

O R D I N A N C E

OFI-002-14

AN ORDINANCE DISSOLVING THE FAIRVIEW  
FIRE PROTECTION DISTRICT UNDER PUBLIC ACT 98-0126

WHEREAS, the County Board, under the DuPage ACT Initiative (accountability, consolidation, transparency) and pursuant to the authority granted by Public Act 98-0126 (codified as 55 ILCS 5/5-44005, et seq., West), has adopted Ordinance OFI-001-14 ("Proposing Ordinance") proposing the dissolution of the Fairview Fire Protection District ("District"); and

WHEREAS, following the adoption of the Proposing Ordinance, the Chairman of the DuPage County Board caused an audit of the District's financial position to be undertaken, including a review of the District's assets, receipts, claims and debt as well as an inventory of its property; and

WHEREAS, the audit findings were reported to the Chairman and DuPage County Board on March 13, 2014; and

WHEREAS, the audit reported the following:

1. Assets- No issues noted. The District has no fixed assets that it owns, manages or controls.
2. Receipts- No issued noted. The District maintains a cash balance of \$18,473.80 as of February 11, 2014.
3. Claims and debt- No issues noted. The District has no accounts payable as of February 11, 2014 and no liability can be established between the district and the Village of Downers Grove for past annual payment subsidies.
4. Inventory of property- No issues noted. The District has no fixed assets that it owns, manages or controls.

WHEREAS, the County Board made prior factual findings regarding the state of the District and the District's ability to provide services to its residents; and

WHEREAS, the County Board found that the Village of Downers Grove ("Village") had provided fire protection and emergency medical services, through its municipal fire department, to the District under an arrangement whereby the District paid (reimbursed) the Village annually, from the District's tax proceeds, for the Village's costs to provide such services to the District's residents and properties; and

WHEREAS, the District's tax proceeds were insufficient to cover the Village's full costs to provide such services and that, over time, the District accumulated over \$100,000 in obligations; and

WHEREAS, the Village established Special Service Area No. 6 to provide fire protection and emergency medical services to the residents and properties within Special Service Area No. 6, which special service area includes the entire territory of the District; and

WHEREAS, the creation of Special Service Area No. 6 provides a stable funding source for the Village to permit it to continue the delivery of fire protection and emergency medical services to the residents and properties within the District's territory; and

WHEREAS, the dissolution of the District will provide cost savings for its residents as the annual tax levy of approximately \$19,000 will be abolished, and over \$3,000 in professional services costs and trustee compensation (as provided by statute) will no longer be necessary to maintain the District; and

WHEREAS, the dissolution of the District will not increase the average response times nor decrease the level of fire protection and emergency medical services; and

NOW, THEREFORE BE IT ORDAINED, by the County Board of DuPage County, Illinois that:

1. The County Board does hereby dissolve the Fairview Fire Protection District, pursuant to the authority conferred by Public Act 98-0126, and that said dissolution shall occur one hundred fifty (150) days from the effective date of this Ordinance; and
2. The County Clerk shall publish public notice of this Ordinance in a newspaper of general circulation for the area served by the Fairview Fire Protection District that informs the public that the question of dissolution of the Fairview Fire Protection District may be subject to a referendum if a sufficient number of registered voters residing within the District's territory file a petition with the DuPage County Board of Elections containing the requisite number of signatures of the District's voters. More specifically, the above-described notice shall inform the public that:
  - (i) 7.5% or twenty-five (25) of the District's three hundred thirty-two (332) registered voters are required to sign a petition requesting that the question of dissolution be submitted to referendum;
  - (ii) Such petition must be filed on or before May 3, 2014 with the DuPage County Election Commission, 421 N. County Farm Road, Wheaton, Illinois;
  - (iii) In the event that a petition meeting the requirements of this Ordinance, and state law, is timely filed, the date of the prospective referendum shall be November 4, 2014; and
  - (iv) The statement of the cost savings and the purpose or basis for the dissolution which are fully set forth in Ordinance OFI-001-14 and within the recitals of this Ordinance (OFI-002-14).

3. If no legally compliant petition requesting that the question of dissolution be submitted to referendum has been filed by May 3, 2014, this Ordinance shall become effective as of that date.
4. As soon as the Chairman of the DuPage County Board is lawfully authorized to do so, and without further action by the County Board, the Chairman shall cause to be filed with the Eighteenth Judicial Circuit Court of DuPage County a petition for an order designating a trustee-in-dissolution for the Fairview Fire Protection District, immediately terminating the terms of the members of the Fairview Fire Protection District's governing board, and providing for the compensation of the trustee-in-dissolution, which shall be paid from the corporate funds of the Fairview Fire Protection District.
5. Following its adoption, the DuPage County Clerk shall transmit certified copies of this Ordinance to the Board of Directors of the Fairview Fire Protection District; the Village of Downers Grove; Robert B. Berlin, DuPage County State's Attorney; Gwen Henry, DuPage County Treasurer; and the DuPage County Election Commission.

Enacted and approved this 25<sup>th</sup> day of March, 2014 at Wheaton, Illinois.

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Daniel J. Cronin, Chairman  
DuPage County Board

ATTEST:

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Gary A. King, County Clerk