

# Fire GUARD



A Publication of the Northern Illinois Association of Fire Protection Districts

Winter 2009

## Letter from the President



Hello everyone, I hope each one of you had a peaceful and joyful Holiday Season. It is this time of year that brings us closer to our families and friends. I know for myself it was great to have my whole family in from all over the country to help us celebrate.

A lot has happened since my last letter. As of January 1, 2009, all fire district Trustees will be eligible for a 50% increase in their salaries if they complete a 12 hour (three 8 hour sessions) Trustee training program that will be offered by the NIAFPD and also the IAFPD. The first 4 hour session will be offered at this year's NIAFPD Conference on Saturday, February 7th. Please check out the conference program information that is inside this issue of the Fire Guard. The Conference committee has been working very hard on this year's program to bring you the most up to date training and educational sessions possible. We have some really good speakers to teach you how to be the best you can be and help you serve your district and its residents better.

I would like to congratulate this year's award winners. The Legislator of the Year Award goes to two of our finest Legislators, Representative Robert Biggins R - 41 of Elmhurst and Representative Elaine Nekritz D - 57 of Northbrook. The Fire District of the Year Award will go to the Cherry Valley Fire Protection District. Our Associate of the Year Award goes to John Falduto of Sawyer Falduto Asset Management. A Special Service of the Year Award will go to Chuck Vaughn of Vaughn Consulting Services. The Presidential Service Award will go to William Hoffmeister from the Frankfort Fire Protection District. All these awards will be presented at our annual conference luncheon on Saturday, February 7, at 12:00 noon.

As always if you should have any questions about the NIAFPD or if you might need to find out more about the Fire Service, please don't hesitate to call Kathy Haage or myself and we will try our best to help you. Also don't forget to check out our website; [www.niafpd.org](http://www.niafpd.org).

*Ronald P. Kubicki  
President, Northern Illinois Alliance of Fire Protection Districts*

## Message from the Executive Director



Happy New Year to everyone! The NIAFPD year will start out with our Annual Conference. Included in this newsletter are the workshop topics as they stand today. Visit our website [www.niafpd.org](http://www.niafpd.org) for updated conference information.

The 2008 Membership Directory will be completed and ready to pass out at our Annual Conference. If there is additional information you would like to put in our directory please let me know.

We are working with the Illinois Association of Fire Protection Districts to coordinate and present Advanced Trustee Training. The program is a three part series with Part 2 Finances, Procurement, and Legal Liability being offered at the NIAFPD Conference on Saturday February 7, 2009. Information on when Part 1 and Part 3 will be held can be found on our website [www.niafpd.org](http://www.niafpd.org). The IAFPD will be offering the program throughout the State and at their June 2009 conference being held in Peoria. More information as to when the program will be presented can be found on the IAFPD website [www.iafpd.org](http://www.iafpd.org).

If I can be of help to anyone please give me a call at 847-945-4120 or email me at [khaagedbfd@syn.net](mailto:khaagedbfd@syn.net). I look forward to seeing everyone at our upcoming conference.

*Kathleen Haage  
Executive Director*

## Upcoming Events

**February 5-8, 2009**

**NIAFPD 15th Annual Conference**  
**DoubleTree Hotel**  
**Oak Brook, IL**

**May 14-16, 2009**

**IFCA Annual Symposium**  
**Peoria, IL**

**June 14-20, 2009**

**IFSA Burn Camp "I Am Me"**  
**Camp Duncan**

**June 17, 2009**

**Burn Camp Visitor's Day**  
**Camp Duncan**

**June 25-28, 2009**

**IAFPD 66th Annual Conference**  
**Peoria, IL**

**October 11-14, 2009**

**IFCA 59th Annual Conference**  
**Peoria, IL**

**"STRENGTHEN ADVOCACY FOR THE ENFORCEMENT OF CODES AND THE INSTALLATION OF HOME FIRE SPRINKLERS."**

*From National Fallen Firefighters Foundation's Firefighter Life Safety Summit - Initiative #15*



**Northern Illinois Fire Sprinkler Advisory Board**  
 FireSprinklerAssoc.org

Thomas A. Lia  
 Executive Director  
 62 Orland Square Drive, Suite 201  
 Orland Park, IL 60462  
 708-403-4468  
 Email: sprinktom@aol.com

©2008, Northern Illinois Fire Sprinkler Advisory Board. All rights reserved. A not-for-profit organization.

**EMERGENCY SERVICE ORGANIZATIONS INSURANCE AGENCY, INC.**



**Dave Petro**  
 Regional Representative

Ph: 217-893-1138 705 Thunderbird  
 Toll Free: 877-ESO-1911 P.O. Box 428  
 Fax: 217-893-1189 Rantoul, IL 61866-0428  
 Cell Ph: 815-922-4585 dpetro@esoins.com



**PARAMEDIC SERVICES of Illinois, Inc.**

**Earl J. Field**  
 Chairman of the Board

9815 W. Lawrence Ave., Schiller Park, IL 60176  
 Phone: (847) 678-4900 Fax: (847) 678-2854

**Chase Bank**  
 Business Banking

**Patrick Krapec**  
 Relationship Manager  
 patrick.m.krapec@chase.com

14 South LaGrange Road  
 LaGrange, IL 60525  
 Telephone: 708.579.4272  
 Fax: 708.579.0414

**Can great design save lives?**



**Yes.** There's no limit to what great design can do! With thoughtful design, response times will reduce, your community will be safer and lives will be saved.

**Sente-Rubel Bosman-Lee ARCHITECTS, LTD.**  
 The Power of Promises Kept  
 847.272.9500  
 www.srblarchitects.com



# Finding Value in the Current Interest Rate Environment

Thomas S. Sawyer, Sawyer Falduto Asset Management, LLC

With respect to financial markets, popular media coverage during 2008 largely focused on the credit crisis, deteriorating economic climate and the ultimate impact on world equity markets. As a matter of course, stock market performance usually garners the most attention. Equity market news always seems to have more "sizzle" than many alternative asset classes.

The change in the structure of interest rates during the year was no less astounding than the stock market volatility during the second half of the year. Aggressive Federal Reserve rate reductions combined with a massive "flight to safety" pushed short-term interest rates as measured by the three-month Treasury bill lower by more than 3 percent. At this writing, the three-month Treasury bill is yielding a whopping 9 basis points, or 9/100ths of 1 percent.

Illinois Fire Protection Districts, as a matter of investment policy, must invest the majority of their assets in short-term fixed income securities. Districts are also subject to the investment limitations of the Public Funds Investment Act. Maximizing returns on short-term investments is no doubt a challenge in the current rate environment. We encourage managing District funds as a portfolio with specific objectives:

- **Time Horizon:** To the extent possible, segregate funds based on investment time horizon. In other words, money that is required for near-term operating purposes will likely be invested differently than reserves earmarked for capital purchases. Although the general structure of interest rates is at very low levels, the yield curve is currently fairly steep. A little bit of additional maturity can add a meaningful amount of yield.

- **Diversification:** The Public Funds Investment Act allows the use of a variety of investments including primarily interest bearing deposits (certificates of deposit), U.S. Treasury securities, government agencies, municipal bonds and certain money market mutual funds. Yields on the different alternatives often vary widely depending on current market conditions. Of course, Districts should consult the statute for a complete list of allowed investments and specific detail pertaining to each.

Illinois Fire Protection Districts would be well served by adopting a managed portfolio approach. Funds should be invested as a portfolio designed with proper consideration given to investment time horizon, current liquidity needs, diversification, safety and legal constraints. Please note, that these are all concepts that should be addressed in a working investment policy.

Sawyer Falduto Asset Management, LLC provides investment advisory services to many Illinois Fire Protection Districts and Firefighter Pension Funds. If you have questions or comments regarding this article, please feel free to contact Tom at [tsawyer@sawyerfalduto.com](mailto:tsawyer@sawyerfalduto.com).

<sup>1</sup> The information in this article is obtained from sources believed to be reliable. Information in this article is the opinion of the author and should not be construed as investment advice or a guarantee of future returns.





**NORCOMM**  
Public Safety  
Communications, Inc.

# Metro

PARAMEDIC SERVICES, INC.



PARAMEDIC  
BILLING  
SERVICES

**JAMES E. CLARK**  
PRESIDENT

395 WEST LAKE STREET  
ELMHURST, ILLINOIS 60126

(630) 530-2991  
FAX (630) 530-5099

## PLYMOVENT<sup>®</sup>

VEHICLE EXHAUST VENTILATION SYSTEMS  
an ISO 9001 certified manufacturer



**Jim Axt**  
HASTINGS AIR-ENERGY CONTROL  
Great Lakes Region

(800) 236-8450 Fax (800) 260-9199  
Email: [jimax@hastingsairenergy.com](mailto:jimax@hastingsairenergy.com)  
Web Site: [www.hastingsairenergy.com](http://www.hastingsairenergy.com)



## Illinois Supreme Court overturns Appellate Court's Abruzzo Decision on Paramedic Liability

*Stephen H. DiNolfo, Ottosen Britz Kelly Cooper & Gilbert, Ltd.*

The Illinois Supreme Court has ruled that the failure of emergency medical service personnel to provide treatment to a patient is covered by the limited immunity of the Emergency Medical Services Systems Act ("EMS Act") (210 ILCS 50/1 et seq.), instead of the absolute immunity of the Local Governmental and Governmental Employees Tort Immunity Act ("Tort Immunity Act") (745 ILCS 10/1-101 et seq.). In *Abruzzo v. City of Park Ridge*, \_\_\_ Ill.2d \_\_\_, 2008 WL 4427089 (October 2, 2008), the court reversed the decision of the Illinois First District Court of Appeals, which previously held that failure to provide treatment deserved absolute immunity under the Tort Immunity Act. The applicable sections of both the Tort Immunity Act and the EMS Act protect emergency responders from liability for negligence; however, only the Tort Immunity Act provides immunity for willful and wanton misconduct. That difference mattered in *Abruzzo* because the plaintiff alleged willful and wanton misconduct on the part of the City. In overturning the appellate court's decision, the Illinois Supreme Court's decision in *Abruzzo* establishes the current rule regarding immunity for the failure to provide treatment.

This case involved a wrongful death lawsuit brought by the mother of a 15-year-old boy who was the subject of two 911 emergency calls on October 31, 2004. According to the facts alleged by the plaintiff and recounted in the Illinois Supreme Court's opinion, the City of Park Ridge responded to the first call and found the patient unresponsive. They allegedly did not evaluate, assess, provide advanced life support, or transport the patient to a hospital. A physician's report stated that emergency responders dispatched to the scene after a second 911 call found the patient in cardiac arrest. This time they began resuscitation efforts and transported the patient to a hospital. That physician's report cited the failures of the emergency responders as a proximate cause of the patient's death.

The trial court dismissed the suit, including the allegations of willful and wanton misconduct, based on the absolute immunity of the Tort Immunity Act. It ruled that since the emergency responders failed to evaluate, assess, examine, diagnose, treat, or document the patient's condition, the Tort Immunity Act applied instead of the limited immunity found in the EMS Systems Act. The plaintiff appealed that dismissal, arguing to the appellate court that the EMS Systems Act should apply instead of the Tort Immunity Act. The appellate court rejected the plaintiff's arguments and affirmed the trial court's dismissal, and the plaintiff appealed the case to the Illinois Supreme Court.

The plaintiff argued to the Illinois Supreme Court that the EMS Act should apply, instead of the Tort Immunity Act, because the EMS Act is specifically designed to govern the delivery of emergency medical services. The plaintiff also argued that the EMS Systems Act's limited immunity is more specific than the immunity provided by the Tort

Immunity Act, and should therefore apply to cases involving emergency medical services. The City responded with an argument the appellate court had previously accepted. It argued the Tort Immunity Act applies before treatment is rendered, and the EMS Act applies once treatment begins. According to the City, the trial court was correct to apply the Tort Immunity Act to dismiss the claim of willful and wanton misconduct.

The Illinois Supreme Court reversed the appellate court's decision, and therefore overturned the trial court's dismissal of the lawsuit. In its opinion, the court began by comparing the language of the immunity provisions found in both statutes. It explained that a plain reading of Sections 6-105 and 6-106(a) of the Tort Immunity Act suggested those provisions did apply to the case. However, the court also discussed its opinion in *American National Bank & Trust Co. v. City of Chicago*, 192 Ill.2d 274 (2000), and concluded that the immunity provision found in the EMS Act applies to attempts to locate a patient.

In *American National Bank*, the Illinois Supreme Court was faced with a similar situation, in which emergency responders knocked on a door but did not enter, only to be called back later to find the patient deceased. The court in that case stated that "locating a person in need of emergency medical treatment is the first step in providing life support services." The EMS Act therefore did apply, and the Tort Immunity Act did not. The court in *Abruzzo* relied on *American National Bank* to support its decision to apply the EMS Act's limited immunity instead of the Tort Immunity Act's absolute immunity.

*continued on following page*





Take a

# Closer look at...

## Lockport Township Fire Protection District



- Trustees:** James T. Pelc  
David N. Martis  
Richard R. Cronholm
- Fire Chief:** Robert R. Cronholm
- Administrative Assistant:** Betty Woock
- District Covers:** 42 square miles
- # of Stations:** 6
- Personnel:**
  - 1 Firefighter
  - 71 Firefighter/Paramedics
  - 3 Part-Time Firefighters
  - 23 Officers
  - 5 Support Staff

- Apparatus:**
  - 6 Engines
  - 2 Trucks
  - 5 Ambulances
  - 1 Fire Investigation Unit
  - 1 Dive Squad with Zodiac Boat
  - 2 Airport Crash Trucks
- Population:** 65,000
- Budget:** \$16,000,000
- 2007 Fire Calls:** 1,663
- 2007 EMS Calls:** 4,804
- 2007 Fire Loss:** \$500,000

### Illinois Supreme Court...

Additionally, the court discussed the overall purpose of the EMS Act. It cited the express intent of the EMS Act, stating the legislature passed it to accomplish the "broad purpose of planning, delivering, evaluating and regulating emergency medical services." The court concluded the EMS Act's immunity provisions did apply to "preparatory conduct integral to providing emergency treatment," which meant the allegations of willful and wanton misconduct in this case were not subject to immunity.

The court also relied on principles of statutory interpretation to further support its decision. First, the EMS Act is more specifically related to the delivery of emergency medical services than is the Tort Immunity Act. Second, the EMS Act was enacted after the Tort Immunity Act. The court therefore presumed that the legislature intended the EMS Act to apply to cases like Abruzzo, because it is more specifically applicable to the facts of the case and was enacted with the Tort Immunity Act already on the books.

It is important to note the EMS Act does give emergency medical providers immunity from liability based on negligence. While the allegations of willful and wanton misconduct in Abruzzo provided the court an opportunity to distinguish the immunity provisions of the two statutes in question, the court's opinion does not impact the immunity from negligence provided under the EMS Act. What the Abruzzo decision does, however, is clarify that emergency medical service providers are not immune from liability based on willful and wanton misconduct for the failure to provide treatment. In such cases, the EMS Act applies and only provides immunity from liability based on negligence.



# NORTHERN ILLINOIS ALLIANCE OF FIRE PROTECTION DISTRICTS

## 16TH ANNUAL CONFERENCE

DOUBLETREE HOTEL CHICAGO-OAK BROOK, ILLINOIS

FEBRUARY 5-8, 2009

### THURSDAY, FEBRUARY 5, 2009

8:00 p.m. - 10:00 p.m. Open Forum  
(Location TBD)

### FRIDAY, FEBRUARY 6, 2009

8:00 a.m. - 5:00 p.m. Registration  
(Grand Ballroom Foyer/ Coat Check)

### FIRE DISTRICT ADMINISTRATIVE WORKSHOPS

8:30 a.m. - 10:00 a.m. **Understanding the New Risk Based Auditing Standards**  
Dan Berg - Sikich  
Chris Minick - City of St. Charles  
Robert Fialkowski - Village of Deerfield  
(Location TBD)

10:00 a.m. - 10:15 a.m. **Break**

10:15 a.m. - 11:15 a.m. **Workplace Conduct Investigations**  
Steve DiNolfo - OBKCG  
(Location TBD)

11:15 a.m. - Noon **Pension Updates**  
**HB 5088 Pension Reform Law**  
Carolyn Welch Clifford - OBKCG  
(Location TBD)

Noon - 1:30 p.m. **Lunch (Location TBD)**

1:30 p.m. - 3:30 p.m. **Identity Theft / Internet Fraud**  
**Email Scams / Hacking**  
Mike Bazzell - FBI and Alton PD  
(Location TBD)

2:30 p.m. - 2:45 p.m. **Break**

3:30 p.m. - 4:00 p.m. **Open Forum**  
(Location TBD)

4:00 p.m. - 7:00 p.m. Sponsors Reception / Social Networking  
/ Door Prizes / Silent Auction  
(Grand Ballroom Foyer)

### SATURDAY, FEBRUARY 7, 2009

7:30 a.m. - 8:30 a.m. Continental Breakfast  
(Location TBD)

7:45 a.m. - Noon Registration  
(Grand Ballroom Foyer / Coat Check)

8:15 a.m. - 8:45 a.m. Conference Opening / Welcome  
Keynote Address - TBD  
(Location TBD)

*silent*  
**AUCTION**

We will once again hold a silent auction at the NIAFPD Annual Conference.

If you would like to donate a prize, or know of someone who would, please contact

**Michelle Buhr** at  
**815.210.7028** or  
email [mbuhr8@sbcglobal.net](mailto:mbuhr8@sbcglobal.net)



**PROGAMS AND WORKSHOPS - MORNING (TENTATIVE)**

TIME	COMMISSIONER TRACK	TRUSTEE TRACK*	GENERAL TRACK	ADMINISTRATIVE TRACK
8:45 to 10:00	<p align="center"><b>COMMISSION LEGAL UPDATES</b></p> <p>John Kelly - OBKCG David Zafiratos - OBKCG</p>	<p align="center"><b>ADVANCED TRUSTEE TRAINING PART 2</b></p> <p>Karl Ottosen - OBKCG Shawn Flaherty - OBKCG</p>	<p align="center"><b>UPDATES &amp; TRENDS IN COLLECTIVE BARGAINING &amp; INTEREST ARBITRATION</b></p> <p>Jim Baird - Seyfarth Shaw</p>	<p align="center"><b>IDENTITY THEFT / INTERNET FRAUD EMAIL SCAMS / HACKING</b></p> <p>Mike Bazzell - FBI and Alton PD</p>
<b>10:00 - 10:15 A.M. BREAK</b>				
10:15 to 11:30	<p align="center"><b>COMMISSION OPEN FORUM</b></p> <p>John Kelly - OBKCG Tom Gilbert - OBKCG Warren Olsen - Algonquin LITH FPD Fire Commission</p>	<p align="center"><b>ADVANCED TRUSTEE TRAINING PART 2 (CONT.)</b></p> <p>Karl Ottosen - OBKCG Shawn Flaherty - OBKCG</p>	<p align="center"><b>INTERGOVERNMENTAL SERVICE AGREEMENTS</b></p> <p>Robert Britz - OBKCG Joe Miller - OBKCG</p>	<p align="center"><b>COMPUTER MAINTENANCE AND REPAIR</b></p> <p>Mike Bazzell - FBI and Alton PD</p>

**11:45 - 1:15 P.M. AWARDS LUNCHEON / FRANKFORT FPD EXPLOSION (GRAND D-E-F)**

**PROGAMS AND WORKSHOPS - AFTERNOON (TENTATIVE)**

TIME	COMMISSIONER TRACK	TRUSTEE TRACK*	GENERAL TRACK	ADMINISTRATIVE TRACK
1:30 to 3:00	<p align="center"><b>NEW HIRE TOPICS ORAL INTERVIEWS / BACKGROUND CHECKS</b></p> <p>Dan Skoczylas - CLS Background Investigations</p> <p align="center"><b>ASSESSORS IL OSFM CERTIFICATION</b></p> <p>Buzz Beverly - IFCA</p>	<p align="center"><b>ADVANCED TRUSTEE TRAINING PART 2 (CONT.)</b></p> <p>Karl Ottosen - OBKCG Shawn Flaherty - OBKCG</p>	<p align="center"><b>BUILDING A FIRE STATION</b></p> <p>Andy Jasek - FGM Architects Carol Sente - SRBL Architects Ron Broida - Broida &amp; Associates</p>	<p align="center"><b>MODEL CODES FOR FIRE DISTRICTS</b></p> <p>Tom Lia - NIFSAB Mary Spiegel - Ancel Glink</p>
<b>3:00 - 3:15 P.M. BREAK</b>				
3:15 to 4:45	<b>LOCATION TBD</b>			
	<p><b>ANNUAL NIAFPD MEMBERSHIP MEETING / LEGISLATIVE UPDATES / OPEN FORUM / HOT TOPICS</b> (Pros and Cons of Merger-Consolidation)</p> <p>Moderators: Mary Spiegel - Ancel Glink (Other Moderators TBD)</p>			

5:00 p.m. - 6:30 p.m. Ottosen Britz Kelly Cooper & Gilbert Hospitality  
(Grand Ballroom Foyer)

\*TRUSTEE TRACK  
ADVANCED TRUSTEE TRAINING  
PART 2

6:30 p.m. - 10:30 p.m. **Banquet**  
6:30 - 7:00 Cocktails Before Dinner / Cash Bar (Grand Ballroom Foyer)  
7:00 Dinner Buffet and Entertainment by AcRock (Grand Ballroom D-E-F)

**SUNDAY, FEBRUARY 8, 2009**

8:00 a.m. - 9:30 a.m. Buffet Breakfast  
(Essex Ballroom)

# NIAFPD OFFICERS

<i>President</i>	Ronald P. Kubicki ronaldkubicki@comcast.net	708.354.6567
<i>Secretary/Treasurer</i>	Nicholas Kosiara njkosi@comcast.net	630.682.4165
<i>Directors</i>	William Barnes	
	Bonnie Bayser bbayser@foxvalley.net	847.515.1602
	William Hoffmeister hoffmeister@frankfortfire.org	708.641.9672
	Bob Klein bob@awardemblem.com	630.235.5211
	Zachary Lawrence zhlaw@aol.com	630.968.0755
	Dave Martis widgeonman@sbcglobal.net	
	Jim Monroe jeri1841@comcast.net	
<i>Executive Director</i>	Kathleen Haage khaage@dbfd.org	847.945.4120

**Fire Guard** is a quarterly publication of

*NIAFPD*  
*847.945.4120*  
*www.niafpd.org*

*Newsletter design & editing by Bright Ideas Marketing  
Solutions • mbuhr8@sbcglobal.net*

	<b>Ron Dukes</b> Sales Executive toll free 800.422.1431 phone 630.889.3513 fax 630.889.3550 cell 630.235.9465 rdukes@idealinsil.com 100 West 22nd Street Suite 101 Lombard, IL 60148
--	---

To: