readers who are interested in a sample disclosure letter format can contact me at their convenience.






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## NIAFPD *Officers*

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<i>Secretary/Treasurer</i>	Nicholas Kosiara	630.682.4165
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	Zachary Lawrence	630.968.0755
	Marie Rollene	847.356.2992
<i>Executive Director</i>	Kathleen Haage	847.945.4120

## UPCOMING MEETINGS



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500 Waukegan Road  
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