



Sen. Terry Link

**Filed: 4/15/2013**

09800SB1681sam002

LRB098 09096 OMW 44272 a

1 AMENDMENT TO SENATE BILL 1681

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1681, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

7 Section 5. Purpose and creation.

8 (a) Purpose. The General Assembly finds the consolidation  
9 of fire protection services on a regional basis provided by  
10 fire departments throughout the State of Illinois to be an  
11 economic benefit. Therefore, this Act establishes procedures  
12 for the creation of Unified Fire Protection Districts that  
13 encompass wider service areas by combining existing fire  
14 departments and extending service areas of these departments  
15 into under-served geographic areas. It is the expressed intent  
16 of the General Assembly that Unified Fire Protection Districts

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

8 (b) Creation. A Unified Fire Protection District may be  
9 formed by:

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

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

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

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

24 "Fire protection jurisdiction" means a fire protection  
25 district, municipal fire department, or service organized

1 under Section 5-1056.1 of the Counties Code, Sections 195 and  
2 200 of the Illinois Township Code, Section 10-2.1 of the  
3 Illinois Municipal Code, or the Illinois Fire Protection  
4 District Act.

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

10 "Joint Committee" means the group consisting of the parties  
11 appointed by the Court in accordance with the procedures of  
12 this Act after a petition has been filed to create a Unified  
13 Fire Protection District. The Joint Committee meets for the  
14 limited purpose of negotiating the terms of an  
15 intergovernmental agreement to create a Unified Fire  
16 Protection District.

17 "Plan" means a plan developed by a Planning Committee or  
18 the parties pursuant to a petition to create a Unified Fire  
19 Protection District for a particular geographic area. These  
20 plans shall cover the financing of a District project or  
21 projects including, but not limited to, specific capital  
22 projects, maintaining the quality and level of fire operations  
23 and emergency service operations, and the preservation and  
24 maintenance of existing or future facilities.

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

1 "Planning Committee" means the advisory committee created  
2 under Sections 4.01 and 4.02 of the Fire Protection District  
3 Act to facilitate the combination of fire protection services  
4 and create Unified Fire Protection Districts to achieve the  
5 purposes of 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 Unified Fire Protection District.

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 business days after the question  
13 is 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 have executed an

1 intergovernmental agreement that includes terms that are in  
2 compliance with the requirement under subsection (d) of this  
3 Section; (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 (iii) should the  
6 terms of an agreed-upon intergovernmental agreement change the  
7 terms of the collective bargaining agreement for a bargaining  
8 unit encompassed within the jurisdiction of the proposed  
9 Unified Fire Protection District, any affected collective  
10 bargaining units must also approve all such changes in the  
11 terms of the collective bargaining agreement.

12 At the hearing, the court shall first determine whether the  
13 petition is supported by the required number of valid  
14 signatures of legal voters within the contiguous units of local  
15 government.

16 (d) Joint Committee. If the petition is proper, then the  
17 court shall remand the matter to a Special Mediator who shall  
18 mediate the negotiations regarding the terms of an  
19 intergovernmental agreement by the members of the Joint  
20 Committee. The Special Mediator shall be a member of the bar of  
21 the State of Illinois or a member of the faculty of an  
22 accredited law school. The Special Mediator shall have  
23 practiced law for at least 7 years and be knowledgeable about  
24 municipal, labor, employment, and election law. The Special  
25 Mediator shall be free of any conflicts of interest. The  
26 Special Mediator shall have strong mediation skills and the

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

6 The Special Mediator assigned to mediate the Joint  
7 Committee's negotiations shall be selected by the members of  
8 the Joint Committee from a panel of 7 individuals provided by  
9 the Joint Labor Management Committee, as it is defined in  
10 Section 50 of the Fire Department Promotion Act. The panel  
11 shall be randomly selected by the Joint Labor Management  
12 Committee from a master list maintained by the Joint Labor  
13 Management Committee consisting of at least 14 qualified  
14 Special Mediators. If the members fail to agree, the court  
15 shall appoint the Special Mediator.

16 The court shall allow appointments to the Joint Committee  
17 as follows:

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

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

25 (3) A representative for the petitioners from each unit  
26 of local government included within the proposed District,



1 chosen from among the legal voters that signed the  
2 petition.

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

26 The Special Mediator or the court, or both if necessary,

1 shall facilitate the computation and production of this  
2 financial baseline. The financial baseline shall serve as the  
3 predicate to: (i) the annual contributions to be made by each  
4 unit of local government to the costs of providing fire and  
5 emergency medical services to the service area established for  
6 the Unified Fire Protection District created by the  
7 Intergovernmental Agreement; and (ii) for the court's findings  
8 pursuant to items (1) and (4) of subsection (f) of this  
9 Section.

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

16 If no agreement is reached, the court shall dismiss the  
17 petition. If an agreement is reached, the court shall schedule  
18 an evidentiary hearing with notice to determine if the terms of  
19 the agreement are in compliance with the requirements of  
20 subsection (f) of this Section.

21 An agreement shall be executed by at least 2 of the 3 Joint  
22 Committee representatives appointed by the court for each unit  
23 of local government included in the proposed District. If the  
24 agreement is executed by representatives of at least 2 units of  
25 local government included in the original petition, then the  
26 petition may proceed, provided that the agreement is executed

1 by at least 2 of 3 Joint Committee representatives within 2 or  
2 more units of local government included in the original  
3 petition. The units of local government that did not consent to  
4 inclusion shall be dismissed, and an amended petition on behalf  
5 of the consenting units shall be scheduled for an evidentiary  
6 hearing.

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

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

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

1            Shall the service areas of (names of existing units of  
2            local government to be combined) be combined to create the  
3            (name of the Unified Fire Protection District)?

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

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

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

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

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

1 government.

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

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

18 Section 30. Creation of a District by an Intergovernmental  
19 Authority. The governing bodies of 2 or more adjacent fire  
20 protection jurisdictions may commence and implement action to  
21 adopt a proposed Plan pursuant to Section 10 of Article VII of  
22 the Illinois Constitution and the Illinois Intergovernmental  
23 Cooperation Act and create a Unified Fire Protection District.

24 (a) The governing body of a fire protection jurisdiction  
25 seeking to implement and adopt a Plan under Section 50 of this

1 Act through an Intergovernmental Authority shall publish a  
2 written notice regarding their intentions and hold a public  
3 hearing.

4 If the fire protection jurisdiction is located entirely in  
5 one county, the notice shall be published in an English  
6 language newspaper of general circulation published in the fire  
7 protection jurisdiction, or, if no such newspaper exists, then  
8 in an English language newspaper of general circulation  
9 published in the county and having circulation in the fire  
10 protection jurisdiction.

11 If the fire protection jurisdiction is located primarily in  
12 one county but extends into smaller portions of adjoining  
13 counties, the notice shall be published in a newspaper of  
14 general circulation published in the fire protection  
15 jurisdiction, or, if no such newspaper exists, then in a  
16 newspaper of general circulation published in each county in  
17 which any part of the fire protection jurisdiction is located.

18 If the fire protection jurisdiction includes all or a large  
19 portion of two or more counties, the notice shall be published  
20 in a newspaper of general circulation published in each county  
21 in which any part of the fire protection jurisdiction is  
22 located.

23 The notice shall appear not more than 30 and no less than  
24 10 days prior to the date of the public hearing.

25 (b) All hearings shall be open to the public. The corporate  
26 authorities of each participating fire protection jurisdiction

1 to an Intergovernmental Authority shall explain the reasons for  
2 the proposed creation of an Unified Fire Protection District  
3 and provide persons with an opportunity to present testimony  
4 within reasonable time limits, as determined by the corporate  
5 authorities of the affected fire protection jurisdictions.

6 (c) An Intergovernmental Authority, under the provisions  
7 of this Section, may on its own initiative, or shall upon  
8 receiving notice that a petition has been filed under Section  
9 25 of this Act, convert the proposed District into a District  
10 formed by petition, subject to approval by the affected voters  
11 in accordance with the procedures of this Act.

12 (d) An Intergovernmental Authority, following each  
13 participating fire protection jurisdiction's approval and open  
14 hearing, shall adopt a Plan as set forth in Section 50 of this  
15 Act.

16 (e) Any participating fire protection jurisdiction to an  
17 Intergovernmental Authority may withdraw upon 10 days written  
18 notice to all other fire protection jurisdictions that are  
19 members of the Intergovernmental Authority. An  
20 Intergovernmental Authority shall dissolve within 120 days of  
21 its first meeting should it not adopt a Unified Fire Protection  
22 District Plan.

23 Section 35. Judicial notice. All courts in this State shall  
24 take judicial notice of the existence of any District organized  
25 under this Act, and every such District shall constitute a body

1 corporate that may sue or be sued in all courts.

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

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

21 Any interception authorized under this Section by the  
22 District shall be valid and binding from the time the  
23 interception is made. The revenues, monies, and other funds  
24 intercepted and to be intercepted by the District shall



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

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

23 Section 50. Planning Committee; formation; powers. A  
24 Planning Committee is an advisory entity that is created,  
25 convened, and empowered as provided in this Section.

1           (a) An Intergovernmental Authority may create a Planning  
2 Committee to discuss the formation of a Unified Fire Protection  
3 District.

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

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

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

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

25           (e) A Planning Committee may dissolve itself at any time by  
26 a majority vote of the total membership of the Planning

1 Committee. Any participating fire protection jurisdiction may  
2 withdraw upon 10 days' written notice to all other fire  
3 protection jurisdictions that are members of the Planning  
4 Committee.

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

7 Section 55. Planning Committee; duties; formulation of  
8 Plan.

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

19 (b) The Planning Committee shall:

20 (1) create opportunities for public input in the  
21 development of the Plan;

22 (2) adopt a Plan proposing the creation of a District  
23 and recommending design, financing, and development of  
24 fire protection and emergency service facilities and  
25 operations, including maintenance and preservation of

1 facilities or systems which may include the provision of  
2 ambulance and other fire department-related services. The  
3 Plan shall identify the existing levels of fire department  
4 emergency services as measured by nationally acceptable  
5 practices. It shall ensure that, absent an increase in the  
6 level of services to be provided to the territory of the  
7 proposed District, no net increase in cost of services  
8 shall occur. The Plan shall also provide that the average  
9 emergency services response times in the District shall not  
10 be increased compared with those of each affected fire  
11 protection jurisdiction;

12 (3) adopt, as part of the Plan, recommended and  
13 identified resources and assets to be available to the  
14 District from prospective contributing or component fire  
15 protection jurisdictions, or other sources;

16 (4) adopt, as part of the Plan, recommended and  
17 identified obligations and liabilities to be assumed by the  
18 District from prospective contributing or component fire  
19 protection jurisdictions, or to be retained by the  
20 prospective contributing or component fire protection  
21 jurisdictions;

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

1           (6) recommend sources of revenue authorized by Section  
2           60 of this Act and undertake financial and budgeting  
3           processes to fund selected fire protection service  
4           projects. The Plan shall include amendment, termination,  
5           and enforcement provisions, specifically to include breach  
6           or default in the payment and funding provisions of the  
7           Plan and the penalties for such a breach, as well as the  
8           means to enforce the provisions of the Plan by the affected  
9           fire protection jurisdictions;

10          (7) identify the composition of the Board and the  
11          relative representation of each fire protection  
12          jurisdiction on the Board; and

13          (8) determine whether to seek a voter-approved Plan for  
14          any non-electoral initiated Unified Fire Protection  
15          District.

16          (c) Once adopted, the Plan shall be forwarded to the  
17          participating fire protection jurisdictions' governing bodies  
18          for their approval. If approved by all affected fire protection  
19          jurisdictions, the Plan shall be used either to initiate the  
20          petition process under Section 25 of this Act or for  
21          implementation by intergovernmental agreement under Section 30  
22          of this Act.

23          (d) For electoral-approved Plans initiated by the fire  
24          protection jurisdictions, if the ballot measure to adopt the  
25          Plan is not approved by the voters, the Planning Committee may  
26          reconvene to redefine the scope and purpose of the District,

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

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

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

20 (b) The Unified Fire Protection District shall be governed  
21 by a Board of 5 trustees. The Board shall elect a Chairperson  
22 from among its members, who shall vote only in the case of a  
23 tie.

24 If a District is wholly contained within a single county,  
25 the trustees for the District shall be appointed by the chief

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

20 In the event of a conflict between the terms of the  
21 intergovernmental agreement and the powers of the trustees  
22 otherwise provided by law, the terms of the intergovernmental  
23 agreement shall prevail and supersede.

24 (c) The District shall have the power, duties, and  
25 obligations of a fire protection district as otherwise provided  
26 under this Act, except as modified or limited by the provisions

1 of this Section. The District shall develop a budget funded at  
2 a level sufficient to ensure that the quality of service  
3 provided to the residents of the service area within the  
4 boundary of the included units of local government continues at  
5 a level equal to or greater than those provided prior to the  
6 modification.

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

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



1 inspector, and company officer. Any proposed reduction to a  
2 bargaining unit position resulting from the abolishment of a  
3 non-bargaining unit position shall be subject to compliance  
4 with the bargaining rights of any affected collective  
5 bargaining representative.

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

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

20 (g) Unless otherwise agreed upon, all firefighters and  
21 emergency medical services personnel lawfully in the  
22 employment of any unit of local government included in the  
23 District shall maintain identity with the fire departments that  
24 they were serving on prior to the intergovernmental agreement  
25 creating the Unified Fire Protection District, but shall be  
26 subject to the unified chain of command established by the

1 Board.

2 A District consisting of any fire department that employs  
3 full-time officers or members shall be subject to Sections  
4 16.01 through 16.18 of the Fire Protection District Act unless  
5 the terms of the intergovernmental agreement agreed to by the  
6 units of local government and the exclusive bargaining agents  
7 representing employees engaged in providing fire protection or  
8 emergency medical services within the service area of the  
9 District provides otherwise.

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

20 (i) Any unit of local government that is included in a  
21 District shall be exempt from any reduction in the formula for  
22 distribution of income tax revenues under Section 901 of the  
23 Illinois Income Tax Act and personal property replacement tax  
24 revenues under subsection (c) of Section 201 of the Illinois  
25 Income Tax Act collected from local taxpayers by State agencies  
26 and redistributed to the units of local government based on the

1 formula and laws in effect as of the effective date of this  
2 amendatory Act of the 98th General Assembly.

3 A District shall be eligible to receive the distribution of  
4 income tax revenues collected from local taxpayers according to  
5 the same formula applicable to municipalities.

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

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

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

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

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

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

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

22 Section 70. Petition to dissolve a District; referendum.  
23 The Board of a District may certify and submit the question of  
24 dissolution of the District to the electors of the District.  
25 The Board may draft a ballot title, give notice as required by

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

11 The question shall be in substantially the following form:

12 -----  
 13 For dissolution of the  
 14 .....Unified Fire  
 15 Protection District.  
 16 -----  
 17 Against dissolution of the  
 18 .....Unified Fire  
 19 Protection District.  
 20 -----

21 Votes shall be recorded as "Yes" or "No". If a majority of  
 22 the votes cast are in favor of the dissolution, the assets,  
 23 liabilities, obligations, and personnel assigned or belonging  
 24 to the District shall revert to the component fire protection  
 25 jurisdictions comprising or contributing to the District,  
 26 proportional to each fire protection jurisdiction's

1 contribution. All such transfers and reassignments shall be  
2 made in an expeditious and timely manner, and no longer than  
3 120 days after the date upon which the District dissolution  
4 vote was certified by local election authorities.

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

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

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

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

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

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

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

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