



Sen. Terry Link

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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 Regional Fire Protection Agency 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 Regional Fire Protection Agencies 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 Regional Fire Protection Agencies

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 Regional Fire Protection Agency may be  
9 formed by filing voter-initiated petitions for the purposes of  
10 integrating existing service areas of contiguous units of local  
11 government providing fire protection services to achieve the  
12 purposes of this Act.

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

16 "Board" means the governing body of a Regional Fire  
17 Protection Agency.

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

24 "Joint Committee" means the group consisting of the parties  
25 appointed by the Court in accordance with the procedures of

1 this Act after a petition has been filed to create a Regional  
2 Fire Protection Agency. The Joint Committee meets for the  
3 limited purpose of negotiating the terms of an  
4 intergovernmental agreement to create and implement a Regional  
5 Fire Protection Agency.

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

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

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

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

1 of this Act.

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

3 The Office of the State Fire Marshal shall be served notice  
4 as to any plans of 2 or more units of local government to  
5 combine fire protection or emergency medical services, or both,  
6 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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



1 proposed Agency.

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

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

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

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

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

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

1 Mediator shall be apportioned equally among the included units  
2 of local government unless the parties agree otherwise in the  
3 intergovernmental agreement.

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

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

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

1 legal voters of each included unit of local government at the  
2 next election. Notice of the election shall be given and the  
3 election conducted in the manner provided by the general  
4 election law. The notice shall state the boundaries of the  
5 proposed Agency.

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

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

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

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

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

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

1 the Joint Committee can demonstrate that an increase in the  
2 cost to a participating unit of local government is  
3 justified by a corresponding increase in the level of  
4 services provided under the terms of the intergovernmental  
5 agreement.

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

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

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

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

5           Section 35. Support. Notwithstanding any provision of this  
6 Act, a Regional Fire Protection Agency may receive  
7 supplementary funding, fiscal support, or other revenue or  
8 property consideration from the State, including the Office of  
9 the State Fire Marshal, a county, or any other unit of local  
10 government, to defray the expenses of organizing a new Agency  
11 or as may be deemed necessary or appropriate, and may be  
12 appropriated by that entity to the Agency.

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

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

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

1 trust powers, unless otherwise prohibited by law. The court  
2 order authorizing that disposition shall, within 10 days after  
3 issuance, be filed with the official or entity with custody of  
4 the garnished grants or other revenues or taxes.

5 Section 45. Initial startup.

6 (a) An Agency shall commence operations no later than 90  
7 days after the date of the election unless an alternative date  
8 is agreed to by the terms of the intergovernmental agreement  
9 and shall operate for the purposes set forth in the  
10 intergovernmental agreement. An Agency's governing body shall  
11 consist of representatives designated by the governing bodies  
12 of the participating units of local government as set forth in  
13 this Act, and shall be considered to be formed upon approval of  
14 the governing body of each member unit of local government  
15 unless otherwise agreed to by the terms of the  
16 intergovernmental agreement

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

21 The number of trustees from each unit of local government  
22 shall be in proportion, as nearly as practicable, to the number  
23 of residents of the Agency who reside in that unit of local  
24 government in relation to the total population of the Agency.  
25 Thereafter, each trustee shall be succeeded by a resident of



1 the same unit of local government and shall be appointed by the  
2 same appointing authority. The appropriate appointing  
3 authorities shall appoint 5 trustees of the Agency within 60  
4 days after the entry of the order establishing the Agency. The  
5 trustees shall be electors in one of the units of local  
6 government of the Agency, provided that the Board shall consist  
7 of at least one trustee from each unit of local government,  
8 subject to the intergovernmental agreement, within the  
9 Regional Fire Protection Agency. The trustees shall hold the  
10 terms of office and shall have the powers and qualifications  
11 that are provided for trustees under Section 4 of the Fire  
12 Protection District Act.

13 In the event of a conflict between the terms of the  
14 intergovernmental agreement and the powers of the trustees  
15 otherwise provided by law, the terms of the intergovernmental  
16 agreement shall prevail and supersede.

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

1           (d) The establishment of an Agency as a separately-named  
2 unit of local government shall not prevent the units of local  
3 government within it from identifying their historical fire  
4 departments with the names of their localities. In that event,  
5 local fire departments shall be described as [local name]  
6 Branch of the [name of the Agency] .

7           (e) Upon the formation of an Agency under this Act, the  
8 fire departments of the participating units of local government  
9 shall be operated under a single chain of command under the  
10 leadership of one fire chief appointed by the Board of the  
11 Agency. The manner in which chiefs and subordinate chief  
12 officers who are redundant under the single chain of command  
13 and who are eliminated or integrated into the new unified chain  
14 of command shall be defined within the terms of the  
15 intergovernmental agreement entered into by the parties. The  
16 chiefs and other chief officers shall retain any rights they  
17 may have as established by other applicable law, provided that  
18 positions shall not be available to any person who is already  
19 retired and receiving benefits under Article 4 of the Illinois  
20 Pension Code. Any proposed reduction to a bargaining unit  
21 position resulting from the abolishment of a non-bargaining  
22 unit position shall be subject to compliance with the  
23 bargaining rights of any affected collective bargaining  
24 representative.

25           Upon taking office, the fire chief of the Agency shall  
26 command all operations of the unified service area of the

1 Agency. The District shall become a body politic and corporate  
2 with all the powers, rights, duties, and obligations vested in  
3 it under the terms of the intergovernmental agreement and as  
4 otherwise provided under the provisions of this Act.

5 (f) Upon the organization of the Agency, the duties of each  
6 included unit of local government relating to the operation of  
7 a fire department and emergency medical services within the  
8 boundaries of the Agency shall be transferred to the Board of  
9 the Agency to be exercised according to the terms of the  
10 intergovernmental agreement and as otherwise provided under  
11 the provisions of this Act.

12 (g) Unless otherwise agreed upon, all firefighters,  
13 emergency medical services personnel, and other personnel  
14 lawfully in the employment of any unit of local government  
15 included in the Agency shall maintain identity with the fire  
16 departments that they were serving on prior to the creation of  
17 the Regional Fire Protection Agency, but shall be subject to  
18 the unified chain of command established by the Board.

19 An Agency consisting of any fire department that employs  
20 full-time officers or members shall be subject to Sections  
21 16.01 through 16.18 of the Fire Protection District Act unless  
22 the terms of the intergovernmental agreement agreed to by the  
23 included units of local government and included collective  
24 bargaining unit agents representing employees engaged in  
25 providing fire protection or emergency medical services, or  
26 both, within the Agency's service area provide otherwise.

1           (h) Contracts in effect between an exclusive bargaining  
2 agent representing employees engaged in providing fire  
3 protection or emergency medical services, or both, within the  
4 Agency's service area and a participating unit of local  
5 government shall continue according to their terms. Successor  
6 contracts shall be negotiated in accordance with the provisions  
7 of the Illinois Public Labor Relations Act. Upon agreement of  
8 any 2 or more units of local government and corresponding  
9 exclusive bargaining representatives, and approval of that  
10 agreement by a majority of the members of each respective  
11 bargaining unit who vote on the issue, any 2 or more bargaining  
12 units may be consolidated into a single bargaining unit.

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

22           An Agency shall be eligible to receive the distribution of  
23 income tax revenues collected from local taxpayers according to  
24 the same formula applicable to municipalities.

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

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

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

13           The inclusion of a unit of local government in an Agency  
14 shall not adversely affect proceedings for the collection or  
15 enforcement of any tax debt, or other obligation owed to the  
16 unit of local government. The proceedings shall continue to  
17 finality as if no inclusion had taken place. The proceeds  
18 thereof shall be paid to the treasurer of the unit of local  
19 government, subject to the terms of the intergovernmental  
20 agreement.

21           All suits pending in any court on behalf of or against any  
22 participating unit of local government relating to the  
23 provision of fire or emergency medical services on the date  
24 that the unit of local government is joined into an Agency  
25 under this Act may be prosecuted or defended in the name of the  
26 unit of local government unless otherwise provided in the

1 intergovernmental agreement. All judgments obtained for any  
2 unit of local government joined into an Agency shall be  
3 collected and enforced by the Agency for its benefit unless  
4 otherwise provided in the intergovernmental agreement.

5 The intergovernmental agreement shall define ownership  
6 interests and rights of each unit of local government's fire  
7 department related assets and liabilities.

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

21 The question shall be in substantially the following form:

22 Shall the [ name of Regional Fire Protection Agency] be  
23 dissolved?

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

25 If a majority of the votes cast are in favor of the

1 dissolution, the assets, liabilities, obligations, and  
2 personnel assigned or belonging to the Agency shall revert to  
3 the component units of local government comprising or  
4 contributing to the Agency, proportional to each unit of local  
5 government's contribution. All such transfers and  
6 reassignments shall be made in an expeditious and timely  
7 manner, and no longer than 120 days after the date upon which  
8 the Agency's dissolution vote was certified by local election  
9 authorities.

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

1 all other intergovernmental agreements that may exist that  
2 relate to the provision of fire protection or emergency medical  
3 services, or both, in geographic areas incorporated within the  
4 service areas combined under the terms of a referendum approved  
5 intergovernmental agreement.

6 Section 65. Home rule. A home rule municipality may not  
7 administer fire protection services or emergency medical  
8 services, or both, in geographic areas incorporated within the  
9 service area of an Agency in a manner that is inconsistent with  
10 the terms of an intergovernmental agreement approved in  
11 accordance with this Act. This Section is a limitation under  
12 subsection (i) of Section 6 of Article VII of the Illinois  
13 Constitution on the concurrent exercise by home rule units of  
14 powers and functions exercised by the State.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law."