

CITY OF HIGH POINT

AGENDA ITEM



Title: Appointment to High Point Firefighter's Relief Fund Board- Andrew T. Wright

From: Lisa B. Vierling, City Clerk

Meeting Date: April 13, 2015

Public Hearing: N/A

**Advertising Date /
Advertised By:**

Attachments: Letter of Recommendation from Chief M. Thomas Reid and Letter of Resignation from Gerald Zimmerman.

PURPOSE:

To fill the vacancy on the High Point Firefighter's Relief Fund Board due to the resignation of Gerald Zimmerman.

BACKGROUND:

Fire Chief Reid is recommending the appointment of *Andrew T. Wright* to fill the vacancy on the High Point Firefighter's Relief Fund Board due to the resignation of Gerald Zimmerman. State law requires members appointed to serve in this capacity to be residents of the fire district. Gerald Zimmerman resigned from this position effective March 18, 2015 because he is not a resident of the fire district. Appointment to be effective immediately and will expire on 1/31/2017.

BUDGET IMPACT:

N/A

RECOMMENDATION / ACTION REQUESTED:

Council is requested to approve the appointment of Andrew T. Wright as one of the two Council appointees on the High Point Firefighter's Relief Fund Board to fill the unexpired term of Gerald Zimmerman, who has resigned. Appointment to be effective immediately and will expire on 1/31/2017.



**HIGH POINT
FIRE DEPARTMENT**
Office of the Fire Chief



March 18, 2015

Mayor Bill Bencini and City Council
211 S. Hamilton Street
High Point, NC 27260

Subject: Fireman's Local Relief Fund Board Member Nomination

Dear Mayor Bencini and High Point Council Members,

In accordance with HB1034, Article 84 of Chapter 58, Section 30 (2) Trustees appointed; organization, it states members appointed pursuant to this section shall be residents of the fire district. Gerald Zimmerman presently does not reside in the fire district as stipulated by law. We appreciate Gerald's years of dedication and commitment to the Fireman's Relief Fund.

At this time I would like to recommend a replacement to fill this vacant position. I wish to nominate Andrew T. Wright who I have known for many years. He has clearly defined principles and values and is someone I truly respect.

Andrew is a graduate of Appalachian State University with a major in accounting. He then pursued his Master's Degree, and is presently a CPA with Smith Leonard PLLC in High Point, NC. Andrew resides at 629 Tara Drive, High Point, NC 27265 and can be contacted at 336-870-1459.

Andrew is extremely competent, bright, innovative, dependable, and would, without doubt, be an asset to the Firemen's Relief Fund Board.

To conclude, I give my highest recommendation in support of Andrew Wright. Please do not hesitate to contact me should you require further information.

Sincerely,

M. Thomas Reid
Fire Chief

Enclosure: HB1034, 58-84-30(2)
TM

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2013

SESSION LAW 2014-64 HOUSE BILL 1034

H1034-v-7

AN ACT TO AMEND THE LAWS RELATED TO (1) LOCAL FIREFIGHTERS' RELIEF FUNDS, THE STATEWIDE FIREFIGHTERS' RELIEF FUND, AND THE RESCUE SQUAD WORKERS' RELIEF FUND, (2) WORKERS' COMPENSATION FOR FIREFIGHTERS AND RESCUE SQUAD WORKERS, (3) SUPPLEMENTAL PENSIONS FOR FIREFIGHTERS AND RESCUE SQUAD WORKERS, AND (4) THE VOLUNTEER FIRE DEPARTMENT FUND AND VOLUNTEER RESCUE/EMS FUND, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. Relief Funds. – (a) Article 84 of Chapter 58 of the General Statutes reads as rewritten: "Article 84. "Fund Derived from Insurance Companies.Local Firefighters' Relief Funds.

"§ 58-84-1. Repealed by Session Laws 2006-196, s. 6, effective January 1, 2008, and applicable to proceeds credited to the Department of Insurance on or after that date. "§ 58-84-

5. Definitions. The following definitions apply in Articles 84 through 88 of this Chapter: (1) City.

– A fire district. (2) Clerk. – The clerk of a fire district or, if there is no clerk, the person so designated by the governing body of the fire district. (3) Fire district. – Any political subdivision of the State that meets all of the following conditions: a. It has an organized fire department under the control of its governing body. b. Its fire department has apparatus and equipment that is in serviceable condition for fire duty and is valued at one thousand dollars (\$1,000) or more. c. It enforces the fire laws to the satisfaction of the is rated and certified by the Commissioner. d. Its response area has been approved by the local municipal government or, if there is no local municipal government, by the local board of county commissioners. (4) Town.

– A fire district. "§§ 58-84-10 through 58-84-20: Repealed by Session Laws 1995 (Regular Session, 1996), c. 747, s. 6. "§ 58-84-25. Disbursement of funds by Insurance Commissioner. (a)

Distribution. – The Insurance Commissioner shall deduct the sum of three percent (3%) from the tax proceeds credited to the Department pursuant to G.S. 105-228.5(d)(3) and pay the same over to the treasurer of the State Firemen's Association for general administrative purposes. The Insurance Commissioner shall deduct the sum of one percent (1%) two percent (2%) from the tax proceeds and retain the same in the budget of the Department of Insurance for the purpose of administering the disbursement of funds by the board of trustees in accordance with the provisions of G.S. 58-84-35. The Insurance Commissioner shall, pursuant to G.S. 58-84-50, credit the amount forfeited by nonmember fire districts to the North Carolina State Firemen's Association. The Insurance Commissioner shall distribute the remaining tax

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proceeds to the treasurer of each fire district as provided in subsections (b) and (c) of this section. (b) Allocation to Counties. – The Insurance Commissioner shall allocate to each county an amount of tax proceeds based upon the amount allocated to it in the previous year. If the amount allocable in the current year is less than the amount allocated in the previous year, then the Commissioner shall reduce the amount allocated to each county. The amount of the reduction is equal to the difference in the amount allocated in the previous year and the amount allocable in the current year multiplied by a fraction, the numerator of which is the population of the county and the denominator of which is the population of the State. If the

amount allocable in the current year is greater than the amount allocated in the previous year, then the Commissioner shall increase the amount allocated to each county. The amount of the increase is equal to the excess proceeds multiplied by a fraction, the numerator of which is the population of the county and the denominator of which is the population of the State. (c) Distribution to Fire Districts. – Once the Insurance Commissioner has allocated the tax proceeds to a county under subsection (b) of this section, the Commissioner shall distribute those allocations to the fire districts in that county. The amount distributed to each fire district is equal to the total amount allocated to the county multiplied by a fraction, the numerator of which is the tax value of the property located in the fire district and the denominator of which is the tax value of all property located in any fire district in that county. A county shall provide the Commissioner with the tax value of property located in each fire district in that county by January 1/February 1 of each year. If a county does not submit information that the Commissioner needs to make a distribution by the date the information is due, the Commissioner shall distribute the allocation based on the most recent information the Commissioner has. (d) Administration. – These funds shall be held by the treasurer of a fire district as a separate and distinct fund. The fire district shall immediately pay the funds to the treasurer of the local board of trustees upon the treasurer's election and qualification, for the use of the board of trustees of the firemen's local relief fund in each fire district, which board shall be composed of five members, district to be used by it for the purposes provided in G.S. 58-84-35. "§ 58-84-30. Trustees appointed; organization. For each county, town or city complying with and deriving benefits from the provisions of this Article, there shall be appointed a local board of trustees, known as the trustees of the local Firefighters' Relief Fund, to be composed of five members, two of whom shall be elected by the members of the local fire department who are qualified as beneficiaries of such fund, two of whom shall be elected by the mayor and board of aldermen or other local governing body, and one of whom shall be named by the Commissioner of Insurance. Their selection and term of office shall be as follows: (1) The members of the fire department shall hold an election each January to elect their representatives to above board. In January 1950, the firefighters shall elect one member to serve for two years and one member to serve for one year, then each year in January thereafter, they shall elect only one member and his term of office shall be for two years. Members elected pursuant to this section shall be either (i) residents of the fire district or (ii) active or retired members of the fire department. (2) The mayor and board of aldermen or other local governing body shall appoint, in January 1950, two representatives to above board, one to hold office for two years and one to hold office for one year, and each year in January thereafter they shall appoint only one representative and his term of office shall be for two years. **Members appointed pursuant to this section shall be residents of the fire district.** (3) The Commissioner of Insurance shall appoint one representative to serve as trustee and he shall serve at the pleasure of the Commissioner. The member appointed pursuant to this section shall be either (i) a resident of the fire district or (ii) an active or retired member of the fire department. All of the above trustees shall hold office for their elected or appointed time, or until their successors are elected or appointed, and shall serve without pay for their services. They shall immediately after election and appointment organize by electing from their members a chairman and a secretary and treasurer, which two last positions may be held by the same person. The treasurer of said board of trustees shall give a good and sufficient surety

Gerald R. Zimmerman

717 CURRY RD. HIGH POINT NC 27265

March 19, 2015

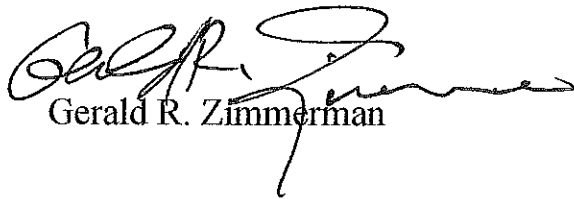
Fire Chief M. Thomas Reid
High Point Fire Department
434 S. Elm Street
High Point, NC 27260

Dear Chief Reid,

After careful thought and consideration, I have decided to resign from my position as a board member of the Firemen's Local Relief Fund effective March 18, 2015 as I am not a resident of the fire district.

I wish you and the entire team the best of luck in the future.

Sincerely,



Gerald R. Zimmerman