

Ordinance

CB-O-0035-18

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

WHEREAS, the County Board, as part of its DuPage ACT Initiative (accountability, consolidation and transparency) and pursuant to the authority granted by Public Act 98-0126 (codified as 55 ILCS 5/5-44005, et. seq.), has adopted Ordinance CB-O-0021-18 (“Proposing Ordinance”) proposing the dissolution of the North Westmont 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 May 10, 2018; and

WHEREAS, the audit reported the following:

1. Assets- The District’s balance of cash assets as of April 10, 2018, was \$13,089. No capital assets existed as of April 10, 2018. No issues noted. *Set forth in “Appendix A- Financial Schedules” and Agreed Upon Procedures (AUP) Report (Item No. 6).*
2. Receipts- For the period of May 1, 2017 to April 30, 2018, the District had total revenues of \$42,917. No issues noted. *Set forth in “Appendix A- Financial Schedules”.*
3. Claims and debt- The District has outstanding legal fees of \$450 as of April 10, 2018. No other accounts payable existed. No issues noted. *Set forth in Agreed Upon Procedures (AUP) Report (Item No. 9).*
4. Inventory of property- No capital assets existed as of April 10, 2018. No issues noted. *Set forth in Agreed Upon Procedures (AUP) Report (Item No. 6).*

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

WHEREAS, the County Board found that the Village of Westmont (“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, annually, the District accumulated over \$60,000 in financial obligations; and

Ordinance

CB-O-0035-18

WHEREAS, with the consent of a majority of the residents of the District, the Village established Special Service Area No. 2, with no objections, to provide fire protection and emergency medical services to the residents and properties within Special Service Area No. 2, which special service area includes the entire territory of the District; and

WHEREAS, the creation of Special Service Area No. 2 provides a sustainable and 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 property tax levy of approximately \$42,000 will be abolished, and over \$11,000 in annual 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 North Westmont 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 North Westmont Fire Protection District that informs the public that the question of dissolution of the North Westmont 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:
 - a. 7.5% or seventy-three (73) of the District's nine hundred sixty-nine (969) registered voters are required to sign a petition requesting that the question of dissolution be submitted to referendum; and
 - b. Such petition must be filed on or before July 20, 2018 with the DuPage County Election Commission, 421 N. County Farm Road, Wheaton, Illinois; and
 - c. In the event that a petition meeting the requirements of this Ordinance, and state law, is timely filed with the election authority, the date of the prospective referendum shall be November 6, 2018; and

Ordinance

CB-O-0035-18

- d. The statement of cost savings and the purpose or basis for the dissolution which are fully set forth in Ordinance CB-O-0021-18 and within the recitals of this Ordinance CB-O-0035-18
3. If no legally compliant petition requesting that the question of dissolution be submitted to referendum has been filed with the election authority by July 20, 2018, 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 County Board 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 North Westmont Fire Protection District, immediately terminating the terms of the members of the North Westmont 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 North Westmont 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 North Westmont Fire Protection District; the Village of Westmont; Robert B. Berlin, DuPage County State's Attorney; Gwen Henry, DuPage County Treasurer; and the DuPage County Election Commission.

Enacted and approved this 12th day of June, 2018 at Wheaton, Illinois.

DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest: _____
PAUL HINDS, COUNTY CLERK