



Legislation Details (With Text)

File #: 22-058 **Version:** 3 **Name:**

Type: Ordinance **Status:** Adopted

File created: 2/9/2022 **In control:** City Council

On agenda: 3/22/2022 **Final action:** 3/22/2022

Title: Communication from the City Manager and Corporation Counsel with a Request to ADOPT an ORDINANCE Amending CHAPTER 2 (Administration), ARTICLE V (Officers and Employees), DIVISION 7 (Public Safety Benefits), SECTION 2-350 (PUBLIC SAFETY BENEFITS ACT), of the CODE of the City of Peoria.

Sponsors:

Indexes:

Code sections:

Attachments: 1. PSEBA Ordinance V1, 2. PSEBA Amended Ordinance Final Edits.3.22.22ver2.pdf, 3. ORD 17963

Date	Ver.	Action By	Action	Result
3/22/2022	3	City Council	adopted	Pass
3/8/2022	2	City Council	deferred	Pass
2/22/2022	1	City Council	received and filed	Pass

ACTION REQUESTED:

Communication from the City Manager and Corporation Counsel with a Request to ADOPT an ORDINANCE Amending CHAPTER 2 (Administration), ARTICLE V (Officers and Employees), DIVISION 7 (Public Safety Benefits), SECTION 2-350 (PUBLIC SAFETY BENEFITS ACT), of the CODE of the City of Peoria.

BACKGROUND:

The Public Safety Employee Benefits Act (PSEBA) 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)). Illinois municipalities responsible for the payment of these benefits have struggled with a lack of definition and procedure in the PSEBA statute. Illinois courts have noted that “although the legislature made [PSEBA benefits] contingent upon the existence of a ‘catastrophic injury,’ the Act nowhere defines ‘catastrophic injury”’ (*Krohe v. City of Bloomington*, 204 Ill. 2d 392, 395 (2003)). Illinois case law established that municipalities have the right to establish an “administrative procedure for assessing claims without acting in a manner inconsistent with the requirements of the Act.”

The City adopted an administrative procedure to determine PSEBA claims via Ordinance No. 17462 on April 25, 2017. On or about June 12, 2018, the City adopted Ordinance No. 17584 which defined terms not defined in the PSEBA statute. On January 21, 2022, the Illinois Supreme Court determined that Illinois home rule municipalities do not have the authority to adopt such definitions. While the court decision did not invalidate any administrative procedures, the City must strike the definitions adopted in 2018 per the ruling.

FINANCIAL IMPACT: None - no PSEBA benefit claims were decided using the terms now held invalid by the court.

NEIGHBORHOOD CONCERNS: N/A.

IMPACT IF APPROVED: PSEBA ordinance will be in compliance with the ruling of the Illinois Supreme Court.

IMPACT IF DENIED: PSEBA ordinance will not be in compliance with the ruling of the Illinois Supreme Court.

ALTERNATIVES:

EEO CERTIFICATION NUMBER:

WHICH OF THE GOALS IDENTIFIED IN THE COUNCIL'S 2014 - 2029 STRATEGIC PLAN DOES THIS RECOMMENDATION ADVANCE?

1. Financially Sound City Government, Effective City Organization

WHICH CRITICAL SUCCESS FACTOR(S) FROM THE COMPREHENSIVE PLAN DOES THIS RECOMMENDATION IMPLEMENT?

1. Not applicable.

DEPARTMENT: Legal