



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1681

Introduced 2/15/2013, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

New Act

Creates the Unified Fire Protection District Act. Provides the purpose of the Act and definitions. Provides that a Unified Fire Protection District may be formed either by referendum or intergovernmental agreement, and sets forth requirements for each method of formation. Provides for a Planning Committee, its formation, powers, and duties with regard to the Plan. Provides guidelines for the Plan that shall design, finance, and develop the new District. Provides for the board of trustees of the Unified Fire Protection District and their duties, powers, and obligations with regard to the District. Further provides for employees, contracts, tax levy, indebtedness, and liabilities of the formerly separate units of local government now consolidated into a Unified Fire Protection District. Provides for the dissolution of the District by referendum. Effective immediately.

LRB098 09096 OMW 39233 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Unified Fire Protection District.

6 Section 5. Purpose and creation.

7 (a) Purpose. The General Assembly finds the consolidation
8 of fire protection services on a regional basis provided by
9 fire departments throughout the State of Illinois to be an
10 economic benefit. Therefore, this Act establishes procedures
11 for the creation of Districts that encompass wider service
12 areas by combining existing fire departments and extending
13 service areas of these departments into under-served
14 geographic areas. It is the expressed intent of the General
15 Assembly that Regional Fire Protection Service Districts shall
16 achieve a net savings in the cost of providing fire protection
17 services, emergency medical services, and related services in
18 the expanded service area by reducing and eliminating costs
19 including, but not limited to, duplicative or excessive
20 administrative and operational services, equipment,
21 facilities, and capital expenditures, without a reduction in
22 the quality or level of these services.

23 (b) Creation. A Unified Fire Protection District may be

1 formed by:

2 (1) Filing voter-initiated petitions for the purposes
3 of integrating existing service areas of contiguous units
4 of local government to achieve the purposes of this Act; or

5 (2) Entering into intergovernmental agreements made by
6 and among existing units of local government providing fire
7 protection services, provided that these agreements are
8 approved by a voter referendum if a petition for such
9 referendum is initiated by voters of any affected
10 individual unit of government in accordance with the
11 procedures of this Act.

12 Section 10. Definitions. The definitions in this Section
13 apply throughout this Act unless the context clearly requires
14 otherwise:

15 "Board" means the governing body of a Unified Fire
16 Protection District.

17 "Fire protection jurisdiction" means a fire protection
18 district, municipal fire department, or service organized
19 under Section 5-1056.1 of the Counties Code, Sections 195 and
20 200 of the Illinois Township Code, Section 10-2.1 of the
21 Illinois Municipal Code, or the Illinois Fire Protection
22 District Act.

23 "Intergovernmental authority" means a Regional Fire
24 Protection Service Authority implemented pursuant to an
25 intergovernmental agreement.

1 "Plan" means a plan developed by a Planning Committee or
2 the parties pursuant to a petition to create a district for a
3 particular geographic area. These plans shall cover the
4 financing of a District project or projects including, but not
5 limited to, specific capital projects, maintaining the quality
6 and level of fire operations and emergency service operations,
7 and the preservation and maintenance of existing or future
8 facilities.

9 "Property Tax" or "Tax" has the same meaning as the term
10 "Tax", as defined in Section 1-145 of the Property Tax Code.

11 "Regional Fire Protection Service Authority Plan" or
12 "Plan" means a plan to develop and finance a Regional Fire
13 Protection Service Authority project or projects, including,
14 but not limited to, specific capital projects, fire operations
15 and emergency service operations, and preservation and
16 maintenance of existing or future facilities.

17 "Regional Fire Protection Service Planning Committee" or
18 "Planning Committee" means the advisory committee created
19 under Sections 4.01, 4.02 of the Fire Protection District Act
20 to facilitate the combination of fire protection services and
21 create "Districts" to achieve the purposes of this Act.

22 "Special mediator" shall be a member of the bar of the
23 State of Illinois or member of the faculty of an accredited law
24 school. A "special mediator" shall have practiced law for at
25 least 7 years and be knowledgeable about municipal, labor,
26 employment, and election law. A "special mediator" shall have

1 strong mediation skills and the temperament and training to
2 listen well, facilitate communication, and assist with
3 negotiations. Special mediators shall have sufficient
4 experience and familiarity with municipal, labor, employment,
5 and election law to provide a credible evaluation and
6 assessment of relative positions.

7 "Unified Fire Protection District" or "District" means a
8 county, municipal corporation, fire protection district,
9 township, or unit of local government, as defined under the
10 meaning of Article VII, Section 1 of the Illinois State
11 Constitution, that has boundaries that are coextensive with 2
12 or more adjacent fire protection jurisdictions and has been
13 created by either a referendum under this Act, or by agreement
14 under Article VII of Section 10 of the Illinois Constitution,
15 the Illinois Intergovernmental Cooperation Act, and the
16 provisions of this Act.

17 Section 15. Elections and referenda. If a referendum must
18 be submitted under this Act for approval or rejection by the
19 electors, the time and manner of conducting a referendum,
20 including petition signature requirements, shall be in
21 accordance with the general election law of the State. The
22 creation of any Unified Fire Protection District by referendum
23 shall be secured by an intergovernmental agreement that
24 includes terms that meet the standards set forth in Section 25
25 of this Act.

1 Section 20. Notice to the Office of the State Fire Marshal.
2 Whenever a county clerk or other election authority places upon
3 a ballot the question of creating or altering a District, or
4 upon recording of an Agreement creating a District, the clerk
5 or other election authority shall notify the Office of the
6 State Fire Marshal that the proposition is to be put before the
7 electorate or has been recorded, as appropriate. The notice
8 shall be sent to the Office of the State Fire Marshal within 10
9 working days after the question is certified to the clerk or
10 other election authority, or the intergovernmental agreement
11 is recorded.

12 Section 25. Creation of a District by petition and
13 referendum.

14 (a) Petition. A Unified Fire Protection District may be
15 formed upon petition signed by the lesser of: (i) at least 100
16 legal voters in each of the units of local government proposed
17 to be unified; or (ii) 10% of the legal voters in each of the
18 units of local government to be included in the Unified Fire
19 Protection District. The petition shall be filed in the circuit
20 court of county in which the greater part of the land of the
21 proposed Unified Fire Protection District shall be situated.
22 The petition shall set forth the names of the units of local
23 government proposed to be included, the name of the proposed
24 Unified Fire Protection District, the benefits of

1 consolidating the units of local government within a Unified
2 Fire Protection District, and whether the trustees shall be
3 elected or appointed. Upon its filing, the petition shall be
4 presented to the court, and the court shall fix the date and
5 hour for a hearing.

6 (b) Notice of Hearing. Upon the filing of the petition, the
7 court shall set a hearing date that is at least 4 weeks, but
8 not more than 8 weeks, after the date the petition is filed.
9 The court, or the clerk or sheriff upon order of the court,
10 shall give notice 21 days before the hearing in one or more
11 daily or weekly newspapers of general circulation in each
12 county where an affected unit of local government is organized
13 and by posting at least 10 copies of the notice in conspicuous
14 places within the proposed District. The notice must describe
15 the units of local government to be included and shall state
16 that if the conditions required by this Section are met, then
17 the proposition for the creation of the District shall be
18 submitted to the voters of the units of local government in the
19 proposed District by order of the court.

20 (c) Hearing and referendum. To certify a question for
21 referendum, the court must find that: (i) based upon a
22 preponderance of the evidence, the representatives of each of
23 the parties to the proposed District has executed an
24 intergovernmental agreement that includes terms that are in
25 compliance with the requirement under subsection (d) of this
26 Section; and (ii) the terms of an agreed-upon intergovernmental

1 agreement have been approved by the requisite governing bodies
2 of each of the units of local government and any collective
3 bargaining units involved.

4 At the hearing, the court shall first determine if the
5 petition is supported by the required number of valid
6 signatures of legal voters within the contiguous units of local
7 government.

8 (d) Joint Committee. If the petition is proper, then the
9 court shall remand the matter to a Special Mediator who shall
10 mediate the negotiations regarding the terms of an
11 intergovernmental agreement by the members of the Joint
12 Committee. The court shall appoint members of the Joint
13 Committee as follows:

14 (1) A representative of each unit of local government
15 included within the proposed service area of the proposed
16 District.

17 (2) A representative of each exclusive bargaining unit
18 that is a party to a collective bargaining agreement with a
19 fire protection jurisdiction within a unit of local
20 government included within the proposed District.

21 (3) A representative for the petitioners from each unit
22 of local government included within the proposed District,
23 chosen from among the legal voters that signed the
24 petition.

25 The Special Mediator shall be selected by the members of
26 the Joint Committee from a panel of 7 individuals selected by

1 the Planning Committee. If the members fail to agree, the court
2 shall appoint the Special Mediator.

3 After selection, the Special Mediator shall schedule a
4 meeting of the Joint Committee and facilitate the members in
5 negotiating the terms of an intergovernmental agreement.
6 Negotiations may continue for a period of 90 days or, if the
7 court determines that additional time will facilitate
8 agreement, longer.

9 If no agreement is reached, the court shall dismiss the
10 petition. If an agreement is reached, the court shall schedule
11 an evidentiary hearing with notice to determine if the terms of
12 the agreement are in compliance with the requirements of
13 subsection (e) of this Section.

14 An agreement shall be executed by the authorized
15 representative of each party appointed to the Joint Committee
16 by the court for each unit of local government included in the
17 proposed District. If the agreement is executed by
18 representatives of at least 2 units of local government
19 included in the original petition, then the petition may
20 proceed provided that the agreement is executed by at least 2
21 parties within 2 or more units of local government included in
22 the original petition. The units of local government that did
23 not consent to inclusion shall be dismissed, and an amended
24 petition on behalf of the consenting units shall be scheduled
25 for an evidentiary hearing.

26 The persons or entities, or their duly authorized

1 representatives, that shall have standing to present evidence
2 at the hearing are the petitioners, the units of local
3 government that shall be included in the proposed District, and
4 representatives of each exclusive bargaining unit that is a
5 party to a collective bargaining unit with a fire protection
6 jurisdiction within a unit of local government included within
7 the proposed District.

8 If the court finds, by a preponderance of the evidence,
9 that the petition is supported by a proper intergovernmental
10 agreement, the court shall enter an order certifying the
11 proposition to the proper election officials, who shall submit
12 the question of the creation of the proposed District to the
13 legal voters of each included unit of local government at the
14 next election. Notice of the election shall be given and the
15 election conducted in the manner provided by the general
16 election law. The notice shall state the boundaries of the
17 proposed District.

18 The question shall be submitted in substantially the
19 following form:

20 Shall the service areas of (names of existing units of
21 local government to be combined) be combined to create the
22 (name of the Unified Fire Protection District)?

23 Responses shall be recorded as "Yes" or "No".

24 A written statement of the election results shall be filed
25 with the court. If, in each unit of local government included
26 within the boundaries of the Unified Fire Protection District,

1 a majority of the voters voting on the question shall favor the
2 proposition, then the court shall issue an order stating that
3 the Unified District has been approved.

4 (e) Intergovernmental agreement; minimum standards of
5 service. The terms of the intergovernmental agreement shall
6 ensure that all of the following standards of service are met:

7 (1) The formation of the District shall result in no
8 net increase in the cost of fire protection services and
9 emergency medical services to each unit of local government
10 due to the reduction or elimination of duplicative
11 administrative operational services, equipment, or capital
12 expenditures. A net increase in cost is permissible if the
13 members of the Joint Committee can demonstrate that an
14 increase in the cost to a participating unit of local
15 government is justified by a corresponding increase in the
16 quality of services provided to a participating unit of
17 local government under the terms of the intergovernmental
18 agreement.

19 (2) The formation of the District shall not increase
20 the average response times in any included unit of local
21 government.

22 (3) Districts shall have no independent ability to levy
23 taxes and shall rely on the fiscal support and
24 contributions from component fire protection
25 jurisdictions, as required under the terms of the
26 intergovernmental agreement.

1 (4) The District shall apply savings in operating costs
2 as follows: A minimum of 50% of cost savings shall be
3 contributed, pro rata, to the Firemen's Pension Fund of
4 each included unit of local government as applicable. Those
5 contributions shall be applied as a credit to reduce the
6 unfunded accrued liability of the Fund, if one exists. If
7 no unfunded accrued liabilities exist, the savings in
8 operating costs shall be divided into equal amounts and
9 applied to reduce the contributions otherwise required by
10 the unit of government and its firefighter employees under
11 the Pension Code.

12 Section 30. Creation of a District by an intergovernmental
13 authority. The governing bodies of 2 or more adjacent fire
14 protection jurisdictions may commence and implement action to
15 adopt a proposed Plan pursuant to Section 10 of Article VII of
16 the Illinois Constitution and the Illinois Intergovernmental
17 Cooperation Act and create an Intergovernmental Authority.

18 (a) Notice. The governing body of a fire protection
19 jurisdiction seeking to implement and adopt a Plan under
20 Section 50 of this Act shall publish a written notice regarding
21 their intention to adopt a plan of and hold a public hearing.

22 If the fire protection jurisdiction is located entirely in
23 one county, the notice shall be published in an English
24 language newspaper of general circulation published in the fire
25 protection jurisdiction, or, if no such newspaper exists, then

1 in an English language newspaper of general circulation
2 published in the county and having circulation in the fire
3 protection jurisdiction.

4 If the fire protection jurisdiction is located primarily in
5 one county but extends into smaller portions of adjoining
6 counties, the notice shall be published in a newspaper of
7 general circulation published in the Fire Protection
8 Jurisdiction, or, if no such newspaper exists, then in a
9 newspaper of general circulation published in each county in
10 which any part of the fire protection jurisdiction is located.

11 If the fire protection jurisdiction includes all or a large
12 portion of two or more counties, the notice shall be published
13 in a newspaper of general circulation published in each county
14 in which any part of the fire protection jurisdiction is
15 located.

16 The notice shall appear not more than 30 and no less than
17 10 days prior to the date of the public hearing.

18 (b) All hearings shall be open to the public. The corporate
19 authority of each participating fire protection jurisdiction
20 shall explain the reasons for the proposed creation of an
21 Intergovernmental Authority and provide persons with an
22 opportunity to present testimony within reasonable time
23 limits, as determined by the corporate entities of the affected
24 fire protection jurisdictions.

25 (c) The Board of an Intergovernmental Authority created
26 under the provisions of this Section may, on its own initiative

1 or upon receiving notice that a petition has been filed under
2 Section 25 of this Act, convert the Authority into a District
3 formed by petition, subject to approval by the affected voters
4 in accordance with the procedures of this Act.

5 Section 35. Judicial Notice. All courts in this State shall
6 take judicial notice of the existence of any District organized
7 under this Act, and every such District shall constitute a body
8 corporate that may sue or be sued in all courts.

9 Section 40. Support. Notwithstanding any provision of this
10 Act, a Unified Fire Protection District, whether created by
11 petition or intergovernmental agreement, may receive
12 supplementary funding, fiscal support, or other revenue or
13 property consideration from the State, including the Office of
14 the State Fire Marshal, a county, or any other unit of local
15 government to defray the expenses of organizing a new Authority
16 or as may be deemed necessary or appropriate, and may be
17 appropriated by that entity to the Authority.

18 Section 45. Enforcement of an intergovernmental agreement.
19 In the event of a default, the District shall be authorized to
20 secure collection of promised contributions from the unit of
21 local government by intercepting: (1) monies deposited or to be
22 deposited into any special fund of the defaulting unit of local
23 government; or (2) grants or other revenues or taxes expected

1 to be received by the unit of local government from the State
2 or Federal government, including taxes imposed by the
3 governmental unit pursuant to a grant of authority by the
4 State, such as sales or use taxes or utility taxes.

5 Any interception authorized under this Section by the
6 District shall be valid and binding from the time the
7 interception is made. The revenues, monies, and other funds
8 intercepted and to be intercepted by the District shall
9 immediately be subject to the District's lien. The lien shall
10 be valid and binding against all parties having claims of any
11 kind in tort, contract, or otherwise against the defaulting
12 unit of local government, irrespective of whether such parties
13 have notice. Under any such interception, a defaulting unit of
14 local government may bind itself to impose rates, charges, or
15 taxes to the fullest extent permitted by applicable law. Any
16 ordinance, resolution, trust agreement, or other instrument by
17 which a lien is created shall be filed in the records of the
18 District.

19 The State Treasurer, the State Comptroller, the Department
20 of Revenue, and the Department of Transportation shall deposit
21 or cause to be deposited any amount of grants or other revenues
22 or taxes expected to be received by the defaulting unit of
23 local government from that official or entity that has been
24 pledged to the defaulting unit of local government, directly
25 into a designated escrow account established by the District at
26 a trust company or bank having trust powers, unless otherwise

1 prohibited by law. The ordinance authorizing that disposition
2 shall, within 10 days after adoption by the governing body of
3 the District, be filed with the official or entity with custody
4 of the garnished grants or other revenues or taxes.

5 Section 50. Planning committee; formation; powers. A
6 Planning Committee is an advisory entity that is created,
7 convened, and empowered as provided in this Section.

8 (a) Creation. Any 2 or more adjacent fire protection
9 jurisdictions may create a Planning Committee to discuss the
10 formation of a Regional Fire Protection Service Authority. A
11 Planning Committee may also be formed following the filing of a
12 petition that meets the requirements of Section 25 of this Act.
13 No fire protection jurisdiction may simultaneously participate
14 in more than one Planning Committee or Authority.

15 Each governing body of a participating fire protection
16 jurisdiction under this Section shall appoint two officials or
17 employees to the Planning Committee. Each exclusive
18 representative of any collective bargaining unit containing
19 fire department related employees of each affected fire
20 protection jurisdiction shall appoint 2 members or officials to
21 the Planning Committee. In a proposed District formed by
22 petition, the Planning Committee shall also include a
23 petitioner representative, a representative of each collective
24 bargaining unit containing fire department related employees
25 of each affected fire protection jurisdiction, and a

1 representative from each affected fire protection
2 jurisdiction. Pursuant to subsection (d) of Section 25 of this
3 Act, any petitioner representative shall be selected from among
4 the electors signing the petition, as set forth in the
5 petition. Members of a Planning Committee may be reimbursed for
6 travel and incidental expenses at the discretion of the
7 governing body of each respective fire protection
8 jurisdiction.

9 (b) Funding. A Planning Committee may receive state
10 funding, as appropriated by the legislature or from the Office
11 of the State Fire Marshal or any affected fire protection
12 jurisdiction for initial funding to pay for salaries, expenses,
13 overhead, supplies, and similar expenses ordinarily and
14 necessarily incurred.

15 (c) A Planning Committee shall conduct its affairs and
16 formulate a Plan as provided under Section 55 of this Act.

17 (d) At its first meeting, a Planning Committee may elect
18 officers and provide for the adoption of rules and other
19 operating procedures.

20 (e) Dissolution. A Planning Committee may dissolve itself
21 at any time by a majority vote of the total membership of the
22 Planning Committee. Any participating fire protection
23 jurisdiction may withdraw upon 10 days written notice to all
24 other fire protection jurisdictions that are members of the
25 Planning Committee.

26 (f) Planning Committees are subject to the requirements of

1 the Illinois Open Meetings Act.

2 Section 55. Planning Committee; duties; formulation of
3 plan.

4 (a) A Planning Committee shall adopt a Plan providing for
5 the design, financing, and development of fire protection
6 services for the territory to comprise the new District. The
7 Planning Committee may coordinate its activities with
8 neighboring municipalities, fire protection districts, and
9 other local governments that engage in fire protection
10 planning. The Planning Committee may consider land use planning
11 criteria and the input of local government officials located
12 within, or partially within, a participating fire protection
13 jurisdiction.

14 (b) The Planning Committee shall:

15 (1) create opportunities for public input in the
16 development of the Plan; and

17 (2) adopt a Plan proposing the creation of a District
18 and recommending design, financing, and development of
19 fire protection and emergency service facilities and
20 operations, including maintenance and preservation of
21 facilities or systems which may include the provision of
22 ambulance and other fire department related services. The
23 Plan shall identify the existing levels of fire department
24 emergency services as measured by nationally acceptable
25 practices. It shall ensure that, absent an increase in the

1 level of services to be provided to the territory of the
2 proposed District, no net increase in cost of services
3 shall occur. The Plan shall also provide that the average
4 emergency services response times in the District shall not
5 be increased compared with those of each affected fire
6 protection jurisdiction;

7 (3) Adopt, as part of the Plan, recommended and
8 identified resources and assets to be available to the
9 District from prospective contributing or component fire
10 protection jurisdictions, or other sources;

11 (4) Adopt, as part of the Plan, recommended and
12 identified obligations and liabilities to be assumed by the
13 District from prospective contributing or component fire
14 protection jurisdictions, or to be retained by the
15 prospective contributing or component fire protection
16 jurisdictions;

17 (5) Adopt, as part of the Plan, a recommended timeline
18 for establishing common and uniform operating procedures,
19 standards, and guidelines, as well as rules and policies,
20 to be applicable to the District upon approval by the
21 District or Authority Board subsequent to its activation as
22 a viable entity;

23 (6) Recommend sources of revenue authorized by Section
24 60 of this Act and undertake financial and budgeting
25 processes to fund selected fire protection service
26 projects. The Plan shall include amendment, termination,

1 and enforcement provisions, specifically to include breach
2 or default in the payment and funding provisions of the
3 Plan and the penalties for such a breach, as well as the
4 means to enforce the provisions of the Plan by the affected
5 fire protection jurisdictions;

6 (7) Identify the composition of the Board and the
7 relative representation of each fire protection
8 jurisdiction on the Board; and

9 (8) Determine whether to seek a voter-approved Plan for
10 any non-electoral initiated Authority the decision whether
11 to seek an electoral-approved District in accordance with
12 Section 25 of this Act or an Intergovernmental Authority in
13 accordance with Section 30 of this Act.

14 (9) Once adopted, the Plan must be forwarded to the
15 participating fire protection jurisdictions' governing
16 bodies for their approval, and, if approved by all affected
17 fire protection jurisdictions, to either initiate the
18 election process of general election law under Section 25
19 of this Act, or for implementation by intergovernmental
20 agreement under Section 30 of this Act.

21 (10) For electoral-approved Plans initiated by the fire
22 protection jurisdictions, if the ballot measure to adopt
23 the Plan is not approved by the voters, the Planning
24 Committee may reconvene to redefine the scope and purpose
25 of the District, its projects, financing plan, and the
26 ballot measure. The governing bodies of the member fire

1 protection jurisdictions may approve a new Plan and ballot
2 measure, and may then submit the revised proposition to the
3 voters at a subsequent regular election. Alternatively,
4 the Plan may be approved and implemented under provisions
5 creating an Intergovernmental Authority pursuant to
6 Section 30 of this Act.

7 Section 60. Unified Fire Protection District; initial
8 startup.

9 (a) A District formed by voter petition in accordance with
10 Section 25, or as otherwise provided in this Act, shall
11 commence operations no later than 90 days after the date of the
12 election and shall operate for the purposes set forth in the
13 Plan. An Intergovernmental Authority comprised of governing
14 bodies of 2 or more fire protection jurisdictions shall be
15 considered to be formed upon approval of the governing bodies
16 of each member fire protection jurisdiction. The
17 Intergovernmental Authority shall commence operations on the
18 date identified in the Plan.

19 (b) Governing board. The District shall be governed by a
20 Board of 5 trustees. The Board shall elect a Chairperson from
21 among its members, who shall vote only in the case of a tie.

22 If a District is wholly contained within a single county,
23 the trustees for the District shall be appointed by the chief
24 executive officer of the county board with the advice and
25 consent of the county board. If the District lies within more

1 than one county, the number of trustees who are residents of a
2 county shall be in proportion, as nearly as practicable, to the
3 number of residents of the District who reside in that county
4 in relation to the total population of the District, unless the
5 District has voted by referendum to elect the trustees.
6 Thereafter, each trustee shall be succeeded by a resident of
7 the same county who shall be appointed by the same appointing
8 authority. The appropriate appointing authorities shall
9 appoint 5 trustees of the District within 60 days after the
10 entry of the order establishing the District. The trustees
11 shall be electors in the District, provided that the Board
12 shall consist of a trustee representing each unit of local
13 government included in the District. The trustees shall hold
14 such terms of offices and shall have the powers and
15 qualifications that are provided for trustees under Section 4
16 of the Fire Protection District Act.

17 In the event of a conflict between the terms of the
18 intergovernmental agreement and the powers of the trustees
19 otherwise provided by law, the terms of the intergovernmental
20 agreement shall prevail and supersede.

21 (c) Powers and duties. The District shall have the power,
22 duties, and obligations of a fire protection district as
23 otherwise provided under this Act, except as modified or
24 limited by the provisions of this Section. The District shall
25 develop a budget funded at a level sufficient to ensure that
26 the quality of service provided to the residents of the service

1 area within the boundary of the included units of local
2 government continues at a level equal to or greater than those
3 provided prior to the modification.

4 (d) Local fire departments. The establishment of a District
5 as a separate named unit of local government shall not prevent
6 the units of local government within it from identifying their
7 historical fire departments with the names of their localities.
8 In that event, local fire departments shall be described as
9 [local name] Branch of the [name of the District] .

10 (e) Single chain of command. Upon the formation of a
11 District under either Section 25 or 30 of this Act, the fire
12 departments of the participating units of local government
13 shall be operated under a single chain of command under the
14 leadership of one fire chief appointed by the Board of the
15 District. Chiefs and subordinate chief officers who are
16 redundant under the single chain of command, or consolidated
17 shifts established by the Board, shall be eligible to apply for
18 vacancies in positions that may be established under the terms
19 of the intergovernmental agreement entered into by the parties,
20 provided that the positions shall not be available to any
21 person who is already retired and receiving benefits under
22 Article 4 of the Illinois Pension Code. These positions
23 include, but are not limited to, training officer, EMS
24 coordinator, fire inspector, or company officer. Any proposed
25 reduction to a bargaining unit position resulting from the
26 abolishment of a non-bargaining unit position shall be subject

1 to compliance with the bargaining rights of any affected
2 collective bargaining representative.

3 Upon taking office, the fire chief of the District shall
4 command all shifts covering the unified service area of the
5 units of local government included in the District. The
6 District shall become a body politic and corporate with all the
7 powers, rights, duties, and obligations vested in it under the
8 terms of the intergovernmental agreement and as otherwise
9 provided under the provisions of this Act.

10 (f) Upon the organization of the District, the duties of
11 each included unit of local government relating to the
12 operation of a fire department and emergency medical services
13 within the boundaries of the District shall be transferred to
14 the Board of the District to be exercised according to the
15 terms of the intergovernmental agreement and as otherwise
16 provided under the provisions of this Act.

17 (g) Unless otherwise agreed upon, all firefighters and EMS
18 personnel lawfully in the employment of any unit of local
19 government included in the District shall remain members of the
20 fire departments that they were serving on the effective date
21 of this amendatory Act of the 98th General Assembly, but shall
22 be subject to the unified chain of command established under
23 the Board.

24 A District consisting of any fire department that employs
25 full-time officers or members shall be subject to Sections
26 16.01 through 16.18 of the Fire Protection District Act unless

1 the terms of the intergovernmental agreement agreed to by the
2 units of local government and the exclusive bargaining agents
3 representing employees engaged in providing fire protection or
4 emergency medical services within the service area of the
5 District provides otherwise.

6 (h) Contracts in effect between an exclusive bargaining
7 agent and a unit of local government shall continue according
8 to their terms. Successor contracts shall be negotiated in
9 accordance with the provisions of the Illinois Public Labor
10 Relations Act. Upon agreement of any 2 or more units of local
11 government and corresponding exclusive bargaining
12 representatives, and approval of that agreement by a majority
13 of the members of each respective bargaining unit, any 2 or
14 more bargaining units may be consolidated into a single
15 bargaining unit.

16 (i) Any unit of local government that is included in a
17 District shall be exempt from any reduction in the formula for
18 distribution of income tax revenues under Section 901 of the
19 Illinois Income Tax Act and personal property replacement tax
20 revenues under subsection (c) of Section 201 of the Illinois
21 Income Tax Act collected from local taxpayers by State agencies
22 and redistributed to the units of local government based on the
23 formula and laws in effect as of the effective date of this
24 amendatory Act of the 98th General Assembly.

25 A District shall be eligible to receive the distribution of
26 income tax revenues collected from local taxpayers according to

1 the same formula applicable to municipalities.

2 Section 65. Levy of taxes; limitations; indebtedness.

3 (a) To carry out the purposes for which a District is
4 created, a District Board is empowered to take all actions
5 authorized by law and authorized under this Act for the purpose
6 of enforcing payment of any and all contributions and payments
7 required under the terms of an intergovernmental agreement
8 executed under the provisions of this Act.

9 (b) The inclusion of any unit of local government into a
10 District shall not affect the obligation of any contract
11 entered into by the unit of local government unless otherwise
12 agreed upon in the intergovernmental agreement. Such contracts
13 shall remain the obligation of the unit of local government
14 that incurred the obligation.

15 The inclusion of units of local government shall not
16 adversely affect proceedings for the collection or enforcement
17 of any tax. The proceedings shall continue to finality as if no
18 inclusion had taken place. The proceeds thereof shall be paid
19 to the treasurer of the unit of local government, subject to
20 the terms of the intergovernmental agreement, to be used for
21 the purpose for which the tax was levied or assessed.

22 All suits pending in any court on behalf of or against any
23 unit of local government relating to the provision of fire or
24 emergency medical services on the date that the unit of local
25 government is joined into a District under this Act may be

1 prosecuted or defended in the name of the unit of local
2 government unless otherwise provided in the intergovernmental
3 agreement. All judgments obtained for any unit of local
4 government joined into a District shall be collected and
5 enforced by the District for its benefit unless otherwise
6 provided in the intergovernmental agreement.

7 The title to all property of a unit of local government
8 related to providing fire or emergency medical services in the
9 District that is transferred to the District under the terms of
10 the intergovernmental agreement shall remain vested in the unit
11 of local government to be held for the same purposes and uses,
12 and subject to the same conditions as before inclusion.

13 (c) Exclusivity. Any intergovernmental contracts otherwise
14 authorized by law that relate to the combination of contracts
15 or the integration of service areas where fire protection or
16 emergency medical services are performed shall be entered into
17 exclusively by referendum in accordance with this Section.

18 Section 70. Petition to dissolve a District; referendum.
19 The Board of a District may certify and submit the question of
20 dissolution of the District to the electors of the District.
21 The Board may draft a ballot title, give notice as required by
22 the general election law, and perform other duties as required
23 to put the question before the voters of the District for their
24 approval or rejection as a single ballot measure. The
25 electorate consists of the voters voting within the boundaries

1 of the existing District. A simple majority of the registered
 2 voters voting on the single ballot measure is required to
 3 approve dissolution of the petitioned District. The District
 4 shall act in accordance with general election law. The District
 5 seeking dissolution is liable for its proportionate share of
 6 the costs of the election.

7 The question shall be in substantially the following form:

8 -----

9 For dissolution of the
 10Regional Fire
 11 Protection Service Authority.

12 -----

13 Against dissolution of the
 14Regional Fire
 15 Protection Service Authority.

16 -----

17 Votes shall be recorded as "Yes" or "No". If a majority of
 18 the votes cast are in favor of the dissolution, the assets,
 19 liabilities, obligations, and personnel assigned or belonging
 20 to the District shall revert to the component fire protection
 21 jurisdictions comprising or contributing to the District,
 22 proportional to each fire protection jurisdiction's
 23 contribution. All such transfers and reassignments shall be
 24 made in an expeditious and timely manner, and no longer than
 25 120 days after the date upon which the District dissolution
 26 vote was certified by local election authorities.

1 Unlike an Intergovernmental Authority, which may convert
2 to an elector-approved authority as provided in Section 30 of
3 this Act, an elector-approved District may not convert to an
4 Intergovernmental Authority, its recourse being dissolution
5 rather than conversion.

6 Section 75. Intergovernmental Authority and District;
7 dissolution.

8 A District created by an intergovernmental agreement under
9 Section 30 may be dissolved upon consent of the component fire
10 protection jurisdictions comprising or contributing to the
11 District.

12 The board of the District seeking dissolution shall publish
13 a written notice of and hold a public hearing on its intention
14 to dissolve the District. If the District is located entirely
15 in one county, the notice shall be published in an English
16 language newspaper of general circulation published in the
17 District, or, if there is no such newspaper, in an English
18 language newspaper of general circulation published in the
19 county and having circulation in the District. If the District
20 is located primarily in one county but extends into smaller
21 portions of adjoining counties, the notice shall be published
22 in a newspaper of general circulation published in the
23 District, or, if there is no such newspaper, in a newspaper of
24 general circulation published in each county in which any part
25 of the District is located. If the District includes all or a

1 large portion of two or more counties, the notice shall be
2 published in a newspaper of general circulation published in
3 each county in which any part of the District is located. The
4 notice shall appear not more than 30 and no less than 10 days
5 prior to the date of the public hearing.

6 All hearings shall be open to the public. The Board shall
7 explain the reasons for the proposed dissolution of the
8 District and shall permit persons an opportunity to present
9 testimony within reasonable time limits as the Board
10 determines.

11 A simple majority of votes the District is required for
12 dissolution of the District.

13 Upon approval of dissolution of a District, the assets,
14 liabilities, obligations, and personnel assigned or belonging
15 to the District shall revert to the component fire protection
16 jurisdictions comprising or contributing to the District, in
17 proportion to each fire protection jurisdiction's
18 contribution. All such transfers and reassignments shall be
19 made in an expeditious and timely manner, but no longer than
20 120 days after the date upon which the District dissolution
21 vote was affirmed by the District Board.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.