

Letter from the President



The Board of Directors met at the end of this May and evaluated its list of goals and objectives for 2004-2005. Our membership has grown in size and the involvement is stronger than ever.

Our activity in legislative issues has been extraordinary and many of the items, which we identified last year, have become a reality. We have further developed the educational series for fire district officials and hope to have scripts ready for taping by year's end. Lastly, our Bylaw revisions are in final draft form and should be ready for distribution before our next meeting scheduled for August 21st, 2004 at Glenside FPD.

We are continuing to work on re-classifying our organization for a tax-exempt status and hope to complete this by the end of the fiscal year. The NIAFPD is always striving to best represent your Fire District and its needs. Help us educate and determine the future direction for our administrations and Fire Protection Districts. Please forward any suggestions for topics that you feel would be beneficial. Our efforts are to both explore and educate the membership in new and developing areas that will benefit our overall goals. "Stay safe" and thanks for doing what you do!

*Jack L. Mancione, President
Northern Illinois Alliance of Fire Protection Districts
Darien Woodridge Fire Protection District*

Message From Executive Director

The next endeavor of the NIAFPD is to develop an educational series for fire protection district trustees. This project is being made possible with donations from the Margaret J. Schofield Memorial Fire Service Fund. The 3rd Annual Margaret J. Schofield Memorial Fire Service Fund Golf Outing is being held Sunday July 18, 2004. Information on the golf outing is in this newsletter.

July 4th is just around the corner. The Illinois Fire Safety Alliance Burn Camp "Camp I Am Me" is being held June 20 - 26, 2004, and several of our campers were burned as a result of fireworks. A sparkler that sometimes can be bought at local grocery stores burn at 1,800 degrees. Please help spread the word that fireworks are dangerous, especially in the hands of our children!

Best wishes for a safe summer.

*Kathleen Haage, Executive Director
Northern Illinois Alliance of Fire Protection*

Fire Guard



How to Talk to Your Legislator

Fire Service Officials Legislative Day / Reception

- Always be professional, courteous and polite.
- Let them know from the beginning why you are visiting/contacting them.
- Make your point concisely. Their schedule is at least as busy as yours.
- Help educate them about the issues. They have to make decisions on hundreds of issues each legislative session and they need credible information from you to help them with their decisions. If you give them valid information, they will continue to use you as a resource in the future.
- Get to know your legislators background. Acknowledge their professional and personal achievements and discuss common interests.
- Let them know if you are a constituent of theirs. Elected officials are often more open to suggestions from a voter in their legislative district.
- Let them know if other constituents in their legislative district share your position, but **do not** exaggerate support for your position.
- Let them know if other government leaders and key interest groups share your position.
- Offer to arrange and conduct a tour of your fire station when they are not in session. They will understand your position on issues to a greater degree when they see what you face on a daily basis.
- **NEVER** mix your issue with campaign financing. Political contributions do **NOT** "buy" political support.
- When asked a question, answer it briefly, but answer it. Then restate your position. If the question requires some research, say so, and be sure you get back to them.
- Finally, thank them for any work or assistance they have done on your behalf, or on behalf of the fire service in general.



Treasurer Judy Baar Topinka and State Fire Marshal J.T. Somner



Lobbyist Chuck Vaughn, Representative Patricia R. Bellock and NIAFPD President Jack Mancione of Darien Woodridge Fire Protection District



Representative Mary E. Flowers with Roberts Park Fire Protection District



Representative Donald L. Moffitt and Chief James Grady of the Frankfort Fire Protection District

10th Inning Summary - Spring Legislative Session

by Charles R. Vaughn, Vaughn Consulting Services



If this had been a ball game you would be tuning in for a summary of the game's events and to know who won. Using the following graphics I will show you

how the fire service can celebrate a series of achievements that constitutes great success.

As I have told you in another memo, we were able to effectively control and/or stop many invitations been negative to us. I do not believe we were forced to accept any outcome against

our interests. Our role as a player at the table on all fire issues was solidified and our base for support out of the IAFFPD offices proves more valuable each year. The staff there serves the interests of NIAFFPD and IFC as well.

Bills	Successfully Passed	Deferred to Veto Session	Failed
HB 916 Hazmat Reimbursements	x		
HB 4103 Firefighter Plates	x		
HB 4237 Expansion of defibrillator use	x		
HB 4247 Changes in verbatim record In closed session	x		
HB Tech rescue reimbursements		x	
HB 4361 Sprinklers in college dorms	x		
HB Annexation changes for districts		x	
HB 4840 Protection of fire protection funds	x		
HB 4851 Volunteer job protection	x		
HB 5017 Election of board members Criminal background checks for New hires, and EMT certification For new hires (permissive)	xxx		
SB 2894 Cards for cars With blue lights	x		
Totals	10	2	0

In other areas of interest to us we monitored issues like a bill to leave abandoned infants at police stations (SB258), proposals to legalize the sale of fireworks to gain the state new revenues, the selection of a new Fire Marshal, and unfortunately, an attempt by the administration to skim off almost \$20,000,000 of the fire prevention funds for other purposes. We called out our people with a grassroots blitz, and we did it well on the fireworks issue.

Early in the session there was talk of including districts into the category that received impact fees. At this time, because we are a

limited purpose government (as opposed to a general-purpose government), we do not qualify to receive such funds. Next year we will seek legislation to open this avenue, if that is possible. At present the legislation on impact fees is not for districts.

As we planned for 2004 we set an ambitious set of tasks to accomplish. I am pleased to report to you almost total success.

Addendum

As the session closed almost in chaos, the Reps. and Senators went home while leaders

continued to try to hammer out a budget agreement. I do not ever remember such a series of events. With visions of dollar signs in their eyes our \$19.6 million at the Fire Marshals office is probably gone. The other troubling issue, the sale of fireworks for tax revenue, also has really caught the eyes of the Governor and the Budget Leaders. I encourage our members to keep a drum-beat of protest on these items; write, fax and email Jones, Watson, Cross, Madigan and the Governor to protest these unfortunate actions.



Avoid Having Your Tax Rate Increase Not be as Successful as Expected

by Karl R. Ottosen, Ottosen Trevarthen Britz Kelly & Cooper, Ltd.

Every tax rate increase referendum brings the questions of: How much will the taxing body receive in additional tax revenue, and how much will the average residential property owner's tax bill increase? The answers to these questions depend upon whether the taxing body is subject to the Property Tax Extension Limitation Law, commonly called the "tax cap". A non-tax capped fire district is able to levy sufficient amounts to maintain its maximum tax rates in funds with maximum rates such as the corporate, ambulance and rescue funds. If the district needs additional revenue, it may ask its voters to approve a rate increase in one or more funds. If successful, the district is free to increase its levy to the extent necessary to raise the tax rate to the new maximum. Tax

capped districts face more restrictions and rarely are able to obtain any authorized new maximum rate without reducing their rates in one or more other funds.

This result is due to application of the related sections of the tax cap legislation. Most important is Section 18-230 which provides a formula to be applied to any rate increase. This formula produces a "rate increase factor" by which the previous year's aggregate extension is multiplied. In essence, the rate increase is changed into a dollar increase in levy authority. An example may help to illustrate this point.

Assume:

1. The current corporate fund rate of .30 is increased to .40;
2. The last extended aggregate rate in all funds subject to the tax cap is .50;
3. The last aggregate extension was \$1,000,000.

Determine Rate Increase Factor:

$$\frac{\text{Old aggregate rate (.50) + rate increase (.10)}}{\text{Old aggregate rate (.50)}} = \frac{.60}{.50} = 1.2$$

Determine Extension Authority:

Aggregate extension base (1,000,000) x rate increase factor (1.2) = \$1,200,000

Using the above example, the 33.33% increase in Corporate Fund rate authority produced a 20% increase in total extension authority.

The Illinois Appellate Court recently rejected the rate increase factor calculated by Batavia Unit School District 101 after the District's voters successfully passed an educational fund tax rate increase. The calculation error resulted in a loss of millions of dollars to the District. *Board of Education of Batavia Unit School District No. 101 v. Cunningham*, 806 N.E.2d 1219, 282 Ill. Dec. 631 (2d Dist. 2004).

At the April 2003 election, Batavia voters passed a referendum authorizing a tax rate increase in the District's educational fund. The ballot question asked if the maximum annual educational tax rate should be increased and established at 3.34 percent instead of 3.18 percent, the existing maximum rate otherwise applicable to the next taxes to be extended for educational purposes.

After the referendum passed, the school board passed a supplemental budget and levy. The Kane County Clerk extended the levy, applying an approved rate increase of 0.16%. The Clerk calculated this "rate increase approved" as the difference between the old maximum educational fund tax rate (3.18%) and the newly approved maximum educational fund tax rate (3.34%). The District sued, claiming that the "rate increase approved" by the voters was 0.5531%. The District calculated this term as the difference between the last rate actually extended for the District's educational fund tax rate of 2.7869% and the newly approved maximum rate of 3.34%.

The Court was asked to determine what rate increase was actually approved by the voters for purposes of Section 18-230 of the Tax Limitation Law. That law requires that, whenever a tax capped taxing district approves a tax rate increase by referendum, the district's aggregate extension base is multiplied by a "rate increase factor." To calculate this factor, the clerk must apply the "rate increase approved." Batavia argued that this term refers to the difference between the currently levied rate and the new maximum rate. The Court rejected this argument, noting that a referendum is not required to increase the currently levied rate in a particular fund to the current maximum rate for that fund. Batavia could have increased its educational fund tax rate from 2.7869% to the current maximum rate for that fund of 3.18% without going to referendum. Based on its aggregate extension authority for all funds, the District would have had to decrease the tax rate in one of its other funds to maximize its educational fund tax rate. Yet, such actions could have been taken without a referendum. Thus, according to the Court, the only educational fund tax rate increase receiving voter approval was the difference between the old maximum rate and the new maximum rate, a difference of 0.16%. Hence, the court concluded the clerk properly calculated the increase in levy authority.

A Dupage County fire district similarly was surprised by the county clerk's calculation of the impact on its levy authority following voter approval of two rate increase referenda. What was marketed as a 35% increase in taxes, actually yielded only a 10% increase. The district

Continued on page 5

recently went back to the voters asking for the additional 25% increase. While the district did not receive the 35% increase it expected the first time around, the district's voters thankfully approved the additional authority in the second election. The loss in tax dollars between elections was significant. Capital projects and purchases, and increased staffing plans were delayed as a result.

There are multiple approaches to achieving increases in property tax revenue. It is difficult enough for a district's tax rate increase to obtain necessary voter approval without the additional struggle of discovering that the approved ballot question will not provide the district with the intended financial benefits. To avoid this situation, be sure that your district clearly understands and can articulate both the district's current financial circumstances and the desired outcome of a successful referendum. This information should not only be shared with your district's attorney who assists in the development of the ballot question, but also with the clerk of the county in which your district is located. We recommend that you meet with the county clerk before and after the development of the ballot question to ensure that the county clerk agrees with its meaning and result should your referendum question win on Election Day.



HOW TIMES HAVE CHANGED!

On September 7, 1933 the Deerfield Fire Department received \$.31 from the Eagle Star & British Dominions Insurance Company.

In 2003 the Deerfield Fire Department received \$57,428.24 for Foreign Fire Insurance Tax.

Ron Dukes **Vice-President**

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**THE 3RD ANNUAL MARGARET J. SCHOFIELD
MEMORIAL FIRE SERVICE FUND
GOLF OUTING 2004**

**Sunday, July 18, 2004
At Silver Lake County Club in Orland Park, IL**

\$125.00 includes golf, cart, lunch at the turn, refreshments on the course, prizes, and dinner

**Registration begins at 10:30 a.m.
Tee times start at 11:32 a.m.
Dinner 6:30 p.m.**

Please register me for the 3rd Annual Margaret J. Schofield Memorial Fire Service Fund Golf Outing: Please make checks payable to The Margaret J. Schofield Fire Service Memorial Fund and send to: Peggy Schofield Figiel, 360 E. Randolph, Suite 508, Chicago, IL 60601

Name / Company Name: _____

Contact Person: _____

Phone: _____

Members of Our Foursome:

1. _____ 2. _____

3. _____ 4. _____

_____ Foursome reservation \$500.00


_____ Place me with a Group \$125.00

_____ Dinner Only \$50.00

_____ I cannot attend this year. Please accept the enclosed donation.

Please return by June 30, 2004. If you have any questions or need more info, contact Peggy Schofield Figiel: 312.861.0914 or Fax: 312.861.7691 or email: the2figs@aol.com EARLY REGISTRATION WITH FULL PAYMENT GUARANTEES YOUR SPOT

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**With our Deepest
Sympathy...**

The NIAFPD extends our sympathy to family and friends of Lawrence O. Atkinson.

Larry served as a firefighter for 42 years for the Winfield Fire Department, retired in 2001. For the last three years, he served on the Board of Trustees for the Winfield Fire Department. Donations to the Illinois Fire Safety Alliance Burn Camp, P. O. Box 911, Mount Prospect, IL 60056 would be appreciated.



*2004 Legislative Day
Winfield Fire Protection District Trustees, Fire Chief,
Executive Director, and Larry Atkinson seated center*

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LEGISLATIVE AGENDA

Any District that has a legislative agenda item should contact NIAFPD Legislative Committee Chairman, Ronald Kubicki. 708-354-6567.

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<i>Executive Director</i>	Kathleen Haage	847.945.4120

UPCOMING MEETINGS

NIAFPD Board of Directors Meeting

August 21, 2004, 9:00 a.m.

Glenside Fire Protection District
Bloomingdale Road, approximately 2 miles west of I-355,
between Army Trail Road and North Avenue (IL Rt. 64).

NIAFPD Membership Meeting:

August 21, 2004, 10:00 a.m.

Glenside Fire Protection District

NIAFPD Conference

Oak Brook Hyatt
February 10-13, 2005

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