

THE FIRE CALL

Winter 2023

an official Publication of the Illinois Association of Fire Protection Districts
Representing Fire Protection Districts throughout Illinois



Illinois Fire Service Conference

*Coming Together Driven by Leadership
Service & Dedication*

June 14-17, 2023 - Peoria, Illinois

In this Issue:

- *Family Bereavement Act*
- *102nd General Assembly Summary*
- *Introduction to the 103rd General Assembly*





Verify that each fire sprinkler system in your community is inspected, tested, and maintained to ensure it will operate properly during a fire.

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About the Cover: The IAFPD and IFCA have formed a new partnership that brings both associations together for a first annual Illinois Fire Service Conference. The collaboration presents the opportunity to save time, travel, and money for those who regularly attend both events while increasing the apparatus display and expanding the educational offerings. The Illinois Fire Service Conference (IFSC) is open to **all** fire departments and districts. The IAFPD and IFCA asks that all members consider supporting this event whether they can attend one day or the entire conference to be held June 14-17, 2023. The event details will be distributed via e-mail and posted on each of our websites in the weeks ahead.



The content of articles contained in **THE FIRE CALL** solely reflects the personal opinions of the authors or contributors and does not necessarily represent the official opinion or position of the IAFPD, its officers, directors, members or staff. **THE FIRE CALL** Publication is intended and designed to provide accurate and authoritative information regarding the subject matter covered. These services are provided with the understanding that the Illinois Association of Fire Protection Districts is not engaging or rendering in any specific legal or professional services.

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PRESIDENT'S MESSAGE



*Michael Dillon, President
Braidwood FPD*

I want to say THANK YOU to all the fire districts and associate members that have renewed their IAFFPD membership for 2023. If you know a neighboring District that may not have renewed their membership or is not an IAFFPD member let them know or remind them to contact the IAFFPD Office for new or renewal information. This is one way member Districts can help the Association. Your board of Directors and Staff will continue to remain focused on our commitment to "Supporting better governance by fire protection district officials through education, resources, communication and legislation."

A few events are underway that I hope you will consider adding to your 2023 calendar. First the Annual Continuing Trustee Education training sessions and the second being our Winter Conference in O'Fallon IL. Last, is the Combined Conference in June 2023. This new partnership is a large undertaking by both the IAFFPD and the Fire Chiefs Association who agreed to combine the conferences to offer provide a one stop shop of education, social events and a large tradeshow showcasing technology and apparatus/equipment. I have heard positive things about the plan and I am very excited to be part of these changes. I feel the combination event will improve both associations in what they provide for their members into the future.

Visit the IAFFPD website for more details on these programs. If you or another member of your fire district would like to volunteer for any of these events, please contact the Association Office.

Next up, is the political activity for the 103rd General Assembly who has been seated and the ongoing work of our legislative team for introducing many new legislators to the IAFFPD and who we represent. I strongly encourage all members to read Brittan's report in this publication but also check out her weekly reports online to know what is happening at the Capitol. On behalf of the board, I extend a word of thanks to committee chair Marvin Hill and lobbyist Brittan Bolin for their ongoing and forthcoming work supporting our interests.

Communications – I sound like a broken record for those who remember records. As mentioned earlier, we appreciate any assistance we can get from other members willing to promote IAFFPD with other fire districts and share their view with the value in membership. Keeping our member contact information updated is always a work in progress and we need your help as Trustees retire or other changes occur. The staff sends monthly emails to keep members informed on events and other useful information. The district's member profile needs to be reviewed regularly so their trustees are not missing out on this timely resource.

Cheri and Karrie do an outstanding job for the association keeping the website up-to-date and getting current information out to our members via emails, constant contact blasts or blast messages. THANK YOU both for your dedication to the IAFFPD.

In closing, I want to thank Art Kilburg Trustee with Fulton Fire Protection District and area representative for the IAFFPD who resigned in December. The Board is very grateful for the xx years of service he and his wife Peg have dedication and support of the organization.

This leads me into the need for an area representative in the northwestern part of our state. If you have a trustee who may be interested serving the IAFFPD, we would like to hear from them.

As always, watch for the blast emails and visit the IAFFPD website for program information and updates on current events, legislative reports and fire service activities. If you need more information on ways your district can work with the IAFFPD or questions on how the IAFFPD can assist your district, the Board of Directors, Staff and I are interested in hearing from you. ■

Michael Dillon, Braidwood FPD
IAFFPD, President



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ASSOCIATION UPDATE



*By Cheri Breneman
Association Administrator*

Productive Partnerships

The new year is an ideal time to remind the membership of their important role with their fire protection district, and the essential role they play in everything we do as their Association. To echo the words of President Dillon, please help us stay connected and informed on the many ways we can support each other. Whether you are serving your first term or your 10th term with the Board of Trustees, the educational programs and printed resources provided by IAFPD can help you be a better trustee. While we have a significant number of members who utilize their IAFPD membership, our goal is to be sure that all districts are made aware of what they have available.

All fire districts who renewed for 2023 receive a follow-up thank you packet that includes the 2023 Annual Calendar and Checklist, a tool many have grown to rely on for their monthly meetings.

The packet also included the newsletter with a summary of passed legislation and information on all upcoming educational programs we are planning in the months ahead. Please add this information to your next meeting agenda.

This moment is a nice segway to share yet another reminder about the new conference partnership you have read in my previous articles and seen in other print forms and social media platforms. There are many members, vendors, and supporters who have longed to see this

collaboration and there are leaders from both organizations working together to bring what is anticipated to be a resounding success. **Join us for the 1st Annual Fire Service Conference June 14-17, 2023 in Peoria.**

Whether you have attended the IFCA conference or the IAFPD conference in the past or not, this year is the one that we are encouraging members to consider attending. As with previous years, the IAFPD Foundation has financial assistance available via their scholarship program that can help offset some of the expenses for districts that want to attend but may have budget constraints hindering their participation.

As association conferences in general are beginning to return to what they were pre-pandemic, the idea to consolidate this year, presents an incredible opportunity for an in-person gathering at the facility both of our organizations have used for many years. This year is very important for both the IAFPD and IFCA and I personally hope that we can count on you to be part of this history-making endeavor and fire service partnership!

Speaking of fire service partnership, it was a true honor to be recognized by the Northern Illinois Alliance of Fire Protection Districts at their 30th Annual Conference for the role I have in the IAFPD's organizational partnership. I am grateful to many who have contributed to my professional growth over the years and who have supported the efforts that have

enabled me to make a difference to those we serve. Thank you to NIAFPD Executive Director Gina Degleffetti and President Bonnie Bayser for this special recognition. During the award presentation, Gina shared the IAFPD has been proactive with NIAFPD in the Pension Election process – campaigning and lobbying members to support our mutual efforts – to have a voice on the IFPIF pension board and my specific work with communications between the NIAFPD, its members and several other fire districts across the state to educate them on the petition and election process. The efforts prevailed in the first election process and allowed the IFPIF organization to recognize our strong influence on our members with pension boards. The IAFPD and NIAFPD have been working together to address this serious issue legislatively since the consolidation law was passed.

As for other work, the two organizations have a 25-year history of working together on issues that impact our members. My role is to help organize the Fire Service Legislative Day in Springfield, which is returning after a 3-year absence and is being planned for March 8th.

The year 2023 presents an opportunity to witness the work and success that comes with strong partnerships. ■

Save the Date & Plan to Attend!

24th Annual

Illinois Fire Service Legislative Day A Day at the State Capitol & Evening Reception

March 8th, 2023, Springfield, IL



**WATCH FOR
MORE DETAILS,
HOTEL BLOCK &
REGISTRATION
INFORMATION
IN THE WEEKS
AHEAD**

Presented By:

**Northern Illinois Alliance of Fire Protection Districts
Illinois Fire Chiefs Association
Illinois Association of Fire Protection Districts**

*Our collective goal is to share a common theme among the
fire service organizations and to promote
fair legislation on our behalf.*

Wednesday, March 8, 2023

AGENDA

(SUBJECT TO CHANGE)

11:30-1:00 p.m.

Lunch with Program

Statehouse Inn Conference Center, 101 E. Adams Street
Review Hot Sheet & Where to Go
Networking Lunch & Guest Speaker

1:30-5:00 p.m.

Visits with Legislators

Illinois State Capitol Complex
Schedule your meetings now!
(maps & information will be available at Hotel)

5:30-8:00 p.m.

Reception at The Inn at 835
835 S. 2nd Street, Springfield IL

*A successful Fire Service Legislative Day
depends on you, and your attendance!*

FIRE COUNSEL NOTES



What's Up?

*By James S. Sinclair
IAFPD Legal Counsel*

This Fire Counsel Notes column will discuss a number of real life situations involving fire protection districts which have been encountered by districts in the last several months. The focus of this article will be to update and focus attention on the issues these situations present and, hopefully, provide some guidance regarding how to address them.

Foreign Fire Tax Change to Foreign Fire Fee

Effective January 1, 2023, the foreign fire insurance tax has been re-denominated as a "foreign fire insurance license fee". This change was brought about by Public Act 102-715 (HB 1449). The state law change makes the collection of the 2% fee on premiums collected by fire insurance companies which are not chartered in the State of Illinois applicable throughout the State of Illinois. Previously, the 2% charge was a tax which required the local fire service agency (City/Village or Fire Protection District) to implement by an ordinance imposing the tax. By reason of this change, the 2% charge will be collected everywhere including in districts which have not previously adopted an ordinance imposing the charge. As a result of this change, districts will now need to select a collection agent for the fee for their district. Districts which have previously collected the charge as a tax and have used either the Illinois Municipal League (IML) or the Illinois Coalition of Local Governments (ICLG) should be receiving correspondence from those organizations regarding adoption of a resolution or an ordinance appointing the organization

to collect the district's share of the fee. If your district has been receiving the 2% charge as a tax, correspondence should have been received from the collection agent previously being used to make this conversion. Districts which have not previously collected the tax, will need to choose a collection agent for the 2% fee. This can be done by contacting either of the foregoing collection organizations directly.

Exempt Property Notification

If your district has not already done so, it should follow up with your County Supervisor of Assessments regarding maintaining the exempt status of fire district's property from real estate taxation. This is an annual requirement for all units of local government. By January 31, of each calendar year, any unit of government which owns real estate that is exempt from real estate tax is required to provide notification that the real estate remains in "exempt use". While the procedure varies from county to county as to the practice of fulfilling this requirement, if your district has not issued this notice to your County Supervisor of Assessments, it is recommended that you follow up now to confirm with that office that the district's property is tax exempt. (35 ILCS 200/15-10)

New MABAS Master Agreement

Districts which are currently members of MABAS should have received a new Master Agreement from the State MABAS Office or their local MABAS Division. This update of the MABAS Agreement was approved in October 2022 by the MABAS

Executive Board and all members are being requested to approve and sign the agreement in order to continue MABAS membership. The deadline to complete this process is January 1, 2024. Districts which desire to maintain their membership in MABAS must approve a resolution or ordinance authorizing participation in MABAS by the new agreement. The resolution or ordinance and the signed agreement must then be forwarded to MABAS either directly or through division organizations. Districts which do not approve the new agreement by January 1, 2024 will have their membership terminated in the organization.

Decennial Efficiency Committee Requirement

All units of local government which levy any type of tax [other than municipalities (cities and villages) and counties] will be required to comply this year with the "Decennial Committees on Local Government Efficiency Act" enacted by Public Act 102-1088 (Senate Bill 2789). This new law imposes a mandate on the applicable units of local government, including fire protection districts, to form a special committee to study the district's governing statutes, ordinances, rules, procedures, powers, jurisdiction, shared services, intergovernmental agreements, and interrelationships with other governmental units. The committee is to include the governing body (board of trustees) and two additional residents of the governmental unit. This committee is required to be formed no later than

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June 10, 2023 and to complete its work within 18 months from the date of the committee's formation. The committee is to prepare a written report and submit it to the County Board(s) of the county(ies) in which the district is located. Thereafter, the same process must take place every 10 years. Districts should proceed to form their committee and to document the formation in the minutes of the board meetings. The committee itself must have at least 3 meetings which must be open to the public and solicit public input at each meeting.

ARPA Funds

Some fire protection districts have been receiving funds through their county government from the federal ARPA monies which are being distributed by the federal government. The distribution of such funds to fire protection districts is not mandated by the federal law, however, in some counties, county governments are making discretionary grants in various forms to districts. The practice regarding how these funds are awarded and administered varies from county to county. In some counties, the county government requires the funds to be used for a particular purpose (such as purchasing a fire apparatus) by a date certain with the expenditure made by the county directly which on delivery then turns the equipment over to the district. In other counties, districts are required to enter into a formal "subaward" agreement in order to receive funds. In those counties where the funds are expended directly by the county on behalf of the district, time limitations on selecting equipment to be purchased have created some procurement issues for fire protection district under Section 11k of the Fire Protection District Act. Districts which enter into formal subaward agreements are cautioned to pay particular attention to the procurement rules applicable to the use of the funds including federal requirements as well as state laws, district procedures, and deadlines.

Economic Interest Statements

In 2022 a change was made in the questions on the Annual Statement of Economic Interest which is required of all fire protection district trustees and some district employees. Because of that, some fire protection district trustees chose to resign rather than complete and file the form. In reality, most of the questions can be answered in a manner which limits, to some extent, the intrusive nature of the questions. These reports are due May 1 of each year and it is recommended that trustees allow time to obtain guidance regarding the completion of the forms. (5 ILS 420/4A-105).

Proof of District Formation

In connection with some grant applications, districts are required to submit proof of the district's creation and organization. Oftentimes, the question in the grant application refers to "Articles of Incorporation". Because districts are units of government, they do not have Articles of Incorporation because they are formed by referendum under the provisions of the Fire Protection District Act (70 ILCS 705/0.01 et seq.), rather than the not for profit corporation laws. What this means is that the organizing document for a fire protection district is the court order entered following the successful referendum from the district. Districts which do not have a copy of their order of formation, it should contact the county clerk of the county in which the district is located and from which the district was formed to obtain a copy (certified) of the Order of Formation. If the county clerk is unable to provide that document (by law, the Order of Formation is filed with the county clerk), districts should contact the circuit clerk (court clerk) of the county from which the district was organized to obtain a copy. Since the formation of districts is carried out through the circuit court, the circuit clerk's office will have a file for the proceedings in which the district was formed. Because districts will often have been formed many years ago, locating this file can, in some cases, be challenging. For that reason, it is recommended that districts not having a copy of their formation order undertake to obtain one now so that when it is needed, it will be readily available. Not having the formation order may result in the

application being untimely or insufficient. (Agencies which administer grants seem not to appreciate the difference between a unit of local government like a fire protection district and a not for profit corporation which is incorporated and has articles of incorporation.)

Trustee Vacancies

District boards need to be careful in addressing vacancies on the board of trustees resulting from the resignation, death, or departure of a trustee from the district. In one recent instance, an entire elected board's simultaneous resignation resulted in the legal inability to appoint new board members. For an appointed board, when a vacancy occurs, the appointing authority (county, township, or municipality depending on the geography of the district) makes appointments to fill a vacancy for the balance of the vacating trustee's term (not for a full 3 year term). Districts need to take care when requesting that a vacancy be filled by an appointing authority by informing the appointing authority of the length of the term of the replacement and its end date. This is necessary to maintain the proper sequence of appointments so that the terms will be staggered. For elected fire protection district boards, the process is bit more complicated. In that situation, when a vacancy occurs on the elected board, the remaining elected trustees select a person to serve on the board until the next consolidated election in the district. (The Election Code provides for a Consolidated Election in April of odd numbered years at which fire protection district trustees are elected.) The replacement appointee then serves only until that election at which time a replacement trustee is elected by the voters to fill out only the remaining term (if any) of the departed trustee. Again, note that the term of the replacement trustee is not a full 6 year term unless the departed trustee's term would have ended at the time of that election. A simple example will illustrate this. If a trustee vacancy occurs 18 months into a trustee's term, the remaining board will make an appointment to fill that vacancy from the date of the departure to the next Consolidated Election which, in our

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Fire Counsel Notes

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example, would occur 24 months after the beginning of the departed trustee's term. At that election, a replacement would be elected to serve the balance of the departed trustee's term, that is, 4 years. Again, the purpose of this is to keep the terms on the proper staggered sequence. It is, therefore, very important for elected boards to be careful in making the replacement appointments and in carrying out the election process for the replacement trustee.

Pandemic Procurement Issues

As a result of the COVID 19 pandemic, numerous supply chain issues have arisen in connection with the purchase of fire, rescue, and EMS apparatus and equipment. This has resulted in extremely long delivery times and fluctuating pricing. Because of this, many districts have found it difficult to comply with the sealed bidding process mandated by Section 11k of the Fire Protection District Act. It is,

however, important for districts seeking to use a method of procurement other than sealed bidding to be certain that in doing so they remain in compliance with Section 11k. Two methods have generally been employed. The first is to use a qualified joint purchasing program which most of the apparatus manufacturers now have available for the purchase of vehicles. Joint purchasing programs, in order to meet the requirements of Section 11k, must have a competitive selection aspect as part of their process for listing items in the program. Joint purchasing may be considered akin to making a purchase from a catalog in which various vendors have developed a description and pricing for various items of fire equipment and fire apparatus. The use of this method is dependent on the sponsoring joint purchasing organization either having its own competitive selection process if it is making available only a single product in a particular category or it must have a number of manufacturers represented in a "catalog" format in which the vendors present essentially the same

product. The second approach used by some districts have used the emergency procurement exception in Section 11k. Using this exception requires a 3/4 vote of the members of the board of trustees in order to classify an expenditure as an emergency. In some cases, districts have used this method when availability of items like chassis and standard equipment that is in very limited supply is available. If a district board chooses to take this approach, it should document carefully in its minutes why the procurement is being made on an emergency basis and have a formal vote to declare the purchase to be an emergency for the reason stated.

Conclusion

The foregoing are just *some* of the recent matters involving fire protection districts that are worth noting. Hopefully, the discussion above will give some insight and guidance as to how to deal with these issues if they arise in your fire protection district. Districts should, of course, confer with their district's legal counsel to assist in addressing these issues. ■

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LEGISLATIVE UPDATE



*By Brittan Bolin
IAFPD Lobbyist*

103rd General Assembly Brings New Faces, New Opportunities

The November general election brings many new lawmakers to Springfield. While this is true of any election, the freshman legislators elected in November 2022 build on trends including the growing Democratic influence in the Chicago suburbs and a younger and more diverse General Assembly. With thirty new or new-to-their-chamber legislators, State House types have a lot of names and faces to learn as lawmaking gets underway.

Fourteen new Democratic legislators were sworn in on January 11, 2023, along with nine new Republican members. New House Democratic members include: Harry Benton (97-Plainfield), Diane Blair-Sherlock (46-Villa Park), Mary Beth Canty (54-Arlington Heights), Sharon Chung (91-Bloomington), Laura Faver Dias (62-Grayslake), Matt Hanson (83-Aurora), Norma Hernandez (77-Melrose Park), Hoan Huynh (13-Chicago), Lilian Jimenez (4-Chicago), Gregg Johnson (72-East Moline), Jenn Ladisch (45-Elmhurst), Kevin Olickal (16-Skokie), Abdelnasser Rashid (21-Bridgeview), and Nabeela Syed (51-Palatine).

On the other side of the aisle, nine Republicans will join the House. John Cabello (90-Machesney Park) and Wayne Rosenthal (108-Morrisonville) will return to the House of Representatives in new districts after having served previously in the chamber. Additional new Republican representatives include Jed Davis (75-Newark), Bradley Fritts (74-Dixon), William Hauter (87-Morton), Jennifer Sanalitro (48-Hanover Park), Kevin Schmidt (114-Millstadt), Dennis Tipsword

(105-Metamora) and Travis Weaver (93-Edwards).

In the Senate, six new Democratic senators will be seated along with three new Republicans. New Democratic Senators are Javier Loera Cervantes (1-Chicago), Mike Porfirio (11-Bridgeview), Willie Preston (16-Chicago), and Rachel Ventura (43-Joliet). Mary Edly-Allen (31-Libertyville) previously served in the House, along with Michael Halpin (36-Rock Island). New Republican senators include Seth Lewis (24-Bartlett) and Andrew Chesney (45-Freeport) both who are moving to the Senate from the House, and Erica Harriss (56-Glen Carbon).

One trend the election highlighted is the growing number of Asian-American legislators. When she took office in 2017, Theresa Mah (D-Chicago) was the first Asian-American elected to the Illinois General Assembly representing the city's Chinatown neighborhood. Between the 2016 and 2022 election, three more Asian-Americans joined the Illinois House: Denyse Wang Stoneback, Janet Yang Rohr, Jennifer Gong-Gershowitz, and South Asian American Ram Villivalam was elected to the Senate. Those lawmakers will be joined on January 11, 2023 by Sharon Chung, Hoan Huynh, Kevin Olickal and Nabeela Syed, bringing the Asian-American caucus to a total of eight members.

The new 103rd General Assembly will also see the first Muslim legislators to serve. Representatives Nabeela Syed and Abdelnasser Rashid will take office in January. While Syed is a member of the Asian-American Caucus, Rashid is a Palestinian-American. Syed, along with Representative Bradley Fritts (R-Dixon)

also has the distinction of being the first members of "Generation Z" to serve in the General Assembly. At twenty-three years of age, Syed and Fritts share a unique generational perspective despite their political differences.

When comparing the make-up of the 103rd General Assembly with that of the state, Latino or Hispanic residents and women are underrepresented. According to the 2020 census, residents who identify as Black are 14% of Illinois residents, and that identify as Latino or Hispanic are 18% of residents. Black lawmakers are about 18% of the House and Senate respectively, but Latino legislators are just 10% of their chambers. While the gender divide is slightly better in the Illinois Senate, women hold 42% of those seats, and 39% of House Seats. One positive development is the election of Representative Tony McCombie (R-Savanna) as the House Republican Leader. McCombie is the first woman to serve as a caucus leader in the Illinois House.

So, what does any of this have to do with fire protection districts? Quite a bit. The Illinois Legislature is an ever-evolving body. New members are elected, creating new opportunities to educate lawmakers about the priorities of the fire service. The task of relationship building is never finished, and it is important to acknowledge the generation and cultural perspectives that each legislator brings to Springfield in crafting our message. As always, we encourage members to look for ways to engage their representatives and senators and serve as a resource, particularly to our newest legislators as they navigate the complex legislative process. ■



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AROUND THE STATE



A Word from our Fire Service Partners

From the Editor: The following column is intended to provide our readers an update on fire service activities from around the state.

Office of the Illinois State Fire Marshal



The OSFM wants to remind everyone to save the date for the 30th Annual Fallen Firefighter Memorial and Medal of Honor Ceremony that will be held in Springfield on May 9th. The Fallen Firefighter Memorial will begin at 10 AM at the memorial on the grounds of the Illinois State Capitol with the Medal of Honor Ceremony to follow at the Bank of Springfield Center. Check our website for more details as the event gets closer.

The OSFM is accepting nominations for the Fire Prevention & Life Safety Award. This award is in recognition of the extraordinary efforts performed by individuals in furtherance of fire prevention and life safety. Applications are due by March 1st and can be found at www.sfm.illinois.gov.

In 2022 according to National Fire Incident Reporting System (NFIRS), Illinois Fire Departments responded to 18,018 calls about carbon monoxide and were able to determine a CO lead at 8,447 of those locations.

Unlike smoke, carbon monoxide is a colorless and odorless gas only detectable by special devices and CO alarms. The Office of the State Fire Marshal (OSFM) encourages residents to have their furnaces checked, change furnace filters and to make sure carbon monoxide (CO) and smoke detectors are functioning properly. Also, test and inspect all smoke and CO alarms in your home monthly. If you find broken or expired alarms, don't wait, replace them immediately.

Symptoms of CO poisoning are very similar to the flu and include headache,

fatigue, shortness of breath, nausea and dizziness. Other signs of possible CO presence include condensation on walls and windows, house pets becoming sluggish and chronic odors from malfunctioning appliances.

According to the National Fire Protection Association (NFPA), heating is the second leading cause of home fires and home fire injuries, and the third leading cause of home fire deaths. Local fire departments across the country responded to an estimated average of 48,530 fires involving heating equipment per year in 2014-2018, accounting for 14% of all reported home fires during this time. These fires resulted in annual losses of 500 civilian deaths, 1,350 civilian injuries, and \$1.1 billion in direct property damage. Most home heating fire deaths (81%) involved stationary or portable space heaters. The leading factor contributing to home heating fires (25%) was failure to clean, principally from solid-fueled heating equipment, primarily chimneys. Half of the home heating fire deaths were caused by having heating equipment to close too things that can burn, such as upholstered furniture, clothing mattresses or bedding. Nearly half of all home heating fires occurred in December, January, and February.

Space heaters lead to countless fires due to improper use during the winter months. It's important to plug space heaters directly into wall outlets and not extension cords. Keep space heaters at least three feet from curtains, clothing, furniture or bedding. Purchase units with an automatic shutoff in case the unit tips over or you forget to shut it off.

Here are some tips to keep in mind when it comes to winter heating safety:

- Have heating equipment and chimneys cleaned and inspected every year by a qualified professional, change furnace filters frequently.
- Have a qualified professional install stationary space heating equipment, water heaters or central heating equipment according to the local codes and manufacturers' instructions.
- Keep interior and exterior air vents clear of blockages or obstructions.
- Keep anything that can burn at least three feet away from heating equipment, like a furnace, fireplace, wood stove, or portable space heater.
- Make sure the fireplace has a sturdy screen to stop sparks from flying into the room. Ashes should be cool before being placed into a metal container. Keep the container a safe distance away from your home.
- Create a three-foot "kid-free zone" around open fires and space heaters.
- Test smoke and CO alarms at least once a month and be familiar with the sounds they make.
- Never use an oven or range to heat your home.
- Remember to turn off portable or space heaters when leaving the room or going to bed.
- Install carbon monoxide and smoke detectors on each floor of your home and within 15 feet of each sleeping area.
- CO detectors have a limited life span, check the manufacturer's instructions for information on replacement.

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Around the State

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Illinois Fire Service Institute

As we move into the new year, the Illinois Fire Service Institute (IFSI) team is preparing for another active training season. Multiple classes kicked off mid-January, to include Basic Operations Firefighter (BOF) Blended training at four remote locations across Illinois.

Our team is energized from the restful holiday break and ready to deliver top-quality training throughout the upcoming months.

MARK YOUR CALENDARS:

Mark your calendar for these 2023 special events:

- 99th Annual Fire College – June 2-4
- IFA – Down and Dirty Firefighting Weekend – October 27-28
- 6th Annual Veterans in the Fire Service Day – November 4-5

FOLLOW US:

Remember to follow our regular training highlight updates on all the IFSI social media channels.



TEAM IFSI AND CORNERSTONE:

A reminder that no cost training and education is available to departments through the Team IFSI and Cornerstone Programs.

Team IFSI: IFSI offers a basic three-year cycle training plan, to include support materials that allow training officers or company officers to provide a fundamental and comprehensive training program for their department or crew. This training program takes into account annual training requirements that a department is expected to meet and includes a broad spectrum of training subjects. Materials are packaged in an easy-to-use lesson plan. All Team IFSI resources are available at no-cost to departments. IFSI student or staff login is required to access the materials through the IFSI Student and Staff Resource Center.



The IFSI Cornerstone Program supports fundamental and essential skills training for fire departments and mutual aid organizations throughout the state. The training is coordinated through eight IFSI Regional Representatives who work with local departments in determining specific training needs and scheduling relevant training opportunities. Funding for Cornerstone Program courses is supported through the Office of the Illinois State Fire Marshal, so training is delivered at no cost to students or local fire departments.

We encourage you to visit the IFSI website for more information on these two programs: fsi.illinois.edu

2023 CALENDARS:

It is that time of year again! IFSI has released the 2023 calendar and printed calendars were mailed to all fire departments, IFSI staff, and our friends in late December. If you are interested in receiving a copy of the printed calendar, please email fsi-marketing@illinois.edu.

We thank you for your continued



support in the fulfillment of our Mission:
Helping Firefighters Do Their Work Through Training, Education, Information, and Research.

Jim Keiken
Director

Illinois Fire Safety Alliance Updated Smoke Alarm Law in Effect as of January 1st



In 2017, the IFSA along with support from the Illinois fire service worked with the General Assembly to pass a law which will require Illinois residents to replace their old smoke alarms with the type that has a long-term, 10-year sealed battery beginning January 1, 2023. This would apply to residents that are still using alarms with removable batteries or alarms that are not hardwired.

Smoke alarm law background

- Since 1988, all dwellings in Illinois have been required to have smoke alarms.
- In 2017, Public Act 100-0200 was passed to update the Illinois Smoke Detector Act to reflect advances in alarm technology.
- As of January 1, 2023, any new smoke alarms being installed within a single or multi-family home are required to be featured with a 10-year sealed battery.
- Smoke alarms in single or multi-family homes prior to January 1, 2023 may remain in place until they exceed 10 years from their manufactured date, fails to respond to operability tests, or otherwise malfunctions.

Exemptions

- Homes built after 1988 that already have hardwired smoke alarms.
- Homes with wireless integrated alarms that use low-power radio frequency communications, Wi-Fi, or other Wireless Local Area Networking capability.

To view the Illinois law in its entirety, visit www.IFSA.org/smoke-alarm-law.

Camp I Am Me Seeking Volunteers to Make a Difference in Young Survivors' Lives

The Illinois Fire Safety Alliance's signature program, Camp "I Am Me," provides a special and unforgettable one-week camp experience for children and teenagers who have experienced injuries from burns. 2023's camp will represent

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the 32nd year of Illinois' camp for young burn survivors and the IFSA is looking for compassionate and enthusiastic volunteers from the fire service and beyond to help during the entire week of camp – in the cabins, at the various activities, and having just as great of an experience as each of the 70 campers!

The IFSA's camp provides the setting for child burn survivors to share their common experiences while being able to play and not feel self-conscious about their scars. The benefits to the campers – physical, psychological, and emotional, all begins with the tremendous volunteer staff during this one special week of the year.

2023's Camp "I Am Me" will take place June 18-24. The program takes place at the YMCA Camp Duncan in Ingleside, Illinois, located in northern Lake County. Volunteers must be 21 years of age at the time of camp to participate, must be able to stay at camp the entire week, and participate in camp's Staff Professional Development Day, which will take place on April 22nd in Rolling Meadows. For additional details and to complete the Request to Volunteer Form, visit www.IFSA.org/get-involved.

Philip Zaleski
Executive Director

IL Fire Inspectors Association

Membership renewals are out. If your department is currently a member of the IFIA, thank you. If you are not a member, please consider doing so. The cost is only \$100. You can apply for membership by going to our website. When you fill out the information needed, we will then invoice you.

The 2023 IFIA elected officers were sworn in during our December planning meeting by Minooka Chief Al Yancey. The new 2023 IFIA officers are President, Mary Ludemann – Minooka; Vice President, Michael Rons – Schaumburg; Secretary, David Wheeler – Oak Lawn; Treasurer, Scott McBride – Roselle. Serving as an officer is a multi-year commitment. Thank them for volunteering to serve.



Membership renewals are out. If your department is currently a member of the IFIA, thank you. An invoice has been sent to you for your processing. If you did not receive one, please contact our office. If you are not a member, please consider doing so. The cost is only \$100. You can apply for membership by going to our website. When you fill out the information asked for, we will then invoice you. For businesses, Associate membership is only \$150. This year the by-laws were changed, and Associate members now have the ability to serve as an officer of the Board of Directors. As a reminder on membership, we are not an individual based membership. If your department is a member, for \$100, then all members of your organization receive the member benefits. Your membership helps keeps the cost of our offerings to you down.

There are some new laws taking effect in January 2023 that fire inspectors should know. First, in accordance with state law (225 ILCS 317/17), an appropriate level in NICET certification in Inspection and Testing of Water Based Systems shall be Level III. Building owners must utilize an inspector who is employed by a state-licensed fire sprinkler contractor and has appropriate credentials through completion of a certified sprinkler fitter apprenticeship program approved by the U.S. Department of Labor and/or certification through NICET III (changed from NICET II; effective January 1, 2023) or ASSE 15010. Find the details from the OSFM here: tinyurl.com/2s768ynu.

Second, battery operated smoke alarms that are in need of replacement must be updated to units with long life batteries. Find the details here: tinyurl.com/5hczur6t.

OSFM Fire Inspector I, Fire Inspector II, and PFLSE certification classes are already on the books for 2023. These classes are taught by experts in their fields, some of whom have decades of experience. Check our website or the end of this article for the dates and locations. Registration can be done on our website.

Make plans for our annual Fire and Life Safety Conference, March 22 – 24, in East Peoria. Complete details and registration is available on our website. Some of the presentations scheduled are: Change YOUR Mindset, Change YOUR Community; Communicating with Candor

and NOT Chaos; NFPA 3000 Standard for an Active Shooter/Hostile Event Program, How Hazardous Materials Use and Storage Impacts Facility Occupancy Classification; Developing Lesson Plans and Understanding State Standards; Steps to Safety™ Prevent Fire and Falls at Home; Understanding Substance Use Disorder and its Link in the Fire Service; Trained Crowd Managers: Force Multipliers for your Fire Prevention Efforts; Applying Behavioral Science to Fire Safety Education; and Wicked Code Problems. A full program with all classes, descriptions, and speaker bios is available on our website.

Sign up now for the conference, as early bird pricing goes away after February 22nd. Registration can be done at our website www.IllinoisFireInspectors.org.

If you are a business that would like to exhibit to showcase your product and get face time with over 100 fire inspectors and educators, or do a sponsorship for the conference, those opportunities are available on our website www.IllinoisFireInspectors.org. It is your support that keeps the conference affordable.

We are always looking for training topics to present. If there is something that you would like to find out more on, contact our office and we'll forward that to the appropriate people.

Our awards program is a year-round program. Throughout the year we accept nominations for anyone who is deserving recognition for going above and beyond. It is also possible to nominate civilians or businesses. Check out our webpage for the different awards and their descriptions.

Upcoming events

- February 24 – a virtual seminar on fire alarm inspection and testing
- FLSE: April 24 – 26 and May 1 – 2, Downers Grove
- Inspector 1: August 1, 8, 15, 22, 29, Downers Grove
- Inspectors Day at the State Fair – August 20 – eligible for ICC credits
- Inspector 2: September 7, 14, 21, 28 and October 5th, Romeoville

Robert Morris
Executive Director, IFIA

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Around the State

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Illinois Fire Chiefs Association

There may be no "I" in Team but there are three in Illinois. This June three "I's" will be together for a new and exciting event. Work is well underway to combine the annual conference of the Illinois Association of Fire Protection Districts (IAFPD) and the annual conference of the Illinois Fire Chiefs Association (IFCA) into the First Annual Illinois Fire Service Conference (IFSC)!

This concept has been discussed for years and is now coming through fruition. Combining our conferences will help trim expenses for many vendors, sponsors and attendees alike as they need only travel to Peoria once rather than twice.

Moving apparatus to Peoria and paying for floor display space only once is appealing to our apparatus and Ambulance partners. Needing to "close the office" to be with Illinois Fire Service personnel once rather than twice is also appealing for both vendors and sponsors. For many Chiefs traveling to one conference rather than two is more suitable for their personal schedules and more feasible for their tight budgets.

In addition to the economic advantages this conference will now have tracks available so attendees can choose which presentation they prefer to attend during any given timeframe. There will be several topics to choose from with



the intention of meeting the needs of all attendees be they fire officers, Trustees, Commissioners, or other fire service professionals. It is an exciting time in the Illinois Fire Service and this first Illinois Fire Service Conference will be one to remember.

Many thanks to those who are working so hard behind the scenes to make this conference one that will address the training needs of all concerned in a comfortable, professional, efficient, and welcoming manner. Committees of personnel from both the IAFPD and the IFCA have worked diligently to bring the best aspects of their Association's conference forward to create a "best of the best" event for all to learn and enjoy. Yep – it will be THAT good. WE look forward to seeing you there.

Richard J. Mikel
IFCA President

Illinois Firefighters Association



The Illinois Firefighters Association is off and running with an exciting new project for the new year! Visit our website often and follow our progress as we roll out our GO GREEN CLEAN Firefighter Cancer Awareness and Prevention Initiative. Our 2022 Annual Conference, held on October 22nd at IFSI in Champaign, was a great success that ended with the dedication of

our "First in the Nation" GO GREEN CLEAN Fire Truck. This working bright green fire truck will travel to firehouses around the state bringing firefighters the tools and information they need to stop cancer at their door! It is our vision to provide equipment, training, and education, free of charge, for the best mitigation practices that will allow every firefighter to reduce cancer risks while still on the fire scene. We have developed a Mission Statement and Program Guidelines that we are very proud of and are attached below. We have designed and trademarked a GO GREEN CLEAN ribbon logo. Also included are pictures that were taken at the dedication of the GO GREEN CLEAN fire truck. Currently, we are releasing promotional news about our innovative initiative at the local, state and even national level. We are hopeful that this will create interest and enthusiasm that grows stronger every day. We believe that reaching out to the firefighters in our attention grabbing and unmistakable truck will heighten awareness of cancer risks and increase proper decontamination practices. We want to thank our partners that made this groundbreaking project possible: Alexis Fire Equipment who donated the truck; Illinois State Fire Marshal Matt Perez (Retired) who acquired the funding for the decontamination equipment; Our State Fire Academy (IFSI) for creating the training video; Illinois MABAS for assisting in equipment distribution; and the Firefighter Cancer Support Network for training our Directors in Firefighter Cancer Awareness and Prevention Practices. The Illinois Firefighters Association wishes everyone a Happy and Safe New Year! ■



HONEST & OPEN GOVERNMENT UPDATE



FOIA & OMA Updates

By David Livingstone
Attorney at Law

Since our last update on the Illinois Open Meetings Act (OMA) (5 ILCS 120/) and the Illinois Freedom of Information Act (FOIA) (5 ILCS 140/), there have been two binding opinions from the Public Access Counselor (PAC), and considerable case law concerning FOIA, but very little with respect to OMA. Should you endeavor to read any of the binding PAC opinions, the new Public Access Counselor website address is: <https://foiapac.ilag.gov/>. According to the website, FOIA and OMA training is now available after registering on the website. Any questions about registering, the training, or the training certificate of completion should be directed to the Illinois Attorney General Public Access Counselor's office. Now that the training is available, those trustees who have not yet completed it should add the task to their list of things to promptly do. Be sure to print a copy of the certificate of completion and file it with your District's secretary.

OPEN MEETINGS ACT

There have been no PAC opinions and little pertinent case law on OMA since our last update. So this portion of the article is not lacking content, I want to briefly discuss special meetings and their agendas, because this issue comes up from time to time. The basic rule is that a Board can discuss anything at a regular meeting even if it is not specifically

About the Author: David Livingstone received his undergraduate degree in Criminal Justice, Political Science, and Public Administration from Lindenwood University in St. Charles, Missouri. He is a 2016 graduate of St. Louis University School of Law, concentrating in Civil Litigation. He is now principal in the law firm Stobbs, Sinclair & Livingstone, in Alton, Illinois, where he serves and represents individuals in assorted legal matters, local small businesses and various local units of government, including fire protection districts.

set forth on the agenda, but the Board cannot take final action on anything unless the general subject matter of the item is set forth on the agenda. For special meetings, I have regularly represented to Districts and others that a Board cannot discuss something, let alone take final action, unless its general subject matter is specifically set forth on the agenda. This rule is laid out in 2014 PAC 32604, a non-binding determination letter. Although it is only a determination letter, we look to these letters for guidance on how the PAC will rule on a specific question or issue.

5 ILCS 120/2.02(a) provides, "[t]he requirement of a regular meeting agenda shall not preclude the consideration of items not specifically set forth in the agenda." This provision does not reference special meetings, and the PAC found it evident that the legislature was intentionally silent as to special meetings. For your latin phrase of the day: *expressio unius est exclusio alterius*, which means "to express or include one this implies the exclusion of the other, or of the alternative". In other words, since the statute does not specify that items not set forth on a special meeting agenda can be considered, then

items not specified on a special meeting agenda cannot be considered.

The intention of the exclusion makes sense. Every public body must post its regular meeting schedule, and, because of that, it can be presumed that members of the public know when the Board will regularly meet, they know to check the fire house window or bulletin board at least 48 hours before the meeting for the agenda, and they know the Board will meet to discuss District business. However, special meetings can come up on as little as 48-hours' notice, and members of the public do not always know to check the fire house every day or every other day for agendas. Allowing Boards to discuss matters not specifically listed on a special meeting agenda could lead to abuse and tarnish the tenet of transparency. I'll note, quickly, that this rule would not apply to members of the public during public comment – the public can talk about whatever they want during the public comment period and the content may not be limited expressly to items on the agenda.

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Honest & Open Government

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FREEDOM OF INFORMATION ACT

In **22-013**, a requestor requested emails from a city police department. The City supplied certain records, but withheld a letter from a private attorney that was sent on behalf of a client initially pursuant to Section 7(1)(a) of the FOIA (that is, information prohibited from disclosure by federal or state law), and later pursuant to Section 7(1)(f) (that is, the “deliberative process” exemption). The City asserted that both federal and state rules of evidence prohibit the disclosure of settlement negotiations. The PAC first issued a non-binding determination directing the department to disclose the letter. The City replied and refused to comply on the grounds that “producing the materials requested would eviscerate the City’s ability to litigate and negotiate cases and would not serve any public interest.” The requestor submitted a second request seeking basically the same information, and the City denied disclosure again. As a preliminary matter, the PAC said the City could not establish the letter was related to settlement negotiations because the letter did not propose or demand a settlement to resolve a dispute. With respect to relationship between Section 7(1)(a) and evidentiary rules, the PAC acknowledged that federal and state evidentiary rules do provide that documents related to settlement negotiations are generally inadmissible as evidence at trial. However, the inadmissibility of these document as evidence at trial, the PAC intimated, is unrelated to their disclosure pursuant to FOIA. Finally, the PAC said that the City failed to demonstrate that the letter revealed or was a part of the City’s deliberative process regarding a settlement.

In **22-014**, a requester requested from a County State’s Attorney’s Office invoices for legal services from an outside law firm involved in a specific case. The County took a five date extension to reply. The County thereafter did not respond to the request, and continued to not respond despite several communications from the

PAC. This is another opinion where the PAC said a public body must respond within 5 business days following the receipt of the request with a disclosure, denial or partial denial, or proper extension.

Interestingly, in **2022 PAC 73336**, a non-binding determination letter, the PAC opined that a group of individuals submitting FOIA requests and apparently colluding to determine who would submit requests for certain records can be considered a “person” under 5 ILCS 140/2(b), and, as such, successive requests from such a group of individuals might categorize the requests as “repeated requests”.

Chi. Sun-Times v. Cook Cnty. Health & Hosps. Sys., 2022 IL 127519, is an important and recent Illinois Supreme Court case addressing FOIA requests for potentially HIPAA protected information. A requestor sought records from a hospital pertaining to the dates and times of ‘walk-in’ gunshot victims and the subsequent reports of those cases to law enforcement. The hospital denied the request (1) pursuant to Section 7(1)(a) as the disclosure of private health information is prohibited by HIPAA, and (2) pursuant to 7(1)(b) as the records, even with redactions, still constitute “medical records” of individuals which are included in the definition of ‘unique identifiers.’ Without getting deep into the procedural history, the ultimate takeaways are: so long as private health information

is redacted, the remaining non-exempt portion of the records can be produced, and the year of the patient records and law enforcement reports is not necessarily protected by HIPAA.

Although not necessarily specific to fire protection districts, **Ballew v. Chicago Police Dept.**, 2022 IL App (1st) 210715, is an example of the proper use of Section 7(1)(d)(i) and 7(1)(d)(vii) regarding records exempt due to an ongoing investigation. In this case, a requestor wanted all department records related to a certain homicide. The department provided a redacted copy of the original incident report, but denied the remainder of the records citing the disclosure would compromise or obstruct the integrity and outcome of the investigation. As part of its denial, the department provided an affidavit of the investigator in charge of overseeing the investigation. The affidavit explained sufficient detail, going beyond mere conclusory statements, supporting the exemption including that the disclosure of records would jeopardize the investigation if techniques or evidence were released, and that premature release of records to the public would make the investigators’ determination of the veracity of subsequent witnesses more difficult. The court said the affidavit was sufficient clear and convincing evidence that the withheld records were exempt. ■

Top 10 Reasons Why...

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- ✓ Open Meetings & Pension Training
- ✓ Webinar Library
- ✓ Legislative Updates
- ✓ Two Annual Conferences

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- ✓ The Fire Call magazine
- ✓ Scholarships
- ✓ Service Awards Programs
- ✓ Handbook for Trustees

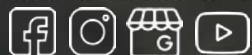
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PENSION POINTERS



Two Appellate Courts Approve Interim Disability Pensions

By John E. Motylinski
Ottosen DiNolfo Hasenbalg & Castaldo, Ltd.

Not infrequently, pension boards are presented with a dilemma in processing line-of-duty disability pensions. The applicant is obviously disabled and will not return to work. However, there remains a question about whether the disability was duty related. But processing the application will take months, and the applicant has no income. What's a board to do?

Enter the interim non-duty disability pension. These devices allow a pension board to grant the applicant a lower benefit to which they are entitled while they wait for the board to adjudicate their claim for a higher one.

Lately, however, pension boards have seen their power to award interim benefits challenged by intervening municipalities. A common argument has been that granting interim benefits is a final decision and divests the pension board of jurisdiction to hear the remaining parts of the claim.

In late 2022, two Illinois Appellate Courts blew that theory out of the water and upheld interim non-duty benefits.

In the first case, *Village of Northbrook v. Northbrook Firefighters' Pension Fund*, a firefighter with a history of heart issues suffered disabling cardiac decline after attending a physically intensive, department-sanctioned drill. 2022 IL App (1st) 220277-U. There was no dispute that the firefighter was disabled and could not return to work. However, the firefighter

About the Author: John E. Motylinski is a partner with the law firm of Ottosen DiNolfo Hasenbalg & Castaldo, Ltd. in Naperville. John graduated summa cum laude from the University of Illinois College of Law and holds an undergraduate degree in political science from the University of Illinois at Urbana-Champaign. He focuses in the areas of local government, municipal, public pension, and labor and employment law.

had also applied for line-of-duty benefits, and the cause of his disability was unclear. The village intervened and argued against the firefighter being awarded an interim non-duty disability pension, but the board awarded one anyway. Ultimately, the board granted the firefighter line-of-duty benefits, and the village appealed.

One of the village's arguments to the Appellate Court was that the board's interim non-duty disability pension divested it of jurisdiction to hear the remaining case. In making that argument, the village relied heavily on the Administrative Review Law, which disallows pension boards from reopening their final "administrative decisions" after thirty-five days.

However, the Appellate Court did not agree with the village's reading. Contrary to the village's assertions, the pension board's decision to award interim benefits was not an "administrative decision" because it was not a *final* order (i.e., it did not terminate all proceedings before the board). In fact, the opposite was true—after awarding an interim pension, the board hosted multiple hearings on the merits of the case over a span of months, and only later issued its written

findings and decision on the merits of the line-of-duty pension. The Court also noted that the board's decision to award interim benefits was not unreasonable, as an "award of interim benefits" ensures that the applicant receives at least some income while his or her case is pending, which can take several months, as it did in this case. Accordingly, the Appellate Court held that the pension board's decision to award interim benefits did not prevent it from considering the firefighter's line-of-duty application.

A different panel of the Appellate Court issued an almost identical decision thirteen days later. In *Masterton v. Village of Glenview Police Pension Board*, a police officer died while attending roll call. 2022 IL App (1st) 220307. His ex-wife applied for a 100% line-of-duty survivor benefit for their minor son. There was no dispute that the son was entitled, at a minimum, to a 50% annuity. So, the pension board granted the child an interim non-duty surviving child benefit without prejudice to the line-of-duty death application. The intervening village appealed and also argued the pension board lacked

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Pension Pointers

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the power to make interim pension awards. The Appellate Court rejected that contention. Just as in *Martin*, the *Masterson* Court found the board's interim decision was not a final "administrative decision." Consequently, the interim award did not divest the board of jurisdiction to adjudicate the line-of-duty application, in which the pension board concluded that the minor child was not entitled to the line-of-duty death survivor benefit.

The Appellate Court's twin decisions in *Martin* and *Masterson* are the first to tackle the issues presented with interim pensions. Both cases stand for the unified proposition that pension boards may award interim benefits without fear that they cannot proceed with the remainder of their work. Therefore, it is likely interim non-duty disability pensions will become even more of a mainstay in disability matters before pension boards. Yet, the award of any interim pension is still a significant event. Therefore, if your board encounters a situation calling for an interim benefit, we recommend you consult the board's attorneys. ■

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 - Commissioners
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 - EMS Management
 - Women in the Fire Service

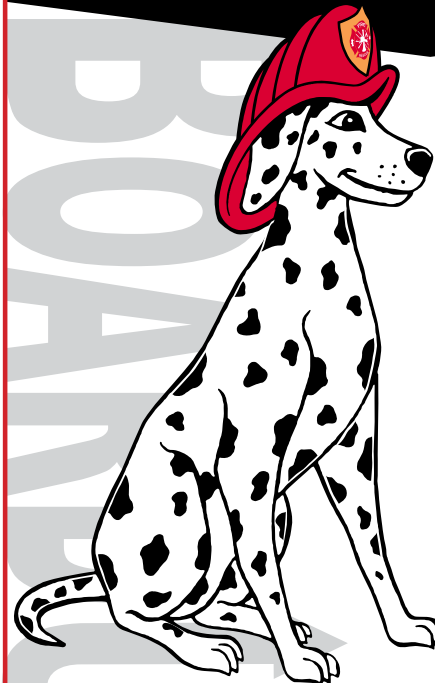
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Family Bereavement Act Illinois Expands Leave for Employees for Bereavement Needs

By: John H. Kelly
Ottosen DiNolfo Hasenbalg & Castaldo, Ltd

On July 29, 2016, the Illinois Child Bereavement Leave Act (P.A. 99-703) took effect and mandated Illinois employers to provide unpaid leave for employees who suffered the death of a child. The General Assembly has since revised the Act and places new requirements on employers. This Article provides an overview of this Act and the new changes.

The Illinois legislature passed P.A. 102-1050 during its 2022 legislative session and Governor Pritzker signed the bill into law with an effective date of January 1, 2023. The Act amends a prior version of the Child Bereavement Leave Act. However, the recent amendments changes that name to the "Family Bereavement Leave Act" and significantly expands its coverage.

Indeed, the new law provides that employees who suffer the loss of a "covered family member" are eligible for up to ten working days of unpaid leave. The amendment also expands the definition of the types of events that will qualify an employee for bereavement.

The Family Bereavement Leave Act applies to all Illinois public employers. Employees become eligible for its benefits after working for the employer for at least 1,250 hours—the same criteria used by the federal Family and Medical Leave Act (29 U.S.C. 2601). The amendment adds spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, and stepparent to the relationships whose death will trigger the application of the benefit. Children

About the Author: John H. Kelly is a partner with the law firm of Ottosen DiNolfo Hasenbalg & Castaldo, Ltd. in the firm's Naperville office. Mr. Kelly concentrates his practice primarily in public safety law. He has a broad range of experience representing municipalities, fire protection districts, and 9-1-1 agencies in personnel and labor relations matters.

and stepchildren were covered under the previous version of the law.

The Act also expands the definition of the term "domestic partner." Now, a domestic partner is "a person recognized as the domestic partner of the employee under any domestic partnership or civil union law of a state." Additionally, the new law makes provision for "an unmarried adult person who is in a committed, personal relationship with the employee" and who is not a recognized domestic partner by law. The law does require the employee to designate the relationship to the employer.

The benefits provided by the Act include coverage for miscarriages or stillbirths, for events arising out of unsuccessful efforts to artificially conceive a child, failed adoptions, failed surrogacy agreements, or a diagnosis that negatively impacts pregnancy or fertility. This language certainly expands the opportunities for employees to take advantage of this leave and will have an impact on employer staffing.

If one of those covered events occurs, the law allows up to two weeks or ten working days of unpaid leave to attend funerals or alternatives to funerals, make arrangements, or to grieve that loss.

Section 15 of the law allows an employee to use accrued paid leave during

the period of the bereavement leave. Importantly, the employee may "elect" to use accrued paid leave; it does not appear that the employer can *require* them to use paid leave.

While the statute refers to various forms of paid leave benefits, it does not specifically refer to a pre-existing paid bereavement leave, whether by policy or collective bargaining agreement. This raises the question of whether the bereavement leave provided by the Family Bereavement Leave Act is additional leave over and above the leave which a department may already provide by policy or contract. Accordingly, agencies should review their current policy to revise that policy to be consistent with the terms of the new law. For departments that are subject to collective bargaining, changes in a bereavement or funeral leave provision will have to be negotiated with the bargaining unit.

The law also limits the use of the bereavement leave to no more than six weeks, or thirty workdays, for more than one death of a covered family member in a twelve-month period. The Act prohibits an employee from taking leave which exceeds the unpaid leave time allowed under or in addition to the Family and Medical Leave Act. However, the Act does

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Family Bereavement Act

Continued from page 26

not define the term “day” or “days,” which could lead to questions regarding the application in the event of a 24-hour duty day, as is common in the fire service. Since Section 10 of the Act does state “2 weeks (10 workdays),” the assumption is that the term “days” refers to calendar days.

Lastly, the Family Bereavement Leave Act requires the employee to provide the employer with at least 48 hours’ advance notice of the need to take the leave unless providing the notice is not reasonable or practical. An employer may require reasonable documentation of the need for the leave such as a death certificate, obituary, or a written verification from a funeral home or similar provider. The Illinois Department of Labor has developed a “Family Bereavement Leave Act” form for use in those situations involving pregnancy, adoption, or surrogacy. This form, available on the Department’s website, includes medical verification for these conditions. It is important to note that in these types of events (pregnancy, adoption, or surrogacy) the employer is not allowed to inquire which type of event precipitated the need for the leave.

The Family Bereavement Leave Act is enforceable by the Illinois Department of Labor and can include civil penalties. This change in Illinois law is certain to create more questions than it answers. Therefore, Departments should seek legal counsel in situations in which these questions arise. ■

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MOVIN' ON UP



Years in the Making: New Fire Station Helps Make BCFPD's Long-Standing Service Vision a Reality

By: Ryan P. McKeon
R&M Communications

Barrington Countryside Fire Protection District leaders' longstanding vision of three fire stations serving its 48-square mile jurisdiction became reality in 2022, with completion of its newest facility.

Station 39, as it is designated, stands on a five-acre parcel of property at 1004 S. Hough Street, in unincorporated Cook County. The location is significant, due to its proximity to many of the District's high-density population areas. Department leaders estimate that, in the future, Station 39 crews will be involved in approximately 65% of all calls to which the BCFPD is dispatched.

Moreover, its centralized location offers additional support for the BCFPD's other two stations, Station 37 (120 W. Algonquin Road, Barrington Hills) and Station 38 (22222 N. Pepper Road, Lake Barrington).

'Another Layer' of Community Protection

The station will enable firefighters to achieve nationally recognized standards of excellence: the ability to respond to 90% of all emergency calls in six minutes or less.

It also adds another level of community protection by expanding the number of on-duty personnel per shift. In 2021, BCFPD firefighters responded to more than 2,000 service calls. Nearly 40% of those were received with crews already responding to other emergencies.

"As trustees, we are committed to fielding the best trained and best



equipped professionals to deliver the best service possible to our residents," explained BCFPD President Keith Hanson. "Station 39 enhances our ability to reach those we serve in times of greatest need."

Dedication Ceremony Begins New Chapter

Following a May 2021 ground-breaking, construction on Station 39 took place over a period of roughly nine months. A new chapter in the BCFPD's 82-year history began April 4th, 2022, as Station 39 began operations.

That same morning, District officials held an official dedication ceremony attended by the members of the Board of Trustees, Fire Department administrators, community leaders, and invited guests.

"This is a big day for our firefighters but, more importantly, it's a big day for the residents of our District," Fire Chief Jim Kreher told those assembled. "This

fire station was years in the making. I thank the Board of Trustees for their vision, Department leaders and staff for their hard work, and our partners (*Studio 222 Architects, Chicago; and Barrington-based Pepper Construction Company*) for their help bringing Station 39 from concept to reality."

No Tax Increases for Structure or Staffing

The BCFPD's long-term planning efforts and a commitment to fiscal discipline meant that it was able to build and staff Station 39 without having to raise taxes on the residents who fund its operations.

The District had previously configured its staffing and equipment levels to support operations from three fire stations.

Continued on page 29

Movin' Up

Continued from page 28

Meanwhile, about 60% of Station 39's construction cost (\$3.5 million) was funded through tax-exempt fire protection notes issued by the BCFPD in 2020. Those notes carry a seven-and-a-half-year term at an interest rate of only 1.35%. District reserves funded the remaining \$2.6 million balance.

"The fire protection notes increased our financial flexibility during construction and, in a time of rapidly rising prices, helped maintain our reserves," explained Trustee Matt Hower, who serves as BCFPD Treasurer. "The strategy was designed to protect taxpayers."

Community Open House

Station 39 made its public debut Saturday, July 18th, during a community open house that drew hundreds of residents, local leaders, and elected officials.

Guests of all ages climbed aboard fire engines and ambulances, participated in "behind-the-scenes" station tours, and enjoyed complimentary refreshments and giveaways.

The event also featured a brief ceremony, where Chief Kreher offered a telling example of how Station 39's already plays a key role in the department's improved ability to deliver life-saving services.

'Strong Return on Investment'

"During Station 39's first week of operation, crews responded to two separate calls involving patients in full cardiac arrest. Both patients survived," he recalled. "Had this station not been here, we can only imagine what may have happened. Based on those two calls along, I believe the District has already gotten a very strong return on its investment."

President Hanson, meanwhile, thanked taxpayers for funding the new station's construction and community leaders for their support. "This would not have been possible without you," he added.

Learn more about BCFPD operations and initiatives at <https://www.bcfpd.org>. ■



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#1 Fundamentals of Budgets and Appropriations A look at the mandatory budget and appropriation process and the steps required from adopting a Tentative Budget Ordinance to publishing and filing the Final Budget and Appropriation Ordinance.

#2 Financial Reporting - It's their money—not yours—and you have to tell them how you spent it! All fire protection districts are required to prepare various financial reports each year. This session sorts out the various reports, when they are required, what they must contain, when they are due, and where they must be filed or published.

#3 Mind Your Levy - This program focuses on the preparation of the levy including limitations in setting the amount of the levy; estimation of equalized assessed value (tax base); the application of the Truth in Taxation Law and the Property Tax Extension Limitation Law; referendum and election matters related to tax rates and levies and more.

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2022 IAFPD Fall Legislative Report

Prepared by IAFPD Legislative Committee

Pro-active lobbying to protect the rights and interests of our members!

Note: New enactments are listed in public act numerical order and not in order of importance or effective date.

Readers should consult with their district's legal counsel with questions regarding the applicability and affect, if any, on their district.

Public Act 102-127 (HB 571)

Makes changes to the Tax Increment Financing (TIF) rules applicable to cities and villages which establish TIF districts. Requires additional reporting in connection with the annual report which must be made by sponsoring municipalities. Only applicable to new TIFs created post 2021. Requires annual report to include more information regarding jobs created by TIF and the amount of the "increment" involved with the TIF and its rate of return. (Effective 7/23/2021).

Public Act 102-375 (SB 2150)

Amends Section 16-06b of the Fire Protection District to provide that the age 35 limit for a person to be hired as a full time career firefighter does not apply to "any person who has served a fire district as a regularly enrolled volunteer, paid on call, or part-time firefighter." (Effective 8/13/2021).

Public Act 102-705 (HB 4694)

Amends the Occupational Safety and Health Act to provide that a public employer (includes fire protection districts operating solely with volunteer personnel) which intentionally violates specified provisions of the Act may be assessed a civil penalty of up to \$10,000 per violation.

Also provides for notice to employers by email and prohibits discrimination against an employee who discusses health or safety concerns with a co-worker or authorized employee representative. Makes other changes. (Effective 4/22/2022 and some provisions 11/1/2023).

Public Act 102-715 (HB 1449)

Changes the Sunset Repeal Date of the Elevator Safety and Regulation Act and the Fire Equipment Distributor and Employee Regulation Act of 2011 from 1/1/2023 to 1/1/2028. Makes organizational, definitional, and other changes. (Effective 4/29/2022).

Public Act 102-740 (SB 1571)

Revises the Foreign Fire Insurance Tax Law. Changes the "tax" paid on fire insurance premiums collected by "foreign fire insurance companies" (fire insurance companies not chartered by the State of Illinois) based on an ordinance adopted by a fire protection district or municipality imposing the tax to what now is a "licensing fee" paid by all foreign fire insurance companies charging premiums for fire insurance on property located in a municipality or fire protection district. The fee is set at 2% of the fire insurance premiums collected in the municipality or fire protection district. Makes changes

regarding the provisions applicable to "foreign fire insurance boards" which are required in districts with a unionized career fire department. (Note: for non-unionized districts, the major changes are that the district no longer needs to adopt an ordinance to collect the 2% fee; the 2% rate is set and may not be a lower rate; and the district will need to select a collection agent for the district (currently the Illinois Municipal League and Illinois Coalition of Local Governments offer this service for a fee). (Effective 1/1/2023).

Public Act 102-772 (HB 4388)

Adds a requirement that, for all EMS personnel license renewals after 2/2/2023, licensees must complete at least one one-hour course of the diagnosis, treatment, and care of persons with Alzheimer's disease for each license renewal period. (Effective 1/13/2022).

Public Act 102-773 (HB 4461)

Amends Section 20 of the Fire Protection District Act (70 ILCS 705/20) to provide that a municipality annexing territory located within a fire protection district which is required to make the payments to the district which are provided for in that section, the municipality is responsible, in addition to

Continued on page 36

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Fall Legislative Update

Continued from page 34

the payments called for in that section, to also reimburse the district for its costs of collecting the amount due from the municipality, including, but not limited to, reasonable legal fees and court costs. (Effective 1/1/2023).

Public Act 102-787 (HB 4924)

Amends Article 4 of the Pension Code to delete language requiring the treasurer of the fund to execute a bond to the district sponsoring the pension fund for the district's career firefighters. (Note: This is the result of the creation of the Illinois Firefighters Pension Investment Fund (IFPIF) at the state level). (Effective 5/13/2023).

Public Act 102-842 (SB 3495)

Makes changes to the rules applicable to the use of emergency warning lights and siren by authorized emergency vehicles of a fire protection district or a fire department including those operated by a fire chief, deputy fire chief, or assistant fire chief who have completed a required driving course approved by OSFM. Also adds use of blue lights by rescue squad vehicles owned by a fire protection district and allows the use of traffic control preemption devices by fire protection district authorized emergency vehicles. (Note: This is a corrective bill to clarify that fire protection districts and nongovernmental fire departments are authorized to designate vehicles as an authorized emergency vehicle). (Effective 1/1/2023).

Public Act 102-794 (HB 5047)

Permits the use of short form health care powers of attorney in electronic digital form. (Effective 1/1/2023).

Public Act 102-856 (SB 3778)

Makes changes to Article 4 of the Pension Code (40 ILCS 5/4) regarding arson investigator participation in an Article 4 firefighter pension. (Effective 1/1/2023).

Public Act 102-911 (HB 1321)

Creates the First Responder Mental Health Grant Program Act. Subject to appropriation, authorizes grants to fire protection districts and other units of local government to use for behavioral health care services for first responders including telehealth services. (Effective 1/1/2023).

Public Act 102-912 (HB 1571)

Creates the First Responder Child Care Act. Subject to appropriation, provides that the Department of Human Services is to establish an Off-Hours Child Care Program to assist first responders in locating and accessing off hours, night, or sleep time child care. (Effective 5/27/2022).

Public Act 102-983 (HB 5501)

Amends the Emergency Telephone Systems Act to make definitional and technical changes including private line systems and sunset provisions. (Effective 5/27/2022).

Public Act 102-1006 (SB 3127)

Makes amendments to various laws to add emergency medical dispatchers to statutory references to first responders (other than COVID-19 first responders). (Effective 1/1/2023).

Public Act 102-1009 (SB 3179)

Establishes the Illinois Center for Geographic Information Act within the Prairie Research Institute at the University of Illinois to make recommendations on the efficient development, use, and funding of geographic information management technology for all levels of government and academic institutions. (Effective 4/27/2022).

Public Act 102-1048 (HB 4818)

Bans the disposal by incineration of PFAS containing foam and charges the Illinois EPA with rule making authority regarding the disposal of PFAS foam. (Effective 6/8/2022).

Public Act 102-1060 (HB 4161)

Provides for an Illinois Income Tax check off donation for the 100 Club of Illinois Fund. (Effective 6/10/2022).

Public Act 102-1088 (SB 3789)

Establishes a requirement for units of local government, including fire protection districts, under the Decennial Committees on Local Government Efficiency Act to form a committee to study local efficiencies and report recommendations in the district's county of location to the county board. The initial committee must be formed within one year of the effective date of the Act and that committee must complete its work within 18 months of that date. A new committee must be formed every 10 years thereafter to repeat the process. (Effective 6/10/2022).

Public Act 102-1095 (HB 209)

Bans the use of latex gloves by EMS personnel beginning 1/1/2023 and healthcare facility personnel after 1/1/2024. (Effective 1/1/2023). ■

NEW EDITION AVAILABLE!

The 2022 Edition of the **Text of Laws Relating to Illinois Fire Protection Districts and State Fire Marshal** is available.

An IAFPD exclusive resource, this book is a compilation of state laws which most directly apply to fire protection districts and the Illinois fire service in general. It contains the Fire Protection District Act, Open Meetings, Freedom of Information Act, Municipal code, Vehicle code and numerous other Acts as amended through Public Act 100-576 of the 100th General Assembly.

Each member receives one FREE copy. Members who were not able to pick up their copy at the IAFPD Conference can have it mailed to the primary address on record.



UPDATED ILLINOIS SMOKE ALARM LAW

- Effective January 1, 2023 -

In 2017, the Illinois Fire Safety Alliance worked with the General Assembly to pass a law which will require Illinois residents to replace their old smoke alarms with the type that has a long-term, 10-year sealed battery beginning January 1, 2023. This would apply to residents that are still using alarms with removable batteries or alarms that are not hardwired.



What is the Updated Illinois Smoke Alarm Law?

- Since 1988, all dwellings in Illinois have been required to have smoke alarms.
- In 2017, Public Act 100-0200 was passed to update the Illinois Smoke Detector Act to reflect advances in alarm technology.
- Come January 1, 2023, any new smoke alarm being installed within a single or multi-family home are required to be featured with a 10-year sealed battery.
- Smoke alarms in single or multi-family homes prior to January 1, 2023 may remain in place until they exceed 10 years from their manufactured date, fails to respond to operability tests, or otherwise malfunctions.

Exemptions




- Homes built after 1988 that already have hardwired smoke alarms.
- Homes with wireless integrated alarms that use low-power radio frequency communications, Wi-Fi, or other Wireless Local Area Networking capability.

To view the Illinois law in its entirety, visit www.IFSA.org/smoke-alarm-law



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IN THE NEWS

CONGRATULATIONS

John Swan, President of the Illinois Firefighters Association. IAFPD attended a recognition event held in his honor and appreciation for 35 years of service to the Association, 25 years as an Executive Officer, a strong advocate for the Illinois Fire Service and the IAFPD.

Pictured with IAFPD Director, Ken Yeakley



CONGRATULATIONS

Chief Don Shovelin on his recent retirement from the Harlem-Roscoe Fire Protection District, made official in December 2022. Shovelin served twenty years with the District 14 as Chief.



Retired Kell Fire Chief Lonnie McDaneld was honored on his 45 years in the fire service and 35 years as fire chief during a weekend open house at the fire station. McDaneld received plaques of participation from the Illinois State Fire Marshal's office, the South Central Illinois Fire District Association of which he was a charter member, the Illinois Fire Chief's Association, the Illinois Association of Fire Protection Districts and the MABAS Box Alarm System.

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IN MEMORY



Antioch. **Dean Allan Pedersen, Sr.** (75) passed away on December 12, 2022. Dean was a lifelong resident of Antioch, grew up on the family farm and worked for the family business. He studied Agriculture Business at Joliet Junior College and was a veteran of the United States Army Reserve. Dean was co-owner of Pedersen GMC, a business founded by his father in 1949.

Dean also served as a trustee for the Antioch Fire District for 24 years (the last several years serving as their President). Dean was an avid family man. He was close with his parents and brothers, married his high school sweetheart and surviving spouse for 52 years, Linda.



Riverton. **Richard "Rich" Louis Pottier Sr.** (63), of Riverton, died on Nov. 5, 2022. Rich earned his Eagle Scout in 1975. He worked at Cargill Flour Milling for 22 years before he and his wife, Cindy, purchased KnR Tomahawk Awards in Springfield in 2001. Rich was member and past president of the Riverton Area Fire Protection District's board, and as a trustee on Riverton's village board. He was a member of St. James Catholic Church's Finance Committee, Knights of Columbus Marian Council 3914 in Riverton, where he was a past Grand Knight, and he was a Fourth Degree member of the Knights of Columbus Bishop Griffin Assembly 0201. Rich also served on the Boy Scouts of America's Abraham Lincoln Council's Eagle Board of Review.



LODD



North Park Fire Protection District mourns the loss of firefighter **Brian Rehnberg** (50) who died on December 25, 2022 after responding to an incident.

Rehnberg served as a firefighter and engineer with North Park since 2008. He started in the fire service as an explorer with Rockford and began his career with Cherry Valley in 1999 and Lifeline Ambulance before that.



Larry Peasley (76) of Maroa passed January 4, 2023 after succumbing from damages from a heart attack at the firehouse on December 7th. Peasley served 43 years with Maroa Fire Department beginning in 1979. He was known for his dedication and commitment to the Maroa community and love for watching Maroa-Forsyth sports. He is survived by his wife, Janet Peasley, two sons and three grandchildren.



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CALENDAR OF EVENTS

IAFPD Winter Conference

February 17 - 18

Regency Conference Center - O'Fallon, IL

Continuing Trustee Education (CTE)

March 4

IFSI Champaign

Illinois Fire Service Legislative Day

March 8, Springfield

Continuing Trustee Education (CTE)

March 25

Cherry Valley FPD

IAFPD Board of Directors Meeting

April 1

Location to be determined

Conference Scholarship Application Deadline

April 1

info@iafpd.org

FDIC 2023

April 24-29

Indianapolis, IN

Firefighter Medal of Honor Ceremony

May 9

BOS Center - Springfield, IL

1st Annual Illinois Fire Service Conference

June 14 - 17

Peoria Civic Center - Peoria, IL

IAFPD Offices will be closed in observance of the following holidays:

February 13 - Lincoln's Birthday

February 20 - President's Day

March 31 - Good Friday

Details about many of the events mentioned above can be found at www.iafpd.org or, by contacting the association at: 217-525-6620

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