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AN ORDINANCE AMENDING ADMINISTRATIVE PROCEDURES FOR ASSESSING AND DETERMINING CLAIMS UNDER PSEBA

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WHEREAS, the Village of Orland Park (the “Village”), Cook and Will Counties, Illinois, is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, pursuant to its Constitutional home rule powers, the Village has authority to “perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare” (IL Const art. 7 § 6) by adopting ordinances and promulgating rules and regulations that pertain to its government and affairs that protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Public Safety Employee Benefits Act (“PSEBA” or “Act”) was enacted in 1997 to provide free health insurance benefits when a “full-time law enforcement, correctional or correctional probation officer, or firefighter, who ... suffers a catastrophic injury or is killed in the line of duty” (820 ILCS 320/10(a)); and

WHEREAS, the Village has the right to establish administrative procedures for assessing claims without acting in a manner inconsistent with the requirements of the Act, including the ability to use home rule authority to enact an ordinance that would determine, assess, and outline the administrative process for assessing eligibility under PSEBA; and

WHEREAS, pursuant to this authority, the Village enacted Ordinance No. 5373, “An Ordinance Establishing An Administrative Procedure for Assessing and Determining Claims Under PSEBA,” passed on January 7, 2019; and

WHEREAS, subsequent to the enactment of said Ordinance 5373, the Illinois Appellate Court issued a decision in the case *Int’l Ass’n of Fire Fighters v. City of Peoria*, 2021 IL App (3d) 190758, holding that home rule municipalities did not have the authority to define the terms “injury,” “catastrophic injury,” and “work” to the extent that the resulting application of the Ordinance would provide benefits inconsistent with the Act; and

WHEREAS, as a result of the decision in *City of Peoria*, the Village now desires to amend the original ordinance and finds that this is in the best interest of the citizens’ health, safety, and welfare.

NOW, THEREFORE, Be It Ordained by the Village President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

Ordinance No. 5373 is hereby amended by deleting Section 2: DEFINITIONS in its entirety, and replacing it with the following:

“Section 2: DEFINITIONS.

Terms found herein shall be defined in a manner consistent with their interpretation and application in PSEBA and its body of interpretive caselaw.”

SECTION 3:

SEVERABILITY.

If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 4:

PUBLICATION OF ORDINANCE.

The Village Clerk shall publish this ordinance in pamphlet form.

SECTION 5:

EFFECTIVE DATE.

That this Ordinance shall be in full force and effect upon its passage.