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A Publication of the Northern Illinois Alliance of Fire Protection Districts

Fall 2023



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# **Letter from President Bonnie Bayser**



Happy Summer everyone. Winter did not deliver a lot of snow, but Summer sure brought the heat! I think it is safe to say we are looking forward to Fall.

The 30th annual Northern Illinois Alliance of Fire Protection Districts Conference was held last January at the Double Tree in Oakbrook with many success stories. 30 years Educating Fire Districts throughout the State is a great accomplishment. We appreciated all the great comments made on the evaluations, highlighting the great speakers, topics, location, and conversation. The success of the conference must also go to the Conference Committee for their long hours of planning, choosing relevant topics, selecting dynamic speakers, and scheduling two full days of education. We also need to thank our speakers, sponsors and vendors for their preparation and support. I thank my fellow Board members for all their help and support in

making this another successful conference. Most importantly we need to thank those who attended. The conference would not be complete without you.

Save the Date! The 31st Annual Conference will be held at the Westin in Lombard on February 2-3, 2024. See below for additional upcoming events.

## **Letter from Executive Director Gina Degleffetti**



Hello NIAFPD Members! I'm excited to announce that we are transitioning to a new membership software. The new platform will enable all members much greater access to their individual details. You will be able to access your own continuing education credits, certificates, annual data, invoices and much more. One of our goals at NIAFPD is to streamline communications and have a cohesive website. This platform called AMO is built for ease of use, it is member focused, offers straightforward event management/registration, has an online member directory, redesigned website, and much more cost effective. Stay tuned!

J.P.Morgan | CHASE 🗅



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# **Springfield Legislative Update**

By: Liz Brown-Reeves, NIAFPD Lobbyist

#### 103rd ILLINOIS GENERAL ASSEMBLY:

The Illinois General Assembly remains adjourned until the Fall Veto Session. Fall Veto Session this year is October 24 – 26 and November 7-9.

Speaker Welch appointed Representative Natalie Manley as Deputy Majority Leader. Representative Camille Lilly was appointed Assistant Majority Leader – filling the spot vacated by Representative Manley.

Representatives Jonathan Carroll, Dan Caulkins and Mike Marron have chosen not to seek reelection. Senators Tom Bennett and Patricia Van Pelt are also not seeking reelection. Notable fire bills passed during the 103rd General Assembly:

<u>HB1625</u> (Swanson/Anderson) expands who is allowed to value surplus fire district property to include written certified or licensed real estate appraiser not just a written MAI certified appraisal. (**Public Act 103-0131**)

<u>HB2258</u> (Swanson/Loughran Cappel) requires the State Fire Marshall to follow federal requirements for the flammability of upholstered furniture. (**Public Act 103-0151**)

HB2372 (Manley/Joyce) creates the position of Youth FireSetter Interventionist Coordinator within the Office of the State Fire Marshall. The Coordinator will make physical contact within 72 hours of a referral, assist with FOIA requests generate a semiannual report for the General Assembly. The Coordinator may receive a \$250 stipend for milage and necessary travel from a fire district if not otherwise compensated by another employer or entity for that case. (Public Act 103-0307)

HB2972 (Davidsmeyer/Tracy) may allow a rescue squad to fix, charge and collect fees for rescue squad services and ambulance services within or outside of the rescue squad district not exceeding reasonable cost of the service.

(Public Act 103-0174)

HB3162 (Hoffman/Cunningham) provides full disability to Chicago police officers and firefighters diagnosed with COVID-19 before vaccines were available. (Public Act 103-0002)

<u>HB3508</u> (Moeller/Fine) requires the Illinois EPA and the State Fire Marshall to create a take-back program for firefighting

foam with substances containing PFAS. (**Public Act 103-0351**) HB3940 (Guerrero-Cuellar/Cunningham) amends the repeal date of the 9-1-1 program to December 2025 and requires an entity that manages or operates a private residential switch service or residential MLTS service installed before February 2020 shall ensure the system has ALI containing the street address of the 9-1-1 caller. (**Public Act 103-0366**)

SB214 (Villivalam/Didech) requires disability benefits be provided to police officers, firefighters, and paramedics who become ill in the line of duty due to a disease or condition present in the community that is covered by a declaration of emergency by a municipality, county, or state.

(Public Act 103-0063)

SB761 (Lightford/Collins) recognizes emergency medical field workforce shortage by allowing more flexibility for EMS directors to use alternative staffing models and creating a task force to bring greater training, recruitment, and retention to the field. This pilot program begins with the signing of this bill for a term of 3 years. (Sent to the Governor)

<u>SB1250</u> (Turner/Huyun) requires individuals to receive certification from the Office of the State Fire Marshal before engaging in any business practice as a fire-resistant material applicator. (Public Act 103-0377)

SB1611 (Joyce/Didech) creates the Firefighter Training Leave of Absence Act. The Act requires the State to allow a state employee leave, when provided with a 14 day notice, from his or her employment for prescribed firefighter trainings including one Basic Operations Fire Fighter certification up to 200 hours or special and advanced training not to exceed 80 hours for additional State Fire Marshall certifications. State pay will remain the same minus any additional compensation for basic, special or advanced training. (Public Act 103-0220)

SB1707 (Preston/Guerreo-Cuellar) adds the City of Chicago into the Fire Department Promotion Act by including fire departments working in municipalities over 1,000,000. (Public Act 103-0385)

<u>SB1750</u> (Halpin/Kelly) requires a fire protection district, when funding is appropriated, to reimburse the mandatory training expenses of those required to be licensed as an EMT, EMT-I, A-EMT, or paramedic employed or under contract with a fire protection district. (**Public Act 103-0226**)

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#### **GOVERNOR'S HIGHLIGHTS:**

EPA Household Sharps Grants: The Illinois Environmental Protection announced a new funding opportunity to provide grants to units of local government to conduct household sharps collections for residents. Through the grant program, Illinois EPA will reimburse grantees that operate a sharps collection station as defined in Section 3.458 of the Illinois Environmental Protection Act for collection and disposal costs they incur. A Notice of Funding Opportunity has been posted to the Illinois EPA website.

Eligible expenses include costs to obtain collection containers for use by individual residents, collection receptacles to store sharps at the sharps collection station, mobilization fees assessed by a permitted Potentially Infectious Medical Waste (PIMW) transporter to pick-up collected sharps, and disposal fees for the collected sharps. Each unit of local government is eligible for the actual costs of sharps collection and disposal, up to \$35,000. All required forms and information are here.

Applicants must be pre-qualified through the Grant Accountability and Transparency Act (GATA) Grantee Portal. Applications will be accepted June 13, 2023 through 5:00 PM (CST) on July 28, 2023.

**Gubernatorial Appointments:** Governor Pritzker appointed the following:

- Monica LeGrand will continue to serve as a Member of the Health Facilities and Services Review Board.
- Doug Scott will serve as the Chair of the Illinois Commerce Commission.
- Kevin Irvine will serve as a Member of the Illinois Workforce Innovation Board.
- Jennifer Van Wie will continue to serve as a Member of the Illinois Pollution Control Board.
- Charles Knell will continue to serve as a Member of the Workers' Compensation Advisory Board.

#### **OTHER NEWS:**

**Opioid Settlement:** Attorney General Kwame Raoul announced a bipartisan set of settlements worth \$17.3 billion because of agreements with drug makers Teva and Allergan, and pharmacies

CVS and Walgreens. Following successful state sign-on and subdivision sign-on periods, the companies committed to the deals and will start releasing funds to states later this summer. Illinois will receive approximately \$518 million over 15 years.

The settlements will also require Teva's opioid business to abide by stringent prohibitions that will prevent all opioid marketing and ensure systems are in place to prevent drug misuse. Additionally, Allergan is required to stop selling opioids for the next 10 years. CVS and Walgreens have agreed to monitor, report and share data about suspicious activity related to opioid prescriptions, which will help ensure a crisis like the opioid addiction epidemic does not happen again. The Attorney General noted an agreement with Walmart is anticipated in the coming weeks.





## **Interest Rates Continue to Trend Higher**

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

#### **Key Economic Observations**

For the first half of 2023, capital markets have been quick to embrace good news and dismiss bad news. The positive momentum in equity markets is based on investor optimism for improving economic conditions. The Federal Reserve continues to closely monitor economic data for signs that inflation is moderating. While inflation continues on a downward trend, recent readings are still above the 2.0% Federal Reserve target level. The labor market remains strong overall while still lacking enough workers for entry level jobs. Consumer confidence jumped to an 18-month high driven by U.S. economic expectations. The Big Question: "Will the Fed find it necessary to raise interest rates again in September to fight inflation?"

#### The "Magnificent Seven"

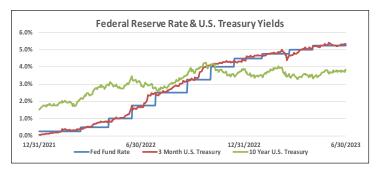
We do not often comment on equity markets in our **Fire Guard** submissions. That said, we give equities an honorable mention this quarter. The "Magnificent Seven" is a new term coined by the financial media to define the companies that largely drove equity market performance during the first half of 2023. The seven companies in the table below constitute over 27% of the Standard & Poor's 500 Index based on their market value.

"Magnificent Seven" & Equity Indices Total Return Through June 30, 2023					
	1Q 2023	2Q 2023	YTD 2023		
Nvidia	+90.1%	+52.3%	+189.5%		
Meta	+76.1%	+35.4%	+138.5%		
Tesla	+68.4%	+26.2%	+112.5%		
Amazon	+23.0%	+26.2%	+55.2%		
Apple	+27.1%	+17.8%	+49.7%		
Microsoft	+20.5%	+18.4%	+42.7%		
Google	+17.6%	+16.3%	+36.3%		
"Magnificent Seven"	+46.1%	+27.5%	+89.2%		
S&P 500 Index	+7.5%	+8.7%	+16.9%		

Artificial Intelligence ("AI") development and applications found their way into the mainstream vernacular and have been catalyst for the technology sector. It is worth noting that the strong "Magnificent Seven" performance masks the overall lack of broader participation in the equity market rally.

# Fixed Income Overview - Interest Rates Continue Upward Trend

The Federal Funds Rate was increased by 25 basis points in July to 5.25% - 5.50%. Market participants are anticipating one additional increase in the Federal Fund Rate during 3Q. A continued downward trend in inflation may well support the end of future Federal Fund Rate increases.



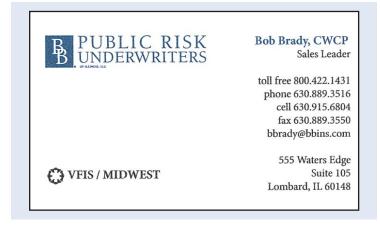
The resulting increase in money market fund yields, which offer daily (or next day) liquidity, since December of 2021 has been amazing. We updated the example below for a U.S. Government money market mutual fund we often use for cash management to reflect the current rate environment

Government Money Market Fund Yield Change				
	December 2021	December 2022	August 2023	
Annualized Yield	0.01%	3.81%	4.93%	
Example Annualized Income (\$200,000 balance)	\$20	\$7,620	\$9,860	

#### **District Portfolio Considerations**

The current short-term interest rate environment has certainly captured the interest of investors of all types, public fund and otherwise. Most of our Fire Protection District (and other public/municipal entities) have relatively short-term, conservative fixed income portfolio

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structures as dictated by investment policy. In most cases the maximum maturity for any single security is three to five years. The average maturity is between one and three years. Based on the structure of interest rates, we have generally been limiting new investments in fixed income securities to maturities of less than one year.

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 as 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 eco-

nomic and interest rate cycles. We welcome the opportunity to review your investment policy and 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."

# **GEMT Update: 10 Things YOU Need to Know**

By: Phil Giannattasio, Deputy Chief, Naperville Fire Department

As we enter year five of the Illinois supplemental Medicaid reimbursement program or Ground Emergency Medical Transportation (GEMT) there are a few things for agencies to prepare for.

- 1. You can access the new year cost report from the Health and Family Services website (<u>HFS.Illinois.gov</u>). You willfind the cost report template, instructions, and IGA, should you need it.
- 2. The cost report (and signed IGA, if applicable) are due to the HFS by <u>October 2, 2023</u>. The cost report should besubmitted both as an Excel file and as a PDF with signatures. All documents should be emailed to <u>HFS.GEMT@illinois.gov.</u>
- 3. Questions regarding the program should be directed to <a href="https://example.com/HFS.GEMT@illinois.gov">HFS.GEMT@illinois.gov</a> or the Bureau of Professionaland Ancillary Services at 877-782-5565.
- 4. There are no significant changes to the rules or cost reporting instructions for the rate year 2024
- 5. Your reporting period will be your last full fiscal year; it does not matter what your fiscal calendar looks like; the state will require you to have the most recent full complete financial year (ex. January 1 to Dec 31 or April 1 toMarch 31)
- 6.Accurate reporting of actual transportation costs is becoming more critical as the program matures. The Centers for Medicaid and Medicare Services and Illinois Health and Family Services will look more closely atoutlier cost reports than before. Meaning, falling significantly outside the median will be flagged. HFS is looking to institute rules similar to those that govern supportive care facilities, which will put caps on the amount a ratecan be; however, we want to be ahead of this so it does not raise any red flags.
- 7.If your agency uses a consultant or 3rd party billing company, please be aware that you should not be charged acommission on the supplemental portion of the Medicaid rate.
- 8.GEMT rates and published/ordinance billing rates must be equal. HFS will be looking closer at misaligned rates(Medicaid cannot be charged more than private insurance). Agencies will have some grace on this during 2024but will need to make changes to a standard uniform rate based on the cost report for 2025.
- 9.HFS is experimenting with code modifiers on the traditional ALS and BLS transports to allow full billing (minusmileage) for treat-on-scene runs (think diabetic refusal) and full billing for alternative transportation runs (thinkfuture mental health transportation). These modifiers are in the experimental phase and are not authorizedyet.
- 10.**FINALLY**, encourage other fire departments in your area who should be participating in the GEMT program and are not to participate. It is important for all of us!

### **Illinois CRR Stakeholder Taskforce**

# Promote the importance of Risk Reduction in Illinois by inspiring community ownership and providing coordinated resources

#### Identifying the Risks - Your Community's First Step to Successful Risk Reduction

The Illinois CRR Stakeholder Task Force works diligently to promote the value of using a Community Risk Reduction (CRR) framework to prevent, mitigate and reduce the risks in Illinois communities. The recommended approach utilizes the following six steps.



- Step 1: Identify Risks
- Step 2: Prioritize Risks
- · Step 3: Develop Strategies & Tactics to Mitigate Risks
- Step 4: Prepare the CRR Plan
- Step 5: Implement the CRR Plan
- Step 6: Monitor, Evaluate, and Modify the CRR Plan

A broad overview of the model makes sense on its face, but it is important to develop a thorough understanding of each step and the risks unique to each community before committing resources of time, personnel, equipment, and financial investment. The reader is encouraged to visit

http://riskassessment.strategicfire.org/ to take advantage of this complete Community Risk Assessment Guide which will help the user to move step by step through the process without missing any critical information.

Following is a summary of what goes into Step 1: Identifying Risks, as outlined in the above-mentioned Vision 20/20 Risk Assessment Guide.

#### **Acquire Data that Identifies Risks**

The data will be used to identify both current risks and trends based on historical information. An analysis of the data allows departments to look forward and more accurately predict needs for the future. The data elements might include:

- Incident dates and times.
- Incident types.
- Incident locations (address & any other location data;

preferably, latitude and longitude).

- Causes of ignition of fires; heat sources; areas of origin.
- Mortality rates (fire-related; trauma; other medically related).

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- EMS mechanisms of injury and causes of illness; and EMS provider "impressions" (i.e., diagnosis).
- · Occupancy information.
- · Response times of all units involved.
- Rate of dollar loss to value.

Firefighter experience can be a valuable source of information! They can be used to conduct station-based risk assessment and pre-planning. Information from these activities should be documented and recorded (preferably in an electronic database format).

#### **Develop a Community Profile**

Risk is often influenced by economic and social issues. Therefore, the community risk-reduction process must address socioeconomic issues. The demographic composition of a community typically includes the statistical data of its population. This should include:

- Age
- Gender
- Income
- Race and ethnicity
- Social and cultural information
- Education
- Housing type, age, and density (optional)

The U.S. 2020 Census and local government entities can supply much of this information. <a href="https://www.census.gov/">https://www.census.gov/</a>.

#### **Identify Causal Factors & Populations at Greatest Risk**

When evaluating fire department incident data, it will be necessary to identify those factors contributing to the severity of the hazards and those populations at greatest risk. Important and relevant community partners and stakeholders can also be valuable resources at this point in the process. Consider the following:

- Social factors and cultural influences.
- Economic factors
- Environmental elements
- Identify risk factors in specific populations:
  - o Children (age 5 & under)
  - o Older adults (age 65 & older)

- o People with disabilities
- People living in poverty.
- Populations that speak little or no English

#### **Identify Target Hazards**

One component of conducting a community risk assessment is to identify specific target hazards or "critical facilities" within your service area. Examples of critical facilities might include:

- Hospitals
- Assisted living centers.
- · Community shelters
- Schools
- Airports
- · Important government offices
- Emergency operations centers
- Hazardous materials sites
- Roadways
- Water/sewage treatment facilities
- Communications systems

Consider, also, buildings with substantial value or unique connections to the community (economic, historic, other), and other

STATE OF ILLINOIS COMMUNITY RISK REDUCTION 3rd Annual SEPTEMBER 27 | 8AM-5PM BAUER/PLUMMER PUBLIC SAFETY TRAINING FACILITY
701 N. KILBOURN AVENUE, CHICAGO ILLINOIS COMMUNITY RISK R E D U C T I O N You are invited to this FREE event hosted by the Illinois Community Risk Reduction Stakeholder Taskforce Experience a full day of the newest national **KEYNOTE** and state CRR updates and resources to successfully move forward with CRR for your **SPEAKER** department and community. FOR MORE INFORMATION: Chief Michael O'Brian ILLINOISCRR.COM will present Tentative Conference Topics Include: Ok, What's Next? CRR Illinois Resources Community leaders must explore Best Practices in CRR · IL Smoke Alarm Programs for All Sized ways to create a culture where we are a tuned responsive Departments organization truly working · Creating a Community Partnership collectively to solve some major Your Data and Your CRR Success impacts on our community. CRR and Mental Health Calls A Partnership Approach to Invalid Assist Calls Mission: Promote the importance of Risk Reduction in Illinois by inspiring community ownership and providing coordinated resources. info@illinoisfirechiefs.org

facilities that, if damaged or destroyed, would have a significant negative impact on the community.

We invite you to contact the IL CRR Stakeholder Taskforce at <a href="mailto:info@illinoisfirechiefs.org">info@illinoisfirechiefs.org</a>, and welcome your questions, concerns, and suggestions. We will try to respond to any requests as soon as possible.

# **FGMARCHITECTS**







### **New Law Removes Employer's Ability to Designate PSEBA Plans**

by John H. Kelly; Ottosen DiNolfo Hasenbalg & Castaldo, Ltd.

Until recently, public employers had input on what health insurance plans would be available to Public Safety Employee Benefits Act ("PSEBA") recipients. However, the recently enacted Public Act 103-0340 has dramatically changed that landscape. After the Act becomes effective on January 1, 2024, catastrophically injured employees will have a statutory right to choose their health insurance plan.

PSEBA requires public employers to pay the entire health insurance premium of full-time firefighters and police officers along with their spouses and dependent children—who suffer a "catastrophic injury" during a qualifying event. Traditionally, localities were able to decide what health insurance plan would be offered to PSEBA recipients. Many would formally designate their "PSEBA plan" on an annual basis. But this practice was controversial and led to several lawsuits. In Esser v. City of Peoria, for example, a police officer qualified for PSEBA benefits. 2019 IL App (3d) 180702. The City had two health insurance plans: one with a high deductible and a more expensive one with a low deductible. The City had chosen the high-deductible plan as its "PSEBA plan" and refused to pay the premium of the low-deductible plan as the officer had requested. The officer sued, but the Appellate Court ultimately agreed with the City. The court observed that PSEBA only required the City to pay the premium for the "basic" group health insurance plan. PSEBA did not define the term "basic," and the City had determined that was the highdeductible plan. The Court did not believe that designation was inconsistent with PSEBA, so it only required the City to pay the premium of the less expensive high-deductible plan.

However, this outcome was apparently disfavored by the General Assembly, which had already been telegraphing a more expansive view of PSEBA. In 2018, for instance, it enacted Public Act 100-1132, which reigned in unionized employers' ability to unilaterally designate a PSEBA plan by amending the Act's definition of "health insurance plan" to only include "the insurance plan options that are codified in the employee's collective bargaining agreement." And if the collective bargaining agreement was silent on plan options, the available plan options for a PSEBA recipient had to be bargained.

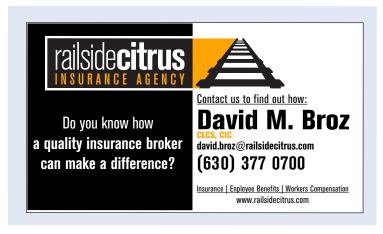
So, the General Assembly sought to overrule Esser and several subsequent circuit court cases. The result was Public Act 103-0340, which will become effective on January 1, 2024.

The new Act states that an individual whose entire premium is paid in accordance with PSEBA "shall be offered by the employer the choice of any health insurance plan available to currently employed full-time law enforcement officers, or fire-fighters." The result is that public employers can no longer dictate what plan it will offer PSEBA recipients—the employee now has the right to choose. Consequently, Public Act 103-0349 eliminates the common practice of public employers formally designating their PSEBA plans.

Interestingly, the new Act seems to create internal tension in PSEBA. On the one hand, employees now have the right to choose any plan the employer offers. But on the other, Public Act 100-1132's previous changes require local governments to bargain "the available plans for the employee." Potentially, a union and public employer might establish a PSEBA plan via collective bargaining, but what would happen if the catastrophically injured employee wants a different one? It is unclear how a court would reconcile PSEBA's competing provisions.

What we do know is that the General Assembly's last expression of intent was broad—PSEBA beneficiaries should have the right to choose their health insurance plan. When the Act becomes effective on January 1, 2024, employers should be prepared to respond accordingly. If you need assistance in navigating these new changes, we recommend you partner with counsel.

John E. Motylinski is a partner with the law firm of Ottosen DiNolfo Hasenbalg & Castaldo, Ltd. in Naperville. John graduated summa cum laude from the University of Illinois College of Law and holds an undergraduate degree in political science from the University of Illinois at Urbana-Champaign. He focuses on the areas of local government, municipal, public pension, and labor and employment law.



# Have you updated your contact information with the NIAFPD? Please forward all changes to admin@niafpd.org



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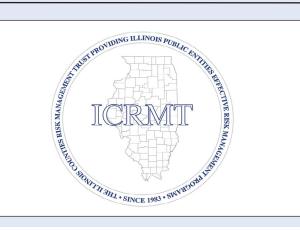
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