

ORDINANCE NO. O-22-11

**AN ORDINANCE OF THE VILLAGE OF CAMPTON HILLS, KANE COUNTY, ILLINOIS
ESTABLISHING AN ADMINISTRATIVE POLICY TO DETERMINE ELIGIBILITY
UNDER THE PUBLIC SAFETY EMPLOYEE BENEFITS ACT.**

WHEREAS, the Village of Campton Hills, Kane County, Illinois (the “*Village*”) is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, grants non-home rule municipalities the broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities”; and

WHEREAS, in the case *Village of Wauconda v. Hutton*, 291 Ill. App 3d. 1058, 1060 (1997) the court determined that “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permit...” and that “... A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute”; and

WHEREAS, the Public Safety Employee Benefits Act, 820 ILCS 320/1, *et seq.*, (the “*Act*”) was enacted to provide health insurance to qualifying full-time firefighters or police officers; and

WHEREAS, in the case *Englum v. the City of Charleston*, 2017 IL App. (4th) 160747, the court affirmed that a non-home rule municipality is authorized to establish an administrative procedure for assessing claims under PSEBA and that such “complemented the determinations of the legislature by enacting a procedural process to fulfill the substantive requirements of the [Act]” and “facilitate[s] the purpose of the [Act]”; and



WHEREAS, it is the intent of the Village President and Board of Trustees of the Village (the “*Corporate Authorities*”) to establish administrative procedures for assessing and determining claims under the Act; and

WHEREAS, the Corporate Authorities have determined that the following policy is in the best interest of the Village in order to protect the health, safety and welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Campton Hills, Kane County, Illinois, as follows:

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2: The Administrative Procedure for Assessing and Determining Claims under PSEBA (the “*Policy*”), a copy of which is attached hereto and made a part hereof as Exhibit A, is hereby authorized and approved.

Section 3. The officials, officers, employees, and attorneys of the Village are hereby authorized to take such actions as are necessary to carry out the intent and purpose of this Ordinance and the Policy.

Section 4. This Ordinance and the Policy are declared to be severable and any section, paragraph, clause, provision, or portion of this Ordinance or the Policy that is declared invalid shall not affect the validity of any other provision of this Ordinance or Policy, which shall remain in full force and effect.

Section 5. If any part of this Ordinance or the Policy is found to be in conflict with any other ordinance, resolution, motion or order or parts thereof, the most restrictive or highest standard shall prevail.

Section 6. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.


Passed this 9 day of August 2022, pursuant to a roll call vote as follows:

	AYES	NAYES	ABSENT	ABSTAIN
Trustee Charles Cappell	_____	_____	_____	_____
Trustee Susan P George	_____	_____	_____	_____
Trustee Jim McKelvie	_____	_____	_____	_____
Trustee Mike Millette	_____	_____	_____	_____
Trustee Ed Muncie	_____	_____	_____	_____
Trustee Wendy K. White Eagle	_____	_____	_____	_____
President Michael Tyrrell	_____	_____	_____	_____

APPROVED this 9 day of August 2022.


Michael Tyrrell, Village President

(SEAL)

ATTEST: 
Dorothea Stipetic, Deputy Village Clerk