



Sen. Terry Link

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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 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 Unified Fire Protection Districts 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 Unified Fire Protection Districts
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 Unified Fire Protection District may be
8 formed by:

9 (1) filing voter-initiated petitions for the purposes
10 of integrating existing service areas of contiguous units
11 of local government to achieve the purposes of this Act; or

12 (2) entering into intergovernmental agreements made by
13 and among existing units of local government providing fire
14 protection services, if these agreements are approved by a
15 voter referendum should a petition for such referendum be
16 initiated by voters of any affected individual unit of
17 government in accordance with the procedures of this Act.

18 Section 10. Definitions. The definitions in this Section
19 apply throughout this Act unless the context clearly requires
20 otherwise:

21 "Board" means the governing body of a Unified Fire
22 Protection District.

23 "Fire protection jurisdiction" means a fire protection
24 district, municipal fire department, or service organized
25 under Section 5-1056.1 of the Counties Code, Sections 195 and

1 200 of the Illinois Township Code, Section 10-2.1 of the
2 Illinois Municipal Code, or the Illinois Fire Protection
3 District Act.

4 "Intergovernmental Authority" means the governing bodies
5 of 2 or more adjacent fire protection jurisdictions who meet
6 for the limited purpose of creating a Unified Fire Protection
7 District without referendum approval in accordance with the
8 provisions of this Act.

9 "Plan" means a plan developed by a Planning Committee or
10 the parties pursuant to a petition to create a Unified Fire
11 Protection District for a particular geographic area. These
12 plans shall cover the financing of a District project or
13 projects including, but not limited to, specific capital
14 projects, maintaining the quality and level of fire operations
15 and emergency service operations, and the preservation and
16 maintenance of existing or future facilities.

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

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

24 "Special mediator" shall be a member of the bar of the
25 State of Illinois or member of the faculty of an accredited law
26 school. A "special mediator" shall have practiced law for at

1 least 7 years and be knowledgeable about municipal, labor,
2 employment, and election law. A "special mediator" shall be
3 free of any conflicts of interests. A "special mediator" shall
4 have strong mediation skills and the temperament and training
5 to listen well, facilitate communication, and assist with
6 negotiations. "Special mediators" shall have sufficient
7 experience and familiarity with municipal, labor, employment,
8 and election law to provide a credible evaluation and
9 assessment of relative positions.

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

20 Section 15. Elections and referenda. If a referendum must
21 be submitted under this Act for approval or rejection by the
22 electors, the time and manner of conducting a referendum,
23 including petition signature requirements, shall be in
24 accordance with the general election law of the State. The
25 creation of any Unified Fire Protection District by referendum

1 shall be secured by an intergovernmental agreement that
2 includes terms that meet the standards set forth in Section 25
3 of this Act.

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

15 Section 25. Creation of a District by petition and
16 referendum.

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

1 situated. The petition shall set forth the names of the units
2 of local government proposed to be included, the name of the
3 proposed Unified Fire Protection District, the benefits of
4 consolidating the units of local government within a Unified
5 Fire Protection District, and whether the trustees shall be
6 elected or appointed. 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, or the clerk or sheriff upon order of the court,
13 shall give notice 21 days before the hearing in one or more
14 daily or weekly newspapers of general circulation in each
15 county where an affected unit of local government is organized
16 and by posting at least 10 copies of the notice in conspicuous
17 places within the proposed District. The notice must describe
18 the units of local government to be included and shall state
19 that if the conditions required by this Section are met, then
20 the proposition for the creation of the District shall be
21 submitted to the voters of the units of local government in the
22 proposed District by order of the court.

23 (c) Hearing and referendum. To certify a question for
24 referendum, the court must find that: (i) based upon a
25 preponderance of the evidence, the representatives of each of
26 the parties to the proposed District has executed an

1 intergovernmental agreement that includes terms that are in
2 compliance with the requirement under subsection (d) of this
3 Section; and (ii) the terms of an agreed-upon intergovernmental
4 agreement have been approved by the requisite governing bodies
5 of each of the units of local government and any collective
6 bargaining units involved.

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

11 (d) Joint Committee. If the petition is proper, then the
12 court shall remand the matter to a special mediator who shall
13 mediate the negotiations regarding the terms of an
14 intergovernmental agreement by the members of the Joint
15 Committee. The court shall allow appointments to the Joint
16 Committee as follows:

17 (1) A representative of each unit of local government
18 included within the proposed service area of the proposed
19 District.

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

24 (3) A representative for the petitioners from each unit
25 of local government included within the proposed District,
26 chosen from among the legal voters that signed the

1 petition.

2 (4) The special mediator assigned to the Joint
3 Committee shall be selected by the members of the Joint
4 Committee from a panel of 7 individuals provided by the
5 Joint Labor Management Committee. The panel shall be
6 selected at random from a master list consisting of at
7 least 14 qualified special mediators maintained by the
8 Joint Labor Management Committee, as it is defined in
9 Section 50 of the Fire Department Promotion Act. If the
10 members fail to agree, the court shall appoint the special
11 mediator.

12 After selection, the special mediator shall schedule a
13 meeting of the Joint Committee and facilitate the members in
14 negotiating the terms of an intergovernmental agreement. The
15 Joint Committee may take note or give due consideration to
16 available resources, studies, and plans that may facilitate the
17 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 (e) of this Section.

26 An agreement shall be executed by at least 2 of the 3 Joint

1 Committee representatives appointed by the court for each unit
2 of local government included in the proposed District. If the
3 agreement is executed by representatives of at least 2 units of
4 local government included in the original petition, then the
5 petition may proceed, provided that the agreement is executed
6 by at least 2 of 3 Joint Committee representatives within 2 or
7 more units of local government included in the original
8 petition. The units of local government that did not consent to
9 inclusion shall be dismissed, and an amended petition on behalf
10 of the consenting units shall be scheduled for an evidentiary
11 hearing.

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

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

1 election conducted in the manner provided by the general
2 election law. The notice shall state the boundaries of the
3 proposed District.

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

6 Shall the service areas of (names of existing units of
7 local government to be combined) be combined to create the
8 (name of the Unified Fire Protection District)?

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

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

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

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

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

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

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

12 (4) The District shall apply savings in operating costs
13 as follows: A minimum of 50% of cost savings shall be
14 contributed, pro rata, to the Firemen's Pension Fund of
15 each included unit of local government as applicable. Those
16 contributions shall be applied as a credit to reduce the
17 unfunded accrued liability of the Fund, if one exists. If
18 no unfunded accrued liabilities exist, the savings in
19 operating costs shall be divided into equal amounts and
20 applied to reduce the contributions otherwise required by
21 the unit of government and its firefighter employees under
22 the Pension Code.

23 Section 30. Creation of a District by an Intergovernmental
24 Authority. The governing bodies of 2 or more adjacent fire
25 protection jurisdictions may commence and implement action to

1 adopt a proposed Plan pursuant to Section 10 of Article VII of
2 the Illinois Constitution and the Illinois Intergovernmental
3 Cooperation Act and create a Unified Fire Protection District.

4 (a) Notice. The governing body of a fire protection
5 jurisdiction seeking to implement and adopt a Plan under
6 Section 50 of this Act through an Intergovernmental Authority
7 shall publish a written notice regarding their intentions and
8 hold a public hearing.

9 If the fire protection jurisdiction is located entirely in
10 one county, the notice shall be published in an English
11 language newspaper of general circulation published in the fire
12 protection jurisdiction, or, if no such newspaper exists, then
13 in an English language newspaper of general circulation
14 published in the county and having circulation in the fire
15 protection jurisdiction.

16 If the fire protection jurisdiction is located primarily in
17 one county but extends into smaller portions of adjoining
18 counties, the notice shall be published in a newspaper of
19 general circulation published in the Fire Protection
20 Jurisdiction, or, if no such newspaper exists, then in a
21 newspaper of general circulation published in each county in
22 which any part of the fire protection jurisdiction is located.

23 If the fire protection jurisdiction includes all or a large
24 portion of two or more counties, the notice shall be published
25 in a newspaper of general circulation published in each county
26 in which any part of the fire protection jurisdiction is

1 located.

2 The notice shall appear not more than 30 and no less than
3 10 days prior to the date of the public hearing.

4 (b) All hearings shall be open to the public. The corporate
5 authority of each participating fire protection jurisdiction
6 to an Intergovernmental Authority shall explain the reasons for
7 the proposed creation of an Unified Fire Protection District
8 and provide persons with an opportunity to present testimony
9 within reasonable time limits, as determined by the corporate
10 entities of the affected fire protection jurisdictions.

11 (c) An Intergovernmental Authority, under the provisions
12 of this Section, may, on its own initiative or shall upon
13 receiving notice that a petition has been filed under Section
14 25 of this Act, convert the proposed District into a District
15 formed by petition, subject to approval by the affected voters
16 in accordance with the procedures of this Act.

17 (d) Adoption of Plan. An Intergovernmental Authority,
18 following each participating fire protection jurisdiction's
19 approval and open hearing, shall adopt a Plan as set forth in
20 Section 50 of this Act.

21 (e) Dissolution. Any participating fire protection
22 jurisdiction to an Intergovernmental Authority may withdraw
23 upon 10 days written notice to all other fire protection
24 jurisdictions that are members of the Intergovernmental
25 Authority. An Intergovernmental Authority shall dissolve
26 within 120 days of its first meeting should it not adopt a

1 Unified Fire Protection District Plan.

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

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

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

1 State, such as sales or use taxes or utility taxes.

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

16 The State Treasurer, the State Comptroller, the Department
17 of Revenue, and the Department of Transportation shall deposit
18 or cause to be deposited any amount of grants or other revenues
19 or taxes expected to be received by the defaulting unit of
20 local government from that official or entity that has been
21 pledged to the defaulting unit of local government, directly
22 into a designated escrow account established by the District at
23 a trust company or bank having trust powers, unless otherwise
24 prohibited by law. The ordinance authorizing that disposition
25 shall, within 10 days after adoption by the governing body of
26 the District, be filed with the official or entity with custody

1 of the garnished grants or other revenues or taxes.

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

5 (a) Creation. An Intergovernmental Authority may create a
6 Planning Committee to discuss the formation of a Unified Fire
7 Protection District.

8 Each governing body of a participating fire protection
9 jurisdiction under this Section shall appoint two officials or
10 employees to the Planning Committee. Each exclusive
11 representative of any collective bargaining unit containing
12 fire department related employees of each affected fire
13 protection jurisdiction shall appoint 2 members or officials to
14 the Planning Committee. Members of a Planning Committee may be
15 reimbursed for travel and incidental expenses at the discretion
16 of the governing body of each respective fire protection
17 jurisdiction.

18 (b) Funding. A Planning Committee may receive state
19 funding, as appropriated by the legislature or from the Office
20 of the State Fire Marshal or any affected fire protection
21 jurisdiction for initial funding to pay for salaries, expenses,
22 overhead, supplies, and similar expenses ordinarily and
23 necessarily incurred.

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

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

4 (e) Dissolution. A Planning Committee may dissolve itself
5 at any time by a majority vote of the total membership of the
6 Planning Committee. Any participating fire protection
7 jurisdiction may withdraw upon 10 days written notice to all
8 other fire protection jurisdictions that are members of the
9 Planning Committee.

10 (f) Planning Committees are subject to the requirements of
11 the Illinois Open Meetings Act.

12 Section 55. Planning Committee; duties; formulation of
13 plan.

14 (a) A Planning Committee shall adopt a Plan providing for
15 the design, financing, and development of fire protection
16 services for the territory to comprise the new District. The
17 Planning Committee may coordinate its activities with
18 neighboring municipalities, fire protection districts, and
19 other local governments that engage in fire protection
20 planning. The Planning Committee may consider land use planning
21 criteria and the input of local government officials located
22 within, or partially within, a participating fire protection
23 jurisdiction.

24 (b) The Planning Committee shall:

25 (1) create opportunities for public input in the

1 development of the Plan;

2 (2) adopt a Plan proposing the creation of a District
3 and recommending design, financing, and development of
4 fire protection and emergency service facilities and
5 operations, including maintenance and preservation of
6 facilities or systems which may include the provision of
7 ambulance and other fire department related services. The
8 Plan shall identify the existing levels of fire department
9 emergency services as measured by nationally acceptable
10 practices. It shall ensure that, absent an increase in the
11 level of services to be provided to the territory of the
12 proposed District, no net increase in cost of services
13 shall occur. The Plan shall also provide that the average
14 emergency services response times in the District shall not
15 be increased compared with those of each affected fire
16 protection jurisdiction;

17 (3) adopt, as part of the Plan, recommended and
18 identified resources and assets to be available to the
19 District from prospective contributing or component fire
20 protection jurisdictions, or other sources;

21 (4) adopt, as part of the Plan, recommended and
22 identified obligations and liabilities to be assumed by the
23 District from prospective contributing or component fire
24 protection jurisdictions, or to be retained by the
25 prospective contributing or component fire protection
26 jurisdictions;

1 (5) adopt, as part of the Plan, a recommended timeline
2 for establishing common and uniform operating procedures,
3 standards, and guidelines, as well as rules and policies,
4 to be applicable to the District upon approval by the
5 District subsequent to its activation as a viable entity;

6 (6) recommend sources of revenue authorized by Section
7 60 of this Act and undertake financial and budgeting
8 processes to fund selected fire protection service
9 projects. The Plan shall include amendment, termination,
10 and enforcement provisions, specifically to include breach
11 or default in the payment and funding provisions of the
12 Plan and the penalties for such a breach, as well as the
13 means to enforce the provisions of the Plan by the affected
14 fire protection jurisdictions;

15 (7) identify the composition of the Board and the
16 relative representation of each fire protection
17 jurisdiction on the Board; and

18 (8) determine whether to seek a voter-approved Plan for
19 any non-electoral initiated Unified Fire Protection
20 District.

21 (c) Once adopted, the Plan shall be forwarded to the
22 participating fire protection jurisdictions' governing bodies
23 for their approval, and, if approved by all affected fire
24 protection jurisdictions, to either initiate the petition
25 process under Section 25 of this Act, or for implementation by
26 intergovernmental agreement under Section 30 of this Act.

1 (d) For elector-approved Plans initiated by the fire
2 protection jurisdictions, if the ballot measure to adopt the
3 Plan is not approved by the voters, the Planning Committee may
4 reconvene to redefine the scope and purpose of the District,
5 its projects, financing plan, and the ballot measure. The
6 governing bodies of the member fire protection jurisdictions
7 may approve a new Plan and ballot measure, and may then submit
8 the revised proposition to the voters at a subsequent regular
9 election. Alternatively, the Plan may be approved and
10 implemented under provisions creating an Intergovernmental
11 Authority pursuant to Section 30 of this Act.

12 Section 60. Unified Fire Protection District; initial
13 startup.

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

24 (b) Governing board. The Unified Fire Protection District
25 shall be governed by a Board of 5 trustees. The Board shall

1 elect a Chairperson from among its members, who shall vote only
2 in the case of a tie.

3 If a District is wholly contained within a single county,
4 the trustees for the District shall be appointed by the chief
5 executive officer of the county board with the advice and
6 consent of the county board. If the District lies within more
7 than one county, the number of trustees who are residents of a
8 county shall be in proportion, as nearly as practicable, to the
9 number of residents of the District who reside in that county
10 in relation to the total population of the District, unless the
11 District has voted by referendum to elect the trustees.
12 Thereafter, each trustee shall be succeeded by a resident of
13 the same county who shall be appointed by the same appointing
14 authority. The appropriate appointing authorities shall
15 appoint 5 trustees of the District within 60 days after the
16 entry of the order establishing the District. The trustees
17 shall be electors in the District, provided that the Board
18 shall consist of a trustee representing each unit of local
19 government, subject to the intergovernmental agreement, within
20 the Unified Fire Protection District. The trustees shall hold
21 the terms of office and shall have the powers and
22 qualifications that are provided for trustees under Section 4
23 of the Fire Protection District Act.

24 In the event of a conflict between the terms of the
25 intergovernmental agreement and the powers of the trustees
26 otherwise provided by law, the terms of the intergovernmental

1 agreement shall prevail and supersede.

2 (c) Powers and duties. The District shall have the power,
3 duties, and obligations of a fire protection district as
4 otherwise provided under this Act, except as modified or
5 limited by the provisions of this Section. The District shall
6 develop a budget funded at a level sufficient to ensure that
7 the quality of service provided to the residents of the service
8 area within the boundary of the included units of local
9 government continues at a level equal to or greater than those
10 provided prior to the modification.

11 (d) Local fire departments. The establishment of a District
12 as a separate named unit of local government shall not prevent
13 the units of local government within it from identifying their
14 historical fire departments with the names of their localities.
15 In that event, local fire departments shall be described as
16 [local name] Branch of the [name of the District].

17 (e) Single chain of command. Upon the formation of a
18 District under either Section 25 or 30 of this Act, the fire
19 departments of the participating units of local government
20 shall be operated under a single chain of command under the
21 leadership of one fire chief appointed by the Board of the
22 District. Chiefs and subordinate chief officers who are
23 redundant under the single chain of command, or consolidated
24 shifts established by the Board, shall be eligible to apply for
25 vacancies in positions that may be established under the terms
26 of the intergovernmental agreement entered into by the parties,

1 provided that the positions shall not be available to any
2 person who is already retired and receiving benefits under
3 Article 4 of the Illinois Pension Code. These positions
4 include, but are not limited to, training officer, EMS
5 coordinator, fire inspector, or company officer. Any proposed
6 reduction to a bargaining unit position resulting from the
7 abolishment of a non-bargaining unit position shall be subject
8 to compliance with the bargaining rights of any affected
9 collective bargaining representative.

10 Upon taking office, the fire chief of the District shall
11 command all shifts covering the unified service area of the
12 units of local government included in the District. The
13 District shall become a body politic and corporate with all the
14 powers, rights, duties, and obligations vested in it under the
15 terms of the intergovernmental agreement and as otherwise
16 provided under the provisions of this Act.

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

24 (g) Unless otherwise agreed upon, all firefighters and EMS
25 personnel lawfully in the employment of any unit of local
26 government included in the District shall maintain identity

1 with the fire departments that they were serving on prior to
2 the intergovernmental agreement creating the Unified Fire
3 Protection District, but shall be subject to the unified chain
4 of command established under the Board.

5 A District consisting of any fire department that employs
6 full-time officers or members shall be subject to Sections
7 16.01 through 16.18 of the Fire Protection District Act unless
8 the terms of the intergovernmental agreement agreed to by the
9 units of local government and the exclusive bargaining agents
10 representing employees engaged in providing fire protection or
11 emergency medical services within the service area of the
12 District provides otherwise.

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

23 (i) Any unit of local government that is included in a
24 District shall be exempt from any reduction in the formula for
25 distribution of income tax revenues under Section 901 of the
26 Illinois Income Tax Act and personal property replacement tax

1 revenues under subsection (c) of Section 201 of the Illinois
2 Income Tax Act collected from local taxpayers by State agencies
3 and redistributed to the units of local government based on the
4 formula and laws in effect as of the effective date of this
5 amendatory Act of the 98th General Assembly.

6 A District shall be eligible to receive the distribution of
7 income tax revenues collected from local taxpayers according to
8 the same formula applicable to municipalities.

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

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

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

22 The inclusion of units of local government shall not
23 adversely affect proceedings for the collection or enforcement
24 of any tax. The proceedings shall continue to finality as if no
25 inclusion had taken place. The proceeds thereof shall be paid

1 to the treasurer of the unit of local government, subject to
2 the terms of the intergovernmental agreement, to be used for
3 the purpose for which the tax was levied or assessed.

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

14 The title to all property of a unit of local government
15 related to providing fire or emergency medical services in the
16 District that is transferred to the District under the terms of
17 the intergovernmental agreement shall remain vested in the unit
18 of local government to be held for the same purposes and uses,
19 and subject to the same conditions as before inclusion.

20 (c) Exclusivity. Any intergovernmental contracts otherwise
21 authorized by law that relate to the combination of contracts
22 or the integration of service areas where fire protection or
23 emergency medical services are performed shall be entered into
24 pursuant to Section 25 or Section 30 of this Act.

25 Section 70. Petition to dissolve a District; referendum.

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

14 The question shall be in substantially the following form:

15 -----
 16 For dissolution of the
 17Unified Fire
 18 Protection District.
 19 -----
 20 Against dissolution of the
 21Unified Fire
 22 Protection District.
 23 -----

24 Votes shall be recorded as "Yes" or "No". If a majority of
 25 the votes cast are in favor of the dissolution, the assets,
 26 liabilities, obligations, and personnel assigned or belonging

1 to the District shall revert to the component fire protection
2 jurisdictions comprising or contributing to the District,
3 proportional to each fire protection jurisdiction's
4 contribution. All such transfers and reassignments shall be
5 made in an expeditious and timely manner, and no longer than
6 120 days after the date upon which the District dissolution
7 vote was certified by local election authorities.

8 Section 75. Intergovernmental Authority and District;
9 dissolution.

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

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

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

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

13 A simple majority of votes the District is required for
14 dissolution of the District.

15 Upon approval of dissolution of a District, the assets,
16 liabilities, obligations, and personnel assigned or belonging
17 to the District shall revert to the component fire protection
18 jurisdictions comprising or contributing to the District, in
19 proportion to each fire protection jurisdiction's
20 contribution. All such transfers and reassignments shall be
21 made in an expeditious and timely manner, but no longer than
22 120 days after the date upon which the District dissolution
23 vote was affirmed by the District Board.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."