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SPRINGFIELD

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FILE NO. S-1170

SPECIAL DISTRICTS:
Appointment of Trustees
of Multi-County Fire
Protection District

Honorable Robert A. Downs
State's Attorney of Fulton County
100 Main Street
Lewistown, Illinois 61542

Dear Mr. Downs:

This is in response to your letter concerning the appointment of trustees of a multi-county fire protection district under section 4 of "AN ACT in relation to fire protection districts". (Ill. Rev. Stat. 1975, ch. 127 1/2, par. 24.) You state that a portion of Fulton County is included within a fire protection district which also includes areas of McDonough County and Schuyler County. Approximately 86% of the fire protection district's population is comprised of Fulton County residents; approximately 11% are residents of

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McDonough County; and approximately 3% are residents of Schuyler County. Presently, two of the three trustees of the district are from Fulton County and one is from McDonough County. Because the term of one of the trustees is soon to expire, you ask whether, under section 4 of the Act, a trustee must be appointed from each county contained within the fire protection district.

It is my opinion that it is unnecessary to appoint a trustee for this multi-county district from each of the counties included in the district. Representation on the board of trustees is to be as nearly proportionate as practicable to the population distribution, by county, within the district.

Pursuant to section 4 of the Act, the government and control of the affairs and business of a fire protection district is vested in a board of trustees which is to consist of three members. Despite setting the number of trustees at three, the General Assembly has contemplated in section 1 of the Act (Ill. Rev. Stat. 1975, ch. 127 1/2, par. 21), that a fire protection district may be composed of areas from as many as five counties. It is therefore clear that the General Assembly did not intend that representation on the board of trustees be determined or limited by the number of counties

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included within a fire protection district. Rather, as provided in section 4 of the Act, representation on the board of trustees is to be as nearly proportionate as practicable to the population distribution, by county, within the district.

Section 4 states in pertinent part:

" * * *

(4) If the district is located in more than one county, the number of trustees who are residents of a county shall be in proportion, as nearly as practicable, to the number of residents of the district who reside in that county in relation to the total population of the district.

Upon the expiration of the term of a trustee who is in office on the effective date of this amendatory Act of 1975, the successor shall be a resident of whichever county is entitled to such representation in order to bring about the proportional representation required herein, and he shall be appointed by the county board of that county, or in the case of a home rule county as defined by Article VII, Section 6 of the Constitution of 1970, the chief executive officer of that county, with the advice and consent of the county board.

* * *

Therefore, pursuant to the terms of section 4, in the case of a multi-county fire protection district, the office of trustee whose term is soon to expire should be filled by a resident of whichever county is entitled to such proportionate representation within the district. There is no requirement that a

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trustee be appointed from each county contained in the fire protection district.

Very truly yours,

A T T O R N E Y G E N E R A L