



Rep. Jay Hoffman

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1 AMENDMENT TO SENATE BILL 1681

2 AMENDMENT NO. _____. Amend Senate Bill 1681 by replacing
3 everything after the enacting clause with the following:

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

1 protection services, emergency medical services, and related
2 services in the expanded service area by reducing and
3 eliminating costs including, but not limited to, duplicative or
4 excessive administrative and operational services, equipment,
5 facilities, and capital expenditures, without a reduction in
6 the quality or level of these services.

7 (b) Creation. A Regional Fire Protection Agency may be
8 formed by filing voter-initiated petitions for the purposes of
9 integrating existing service areas of contiguous units of local
10 government providing fire protection services to achieve the
11 purposes 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 Regional Fire
16 Protection Agency.

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 "Joint Committee" means the group consisting of the parties
24 appointed by the court in accordance with the procedures of
25 this Act after a petition has been filed to create a Regional

1 Fire Protection Agency. The Joint Committee meets for the
2 limited purpose of negotiating the terms of an
3 intergovernmental agreement to create and implement a Regional
4 Fire Protection Agency.

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

7 "Regional Fire Protection Agency" or "Agency" means a fire
8 protection organization formed pursuant to this Act that
9 combines 2 or more units of local government with a unified
10 command and operations that has boundaries that are coextensive
11 with 2 or more adjacent units of local government and has been
12 created by a referendum under this Act.

13 "Special Mediator" means an individual who possesses the
14 qualifications specified in this Act and shall facilitate the
15 negotiation of an intergovernmental agreement to create a
16 Regional Fire Protection Agency.

17 Section 15. Elections and referenda. When a referendum is
18 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 Regional Fire Protection Agency 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 The Office of the State Fire Marshal shall be served notice
3 as to any plans of 2 or more units of local government to
4 combine fire protection or emergency medical services, or both,
5 as follows:

6 (1) Whenever a county clerk or other election authority
7 places upon a ballot the question of creating or altering
8 an Agency or fire protection jurisdiction, the clerk or
9 other election authority shall notify the Office of the
10 State Fire Marshal that the proposition is to be put before
11 the electorate. The notice shall be sent to the Office of
12 the State Fire Marshal within 10 business days after the
13 question is certified to the clerk or other election
14 authority.

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

25 (3) Whenever the governing bodies of 2 or more adjacent

1 fire protection jurisdictions enter into an agreement to
2 combine 2 or more fire protection jurisdiction service
3 areas by intergovernmental agreement, the clerk of each
4 unit of local government to be party to such an
5 intergovernmental agreement shall notify the Office of the
6 State Fire Marshal that the units of local government have
7 entered into the intergovernmental agreement. The notice
8 shall be sent to the Office of the State Fire Marshal
9 within 10 business days after notice of the meeting is
10 published.

11 Section 25. Creation of an Agency by petition and
12 referendum.

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

1 representatives of the petitioners from each unit of local
2 government who shall be authorized to serve on the Joint
3 Committee, and up to 3 alternate representatives from each unit
4 of local government in the event a designated representative
5 ceases to be an elector of their jurisdiction or resigns from
6 the Joint Committee. Upon its filing, the petition shall be
7 presented to the court, and the court shall fix the date and
8 hour for a hearing.

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

22 (c) Hearing and referendum. At the hearing, the court shall
23 first determine whether the petition is supported by the
24 required number of valid signatures of legal voters within the
25 contiguous units of local government. If the petition is
26 proper, then the court shall remand the matter to a Special

1 Mediator who shall mediate the negotiations regarding the terms
2 of an intergovernmental agreement by the members of the Joint
3 Committee as provided in subsection (d) of this Section. The
4 Special Mediator shall be a member of the bar of the State of
5 Illinois or a member of the faculty of an accredited law
6 school. The Special Mediator shall have practiced law for at
7 least 7 years and be knowledgeable about municipal, labor,
8 employment, and election law. The Special Mediator shall be
9 free of any conflicts of interest. The Special Mediator shall
10 have strong mediation skills and the temperament and training
11 to listen well, facilitate communication, and assist with
12 negotiations. Special Mediators shall have sufficient
13 experience and familiarity with municipal, labor, employment,
14 and election law to provide a credible evaluation and
15 assessment of relative positions. The Special Mediator
16 assigned to mediate the Joint Committee's negotiations shall be
17 selected by the members of the Joint Committee from a panel of
18 7 individuals provided by the Joint Labor Management Committee,
19 as it is defined in Section 50 of the Fire Department Promotion
20 Act. The panel shall be randomly selected by the Joint Labor
21 Management Committee from a master list maintained by the Joint
22 Labor Management Committee consisting of at least 14 qualified
23 Special Mediators. If the members fail to agree, the court
24 shall appoint the Special Mediator. The Joint Committee may
25 elect to conduct negotiations without the assistance of the
26 Special Mediator upon a majority vote of the Joint Committee.

1 To certify a question for referendum, the court must find that:
2 (i) based upon a preponderance of the evidence, at least 2 of
3 the 3 Joint Committee representatives appointed by the court
4 for each unit of local government included in the proposed
5 Agency have executed an intergovernmental agreement that
6 includes terms that are in compliance with the requirements
7 under subsection (d) of this Section; (ii) the terms of an
8 agreed-upon intergovernmental agreement have been approved by
9 the requisite governing bodies of each of the units of local
10 government; and (iii) should the terms of an agreed-upon
11 intergovernmental agreement change the terms of the collective
12 bargaining agreement for a bargaining unit of employees of any
13 local unit of government of the proposed Regional Fire
14 Protection Agency, any affected collective bargaining units
15 must also approve all such changes in the terms of the
16 collective bargaining agreement.

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

19 (1) A representative of each unit of local government
20 included within the proposed service area of the proposed
21 Agency.

22 (2) A representative of each collective bargaining
23 unit that is a party to a collective bargaining agreement
24 with a unit of local government to provide fire suppression
25 or emergency medical services, or both, included within the
26 proposed Agency.

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

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

1 or persons assigned to provide fire or emergency medical
2 services or related services, equipment, and buildings and
3 their maintenance or operation and debt service for any
4 expenditures related to these or related cost factors.

5 The Special Mediator or the court, or both if necessary,
6 shall facilitate the computation and production of this
7 financial baseline unless the Joint Committee elects to conduct
8 negotiations without the assistance of the Special Mediator.
9 The financial baseline shall serve as the predicate to: (i) the
10 annual contributions to be made by each unit of local
11 government to the costs of providing fire and emergency medical
12 services to the service area established for the proposed
13 Regional Fire Protection Agency; and (ii) for the court's
14 findings pursuant to subsection (f) of this Section.

15 The Joint Committee may take note or give due consideration
16 to available resources, studies, and plans that may facilitate
17 the resolution of issues relating to the terms of an agreement.
18 Negotiations may continue for a period of 90 days or, if the
19 court determines that additional time will facilitate
20 agreement, longer.

21 If no agreement is reached, the court shall dismiss the
22 petition. If an agreement is reached, the court shall schedule
23 an evidentiary hearing with notice to determine if the terms of
24 the agreement are in compliance with the requirements of
25 subsection (f) of this Section. The expenses of the Special
26 Mediator shall be apportioned equally among the included units

1 of local government unless the parties agree otherwise in the
2 intergovernmental agreement.

3 If the intergovernmental agreement has been approved by the
4 governing bodies of at least 2 units of local government
5 included in the original petition, then the petition may
6 proceed, provided that the agreement is also executed by at
7 least 2 of 3 Joint Committee representatives from each affected
8 unit of local government included in the original petition. The
9 units of local government that did not consent to inclusion
10 shall be dismissed, and an amended petition on behalf of the
11 consenting units of local government shall be scheduled for an
12 evidentiary hearing.

13 The persons or entities, or their duly authorized
14 representatives, that shall have standing to present evidence
15 at the hearing are the petitioners, the units of local
16 government that sought to be included in the proposed Agency,
17 and the representatives of each collective bargaining unit that
18 is a party to a collective bargaining agreement with a fire
19 protection jurisdiction within a unit of local government
20 included within the proposed Agency.

21 If the court finds, by a preponderance of the evidence,
22 that the petition is supported by a proper intergovernmental
23 agreement, the court shall enter an order certifying the
24 proposition to the proper election officials, who shall submit
25 the question of the creation of the proposed Agency to the
26 legal voters of each included unit of local government at the

1 next election. Notice of the election shall be given and the
2 election conducted in the manner provided by the general
3 election law. The notice shall state the boundaries of the
4 proposed Agency.

5 The question shall be submitted in substantially the
6 following form:

7 Shall the service areas of (names of existing units of
8 local government to be combined) be combined to create the
9 (name of the Regional Fire Protection Agency)?

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

11 A written statement of the election results shall be filed
12 with the court. If, in each unit of local government included
13 within the boundaries of the Regional Fire Protection Agency, a
14 majority of the voters voting on the question favor the
15 proposition, then the court shall issue an order stating that
16 the Agency has been approved.

17 (f) Intergovernmental agreement; minimum standards of
18 service. The terms of the intergovernmental agreement shall
19 ensure that all of the following standards of service are met:

20 (1) The formation of the Agency shall result in no net
21 increase in the cost of fire protection services and
22 emergency medical services to the units of local government
23 in the proposed Agency due to the reduction or elimination
24 of duplicative administrative costs, operational costs,
25 equipment costs, or capital expenditures unless members of
26 the Joint Committee can demonstrate that an increase in the

1 cost to a participating unit of local government is
2 justified by a corresponding increase in the level of
3 services provided under the terms of the intergovernmental
4 agreement.

5 (2) The formation of the Agency shall not increase the
6 average response times in any included unit of local
7 government.

8 (3) Agencies shall have no independent ability to levy
9 taxes and shall rely on the fiscal support and
10 contributions from component fire protection
11 jurisdictions, as required under the terms of the
12 intergovernmental agreement.

13 (4) The units of local government shall apply savings
14 in costs as agreed to in the intergovernmental agreement.

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

19 Section 35. Support. Notwithstanding any provision of this
20 Act, a Regional Fire Protection Agency may receive
21 supplementary funding, fiscal support, or other revenue or
22 property consideration from the State, including the Office of
23 the State Fire Marshal, a county, or any other unit of local
24 government, to defray the expenses of organizing a new Agency

1 or as may be deemed necessary or appropriate, and may be
2 appropriated by that entity to the Agency.

3 Section 40. Enforcement of an intergovernmental agreement.

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

15 Any interception authorized under this Section by the
16 Agency shall be valid and binding from the time the
17 interception order is made until the defaulting unit of local
18 government has paid in full its past due obligations to the
19 Agency and has been current in its obligations to the Agency
20 for a minimum of 12 months. The revenues, monies, and other
21 funds intercepted and to be intercepted by the Agency shall
22 immediately be subject to the Agency's lien. The lien shall be
23 valid and binding against all parties having claims of any kind
24 in tort, contract, or otherwise against the defaulting unit of
25 local government, irrespective of whether such parties have

1 notice. Under any such interception, a defaulting unit of local
2 government may bind itself to impose rates, charges, or taxes
3 to the fullest extent permitted by applicable law. Any
4 ordinance, resolution, trust agreement, or other instrument by
5 which a lien is created shall be filed in the records of the
6 Agency.

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

20 Section 45. Initial startup.

21 (a) An Agency shall commence operations no later than 90
22 days after the date of the election unless an alternative date
23 is agreed to by the terms of the intergovernmental agreement
24 and shall operate for the purposes set forth in the
25 intergovernmental agreement. An Agency's governing body shall

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

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

11 The number of trustees from each unit of local government
12 shall be in proportion, as nearly as practicable, to the number
13 of residents of the Agency who reside in that unit of local
14 government in relation to the total population of the Agency.
15 Thereafter, each trustee shall be succeeded by a resident of
16 the same unit of local government and shall be appointed by the
17 same appointing authority. The appropriate appointing
18 authorities shall appoint 5 trustees of the Agency within 60
19 days after the entry of the order establishing the Agency. The
20 trustees shall be electors in one of the units of local
21 government of the Agency, provided that the Board shall consist
22 of at least one trustee from each unit of local government,
23 subject to the intergovernmental agreement, within the
24 Regional Fire Protection Agency. The trustees shall hold the
25 terms of office and shall have the powers and qualifications
26 that are provided for trustees under Section 4 of the Fire

1 Protection District Act.

2 In the event of a conflict between the terms of the
3 intergovernmental agreement and the powers of the trustees
4 otherwise provided by law, the terms of the intergovernmental
5 agreement shall prevail and supersede.

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

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

22 (e) Upon the formation of an Agency under this Act, the
23 fire departments of the participating units of local government
24 shall be operated under a single chain of command under the
25 leadership of one fire chief appointed by the Board of the
26 Agency. The manner in which chiefs and subordinate chief

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

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

20 (f) Upon the organization of the Agency, the duties of each
21 included unit of local government relating to the operation of
22 a fire department and emergency medical services within the
23 boundaries of the Agency shall be transferred to the Board of
24 the Agency to be exercised according to the terms of the
25 intergovernmental agreement and as otherwise provided under
26 the provisions of this Act.

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

8 An Agency consisting of any fire department that employs
9 full-time officers or members shall be subject to Sections
10 16.01 through 16.18 of the Fire Protection District Act unless
11 the terms of the intergovernmental agreement agreed to by the
12 included units of local government and included collective
13 bargaining unit agents representing employees engaged in
14 providing fire protection or emergency medical services, or
15 both, within the Agency's service area provide otherwise.

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

1 units may be consolidated into a single bargaining unit.

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

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

12 (a) To carry out the purposes for which an Agency is
13 created, the Agency Board is empowered to take all actions
14 authorized by law and authorized under this Act for the purpose
15 of enforcing payment of any and all contributions and payments
16 required under the terms of an intergovernmental agreement
17 executed under the provisions of this Act.

18 (b) The inclusion of any unit of local government into an
19 Agency shall not affect the obligation of any contract entered
20 into by the unit of local government unless otherwise agreed
21 upon in the intergovernmental agreement. Such contracts shall
22 remain the obligation of the unit of local government that
23 incurred the obligation.

24 The inclusion of a unit of local government in an Agency
25 shall not adversely affect proceedings for the collection or

1 enforcement of any tax debt, or other obligation owed to the
2 unit of local government. The proceedings shall continue to
3 finality as if no inclusion had taken place. The proceeds
4 thereof shall be paid to the treasurer of the unit of local
5 government, subject to the terms of the intergovernmental
6 agreement.

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

17 The intergovernmental agreement shall define ownership
18 interests and rights of each unit of local government's fire
19 department related assets and liabilities.

20 Section 55. Petition to dissolve a District; referendum.
21 The Board of an Agency established by referendum may certify
22 and submit the question of dissolution of the Agency to the
23 electors of the Agency. The Board may draft a ballot title,
24 give notice as required by the general election law, and
25 perform other duties as required to put the question before the

1 voters of the Agency for their approval or rejection as a
2 single ballot measure. The electorate consists of the voters
3 voting within the boundaries of the existing Agency. A simple
4 majority of the registered voters voting on the single ballot
5 measure is required to approve dissolution of the Agency. The
6 Agency seeking dissolution is liable for its proportionate
7 share of the costs of the election.

8 The question shall be in substantially the following form:

9 Shall the [name of Regional Fire Protection Agency] be
10 dissolved?

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

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

22 Section 60. Powers; exclusive. The powers provided by this
23 Act for the creation of Regional Fire Protection Agencies are
24 not intended to displace the existing powers of a unit of local
25 government to enter into an intergovernmental agreement to

1 merge, consolidate, or otherwise cooperate with other units of
2 local government to provide fire, rescue, or emergency medical
3 services without a referendum as otherwise provided by Section
4 10 of Article VII of the Illinois Constitution and the Illinois
5 Intergovernmental Cooperation Act. However, the powers and
6 benefits provided by this Act for the combination of fire
7 protection or emergency medical services, or both, of 2 or more
8 units of local government shall be available only to Regional
9 Fire Protection Agencies operated according to the terms of an
10 intergovernmental agreement that has been approved by
11 referendum in accordance with this Act. The terms of any
12 intergovernmental agreement of an Agency created by referendum
13 shall supersede and control over any and all other
14 intergovernmental agreements that may exist that relate to the
15 provision of fire protection or emergency medical services, or
16 both, in geographic areas incorporated within the service areas
17 combined under the terms of a referendum-approved
18 intergovernmental agreement.

19 Section 65. Home rule. A home rule municipality may not
20 administer fire protection services or emergency medical
21 services, or both, in geographic areas incorporated within the
22 service area of an Agency in a manner that is inconsistent with
23 the terms of an intergovernmental agreement approved in
24 accordance with this Act. This Section is a limitation under
25 subsection (i) of Section 6 of Article VII of the Illinois

1 Constitution on the concurrent exercise by home rule units of
2 powers and functions exercised by the State.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".