



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0667

Introduced 02/06/09, by

SYNOPSIS AS INTRODUCED:

70 ILCS 705/4.03 new
70 ILCS 705/4a

from Ch. 127 1/2, par. 24.1

Amends the Fire Protection District Act. Provides that an elected board of trustees of a fire protection district may provide for the establishment of a 5-member board of trustees by adopting an ordinance to that effect. Sets forth the procedure for electing the additional trustees. Specifies the terms of the trustees. Provides that an elected board of trustees that has established a 5-member board of trustees by ordinance may provide for a return to a 3-member board of trustees by adopting an ordinance to that effect. Effective immediately.

LRB096 04286 RLJ 14332 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Fire Protection District Act is amended by
5 adding Section 4.03 and by changing Section 4a as follows:

6 (70 ILCS 705/4.03 new)

7 Sec. 4.03. Elected 5-member board.

8 (a) Any elected board of trustees of a fire protection
9 district may provide for the establishment of a 5-member board
10 of trustees by adopting an ordinance to that effect. If an
11 ordinance is adopted to establish a 5-member board, then 2
12 trustees shall be elected at the next consolidated election for
13 trustees as provided in the general election law and shall
14 serve one for 2 years and one for 4 years, the length of the
15 term of each to be determined by lot at the first board meeting
16 following the election. Thereafter, one trustee or 2 trustees,
17 as necessary to maintain a 5-member board of trustees, shall be
18 elected at the election provided by the general election law
19 for a term of 6 years. Trustees in office on the effective date
20 of this amendatory Act of the 96th General Assembly shall
21 continue to hold office for the remainder of their terms. The
22 term of each elected trustee shall commence on the first Monday
23 in the month following his or her election and each shall hold

1 office until his or her term expires and until a successor is
2 elected and qualified.

3 (b) Any elected board of trustees of a fire protection
4 district that has established a 5-member board of trustees by
5 ordinance under subsection (a) may provide for a return to a
6 3-member board of trustees by adopting an ordinance to that
7 effect. The terms of the 5 persons serving on the board at the
8 time of the adoption of the ordinance shall be terminated upon
9 the adoption of the ordinance, except that they shall continue
10 to serve until the 3-member board under this subsection (b) has
11 been elected and qualified. If an ordinance is adopted to
12 return to a 3-member board, then the 3 trustees shall be
13 elected at the next consolidated election for trustees as
14 provided in the general election law. Persons serving on the
15 5-member board shall be eligible for election to the 3-member
16 board under this subsection (b).

17 (70 ILCS 705/4a) (from Ch. 127 1/2, par. 24.1)

18 Sec. 4a. Change to elected board of trustees; petition;
19 election; ballot; nomination and election of trustees. Any fire
20 protection district organized under this Act may determine, in
21 either manner provided in the following items (1) and (2) of
22 this Section, to have an elected, rather than an appointed,
23 board of trustees.

24 (1) If the district lies wholly within a single
25 township but does not also lie wholly within a

1 municipality, the township board of trustees may
 2 determine, by ordinance, to have an elected board of
 3 trustees.

4 (2) Upon presentation to the board of trustees of a
 5 petition, signed by not less than 10% of the electors of
 6 the district, requesting that a proposition for the
 7 election of trustees be submitted to the electors of the
 8 district, the secretary of the board of trustees shall
 9 certify the proposition to the appropriate election
 10 authorities who shall submit the proposition at a regular
 11 election in accordance with the general election law. The
 12 general election law shall apply to and govern such
 13 election. The proposition shall be in substantially the
 14 following form:

15 -----
 16 Shall the trustees of..... YES
 17 Fire Protection District be -----
 18 elected, rather than appointed? NO
 19 -----

20 If a majority of the votes cast on such proposition are
 21 in the affirmative, the trustees of the district shall
 22 thereafter be elected as provided by this Section.

23 At the next regular election for trustees as provided by
 24 the general election law, a district that has approved by
 25 ordinance or referendum to have its trustees elected rather
 26 than appointed shall elect 3, 5, or 7 trustees, as previously

1 determined by the organization of the district or as increased
2 under Section 4.01, ~~or~~ 4.02 , or 4.03. The initial elected
3 trustees shall be elected for 2, 4, and 6 year terms. In a
4 district with 3 trustees, one trustee shall be elected for a
5 term of 2 years, one for a term of 4 years, and one for a term
6 of 6 years. In a district with 5 trustees, 2 shall be elected
7 for terms of 2 years, 2 for terms of 4 years, and one for a term
8 of 6 years. In a district with 7 trustees, 3 shall be elected
9 for terms of 2 years, 2 for terms of 4 years, and 2 for terms of
10 6 years. Except as otherwise provided in Section 2A-54 of the
11 Election Code, the term of each elected trustee shall commence
12 on the third Monday of the month following the month of his
13 election and until his successor is elected and qualified. The
14 length of the terms of the trustees first elected shall be
15 determined by lot at their first meeting. Except as otherwise
16 provided in Section 2A-54 of the Election Code, thereafter,
17 each trustee shall be elected to serve for a term of 6 years
18 commencing on the third Monday of the month following the month
19 of his election and until his successor is elected and
20 qualified.

21 No party designation shall appear on the ballot for
22 election of trustees. The provisions of the general election
23 law shall apply to and govern the nomination and election of
24 trustees.

25 Nominations for members of the board of trustees shall be
26 made by a petition signed by at least 25 voters or 5% of the

1 voters, whichever is less, residing within the district and
2 shall be filed with the secretary of the board. In addition to
3 the requirements of general election law, the form of the
4 petition shall be as follows:

5 NOMINATING PETITIONS

6 To the Secretary of the Board of Trustees of (name of fire
7 protection district):

8 We, the undersigned, being (number of signatories or 5% or
9 more) of the voters residing within the district, hereby
10 petition that (name of candidate) who resides at (address of
11 candidate) in this district shall be a candidate for the office
12 of (office) of the Board of Trustees (full-term or vacancy) to
13 be voted for at the election to be held (date of election).

14 The secretary of the board shall notify each candidate for
15 whom a petition for nomination has been filed of their
16 obligations under the Campaign Financing Act, as required by
17 the general election law. The notice shall be given on a form
18 prescribed by the State Board of Elections and in accordance
19 with the requirements of the general election law.

20 The secretary shall, within 7 days of filing or on the last
21 day for filing, whichever is earlier, acknowledge to the
22 petitioner in writing his acceptance of the petition.

23 The provisions of Section 4 relating to eligibility, powers
24 and disabilities of trustees shall apply equally to elected
25 trustees.

26 Whenever a fire protection district determines to elect

1 trustees as provided in this Section, the trustees appointed
2 pursuant to Section 4 shall continue to constitute the board of
3 trustees until the third Monday of the month following the
4 month of the first election of trustees. If the term of office
5 of any appointed trustees expires before the first election of
6 trustees, the authority which appointed that trustee under
7 Section 4 of this Act shall appoint a successor to serve until
8 a successor is elected and has qualified. The terms of all
9 appointed trustees in such district shall expire on the third
10 Monday of the month following the month of the first election
11 of trustees under this Section or when successors have been
12 elected and have qualified, whichever occurs later.

13 (Source: P.A. 95-331, eff. 8-21-07.)

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