

# Fire GUARD

[www.niafpd.org](http://www.niafpd.org)



A Publication of the Northern Illinois Alliance of Fire Protection Districts

*Spring 2021*

**The 28th Annual  
NIAFPD Conference  
was held via Zoom  
on Saturday,  
January 30, 2021.**

Educational programming pertinent to fire district trustees, administrators, commissioners and pension board trustees was delivered via Zoom by members of the Ottosen DiNolfo Hasenbalg & Castaldo team. This conference would not be possible each year without their support! Thank you!

**THANK YOU**



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**Thank you to the “on-site” crew during the NIAFPD Annual Conference!  
This extraordinary team made the virtual conference possible.  
Great job, Shawn Flaherty, Karl Ottosen, Michelle Buhr and Jeff Janus!!!!**

## Letter from President Nick Kosiara



Every year, legislation is filed in Springfield to legalize the sale, possession and use of dangerous fireworks. And, every year, the Illinois fire service bands together to educate our legislators and encourage them to oppose these bills.

This session with bills being introduced in both the House and Senate, we are seeing a more focused effort to ramrod these bills through using deception and trickery to confuse the issue of giving authorization to sell dangerous fireworks. Many of these fireworks are being passed off as non-fireworks and slipped into the less-harmful category of sparklers and snake varieties by amending their definitions.

Keep in mind, these bills are not intended to allow all of us to enjoy pretty fireworks displays in our own back yard on Independence Day but rather to open another market for the fireworks manufacturers and sellers. We all know that there are fewer and fewer open spaces where we can safely use aerial fireworks in our communities and never are they safe for non-professionals to use wisely and responsibly.

One group who is driving the current push for legalizing all pyrotechnics is TNT Fireworks, out of Cicero, Indiana. They are supposedly backed by the "US Fireworks Safety Commission" which is a made-up name for a non-existent federal agency which coincidentally has the same P.O. Box address as TNT Fireworks and has nothing to do with safety.

The "non-fireworks bills" HB 271 (Rep. Sosnowski), HB 2998 (Rep. Rita), SB 2170 (Sen. Anderson) are identical and the wording is the same in HB 2996 (Rep. Severin) except that rather than calling them "non-fireworks" they are labeling the devices as "ground and handheld sparkling devices." Basically, everything on the list are already legal novelty items including sparklers except for subsection #4 which they are trying to sneak in by adding as "hand-held and ground-based devices" which can have up to 500 grams for multiple tubes (which are attached together with one wick) and is the highest number of grams allowed in the United States for consumer fireworks before being considered display fireworks.

The NIAFPD strongly opposes these bills as are virtually all other fire service associations in the state. Now we need all of you to help by filing Witness Slips while also reaching out to your local Representatives and Senators with emails and phone calls to voice your concerns.

## Letter from Executive Director Denise Kauffman



Happy spring! At this time of year where we are mostly appreciative of the brand-new buds on the trees and the freshly sprouted tulip bulbs, I want to take this opportunity to thank you for your continued friendship and support of the NIAFPD. While the "newness" of spring is refreshing, nothing beats the longstanding relationships that have built our organization.

Please continue to read the NIAFPD newsletter, attend educational trainings and invite your neighboring district trustees to join our organization. If you would like to be more involved with the NIAFPD, please let us know as we will all "blossom" from new participation, fresh ideas and volunteer support for activities such as our NIAFPD Annual Conference.

Additionally, please share the news of your fire district with us so we can continue to build our community through announcements in our newsletter. Please contact us at [admin@niafpd.org](mailto:admin@niafpd.org) to volunteer with the NIAFPD or to share any information.

Enjoy the nice weather!


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# Municipal Authority to Interpret PSEBA is Limited to Procedural Questions

by Steve DiNolfo and Megan Lamb, Ottosen DiNolfo Hasenbalg & Castaldo, Ltd.

While a local government may adopt ordinances defining administrative procedures for determining benefits under the Public Safety Employee Benefits Act (PSEBA) (820 ILCS 320), that is where municipal authority in interpreting the statute ends. The Appellate Court of Illinois, Third District, recently held that a home rule municipality may not exercise its home rule authority to define any of the substantive terms used in PSEBA. Fire protection districts would be similarly restricted under the court's reasoning.

In *International Association of Fire Fighters, Local 50 v. City of Peoria*, the City of Peoria was prevented from adopting definitions for certain substantive terms used in PSEBA that were not defined within the act itself. 2021 IL App (3d) 190758. PSEBA does not specifically define the terms "injury" or "catastrophic injury" as used in Section 10 of PSEBA, which governs required health coverage benefits. The City, believing the action was consistent with its municipal home rule authority, adopted an ordinance on June 12, 2018 that amended the application procedures for those seeking benefits under PSEBA, defined "injury" and "catastrophic injury" for the purposes of Section 10 of PSEBA, and added a "gainful work" requirement. The local fire-fighters' union sued, alleging that the City did not have the authority to redefine these terms, and that the City's actions were inconsistent with the Act. The Union won at the trial level, the City appealed, and the appellate court affirmed the trial court's decision, siding with the Union.

This case sends two important messages to local governments looking to clarify PSEBA. First, the court held that a municipality does not have authority to define the substantive language of PSEBA. While the City did have the authority to adopt its own procedures for determining claims under PSEBA, that did not mean it had authority to define substantive terms. The Act itself specifically limits a home rule unit's power, and requires a home rule unit to provide benefits *consistent with* the Act. Therefore, a municipality cannot craft its own definitions of the Act's substantive terms, such as the terms the City attempted to define in its 2018 ordinance, "to the extent the City would provide benefits inconsistent with the Act." Fire protection districts would have even less of an argument for making provincial changes to PSEBA since they are not considered home rule entities.

Additionally, any term that has already been defined by the Illinois Supreme Court cannot be redefined by a municipality.

While the term "catastrophic injury" was ambiguous within the Act itself, in the earlier case of *Krohe v. City of Bloomington* the Illinois Supreme Court found that it was able to construe a definition for "catastrophic injury" that was in line with legislative intent. 204 Ill. 2d 397. The appellate court in the Peoria case, went on to state that once a statute has been construed by the Supreme Court, that construction essentially becomes part of the statute, and only the General Assembly has the power to change the interpretation. Contrary to the City's assertion otherwise, a municipality's home rule authority cannot override a ruling by the Illinois Supreme Court.

This determination would similarly impact fire protection districts, which are also prohibited from establishing their own definitions for terms in PSEBA. In light of this recent holding, local governments should review any ordinances that have been passed that relate to PSEBA. Ordinances containing definitions and other attempts to construe the substantive terms of the Act may need to be repealed or amended.

## A Big SHOUT OUT to the Awesome Administrative Assistants in all of the NIAFPD Member Fire Protection Districts!!!

Thank you to all of the administrative staff and district personnel who support the Trustees and Fire Chiefs! You all are wonderful and are very valued and appreciated!!!







# Springfield Legislative Update



By: Liz Brown-Reeves, NIAFPD Lobbyist

As the Illinois General Assembly moves into the final two months, the legislative process has a different look and feel than years past.

Chris Welch (D-Proviso) is the newly elected House Speaker and is the first African American Speaker in history for the State of Illinois. Welch's leadership and compromise skills made him the easy front-runner for the post. Speaker Welch has named a robust and diverse leadership team. Minority Leader Durkin was re-elected in the House. Senate President Harmon and Senate Republican Dan McConchie were also re-elected.

Below are bills that are still actively moving in the legislative process:

## **HB 51 (Andrade)**

Amends the Smoke Detector Act. Removes language providing that specified smoke detector requirements shall not apply to dwelling units and hotels within municipalities with a population over 1,000,000 inhabitants.

## **HB 2408 (Evans)**

Creates the Fire and Smoke Damper Inspection Act. Requires inspections and testing of HVAC fire dampers and smoke dampers to be conducted by individuals certified by the International Certification Board and Accredited to comply with specified requirements. Provides that (1) fire damper and smoke damper inspections and testing shall be conducted by inspectors certified by the International Certification Board and accredited by specified entities and (2) inspectors shall certify that all fire and smoke dampers inspected meet the standards established in the current International Fire Code adopted by the State of Illinois and the authority having jurisdiction.

## **HB 2574 (Murphy)**

Amends the Humane Care for Animals Act. Adds firefighter and paramedic to the list of persons who are authorized, after making a reasonable effort to locate the owner or person responsible for a companion animal, to enter a motor vehicle by any reasonable means if he or she has probable cause to believe that the animal's health or safety is at risk.

## **HB 2860 (Swanson)**

Amends the Illinois Vehicle Code. Provides that vehicles of deputy fire chiefs and assistant fire chiefs may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet. Provides that deputy fire chiefs and assistant fire chiefs are eligible for fire chief license plates. Provides that any fire chief, deputy

fire chief, or assistant fire chief operating warning devices upon a vehicle not owned by a municipality or fire protection district shall display fire chief license plates. Provides that, with the exception of permanently issued license plates, upon the resignation, termination, or reassignment to a rank other than fire chief, deputy fire chief, or assistant fire chief, a person issued fire chief license plates shall immediately surrender the license plate to the Secretary of State. Provides that the Secretary of State shall have the ability to recover the license plates.

## **HB 2898 (Rita) - OPPOSE**

Provides that the storage, possession, sale, provides that "fireworks" and "consumer fireworks" do not include handheld or ground-based sparklers that are nonexplosive and nonaerial, sometimes producing a crackling or whistling effect, and containing 75 grams or fewer of pyrotechnic composition per tube or a total of 500 grams or fewer for multiple tubes (rather than only sparklers) or wood stick or wire sparklers containing not more than 100 grams of pyrotechnic mixture per item. Effective January 1, 2022.

## **HB 3031 (Wheeler)**

Provides that Illinois Law Enforcement Training Standards Board and the Department of Public Health shall jointly develop and establish a program of certification of tactical paramedics for the purposes of aiding special law enforcement teams involved in, but not limited to, search and rescues, civil disturbances, bomb threat responses, tactical or special operations team deployments, hostage negotiations, HazMat responses, executive and dignitary protection, and counterterrorism, as assigned and directed by a law enforcement agency recognized by the Illinois Law Enforcement Training Standards Board. Includes program requirements. Amends the Counties Code and the Illinois Municipal Code. Provides that chiefs of police and sheriffs may employ tactical paramedics and provide tactical paramedic support to first responders. Amends the Emergency Medical Services (EMS) Systems Act making conforming changes.

## **HB 3763 (Swanson)**

Provides that, before a fire protection district may close a fire station or dissolve the district, a response-time study must be conducted that shows, at a minimum, estimated response times to the territory currently served by the fire station or district and estimated response times to that territory after closure of the fire station or district. Requires a response-time study before any territory may be involuntary disconnected or consolidated with another fire protection district or municipal fire department.

### SB 85 (Stoller)

Provides that any procurement by a board of trustees involving the acquisition, by direct or beneficial ownership, of improvements to real estate by a fire protection district which results in an expenditure of district funds in excess of \$20,000 must be competitively bid.

### SB 121 (Anderson)

Provides that nothing in the Act shall be construed to prohibit an EMT, EMT-I, A-EMT, Paramedic, or PHRN (rather than an EMR, EMT, EMT-I, A-EMT, or Paramedic) from completing an initial Occupational Safety and Health Administration Respirator Medical Evaluation Questionnaire on behalf of fire service personnel, as permitted by his or her EMS System Medical Director (rather than his or her EMS Region's EMS Medical Directors Committee, Regional EMS Advisory Committee, or local EMS System).

### SB 521 (Munoz)

Allows raffle licenses to be issued to fire protection agencies and associations that represent fire protection officials. Defines "fire protection agency" to mean a State, local government, or inter-governmental agency vested with the duty and authority to provide public fire suppression, rescue, or emergency medical services or an organization that provides support or assistance to such an agency.

### SB 1572 (Martwick)

Creates a homestead exemption in the amount of a reduction of \$5,000 from the equalized assessed value of property of police officers and firefighters with duty-related disabilities. Effective immediately.

### SB 1575 (Martwick)

Provides that the Department of Human Services shall create and maintain an online database and resource page on its website. Provides that the database and resource page shall contain mental health resources specifically geared toward first responders with the goal of connecting those persons with mental health resources related to crisis services, wellness, trauma information, nutrition, stress reduction, anxiety, depression, violence prevention, suicide prevention, and substance use and of encouraging information sharing among families of first responders, first responder organizations, first responder professional organizations, and first responders. Effective immediately.

### SB 2170 (Anderson) - OPPOSE

Amends the Fireworks Regulation Act of Illinois. Provides that the storage, possession, sale, and use of nonfireworks shall be permitted at all times throughout the State. Requires regulation of nonfireworks, including their storage and sale, to be consistent with the standards set forth in the National Fire Protection Association's Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition. Provides that the amendatory provisions do not apply to the City of Chicago. Defines "nonfireworks".


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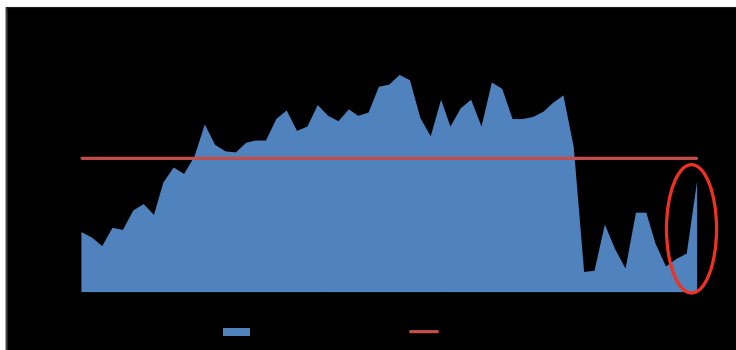


# Bond Yields Rise on Economic and Inflation Expectations

By: Thomas S. Sawyer, Managing Partner, Sawyer Falduto Asset Management, LLC

## Key Economic Observations

- **Equity Markets:** Equity performance factors shifted during the first quarter. Small company and more traditional value stocks were the best performers.
- **Growth Stocks Pause:** Rising U.S. Treasury yields created headwinds for growth stocks, including both large and small capitalization.
- **Bond Yields Rise:** Treasury yields increased with expectations for a strong economy and potential future inflation.
- **Consumer Confidence:** Consumer confidence is increasing based on the rollout of vaccines, more business reopenings and an improving job market.



The improvement in March 2021 is the sharpest one-month gain in nearly 18 years. Inflation has increased from the pandemic low levels and expectations are for a continuing rise.

## Fixed Income Overview

The U.S. Treasury Yield curve steepened during the first quarter. Long term yields increased while short term yields decreased modestly. As we often remind our Fire Guard readers, Federal Reserve monetary policy continues to depress short-term interest rates. Optimism for economic revival and the threat of inflation pushed long-term yields higher.

The table below provides a snapshot of the increase in yields across major issuing sectors and 3, 5 and 10 year maturities. Note that the yield on the 5 Year U.S. Treasury increased by over 50 basis points.

Looking forward, economic forecasts signal robust economic conditions e.g., an accelerating recovery and strong Gross Domestic Product. Recent signs of potential inflation might be

transitory as price levels are expected to moderate off of the recent peaks. Further improvement in the unemployment rate, as evidenced by the recent data, will be an important economic catalyst going forward as more and more of the population receive Covid-19 vaccine.

Fixed Income Yields						
	3 Year Maturity		5 Year Maturity		10 Year Maturity	
	12/31/20	03/31/21	12/31/20	03/31/21	12/31/20	03/31/21
U.S. Treasury	0.17%	0.32%	0.36%	0.89%	0.93%	1.73%
U.S. Agency	0.17%	0.35%	0.36%	0.92%	0.93%	1.74%
Taxable Municipal	0.78%	0.71%	1.06%	1.36%	1.78%	2.10%
Corporate	0.44%	0.66%	0.78%	1.33%	1.62%	2.40%

## Portfolio Considerations

We continue to maintain a relatively conservative duration position to hedge against additional interest rates increases. Fixed income credit quality will continue to be an important point of emphasis. That said, as noted above the yield curve has steepened significantly out toward the 5-year maturity range. To the extent allowed by portfolio investment objectives and guidelines, this provides an opportunity to pick-up some excess yield over shorter-term alternatives.

We always finish with the reminder that most readers of the Fire Guard invest cash reserves in conservative portfolios with limited interest rate, credit and market risk guided by statute and investment policy. While statutory guidelines allow investment in corporate and municipal securities (within certain parameters), investment policy guidelines are the primary tool for managing risk across economic and interest rate cycles. We welcome the opportunity to review your current portfolio structure with you. As always, portfolio diversification and sound policy guidelines provide the foundation for consistent long-term returns and risk management.

*"The allocation to all available asset classes should be determined with careful consideration given to factors such as statutory guidelines, investment time horizon, liquidity requirements, diversification and risk tolerance. The resulting asset allocation should be well documented in your investment policy and guidelines. Information contained in this commentary is solely the opinion of the author and obtained from sources believed to be reliable. Accuracy can not be guaranteed. Past performance is not predictive of future returns."*



# Good Data Makes Good Decisions

By: Chief Krestan, LWFD

Since the first case of COVID-19 in the United States was confirmed on January 21, 2020, people all across our nation have spent countless hours searching the internet, analyzing data, and listening to briefings by Federal, State, and Local officials to educate themselves on COVID-19. Almost every website representing Federal, State, and Local agencies working to combat COVID-19, are using “Dashboards” to help present the data in a format that will assist individuals and community leaders in the decision making process. If “dashboards” help people understand the data and improve decision making, it’s time for the fire service to embrace.

Using data to make decisions is not new to the fire service. Nationally, fire departments utilize the National Fire Incident Reporting System (NFIRS) to collect, analyze and identify national fire trends. Each year the National Fire Protection Association (NFPA) publishes a Fire Loss report identifying trends in reported fires, civilian deaths, injuries, and direct property loss due to fires. Fire Departments throughout Illinois utilize record management software like Firehouse or Image Trend to submit their monthly data reports directly to NFIRS. Unfortunately for many, that same data is never utilized internally when making budgetary or operational decisions.

In 2020, the Lisle-Woodridge Fire District launched a Fire Performance Dashboard in collaboration with mySidewalk (<https://mysidewalk.com/>). The dashboard helped to improve transparency and accountability for our resident’s while setting measurable performance goals for the organization. The mySidewalk technology builds data tools to track key indicators to empower city leaders and the public with the most complete, clear, and real-time understanding of their community. Our District implemented the fire performance dashboard to assist with data collection and track key performance standards of NFPA 1710. In addition, the fire performance dashboard provided the necessary community data to adopt a Community Standard of Cover document that is critical to achieving Agency Accreditation through the Commission on Fire Accreditation International (CFAI).

Serving a community requires understanding the community. What do you really know about the community you protect? What are your community’s demographics (age, ethnicity, languages spoken etc.)? What are your community’s primary hazards? Have you identified critical infrastructure? Do you know the number and types of calls the fire district responds to? Do you know which station is busier than others? Do you track total response time? The answers to all of these questions can be found in the data collected by the firefighters and paramedics while perform-

ing emergency services and data gathered from various governmental agencies like the Census Bureau. The data is there; it just needs to be presented in a manner that people can understand. Caution, you may not like all the data once you understand it, but that’s okay. Remember, good data makes good decisions.

I would encourage readers to visit our website [www.lwfd.org](http://www.lwfd.org) to view our fire performance dashboard. Making good decisions requires utilizing verified and analyzed data, not just “whatever the Chief says”.

Our dashboard can be found at

<https://dashboards.mysidewalk.com/lisle-woodridge-fire-district-performance>.

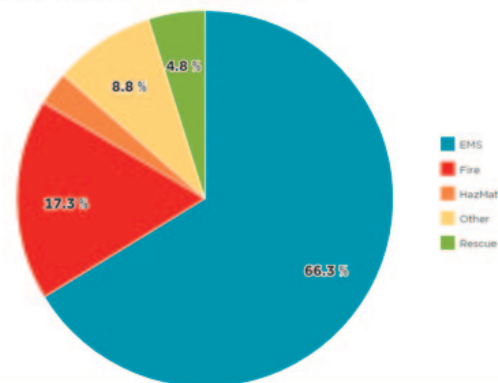
Chief Krestan is currently Fire Chief of the Lisle-Woodridge Fire District, serving as the President of the DuPage Fire Chiefs Association, member of the DuPage County Hope Taskforce and the DuPage County Public Safety Taskforce.



**560**  
February  
**Total Incidents**  
Lisle-Woodridge Fire District

**1,081**  
Year-to-Date  
**Total Incidents**  
Lisle-Woodridge Fire District

Monthly Incidents by Incident Category



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# New Healthcare Transparency Rules

By Kalli Ortega, Assured Partners of IL - Corkill Insurance



2021 has kicked off unprecedented healthcare transparency rules. These new rules aim to make publicly available the true cost of services so that consumers can make informed, value-based decisions about their healthcare and shop for services prior to receiving treatment.

Starting with the new [Hospital Price Transparency rule](#) from the Centers for Medicare and Medicaid Services (CMS), effective January 1, 2021 hospitals are to publish the prices they negotiate with insurance companies for a list of “shoppable services”. This disclosure by the major hospital systems will be followed by the [Transparency in Coverage rule](#) and the [No Surprises Act](#). The Transparency in Coverage rule requires health insurance companies in the group and individual markets as well as employer group health plans to disclose healthcare cost information. The No Surprises Act prevents “surprise billing” from out-of-network providers and will require both health plans and providers to work together in advance services being rendered. Ultimately the healthcare transparency rules will reduce the secrecy behind the cost of healthcare and give consumers the tools needed to access fully transparent pricing across hospital systems, insurance carriers, and health plans. By requiring the public disclosure of price and benefit information, as posted in the [Federal Register](#), healthcare transparency:

1. *Enables consumers to evaluate health care options and to make cost-conscious decisions;*
2. *Strengthens the support consumers receive from stakeholders that help protect and engage consumers;*
3. *Reduces potential surprises in relation to individual consumers' out-of-pocket costs for health care services;*
4. *Creates a competitive dynamic that may narrow price dispersion for the same items and services in the same health care markets; and*
5. *Puts downward pressure on prices which, in turn, potentially lowers overall health care costs.*

Given the extensive nature of the disclosure by hospital systems and health plans, the rules take effect over time beginning in 2021 and completing in 2024. Key dates include:

**January 1, 2021:** Hospitals had until [January 1, 2021](#) to provide clear and accessible pricing information about the services they provide in two ways:

1. Comprehensive machine-readable file with all items and services.
2. Display of shoppable services in a consumer-friendly format.

CMS further defines the types of “standard charges” for items and services that hospitals must make public:

- **Gross charge:** *The charge for an individual item or service that is reflected on a hospital's chargemaster, absent any discounts.*
- **Discounted cash price:** *The charge that applies to an individual who pays cash, or cash equivalent, for a hospital item or service.*
- **Payer-specific negotiated charge:** *The charge that a hospital has negotiated with a third-party payer for a hospital item or service.*
- **De-identified minimum negotiated charge:** *The lowest charge that a hospital has negotiated with all third-party payers for an item or service.*
- **De-identified maximum negotiated charge:** *The highest charge that a hospital has negotiated with all third-party payers for an item or service.*

While many hospitals have complied with the machine-readable data disclosure, much of the data has yet to be released in a [consumer-friendly](#) format – a matter now being audited by the CMS to ensure compliance and facilitate consumer transparency.

**January 1, 2022:** Health plans will be required to publicly share machine-readable data on pricing information including negotiated rates with “in-network providers”, payments to “out-of-network providers”, and covered drug costs at the pharmacy location level. This data will open new opportunities to drive improvements within the healthcare market by providing solutions for consumers to help them make decisions about their care. Additionally, the uninsured population and individuals shopping for health insurance will be able to understand in advance how healthcare is priced under proposed insurance plans.

In addition to the Transparency in Coverage Rule, beginning January 2022, health plans will also need to comply with the [No Surprises Act](#). This act is aimed at protecting patients from unexpected out-of-network bills and helping them understand their cost-sharing liability **before** receiving care from out-of-net-

(Continued on Next Page)



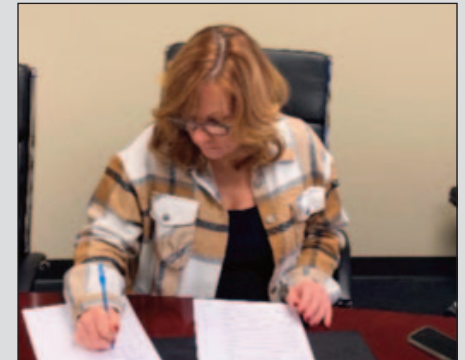
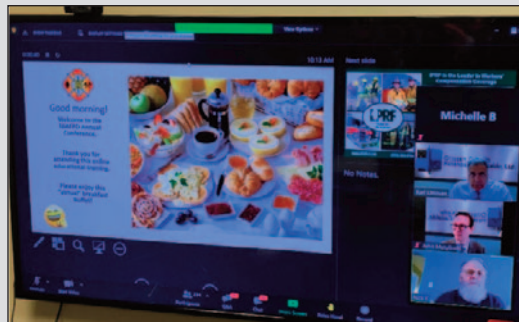
work providers. Health insurers, health plans, and providers will be required to work together to determine out-of-network prices to comply with this new rule.

**January 1, 2023:** Health plans beginning or renewing on or after January 1, 2023 will be required to offer online shopping tools that allow consumers to see the negotiated rate between their provider and their health plan. Additionally, the online tool must provide a customized estimate of their out-of-pocket cost for 500 of the most shoppable items and services.

**January 1, 2024:** With plans beginning or renewing on or after January 1, 2024 the remainder of all healthcare services and items are to be disclosed through the mandated online transparency tools.

These new rules introduce much needed transparency into our healthcare system and, when alongside [provider quality](#) data, will arm us with information needed to make educated decisions for ourselves and our families. This will be a helpful and refreshing change for us all!

## The 28th Annual NIAFPD Conference • Saturday, January 30, 2021



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## Member News

Please send news from your district to [admin@niafpd.org](mailto:admin@niafpd.org) for sharing on social media or in the Fire Guard.



Dan Smith, Administrative Chief at the Orland Fire Protection District, recently retired after 32 years of service. Thank you and best wishes!



Lake Zurich Fire Protection District Chief John Malcolm recently retired after 5 years of service to that community! You will be missed in Lake Zurich, Chief Malcolm. Best of luck to you!



Bourbonnais Fire Protection District Chief Ed St. Louis has retired after more than 40 years in the fire service! Thank you, Chief. Have a great retirement!



Welcome back to the daily duties, Chief David Riddle. Long Grove Fire Protection District is pleased that you are temporarily stepping out of retirement and will be Interim Fire Chief for the next few months. Great to have a familiar face back in the mix!

**Visit the NIAFPD Website at [www.niafpd.org](http://www.niafpd.org)**

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**Fire Guard is a quarterly publication of  
NIAFPD • 847-951-2482**

***Newsletter Designed & Printed by  
Vance Printing • 608-362-2049***

TO: