

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 Regional Fire Protection Agency Act.

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 Regional Fire Protection Agencies that  
12 encompass wider service areas by combining existing fire  
13 departments and extending service areas of these departments  
14 into under-served geographic areas. It is the expressed intent  
15 of the General Assembly that Regional Fire Protection Agencies  
16 shall achieve a net savings in the cost of providing fire  
17 protection services, emergency medical services, and related  
18 services in the expanded service area by reducing and  
19 eliminating costs including, but not limited to, duplicative or  
20 excessive 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 Regional Fire Protection Agency may be

1 formed by filing voter-initiated petitions for the purposes of  
2 integrating existing service areas of contiguous units of local  
3 government providing fire protection services to achieve the  
4 purposes of this Act.

5 Section 10. Definitions. The definitions in this Section  
6 apply throughout this Act unless the context clearly requires  
7 otherwise:

8 "Board" means the governing body of a Regional Fire  
9 Protection Agency.

10 "Fire protection jurisdiction" means a fire protection  
11 district, municipal fire department, or service organized  
12 under Section 5-1056.1 of the Counties Code, Sections 195 and  
13 200 of the Illinois Township Code, Section 10-2.1 of the  
14 Illinois Municipal Code, or the Illinois Fire Protection  
15 District Act.

16 "Joint Committee" means the group consisting of the parties  
17 appointed by the court in accordance with the procedures of  
18 this Act after a petition has been filed to create a Regional  
19 Fire Protection Agency. The Joint Committee meets for the  
20 limited purpose of negotiating the terms of an  
21 intergovernmental agreement to create and implement a Regional  
22 Fire Protection Agency.

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

25 "Regional Fire Protection Agency" or "Agency" means a fire

1 protection organization formed pursuant to this Act that  
2 combines 2 or more units of local government with a unified  
3 command and operations that has boundaries that are coextensive  
4 with 2 or more adjacent units of local government and has been  
5 created by a referendum under this Act.

6 "Special Mediator" means an individual who possesses the  
7 qualifications specified in this Act and shall facilitate the  
8 negotiation of an intergovernmental agreement to create a  
9 Regional Fire Protection Agency.

10 Section 15. Elections and referenda. When a referendum is  
11 submitted under this Act for approval or rejection by the  
12 electors, the time and manner of conducting a referendum,  
13 including petition signature requirements, shall be in  
14 accordance with the general election law of the State. The  
15 creation of any Regional Fire Protection Agency by referendum  
16 shall be secured by an intergovernmental agreement that  
17 includes terms that meet the standards set forth in Section 25  
18 of this Act.

19 Section 20. Notice to the Office of the State Fire Marshal.

20 The Office of the State Fire Marshal shall be served notice  
21 as to any plans of 2 or more units of local government to  
22 combine fire protection or emergency medical services, or both,  
23 as follows:

24 (1) Whenever a county clerk or other election authority

1 places upon a ballot the question of creating or altering  
2 an Agency or fire protection jurisdiction, the clerk or  
3 other election authority shall notify the Office of the  
4 State Fire Marshal that the proposition is to be put before  
5 the electorate. The notice shall be sent to the Office of  
6 the State Fire Marshal within 10 business days after the  
7 question is certified to the clerk or other election  
8 authority.

9 (2) Whenever the governing bodies of 2 or more adjacent  
10 fire protection jurisdictions conduct a public hearing to  
11 consider a plan to combine 2 or more fire protection  
12 jurisdiction service areas by intergovernmental agreement,  
13 the clerk of each unit of local government to be party to  
14 such an intergovernmental agreement shall notify the  
15 Office of the State Fire Marshal that the units of local  
16 government are considering such a plan. The notice shall be  
17 sent to the Office of the State Fire Marshal within 10  
18 business days after notice of the meeting is published.

19 (3) Whenever the governing bodies of 2 or more adjacent  
20 fire protection jurisdictions enter into an agreement to  
21 combine 2 or more fire protection jurisdiction service  
22 areas by intergovernmental agreement, the clerk of each  
23 unit of local government to be party to such an  
24 intergovernmental agreement shall notify the Office of the  
25 State Fire Marshal that the units of local government have  
26 entered into the intergovernmental agreement. The notice

1 shall be sent to the Office of the State Fire Marshal  
2 within 10 business days after notice of the meeting is  
3 published.

4 Section 25. Creation of an Agency by petition and  
5 referendum.

6 (a) Petition. A Regional Fire Protection Agency may  
7 exclusively be formed upon petition signed by the lesser of:  
8 (i) at least 100 legal voters in each of the units of local  
9 government proposed to be combined; or (ii) 10% of the legal  
10 voters in each of the units of local government to be included  
11 in the Regional Fire Protection Agency. The petition shall be  
12 filed in the circuit court of the county in which the greater  
13 part of the land of the proposed Regional Fire Protection  
14 Agency shall be situated. The petition shall set forth the  
15 names of the units of local government proposed to be included,  
16 the name of the proposed Regional Fire Protection Agency, the  
17 benefits of consolidating the units of local government within  
18 a Regional Fire Protection Agency, the names of the  
19 representatives of the petitioners from each unit of local  
20 government who shall be authorized to serve on the Joint  
21 Committee, and up to 3 alternate representatives from each unit  
22 of local government in the event a designated representative  
23 ceases to be an elector of their jurisdiction or resigns from  
24 the Joint Committee. Upon its filing, the petition shall be  
25 presented to the court, and the court shall fix the date and

1 hour for a hearing.

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

15 (c) Hearing and referendum. At the hearing, the court shall  
16 first determine whether the petition is supported by the  
17 required number of valid signatures of legal voters within the  
18 contiguous units of local government. If the petition is  
19 proper, then the court shall remand the matter to a Special  
20 Mediator who shall mediate the negotiations regarding the terms  
21 of an intergovernmental agreement by the members of the Joint  
22 Committee as provided in subsection (d) of this Section. The  
23 Special Mediator shall be a member of the bar of the State of  
24 Illinois or a member of the faculty of an accredited law  
25 school. The Special Mediator shall have practiced law for at  
26 least 7 years and be knowledgeable about municipal, labor,

1 employment, and election law. The Special Mediator shall be  
2 free of any conflicts of interest. The Special Mediator shall  
3 have strong mediation skills and the temperament and training  
4 to listen well, facilitate communication, and assist with  
5 negotiations. Special Mediators shall have sufficient  
6 experience and familiarity with municipal, labor, employment,  
7 and election law to provide a credible evaluation and  
8 assessment of relative positions. The Special Mediator  
9 assigned to mediate the Joint Committee's negotiations shall be  
10 selected by the members of the Joint Committee from a panel of  
11 7 individuals provided by the Joint Labor Management Committee,  
12 as it is defined in Section 50 of the Fire Department Promotion  
13 Act. The panel shall be randomly selected by the Joint Labor  
14 Management Committee from a master list maintained by the Joint  
15 Labor Management Committee consisting of at least 14 qualified  
16 Special Mediators. If the members fail to agree, the court  
17 shall appoint the Special Mediator. The Joint Committee may  
18 elect to conduct negotiations without the assistance of the  
19 Special Mediator upon a majority vote of the Joint Committee.  
20 To certify a question for referendum, the court must find that:  
21 (i) based upon a preponderance of the evidence, at least 2 of  
22 the 3 Joint Committee representatives appointed by the court  
23 for each unit of local government included in the proposed  
24 Agency have executed an intergovernmental agreement that  
25 includes terms that are in compliance with the requirements  
26 under subsection (d) of this Section; (ii) the terms of an

1 agreed-upon intergovernmental agreement have been approved by  
2 the requisite governing bodies of each of the units of local  
3 government; and (iii) should the terms of an agreed-upon  
4 intergovernmental agreement change the terms of the collective  
5 bargaining agreement for a bargaining unit of employees of any  
6 local unit of government of the proposed Regional Fire  
7 Protection Agency, any affected collective bargaining units  
8 must also approve all such changes in the terms of the  
9 collective bargaining agreement.

10 (d) Joint Committee. The court shall allow appointments to  
11 the Joint Committee as follows:

12 (1) A representative of each unit of local government  
13 included within the proposed service area of the proposed  
14 Agency.

15 (2) A representative of each collective bargaining  
16 unit that is a party to a collective bargaining agreement  
17 with a unit of local government to provide fire suppression  
18 or emergency medical services, or both, included within the  
19 proposed Agency.

20 (3) A representative for the petitioners from each unit  
21 of local government included within the proposed Agency, as  
22 designated by the petition, or, if none are designated or  
23 willing to serve, then chosen by the court from among the  
24 legal voters that signed the petition.

25 (e) Joint Committee Negotiations. After remand, the  
26 Special Mediator shall schedule a meeting of the Joint



1 Committee and facilitate the members in negotiating the terms  
2 of an intergovernmental agreement. The first order of business  
3 shall be to establish a financial baseline for the current  
4 costs of fire and emergency medical services provided by the  
5 units of local government party to the Joint Committee. To this  
6 end, each unit of local government party to the Joint Committee  
7 shall disclose to the Joint Committee the total aggregate  
8 expenditures it allocates for providing all fire, rescue, and  
9 emergency medical services. These expenditures shall include,  
10 but are not limited to, the following cost factors: (i) all  
11 expenses from the corporate fund and other operational funds  
12 related to fire protection services, whether direct or  
13 indirect, for the current fiscal year; and (ii) all costs,  
14 whether direct or indirect, paid from other funds, including,  
15 but not limited to, capital or building funds, pension funds,  
16 workers' compensation funds, health insurance funds,  
17 enterprise funds, administrative funds, and all other funds  
18 from which money is, or may be, paid or transferred to pay for  
19 the administration and compensation or benefits for employees  
20 or persons assigned to provide fire or emergency medical  
21 services or related services, equipment, and buildings and  
22 their maintenance or operation and debt service for any  
23 expenditures related to these or related cost factors.

24 The Special Mediator or the court, or both if necessary,  
25 shall facilitate the computation and production of this  
26 financial baseline unless the Joint Committee elects to conduct

1 negotiations without the assistance of the Special Mediator.  
2 The financial baseline shall serve as the predicate to: (i) the  
3 annual contributions to be made by each unit of local  
4 government to the costs of providing fire and emergency medical  
5 services to the service area established for the proposed  
6 Regional Fire Protection Agency; and (ii) for the court's  
7 findings pursuant to subsection (f) of this Section.

8 The Joint Committee may take note or give due consideration  
9 to available resources, studies, and plans that may facilitate  
10 the resolution of issues relating to the terms of an agreement.  
11 Negotiations may continue for a period of 90 days or, if the  
12 court determines that additional time will facilitate  
13 agreement, longer.

14 If no agreement is reached, the court shall dismiss the  
15 petition. If an agreement is reached, the court shall schedule  
16 an evidentiary hearing with notice to determine if the terms of  
17 the agreement are in compliance with the requirements of  
18 subsection (f) of this Section. The expenses of the Special  
19 Mediator shall be apportioned equally among the included units  
20 of local government unless the parties agree otherwise in the  
21 intergovernmental agreement.

22 If the intergovernmental agreement has been approved by the  
23 governing bodies of at least 2 units of local government  
24 included in the original petition, then the petition may  
25 proceed, provided that the agreement is also executed by at  
26 least 2 of 3 Joint Committee representatives from each affected

1 unit of local government included in the original petition. The  
2 units of local government that did not consent to inclusion  
3 shall be dismissed, and an amended petition on behalf of the  
4 consenting units of local government shall be scheduled for an  
5 evidentiary hearing.

6 The persons or entities, or their duly authorized  
7 representatives, that shall have standing to present evidence  
8 at the hearing are the petitioners, the units of local  
9 government that sought to be included in the proposed Agency,  
10 and the representatives of each collective bargaining unit that  
11 is a party to a collective bargaining agreement with a fire  
12 protection jurisdiction within a unit of local government  
13 included within the proposed Agency.

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

24 The question shall be submitted in substantially the  
25 following form:

26 Shall the service areas of (names of existing units of

1 local government to be combined) be combined to create the  
2 (name of the Regional Fire Protection Agency)?

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

4 A written statement of the election results shall be filed  
5 with the court. If, in each unit of local government included  
6 within the boundaries of the Regional Fire Protection Agency, a  
7 majority of the voters voting on the question favor the  
8 proposition, then the court shall issue an order stating that  
9 the Agency has been approved.

10 (f) Intergovernmental agreement; minimum standards of  
11 service. The terms of the intergovernmental agreement shall  
12 ensure that all of the following standards of service are met:

13 (1) The formation of the Agency shall result in no net  
14 increase in the cost of fire protection services and  
15 emergency medical services to the units of local government  
16 in the proposed Agency due to the reduction or elimination  
17 of duplicative administrative costs, operational costs,  
18 equipment costs, or capital expenditures unless members of  
19 the Joint Committee can demonstrate that an increase in the  
20 cost to a participating unit of local government is  
21 justified by a corresponding increase in the level of  
22 services provided under the terms of the intergovernmental  
23 agreement.

24 (2) The formation of the Agency shall not increase the  
25 average response times in any included unit of local  
26 government.

1           (3) Agencies shall have no independent ability to levy  
2 taxes and shall rely on the fiscal support and  
3 contributions from component fire protection  
4 jurisdictions, as required under the terms of the  
5 intergovernmental agreement.

6           (4) The Agency shall apply savings in costs as follows:  
7 A minimum of 50% of cost savings shall be contributed, pro  
8 rata, to the Firemen's Pension Fund of each included unit  
9 of local government as applicable. Those contributions  
10 shall be applied as a credit to reduce the unfunded accrued  
11 liability of the Fund, if one exists. If no unfunded  
12 accrued liabilities exist, a minimum of 50% of the savings  
13 in costs shall be divided pro rata and applied to reduce  
14 the Firemen's Pension Fund contributions otherwise  
15 required of the unit of local government under the Pension  
16 Code, unless otherwise agreed to in the terms of the  
17 intergovernmental agreement.

18           Section 30. Judicial notice. All courts in this State shall  
19 take judicial notice of the existence of any Agency organized  
20 under this Act, and every such Agency shall constitute a body  
21 corporate that may sue or be sued in all courts.

22           Section 35. Support. Notwithstanding any provision of this  
23 Act, a Regional Fire Protection Agency may receive  
24 supplementary funding, fiscal support, or other revenue or

1 property consideration from the State, including the Office of  
2 the State Fire Marshal, a county, or any other unit of local  
3 government, to defray the expenses of organizing a new Agency  
4 or as may be deemed necessary or appropriate, and may be  
5 appropriated by that entity to the Agency.

6 Section 40. Enforcement of an intergovernmental agreement.  
7 In the event of a default of payment, the Agency shall be  
8 authorized to secure collection of promised contributions from  
9 the defaulting unit of local government by court order  
10 authorizing the interception of or turning over of: (1) monies  
11 deposited or to be deposited into any fund of the defaulting  
12 unit of local government; or (2) grants or other revenues or  
13 taxes expected to be received by the unit of local government  
14 from the State, county, or federal government, including taxes  
15 imposed by the governmental unit pursuant to a grant of  
16 authority by the State, such as property, sales or use taxes or  
17 utility taxes.

18 Any interception authorized under this Section by the  
19 Agency shall be valid and binding from the time the  
20 interception order is made until the defaulting unit of local  
21 government has paid in full its past due obligations to the  
22 Agency and has been current in its obligations to the Agency  
23 for a minimum of 12 months. The revenues, monies, and other  
24 funds intercepted and to be intercepted by the Agency shall  
25 immediately be subject to the Agency's lien. The lien shall be

1 valid and binding against all parties having claims of any kind  
2 in tort, contract, or otherwise against the defaulting unit of  
3 local government, irrespective of whether such parties have  
4 notice. Under any such interception, a defaulting unit of local  
5 government may bind itself to impose rates, charges, or taxes  
6 to the fullest extent permitted by applicable law. Any  
7 ordinance, resolution, trust agreement, or other instrument by  
8 which a lien is created shall be filed in the records of the  
9 Agency.

10 The State Treasurer, the State Comptroller, the Department  
11 of Revenue, the Department of Transportation, and any county  
12 official charged with collecting and disbursing property taxes  
13 shall deposit or cause to be deposited any amount of grants or  
14 other revenues or taxes expected to be received by the  
15 defaulting unit of local government from that official or  
16 entity that has been pledged to the defaulting unit of local  
17 government, directly into a designated escrow account  
18 established by the Agency at a trust company or bank having  
19 trust powers, unless otherwise prohibited by law. The court  
20 order authorizing that disposition shall, within 10 days after  
21 issuance, be filed with the official or entity with custody of  
22 the garnished grants or other revenues or taxes.

23 Section 45. Initial startup.

24 (a) An Agency shall commence operations no later than 90  
25 days after the date of the election unless an alternative date

1 is agreed to by the terms of the intergovernmental agreement  
2 and shall operate for the purposes set forth in the  
3 intergovernmental agreement. An Agency's governing body shall  
4 consist of representatives designated by the governing bodies  
5 of the participating units of local government as set forth in  
6 this Act, and shall be considered to be formed upon approval of  
7 the governing body of each member unit of local government  
8 unless otherwise agreed to by the terms of the  
9 intergovernmental agreement.

10 (b) The Regional Fire Protection Agency shall be governed  
11 by a 5-member Board of Trustees. Each trustee shall be a  
12 resident of a unit of local government within the Agency. The  
13 Board shall elect a Chairperson from among its members.

14 The number of trustees from each unit of local government  
15 shall be in proportion, as nearly as practicable, to the number  
16 of residents of the Agency who reside in that unit of local  
17 government in relation to the total population of the Agency.  
18 Thereafter, each trustee shall be succeeded by a resident of  
19 the same unit of local government and shall be appointed by the  
20 same appointing authority. The appropriate appointing  
21 authorities shall appoint 5 trustees of the Agency within 60  
22 days after the entry of the order establishing the Agency. The  
23 trustees shall be electors in one of the units of local  
24 government of the Agency, provided that the Board shall consist  
25 of at least one trustee from each unit of local government,  
26 subject to the intergovernmental agreement, within the



1 Regional Fire Protection Agency. The trustees shall hold the  
2 terms of office and shall have the powers and qualifications  
3 that are provided for trustees under Section 4 of the Fire  
4 Protection District Act.

5 In the event of a conflict between the terms of the  
6 intergovernmental agreement and the powers of the trustees  
7 otherwise provided by law, the terms of the intergovernmental  
8 agreement shall prevail and supersede.

9 (c) The Agency shall have the power, duties, and  
10 obligations of a fire protection district as otherwise provided  
11 by the Fire Protection District Act, except as modified or  
12 limited by the provisions of this Act or terms of the  
13 intergovernmental agreement. The Agency shall develop a budget  
14 funded at a level sufficient to ensure that the quality of  
15 services provided to the residents of the service area within  
16 the boundary of the included units of local government  
17 continues at a level equal to or greater than those provided  
18 prior to the modification.

19 (d) The establishment of an Agency as a separately named  
20 unit of local government shall not prevent the units of local  
21 government within it from identifying their historical fire  
22 departments with the names of their localities. In that event,  
23 local fire departments shall be described as [local name]  
24 Branch of the [name of the Agency].

25 (e) Upon the formation of an Agency under this Act, the  
26 fire departments of the participating units of local government

1 shall be operated under a single chain of command under the  
2 leadership of one fire chief appointed by the Board of the  
3 Agency. The manner in which chiefs and subordinate chief  
4 officers who are redundant under the single chain of command  
5 and who are eliminated or integrated into the new unified chain  
6 of command shall be defined within the terms of the  
7 intergovernmental agreement entered into by the parties. The  
8 chiefs and other chief officers shall retain any rights they  
9 may have as established by other applicable law, provided that  
10 positions shall not be available to any person who is already  
11 retired and receiving benefits under Article 4 of the Illinois  
12 Pension Code. Any proposed reduction to a bargaining unit  
13 position resulting from the abolishment of a non-bargaining  
14 unit position shall be subject to compliance with the  
15 bargaining rights of any affected collective bargaining  
16 representative.

17 Upon taking office, the fire chief of the Agency shall  
18 command all operations of the unified service area of the  
19 Agency. The District shall become a body politic and corporate  
20 with all the powers, rights, duties, and obligations vested in  
21 it under the terms of the intergovernmental agreement and as  
22 otherwise provided under the provisions of this Act.

23 (f) Upon the organization of the Agency, the duties of each  
24 included unit of local government relating to the operation of  
25 a fire department and emergency medical services within the  
26 boundaries of the Agency shall be transferred to the Board of

1 the Agency to be exercised according to the terms of the  
2 intergovernmental agreement and as otherwise provided under  
3 the provisions of this Act.

4 (g) Unless otherwise agreed upon, all firefighters,  
5 emergency medical services personnel, and other personnel  
6 lawfully in the employment of any unit of local government  
7 included in the Agency shall maintain identity with the fire  
8 departments that they were serving on prior to the creation of  
9 the Regional Fire Protection Agency, but shall be subject to  
10 the unified chain of command established by the Board.

11 An Agency consisting of any fire department that employs  
12 full-time officers or members shall be subject to Sections  
13 16.01 through 16.18 of the Fire Protection District Act unless  
14 the terms of the intergovernmental agreement agreed to by the  
15 included units of local government and included collective  
16 bargaining unit agents representing employees engaged in  
17 providing fire protection or emergency medical services, or  
18 both, within the Agency's service area provide otherwise.

19 (h) Contracts in effect between an exclusive bargaining  
20 agent representing employees engaged in providing fire  
21 protection or emergency medical services, or both, within the  
22 Agency's service area and a participating unit of local  
23 government shall continue according to their terms. Successor  
24 contracts shall be negotiated in accordance with the provisions  
25 of the Illinois Public Labor Relations Act. Upon agreement of  
26 any 2 or more units of local government and corresponding

1 exclusive bargaining representatives, and approval of that  
2 agreement by a majority of the members of each respective  
3 bargaining unit who vote on the issue, any 2 or more bargaining  
4 units may be consolidated into a single bargaining unit.

5 (i) Any unit of local government that is included in an  
6 Agency shall be exempt from any reduction in the formula for  
7 distribution of income tax revenues under Section 901 of the  
8 Illinois Income Tax Act and personal property replacement tax  
9 revenues under subsection (c) of Section 201 of the Illinois  
10 Income Tax Act collected from local taxpayers by State agencies  
11 and redistributed to the units of local government based on the  
12 formula and laws in effect as of the effective date of this  
13 amendatory Act of the 98th General Assembly.

14 An Agency shall be eligible to receive the distribution of  
15 income tax revenues collected from local taxpayers according to  
16 the same formula applicable to municipalities.

17 Section 50. Levy of taxes; limitations; indebtedness.

18 (a) To carry out the purposes for which an Agency is  
19 created, the Agency Board is empowered to take all actions  
20 authorized by law and authorized under this Act for the purpose  
21 of enforcing payment of any and all contributions and payments  
22 required under the terms of an intergovernmental agreement  
23 executed under the provisions of this Act.

24 (b) The inclusion of any unit of local government into an  
25 Agency shall not affect the obligation of any contract entered

1 into by the unit of local government unless otherwise agreed  
2 upon in the intergovernmental agreement. Such contracts shall  
3 remain the obligation of the unit of local government that  
4 incurred the obligation.

5 The inclusion of a unit of local government in an Agency  
6 shall not adversely affect proceedings for the collection or  
7 enforcement of any tax debt, or other obligation owed to the  
8 unit of local government. The proceedings shall continue to  
9 finality as if no inclusion had taken place. The proceeds  
10 thereof shall be paid to the treasurer of the unit of local  
11 government, subject to the terms of the intergovernmental  
12 agreement.

13 All suits pending in any court on behalf of or against any  
14 participating unit of local government relating to the  
15 provision of fire or emergency medical services on the date  
16 that the unit of local government is joined into an Agency  
17 under this Act may be prosecuted or defended in the name of the  
18 unit of local government unless otherwise provided in the  
19 intergovernmental agreement. All judgments obtained for any  
20 unit of local government joined into an Agency shall be  
21 collected and enforced by the Agency for its benefit unless  
22 otherwise provided in the intergovernmental agreement.

23 The intergovernmental agreement shall define ownership  
24 interests and rights of each unit of local government's fire  
25 department related assets and liabilities.

1 Section 55. Petition to dissolve a District; referendum.  
2 The Board of an Agency established by referendum may certify  
3 and submit the question of dissolution of the Agency to the  
4 electors of the Agency. The Board may draft a ballot title,  
5 give notice as required by the general election law, and  
6 perform other duties as required to put the question before the  
7 voters of the Agency for their approval or rejection as a  
8 single ballot measure. The electorate consists of the voters  
9 voting within the boundaries of the existing Agency. A simple  
10 majority of the registered voters voting on the single ballot  
11 measure is required to approve dissolution of the Agency. The  
12 Agency seeking dissolution is liable for its proportionate  
13 share of the costs of the election.

14 The question shall be in substantially the following form:

15 Shall the [name of Regional Fire Protection Agency] be  
16 dissolved?

17 Votes shall be recorded as "Yes" or "No".

18 If a majority of the votes cast are in favor of the  
19 dissolution, the assets, liabilities, obligations, and  
20 personnel assigned or belonging to the Agency shall revert to  
21 the component units of local government comprising or  
22 contributing to the Agency, proportional to each unit of local  
23 government's contribution. All such transfers and  
24 reassignments shall be made in an expeditious and timely  
25 manner, and no longer than 120 days after the date upon which  
26 the Agency's dissolution vote was certified by local election

1 authorities.

2 Section 60. Powers; exclusive. The powers provided by this  
3 Act for the creation of Regional Fire Protection Agencies do  
4 not prohibit a unit of local government from entering into an  
5 intergovernmental agreement to merge, consolidate, or  
6 otherwise cooperate with other units of local government to  
7 provide fire, rescue, or emergency medical services as  
8 otherwise provided by Section 10 of Article VII of the Illinois  
9 Constitution and the Illinois Intergovernmental Cooperation  
10 Act. However, the powers and benefits provided by this Act for  
11 the combination of fire protection or emergency medical  
12 services, or both, of 2 or more units of local government shall  
13 be limited to Regional Fire Protection Agencies operated  
14 according to the terms of an intergovernmental agreement that  
15 has been approved by referendum in accordance with this Act.  
16 The terms of any intergovernmental agreement of an Agency  
17 created by referendum shall supersede and control over any and  
18 all other intergovernmental agreements that may exist that  
19 relate to the provision of fire protection or emergency medical  
20 services, or both, in geographic areas incorporated within the  
21 service areas combined under the terms of a referendum-approved  
22 intergovernmental agreement.

23 Section 65. Home rule. A home rule municipality may not  
24 administer fire protection services or emergency medical

1 services, or both, in geographic areas incorporated within the  
2 service area of an Agency in a manner that is inconsistent with  
3 the terms of an intergovernmental agreement approved in  
4 accordance with this Act. This Section is a limitation under  
5 subsection (i) of Section 6 of Article VII of the Illinois  
6 Constitution on the concurrent exercise by home rule units of  
7 powers and functions exercised by the State.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.