



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4846

Introduced 1/15/2010, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

70 ILCS 705/4.01

from Ch. 127 1/2, par. 24.01

Amends the Fire Protection District Act. Provides that an elected or appointed 5-member board of trustees of a fire protection district may be decreased to an elected or appointed 3-member board by referendum. Sets forth the procedure for decreasing the size of the board. Specifies the terms of the board members. Provides that the terms of the 5 persons serving on the board at the time of the reduction of the number of members to 3 shall terminate upon certification of the election results, except that they shall continue to serve until the 3-member board is appointed and qualified or elected and qualified. Effective immediately.

LRB096 16807 RLJ 32114 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 changing Section 4.01 as follows:

6 (70 ILCS 705/4.01) (from Ch. 127 1/2, par. 24.01)

7 Sec. 4.01. Five-member boards.

8 (a) Any appointed 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. An
11 appointed board of trustees shall also be increased to a
12 5-member board upon the adoption of a proposition to increase
13 the board as provided in subsection (b) of this Section. When
14 such an ordinance or proposition has been adopted, the
15 appropriate appointing authority shall, within 60 days of the
16 date of the adoption of the ordinance or proposition, appoint 2
17 additional trustees to the board of trustees, one to hold
18 office for 2 years and one to hold office for 3 years from the
19 first Monday of May next after their appointment and until
20 their successors are appointed and have qualified. The lengths
21 of the terms of these 2 additional members shall be determined
22 by lot at the first meeting of the board of trustees held after
23 the 2 additional members take office. The 3 trustees already

1 holding office in the district shall continue to hold office
 2 for the remainder of their respective terms. Thereafter, on or
 3 before the second Monday in April of each year the appropriate
 4 appointing authority shall appoint one trustee or 2 trustees,
 5 as shall be necessary to maintain a 5-member board of trustees,
 6 whose terms shall be for 3 years commencing the first Monday in
 7 May of the year in which they are respectively appointed.

8 (b) Upon presentation to an elected or appointed 3-member
 9 board of trustees of a petition, signed by not less than 5% of
 10 the electors of the district governed by the board, requesting
 11 that a proposition to increase the board of trustees to a
 12 5-member board be submitted to the electors of the district,
 13 the secretary of the board of trustees shall certify the
 14 proposition to the appropriate election authorities who shall
 15 submit the proposition at a regular election in accordance with
 16 the general election law. The general election law shall apply
 17 to and govern the election. The proposition shall be in
 18 substantially the following form:

19 -----
 20 "Shall the number of trustees YES
 21 of the Fire Protection District be -----
 22 increased from 3 to 5?" NO
 23 -----

24 If a majority of the votes cast on the proposition are in
 25 the affirmative, the board of trustees of the district shall
 26 thereafter be increased to a 5-member board and the 2

1 additional trustees shall be elected or appointed as provided
2 by this Section.

3 (c) Any appointed 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 (c) has
11 been selected and qualified. The appropriate appointing
12 authority shall appoint the 3-member board within 60 days after
13 the adoption of the ordinance. The appointments shall be made
14 under Section 4. Persons serving on the 5-member board shall be
15 eligible for appointment to the 3-member board under this
16 subsection (c).

17 (d) Beginning on August 17, 1990, and ending 3 years after
18 that date, in the case of a fire protection district board of
19 trustees in a county with a population of more than 400,000 but
20 less than 450,000, according to the 1980 general census,
21 created under Section 4, subsection (a), paragraph (3) of this
22 Act that has established a 5-member board of trustees under
23 this Section a petition for the redress of a trustee, charging
24 the trustee with palpable omission of duty or nonfeasance in
25 office, signed by not less than 5% of the electors of the
26 district may be presented to the township supervisor or the

1 presiding officer of the county board, as appropriate. Upon
2 receipt of the petition, the township supervisor or presiding
3 officer of the county board, as appropriate, shall preside over
4 a hearing on the matter of the requested redress. The hearing
5 shall be held not less than 14 nor more than 30 days after
6 receipt of the petition. In the case of a fire protection
7 district trustee appointed by the presiding officer of the
8 county board, the presiding officer shall appoint at least 4
9 but not more than 8 members of the county board, a majority of
10 whom shall reside in a county board district in which the fire
11 protection district is wholly or partially located, to serve as
12 the hearing panel. In the case of a fire protection district
13 trustee appointed by the board of town trustees, the township
14 supervisor and 2 other town trustees appointed by the
15 supervisor shall serve as the hearing panel. Within 30 days
16 after the hearing, the panel shall issue a statement of its
17 findings concerning the charges against the trustee, based upon
18 the evidence presented at the hearing, and may make to the fire
19 protection district any recommendations deemed appropriate.

20 (e) In a district governed by an elected or appointed
21 5-member board, upon presentation of a petition, signed by not
22 less than 5% of the electors of the district governed by the
23 board, requesting that a proposition to decrease the board of
24 trustees to a 3-member board be submitted to the electors of
25 the district, the secretary of the board of trustees shall
26 certify the proposition to the appropriate election

1 authorities who shall submit the proposition at a regular
2 election in accordance with the general election law. The
3 general election law shall apply to and govern the election.

4 The election authority must submit the question in
5 substantially the following form:

6 Shall the number of trustees of the fire protection
7 district be decreased from 5 to 3 members?

8 The election authority must record the votes as "Yes" or "No".

9 If a majority of the votes cast on the proposition are in
10 the affirmative, the board of trustees of the district shall be
11 decreased to a 3-member board. The terms of the 5 persons
12 -serving on the board at the time of the reduction of the number
13 of members to 3 shall terminate upon certification of the
14 election results, except that they shall continue to serve
15 until the 3-member board is appointed and qualified or elected
16 and qualified.

17 In the case of an appointed board, the appointing authority
18 shall within 60 days after the certification of the election
19 results, appoint 3 trustees to the board with terms starting
20 the first Monday in May next following the election where the
21 decrease in the board's size is approved. The terms of the
22 appointed trustees shall be determined by lot at the first
23 board meeting following the election. One trustee shall have a
24 term of 3 years, one trustee shall have a term of 2 years, and
25 one trustee shall have a term of one year. Thereafter, all
26 terms shall be for 3 years.

1 In the case of an elected board, 3 trustees shall be
2 elected at the next election at which fire protection district
3 trustees are to be elected under the general election law. The
4 terms of the trustees shall be determined by lot at the first
5 board meeting following the election. One elected trustee shall
6 have a term of 6 years, one trustee shall have a term of 4
7 years, and one trustee shall have a term of 2 years.
8 Thereafter, the terms of all elected trustees shall be 6 years.
9 (Source: P.A. 86-1179; 87-712.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.