

**REGULAR CITY COUNCIL MEETING  
105 S MAIN ST  
FARMER CITY, ILLINOIS  
MONDAY MARCH 7, 2022  
6:00 P.M.  
AGENDA**

**PRELIMINARY MATTERS**

1. Call to order
2. Roll call
3. Pledge of allegiance to the flag
4. Proclamations/presentations/recognitions
5. Public Comment –

**CONSENT AGENDA**

The following items will be adopted on a single motion without discussion unless a council member requests separate consideration:

- A. Approval of the minutes of the February 07, 2022 council minutes
- B. Fund Warrant List

**UNFINISHED BUSINESS--Ordinances or resolutions previously tabled.**

**NEW BUSINESS--Ordinances and resolutions for initial consideration**

- A. Approval of a \$62,000 payment to the School District for its Memorial Plaza, per the TIF 2 IGA.
- B. Ordinance 1080 an ordinance amending the approved annual budget for the City of Farmer City for the fiscal year beginning May 1, 2021 and ending April 30, 2022.
- C. Ordinance 1081 an ordinance amending an administrative procedure for assessing and determining claims under PSEBA for the City of Farmer City.

**EXECUTIVE SESSION**

**OTHER ITEMS**

1. City manager report
2. Non-agenda items and other business

**ADJOURNMENT**

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the city clerk's office at (309) 928-2842, 48 hours before the meeting. Staff will be pleased to make the necessary arrangements.

**MINUTES OF THE FARMER CITY, ILLINOIS**  
**CITY COUNCIL REGULAR MEETING**  
**FEBRUARY 7, 2022 6 p.m.**

**Roll call** Present: Councilmembers Shelley Friedrich, David Walsh, Willard McKinley, and Mayor Scott Testory. Absent: Councilmember Jason Strough.

Also, in attendance: City Manager Sue McLaughlin, City Clerk Angie Wanserski and City Attorney Joe Chamley.

**Pledge of allegiance to the flag**

**Proclamations/presentations:**

**Public comment:**

**CONSENT AGENDA**

- A. Approval of the minutes of the January 18, 2022 council meeting.
- B. Fund Warrant List

**MOTION** by McKinley to approve consent agenda. Seconded by Friedrich. Voting yes: McKinley, Friedrich, Walsh and Testory. Absent: Strough. Motion carried.

**UNFINISHED BUSINESS**

**NEW BUSINESS**

- A. Ordinance 1079 an ordinance amending Chapter 51: Water Service Charges (bulk water)  
The proposed ordinance would raise bulk water rates from \$5/1000 gal bulk to \$7.50/1000 gal bulk. Council was given a memo showing surrounding communities' rates and \$7.50 would still be one of the lowest in the area. Council would like to approve an increase at \$11/1000 gal bulk instead.

**MOTION** by McKinley to amend ordinance 1079, an ordinance amending Chapter 51: Water Service Charges (bulk water), to reflect an increase from \$5/1000 gal bulk to \$11/1000 gal bulk. Seconded Friedrich. Voting yes: McKinley, Friedrich, Walsh and Testory. Absent: Strough. Motion carried.

**MOTION** by McKinley to approved amended ordinance 1079, an ordinance amending Chapter 51: Water Service Charges (bulk water). Seconded Friedrich. Voting yes: McKinley, Friedrich, Walsh and Testory. Absent: Strough. Motion carried.

**EXECUTIVE SESSION**

**OTHER ITEMS**

**City Manager report**

City manager McLaughlin stated that she is working on an inventory list for the street garage fire. She is very grateful for support we have received from surrounding communities. The county will be lending the city one truck for salt and plowing. Recycling will be picked up tomorrow and Area will take any extra garbage this week because of the blizzard conditions last week.

**Non-agenda items and other business**

**ADJOURNMENT**

**MOTION** by McKinley to adjourn meeting. Seconded by Friedrich. Voting yes: McKinley, Friedrich, Walsh and Testory. Absent: Strough. Motion carried.

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Angie Wanserski, City Clerk

Vendor Name	Net Invoice Amount	
<b>100</b>		
PRESTO X PEST CONTROL	47.00	ADM - PEST CONTROL
WATTS COPY SYSTEMS INC	196.44	ADM COPIER
COOPER, BILLIE	300.00	CLEANING SERVICE
QUADIENT FINANCE USA INC.	254.12	POSTAGE
FRONTIER	89.72	ADM
FRONTIER	258.55	ADM
G.F.O.A.	160.00	DUES AND MEMBERSHIPS
SIMPLIFIED COMPUTERS	940.00	ADM
T-MOBILE	30.56	ADM
Absopure Water Co	24.25	ADM - BUILDING AND PROPERTY
EVANS FROELICH BETH AND	262.50	COUNCIL LEGAL
EVANS FROELICH BETH AND	175.00	COUNCIL LEGAL
EVANS FROELICH BETH AND	350.00	COUNCIL LEGAL
EVANS FROELICH BETH AND	17.50	COUNCIL LEGAL
AMERICAN LEGAL PUBLISHING	495.00	INTERNET RENEWAL
CLASPILL AUTOMOTIVE	88.53	POL- VEHICLE MAINTENANCE
CLASPILL AUTOMOTIVE	538.94	POL- VEHICLE MAINTENANCE
TECHNOLOGY MANAGEMENT	132.81	IWIN MEMBERSHIP SERVICES
MOTOROLA SOLUTIONS	6,432.98	POL - DISPATCH
SPRINT	255.34	POL TELEPHONE
FRONTIER	341.01	POL PHONE
MID-STATES ORGANIZED CRIM	100.00	MEMBERSHIP FEE
Evergreen FS Inc	828.69	POLICE FUEL
FRONTIER	114.51	STREET
McMaster-Carr	22.79	STREET SUPPLIES
Evergreen FS Inc	124.31	STREET FUEL
FRONTIER	184.20	POOL
Total 100:	12,764.75	
<b>110</b>		
LAUTERBACH & AMEN LLP	500.00	AUDIT
Total 110:	500.00	
<b>270</b>		
MAURER-STUTZ	3,935.00	JOHN STREET IMPROVEMENTS
MAURER-STUTZ	987.50	PLAYGROUND PROJECT
Total 270:	4,922.50	
<b>490</b>		
AREA DISPOSAL	11,841.39	MONTHLY GARBAGE SERVICE
Total 490:	11,841.39	
<b>510</b>		
Progressive Chemical	858.47	CHEMICALS
Evergreen FS Inc	234.80	WATER FUEL
WATER SOLUTIONS UNLIMITED	4,357.51	CHLORINATION equipment
Total 510:	5,450.78	
<b>520</b>		
USA BLUEBOOK	159.00	TESTING EQUIPMENT
PDC Laboratories Inc.	215.59	LAB TESTING
PACE ANALYTICAL SERVICES	89.34	LAB SERVICES

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Vendor Name	Net Invoice Amount	
Menards	63.96	SUPPLIES
Evergreen FS Inc	82.87	SEWER FUEL
UNITED SYSTEMS AND SOFTW	3,840.00	SEWER METERS
Total 520:	4,450.76	
<b>530</b>		
FRONTIER	160.40	ELEC PHONE
ASSOCIATION OF ILLINOIS ELE	500.00	APPRENTICE CERTIFICATION
Evergreen FS Inc	110.47	ELEC FUEL
Total 530:	770.87	
Grand Totals:	40,701.05	

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Vendor Name	Net Invoice Amount	
<b>100</b>		
EVANS FROEHLICH BETH AND	455.00	ADM LEGAL
EVANS FROEHLICH BETH AND	140.00	ADM LEGAL
EVANS FROEHLICH BETH AND	595.00	ADM LEGAL
PRESTO X PEST CONTROL	47.00	ADM - PEST CONTROL
WATTS COPY SYSTEMS INC	182.43	ADM COPIER
QUADIENT FINANCE USA INC.	488.04	POSTAGE
MEDIACOM	136.90	ADM IT
SIMPLIFIED COMPUTERS	90.00	ADM IT
T-MOBILE	61.12	ADM
FUTURA	103.00	DIS NOTICES, ENVELOPES, CUSTOMER RECEIPTS
EVANS FROEHLICH BETH AND	262.50	COUNCIL LEGAL
EVANS FROEHLICH BETH AND	35.00	COUNCIL LEGAL
EVANS FROEHLICH BETH AND	262.50	COUNCIL LEGAL
CLASPILL AUTOMOTIVE	3,025.33	VEHICLE MAINT
EVANS FROEHLICH BETH AND	332.50	POLICE
EVANS FROEHLICH BETH AND	542.50	POLICE
EVANS FROEHLICH BETH AND	175.00	POLICE
SPRINT	255.34	POL TELEPHONE
FUTURA	103.01	DIS NOTICES, ENVELOPES, CUSTOMER RECEIPTS
Evergreen FS Inc	1,304.58	POLICE FUEL
FRONTIER	43.35	STREET
McMaster-Carr	68.24	STREET
McMaster-Carr	45.55	STREET
FUTURA	103.00	DIS NOTICES, ENVELOPES, CUSTOMER RECEIPTS
Progressive Chemical	511.37	STREET SIGNS
Evergreen FS Inc	410.01	STREET FUEL
FUTURA	103.00	DIS NOTICES, ENVELOPES, CUSTOMER RECEIPTS
<b>Total 100:</b>	<b>9,881.27</b>	
<b>170</b>		
Menards	1,016.16	GUN RANGE BUILDING MATERIAL
Menards	1,549.99	GUN RANGE BUILDING MATERIAL
Menards	10.99	GUN RANGE BUILDING MATERIAL
<b>Total 170:</b>	<b>2,577.14</b>	
<b>510</b>		
Progressive Chemical	132.65	SUPPLIES
USA BLUEBOOK	67.61	MISC SUPPLIES
FUTURA	103.00	DIS NOTICES, ENVELOPES, CUSTOMER RECEIPTS
Evergreen FS Inc	37.27	WATER FUEL
<b>Total 510:</b>	<b>340.53</b>	
<b>520</b>		
USA BLUEBOOK	1,311.43	TESTING EQUIPMENT
PACE ANALYTICAL SERVICES	89.34	PROF LAB SERVICES
WATER SOLUTIONS UNLIMITED	3,582.50	CHEMICALS
<b>Total 520:</b>	<b>4,983.27</b>	
<b>530</b>		
ANIXTER INC	40.00	GLOVES
ALTEC INDUSTRIES INC	957.48	ROPE FOR DIGGER TRUCK
JM TEST SYSTEMS	4,176.00	TESTING FOR TRUCKS
ASSOCIATION OF ILLINOIS ELE	1,200.00	CLIMBING SCHOOL

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Vendor Name	Net Invoice Amount	
FUTURA	103.00	DIS NOTICES, ENVELOPES, CUSTOMER RECEIPTS
ANIXTER INC	52.50	CLEVIS FOR BOLTS
Evergreen FS Inc	111.82	ELEC FUEL
<b>Total 530:</b>	<u>6,640.80</u>	
<b>Grand Totals:</b>	<u><u>24,423.01</u></u>	

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## ORDINANCE 1080

### AN ORDINANCE AMENDING THE APPROVED ANNUAL BUDGET FOR THE CITY OF FARMER CITY FOR THE FISCAL YEAR BEGINNING MAY 1, 2021 AND ENDING APRIL 30, 2022

WHEREAS, the City of Farmer City is an Illinois municipal corporation, organized and operating pursuant to the laws and constitution of the State of Illinois; and

WHEREAS, the City has provided for the preparation and adoption of an Annual Budget;

WHEREAS, the Annual Budget for the City of Farmer City for the fiscal year beginning May 1, 2021 and ending April 30, 2022, as prepared by the Budget Officer for the City and submitted to the Mayor and City Council, was approved by the City Council on April 26, 2021, as provided by statute;

WHEREAS, unexpected expenditures and changes sometimes become necessary during the course of the fiscal year after adoption of the budget.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Farmer City, DeWitt County, Illinois, that

**Section One:** The annual Budget for the City of Farmer City for the fiscal year beginning May 1, 2021 and ending April 30, 2022, is hereby amended as follows, per the attached Exhibit A.

**Section Two:** This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

**Approved and passed this 7th day of March, 2022.**

**AYES: \_\_\_      NAYS: \_\_\_      ABSTAIN: \_\_\_      ABSENT: \_\_\_**

\_\_\_\_\_  
Scott Testory, Mayor

\_\_\_\_\_  
Angie Wanserski, City Clerk



**FARMER CITY BUDGET AMENDMENT ORDINANCE  
FOR FY 2021/22**

**GENERAL FUND**

	Budget	Update
552-549 Parks - Prof Svcs	<u>12,000</u>	<u>25,000</u>
		Tree removal - storm damage cleanup
511-612 Admin - Equipment	<u>-</u>	<u>1,500</u>
		Shredder, Office furniture
511-929 Admin - Misc	<u>1,500</u>	<u>6,500</u>
		5k for flood damage bulk waste pickup
521-422 Police - Overtime	<u>42,000</u>	<u>65,000</u>
		Covid absences (to be reimbursed by grant)
521-513 Police - Vehicle Maint	<u>4,000</u>	<u>10,000</u>
		SUV water pump
521-550 Police - Dispatch	<u>64,000</u>	<u>70,500</u>
		911 Emergency Motorola radio replacement
541-611 Streets - Building Equip Ma	<u>6,000</u>	<u>8,000</u>
		<u><b>186,500</b></u>

**SEWER FUND**

520-515 System Maintenance	3,000	9,500
		Weedman Park Sewer line replacement
520-520 Lab Services	5,000	11,000
		Excess flow testing due to high rainfall
520-532 Engineering Services	6,000	15,000
		CMOM plan per IEPA
	<u><b>14,000</b></u>	<u><b>35,500</b></u>

**WATER FUND**

510-533 Legal	-	250
		Budget motel

510-549 Other Pro Svcs

3,200

16,300 Pump repair

-

16,550

**FARMER CITY BUDGET AMENDMENT ORDINANCE  
FOR FY 2021/22**

**ELECTRIC FUND**

530-513	Vehicle Repair/Maint	3,000	28,000	Bucket truck repairs
530-533	Legal	2,000	16,500	Attorney for CAAPP permit
530-651	Supplies	8,000	11,000	Unexpected expenses
		<u>13,000</u>	<u>55,500</u>	

**AUDIT**

	Budget	Update	
110-929	5,000	12,000	Accountant - Audit assistance
	<u>5,000</u>	<u>12,000</u>	

**CAPITAL PROJECTS**

170-533	Annual Road Prog Capital	25,000	105,000	ADA ramps as part of MFT project
170-832	Pool Engineering	2,500	7,500	
170-833	Pool Capital	25,000	160,000	Final payout crossed fiscal year
		<u>52,500</u>	<u>272,500</u>	

**TOURISM (HOTEL/MOTEL)**

290-913	Events	12,500	14,000	Heritage Days
		<u>12,500</u>	<u>14,000</u>	

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING AN ADMINISTRATIVE PROCEDURE FOR  
ASSESSING AND DETERMINING CLAIMS UNDER PSEBA FOR THE CITY OF  
FARMER CITY

WHEREAS, the **City Of Farmer City** is a non-home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the legislature granted 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” (65 ILCS 5/1-2-1); and

WHEREAS, while “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 permits . . . 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” *Village of Wauconda v. Hutton*, 291 Ill. App 3d 1058, 1060 (1997); 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, pursuant to *Englum v. City of Charleston*, 2017 IL App (4th) 160747 (2017) a non-home rule municipality’s ordinance establishing an administrative procedure for assessing claims under PSEBA “complemented the determinations of the legislature by enacting a procedural process to fulfill the substantive requirements of the [Act]” and such an ordinance “facilitate[s] the purpose of the [Act]” ¶ 73; and

WHEREAS, the court in *Englum* found that non-home rule municipalities have the authority to enact an ordinance establishing a local administrative procedure to determine eligibility for PSEBA benefits; and

WHEREAS, the **City of Farmer City** previously adopted a PSEBA administrative ordinance providing for the process for application for benefits under the Act, and

WHEREAS, the City of Farmer City now desires to adopt the following Ordinance amending its PSEBA Administrative Ordinance and finds that this is in the best interest of the citizens' health, safety and welfare.

Title III: Administration; Chapter 32: Sections 32-125 through and including Section 32,  
Article 32, Section 125-129 of the City of Farmer City code entitled ADMINISTRATIVE PROCEDURE FOR ASSESSING AND DETERMINING CLAIMS UNDER PSEBA are hereby amended and revised to the following:

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Deleted: 3

NOW, Therefore, be it ordained by the Mayor and City Council of the City of Farmer City as follows, to-wit:

Section 1.

The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Moved (insertion) [1]

Section 2.

The current Sections 32.125 through and including Section 32-129 of Title III: Administration; Chapter 32 Personnel Regulations and Policies of the City of Farmer City code are hereby repealed.

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Section 3.

Sections 32.125 through and including Section 32-128 of Title III: Administration; Chapter 32: Personnel Regulations and Policies of the City of Farmer City code are hereby enacted to read as set forth below:

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§ 32.125.

PURPOSE.

The purpose of this Ordinance is to provide a fair and efficient method for determining the eligibility of a full-time employee for the benefits enumerated under PSEBA through an administrative process, including if necessary, an administrative hearing.

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Moved (insertion) [2]

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§ 32.126 APPLICATION PROCEDURE.

As noted by the court in Pedersen, "the Act, however, does not provide any guidance on the proper procedure for seeking [PSEBA] benefits." ¶ 37. This ordinance and the application procedure of this section establishes guidance on the proper procedure for Public Safety Officers seeking PSEBA benefits in the City of Farmer City.

Deleted: Section 3.

Deleted: ¶

A. Public Safety Officers, or family member(s) of an injured or deceased Public Safety Officer, ("Applicant") must file a full and complete PSEBA application in writing within thirty (30) days of filing a pension claim with the City of Farmer City or within thirty (30) days of the date of the adoption of this Ordinance in the event that an Applicant has filed for a PSEBA claim prior to the date of adoption of this Ordinance, whichever is later, if the Applicant is seeking benefits under PSEBA. The City of Farmer City shall notify Applicant if the PSEBA application is incomplete and Applicant shall have five (5) days to remedy their application. Failure to timely file the full and complete application shall result in a forfeiture of the benefits under PSEBA by failure to properly submit a complete application.

B. A complete PSEBA application includes the following:

1. The name of the Applicant, date of hire, detailed information regarding the incident, including information relating to how the injury was sustained in the line of duty (date, time, place, nature of injury, and other factual circumstances surrounding the incident giving rise to said claim);
2. The Applicant's firsthand knowledge explaining, to the City of Farmer City's satisfaction, how the injury/death directly resulted from:
  - i. Response to fresh pursuit;
  - ii. Response to what is reasonably believed to be an emergency;
  - iii. An unlawful act perpetrated by another; or,
  - iv. Participation during the investigation of a criminal act;
3. A signed PSEBA medical authorization release which authorizes the collection of information related to the incident including, but not limited to, disability pension proceedings, worker's compensation records, and medical records and specifies the name and address for pertinent health care provider(s);
4. A signed PSEBA general information release specifying the name and signature of the Applicant or her/his authorized representative along with legal proof of said representation and name and signature of witness authorizing the collection of information pertinent to the incident review process;
5. The name(s) of witnesses to the incident;
6. The name(s) of witnesses the Applicant intends to call at the PSEBA hearing;
7. Information and supporting pension documentation filed with the appropriate pension board;
8. Information supporting the PSEBA eligibility requirements; and,
9. Other sources of health insurance benefits currently enrolled in or received by the Applicant and/or family members if the Applicant is deceased.

C. The PSEBA application must be submitted to the City Manager's Office in its entirety.

- D. The PSEBA application must be sworn and notarized to certify the truthfulness of the content of the information. A review of the application shall not occur until the application is complete.
- E. On the date that the PSEBA application is deemed complete by the City of Farmer City, the completed application shall then be submitted to the City of Farmer City as the Preliminary Record, and a copy of the same shall be date stamped and provided to the Applicant.
- F. Upon receipt of a complete application for PSEBA benefits, the City of Farmer City shall set the matter for an administrative hearing before a Hearing Officer to make a determination on whether to grant the Applicant PSEBA benefits based on the result of the administrative hearing.
- G. The Applicant will be given written notice of the date for the scheduled administrative hearing to be served not less than ten (10) days prior to the commencement of the hearing. If the Applicant, upon receiving written notice of the administrative hearing, cannot attend said date, the Applicant must contact the Hearing Officer in writing within seven (7) days after being served. The Hearing Officer shall establish an alternative hearing date which is within thirty (30) days of the original hearing date. Failure to appear at the administrative hearing shall result in denial of PSEBA benefits.

Section § 32.127,

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ADMINISTRATIVE COMPOSITION.

The administrative hearing shall be scheduled and conducted by a Hearing Officer whose authority and limitations are as follows:

- A. Authority of the Hearing Officer. The Hearing Officer shall have all of the authorities granted to her/him under common law relative to the conduct of an administrative hearing, including the authority to:
1. Preside over City of Farmer City hearings involving PSEBA;
  2. Administer oaths;
  3. Hear testimony and accept evidence that is relevant to the issue of eligibility under PSEBA;
  4. Issue subpoenas to secure attendance of witnesses and the production of relevant papers or documents upon the request of the parties or their representatives;
  5. Rule upon objections in the admissibility of evidence;
  6. Preserve and authenticate the record of the hearing and all exhibits in evidence introduced at the hearing; and,

7. Issue a determination based on the evidence presented at the hearing, the determination of which shall be in writing and shall include a written finding of fact, decision and order.

B. Hearing Officer. The Mayor, with the advice and consent of the City Council, is hereby authorized to appoint a person to hold the position of Hearing Officer for each hearing on PSEBA benefits that shall come before this City of Farmer City. In making said selection, the following information should be considered, at a minimum:

1. The individual's ability to comply with the job description as set forth herein; and
2. The individual must be an attorney licensed to practice law in the State of Illinois and have knowledge of and experience in employment and labor law, general civil procedure, the rules of evidence, and administrative practice.

Section 32.128,

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ADMINISTRATIVE HEARING,

The system of administrative hearings for the determination of eligibility for benefits under PSEBA shall be initiated either by the City of Farmer City or by the Applicant after the submission of a full and complete PSEBA application. An administrative hearing shall be held to adjudicate and determine whether the Applicant is eligible for benefits under PSEBA. If the Applicant is found eligible, the benefits shall be consistent with the Act.

A. Record. The City of Farmer City shall ensure that all hearings are attended by a certified court reporter and a transcript of all proceedings shall be made by said certified court reporter and a copy be provided to the Applicant within twenty-eight (28) days of the date of the administrative hearing.

B. Procedures. The City of Farmer City and the Applicant shall be entitled to representation by counsel at said administrative hearing and present witnesses, testimony and documents, may cross-examine opposing witnesses, and may request the issuance of subpoenas to compel the appearance of relevant witnesses or the production of relevant documents.

C. Evidence. The Illinois Rules of Evidence shall apply to the extent practicable unless, by such application, the Hearing Officer determines that application of the rule would be an injustice or preclude the introduction of evidence of the type commonly relied upon by a reasonably prudent person in the conduct of her or his affairs. Such determination shall be in the sole discretion of the Hearing Officer. The Hearing Officer must state on the record her or his reason for that determination.



D. Final Determination. A written determination by the Hearing Officer of whether the petitioning Applicant is eligible for the benefits under PSEBA shall constitute a final administrative determination for the purpose of judicial review under the common law writ of certiorari.

E. Burden of Proof. At any administrative hearing, the Applicant shall have the obligation and burden of proof to establish that the Applicant is eligible and qualified to receive PSEBA benefits. The standard of proof in all hearings conducted under this Ordinance shall be by the preponderance of the evidence.

F. Administrative Records. All records pertaining to the administrative process shall be held in a separate file under the Applicant's name with the City of Farmer City.

**Section 4.**

Repeal of Conflicting Provisions. All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

**Section 5.**

Severability. If any provision of this Ordinance or application thereof to any person or circumstances 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 6.**

The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED THIS \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Moved up [1]:** ¶

**Section 1.** ¶

The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.¶

**Deleted:** ¶

**Section 1.** ¶

The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.¶

**Moved up [2]: Section 2.**¶

**PURPOSE.** ¶

The purpose of this Ordinance is to provide a fair and efficient method for determining the eligibility of a full-time employee for the benefits enumerated under PSEBA through an administrative process, including if necessary, an administrative hearing. ¶

¶

**Section 3.** ¶

**APPLICATION PROCEDURE.** ¶

As noted by the court in *Pedersen*, "the Act, however, does not provide any guidance on the proper procedure for seeking [PSEBA] benefits." ¶ 37. This ordinance and the application procedure of this section establishes guidance on the proper procedure for Public Safety Officers seeking PSEBA benefits in the City of Farmer City. ¶

¶

Public Safety Officers, or family member(s) of an injured or deceased Public Safety Officer, ("Applicant") must file a full and complete PSEBA application in writing within thirty (30) days of filing a pension claim with the City of Farmer City or within thirty (30) days of the date of the adoption of this Ordinance in the event that an Applicant has filed for a PSEBA claim prior to the date of adoption of this Ordinance, whichever is later, if the Applicant is seeking benefits under PSEBA. The City of Farmer City shall notify Applicant if the PSEBA application is incomplete and Applicant shall have five (5) days to remedy their application. Failure to timely file the full and complete application shall result in a forfeiture of the benefits under PSEBA by failure to properly submit a complete application.¶

¶

A complete PSEBA application includes the following: ¶  
The name of the Applicant, date of hire, detailed information regarding the incident, including information relating to how the injury was sustained in the line of duty (date, time, place, nature of injury, and other factual circumstances surrounding the incident giving rise to said claim);¶

The Applicant's firsthand knowledge explaining, to the City of Farmer City's satisfaction, how the injury/death directly resulted from:¶

Response to fresh pursuit;¶

Response to what is reasonably believed to be an emergency;¶

An unlawful act perpetrated by another; or,¶

Participation during the investigation of a criminal act;¶

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\_\_\_\_\_  
**Mayor**

ATTEST:

\_\_\_\_\_  
Clerk

**ORDINANCE NO. 1081**

**AN ORDINANCE AMENDING AN ADMINISTRATIVE PROCEDURE FOR  
ASSESSING AND DETERMINING CLAIMS UNDER PSEBA FOR THE CITY OF  
FARMER CITY**

WHEREAS, the **City Of Farmer City** is a non-home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the legislature granted 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” (65 ILCS 5/1-2-1); and

WHEREAS, while “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 permits . . . 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” *Village of Wauconda v. Hutton*, 291 Ill. App 3d 1058, 1060 (1997); 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, pursuant to *Englum v. City of Charleston*, 2017 IL App (4th) 160747 (2017) a non-home rule municipality’s ordinance establishing an administrative procedure for assessing claims under PSEBA “complemented the determinations of the legislature by enacting a procedural process to fulfill the substantive requirements of the [Act]” and such an ordinance “facilitate[s] the purpose of the [Act]” ¶ 73; and

WHEREAS, the court in *Englum* found that non-home rule municipalities have the authority to enact an ordinance establishing a local administrative procedure to determine eligibility for PSEBA benefits; and

WHEREAS, the **City of Farmer City** previously adopted a PSEBA administrative ordinance providing for the process for application for benefits under the Act, and

WHEREAS, the **City of Farmer City** now desires to adopt the following Ordinance amending its PSEBA Administrative Ordinance and finds that this is in the best interest of the citizens' health, safety and welfare.

**NOW, Therefore,** be it ordained by the Mayor and City Council of the City of Farmer City as follows, to-wit:

**Section 1.**

The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

**Section 2.**

The current Sections 32.125 through and including Section 32.129 of Title III: Administration; Chapter 32 Personnel Regulations and Policies – Administrative Procedure for Assessing and Determining Claims under PSEBA of the City of Farmer City code are hereby repealed.

**Section 3.**

Sections 32.125 through and including Section 32.128 of Title III: Administration; Chapter 32 Personnel Regulations and Policies – Administrative Procedure for Assessing and Determining Claims under PSEBA of the City of Farmer City code are hereby enacted to read as set forth below:

**§ 32.125 PURPOSE.**

The purpose of this Ordinance is to provide a fair and efficient method for determining the eligibility of a full-time employee for the benefits enumerated under PSEBA through an administrative process, including if necessary, an administrative hearing.

**§ 32.126 APPLICATION PROCEDURE.**

As noted by the court in *Pedersen*, “the Act, however, does not provide any guidance on the proper procedure for seeking [PSEBA] benefits.” ¶ 37. This ordinance and the application procedure of this section establishes guidance on the proper procedure for Public Safety Officers seeking PSEBA benefits in the **City of Farmer City**.

- A. Public Safety Officers, or family member(s) of an injured or deceased Public Safety Officer, (“Applicant”) must file a full and complete PSEBA application in writing within thirty (30) days of filing a pension claim with the **City of Farmer City** or within thirty (30) days of the date of the adoption of this Ordinance in the event that an Applicant has filed for a PSEBA claim prior to the date of adoption of this Ordinance, whichever is later, if the Applicant is seeking benefits under PSEBA. The **City of Farmer City** shall notify Applicant if the PSEBA application is incomplete and Applicant shall have five (5)

days to remedy their application. Failure to timely file the full and complete application shall result in a forfeiture of the benefits under PSEBA by failure to properly submit a complete application.

- B. A complete PSEBA application includes the following:
1. The name of the Applicant, date of hire, detailed information regarding the incident, including information relating to how the injury was sustained in the line of duty (date, time, place, nature of injury, and other factual circumstances surrounding the incident giving rise to said claim);
  2. The Applicant's firsthand knowledge explaining, to the **City of Farmer City's** satisfaction, how the injury/death directly resulted from:
    - i. Response to fresh pursuit;
    - ii. Response to what is reasonably believed to be an emergency;
    - iii. An unlawful act perpetrated by another; or,
    - iv. Participation during the investigation of a criminal act;
  3. A signed PSEBA medical authorization release which authorizes the collection of information related to the incident including, but not limited to, disability pension proceedings, worker's compensation records, and medical records and specifies the name and address for pertinent health care provider(s);
  4. A signed PSEBA general information release specifying the name and signature of the Applicant or her/his authorized representative along with legal proof of said representation and name and signature of witness authorizing the collection of information pertinent to the incident review process;
  5. The name(s) of witnesses to the incident;
  6. The name(s) of witnesses the Applicant intends to call at the PSEBA hearing;
  7. Information and supporting pension documentation filed with the appropriate pension board;
  8. Information supporting the PSEBA eligibility requirements; and,
  9. Other sources of health insurance benefits currently enrolled in or received by the Applicant and/or family members if the Applicant is deceased.
- C. The PSEBA application must be submitted to the City Manager's Office in its entirety.
- D. The PSEBA application must be sworn and notarized to certify the truthfulness of the content of the information. A review of the application shall not occur until the application is complete.
- E. On the date that the PSEBA application is deemed complete by the **City of Farmer City**, the completed application shall then be submitted to the **City of Farmer City** as the

Preliminary Record, and a copy of the same shall be date stamped and provided to the Applicant.

- F. Upon receipt of a complete application for PSEBA benefits, the **City of Farmer City** shall set the matter for an administrative hearing before a Hearing Officer to make a determination on whether to grant the Applicant PSEBA benefits based on the result of the administrative hearing.
- G. The Applicant will be given written notice of the date for the scheduled administrative hearing to be served not less than ten (10) days prior to the commencement of the hearing. If the Applicant, upon receiving written notice of the administrative hearing, cannot attend said date, the Applicant must contact the Hearing Officer in writing within seven (7) days after being served. The Hearing Officer shall establish an alternative hearing date which is within thirty (30) days of the original hearing date. Failure to appear at the administrative hearing shall result in denial of PSEBA benefits.

**§ 32.127 ADMINISTRATIVE COMPOSITION.**

The administrative hearing shall be scheduled and conducted by a Hearing Officer whose authority and limitations are as follows:

- A. Authority of the Hearing Officer. The Hearing Officer shall have all of the authorities granted to her/him under common law relative to the conduct of an administrative hearing, including the authority to:
  - 1. Preside over **City of Farmer City** hearings involving PSEBA;
  - 2. Administer oaths;
  - 3. Hear testimony and accept evidence that is relevant to the issue of eligibility under PSEBA;
  - 4. Issue subpoenas to secure attendance of witnesses and the production of relevant papers or documents upon the request of the parties or their representatives;
  - 5. Rule upon objections in the admissibility of evidence;
  - 6. Preserve and authenticate the record of the hearing and all exhibits in evidence introduced at the hearing; and,
  - 7. Issue a determination based on the evidence presented at the hearing, the determination of which shall be in writing and shall include a written finding of fact, decision and order.
- B. Hearing Officer. The **Mayor**, with the advice and consent of the **City Council**, is hereby authorized to appoint a person to hold the position of Hearing Officer for each hearing on PSEBA benefits that shall come before this **City of Farmer City**. In making said selection, the following information should be considered, at a minimum:

1. The individual's ability to comply with the job description as set forth herein; and
2. The individual must be an attorney licensed to practice law in the State of Illinois and have knowledge of and experience in employment and labor law, general civil procedure, the rules of evidence, and administrative practice.

**§ 32.128. ADMINISTRATIVE HEARING.**

The system of administrative hearings for the determination of eligibility for benefits under PSEBA shall be initiated either by the **City of Farmer City** or by the Applicant after the submission of a full and complete PSEBA application. An administrative hearing shall be held to adjudicate and determine whether the Applicant is eligible for benefits under PSEBA. If the Applicant is found eligible, the benefits shall be consistent with the Act.

- A. Record. The **City of Farmer City** shall ensure that all hearings are attended by a certified court reporter and a transcript of all proceedings shall be made by said certified court reporter and a copy be provided to the Applicant within twenty-eight (28) days of the date of the administrative hearing.
- B. Procedures. The **City of Farmer City** and the Applicant shall be entitled to representation by counsel at said administrative hearing and present witnesses, testimony and documents, may cross-examine opposing witnesses, and may request the issuance of subpoenas to compel the appearance of relevant witnesses or the production of relevant documents.
- C. Evidence. The Illinois Rules of Evidence shall apply to the extent practicable unless, by such application, the Hearing Officer determines that application of the rule would be an injustice or preclude the introduction of evidence of the type commonly relied upon by a reasonably prudent person in the conduct of her or his affairs. Such determination shall be in the sole discretion of the Hearing Officer. The Hearing Officer must state on the record her or his reason for that determination.
- D. Final Determination. A written determination by the Hearing Officer of whether the petitioning Applicant is eligible for the benefits under PSEBA shall constitute a final administrative determination for the purpose of judicial review under the common law writ of certiorari.
- E. Burden of Proof. At any administrative hearing, the Applicant shall have the obligation and burden of proof to establish that the Applicant is eligible and qualified to receive PSEBA benefits. The standard of proof in all hearings conducted under this Ordinance shall be by the preponderance of the evidence.

F. Administrative Records. All records pertaining to the administrative process shall be held in a separate file under the Applicant's name with the **City of Farmer City**.

**Section 4.**

Repeal of Conflicting Provisions. All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

**Section 5.**

Severability. If any provision of this Ordinance or application thereof to any person or circumstances 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 6.**

The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED THIS 7<sup>th</sup> day of March, 2022.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED THIS 7th day of March, 2022.

\_\_\_\_\_  
**Mayor**

ATTEST:

\_\_\_\_\_  
Clerk