
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE MODIFYING THE CITY'S ADMINISTRATIVE PROCEDURES FOR
ASSESSING AND DETERMING CLAIMS UNDER PSEBA**

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WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois (“City”) being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the City of Rochelle, through Ordinance Number 17-4747, had previously established an Administrative Procedure for assessing and determining claims under the Illinois Public Safety Employees Benefit Act, (“PSEBA”) (820 ILCS 320/1, et seq.); and

WHEREAS, the City has determined that the previously adopted procedure is unduly burdensome on both PSEBA applicants and the City; and

WHEREAS, the Mayor and City Council find that it is in the best interest of the City and its residents to adopt the following modified procedures; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1: The Preambles hereto are hereby made a part of, and operative provisions of, this Ordinance as fully as if completely repeated at length herein.

Section 2: That any reference in Ordinance 17-4747 which would require review of a PSEBA applicant’s eligibility for benefits through an Administrative Hearing is now considered null and void.

Section 3: That the previously created PSEBA application procedures found in Ordinance 17-4747 be amended by deleting the following crossed-out language from Section Four, subparts F and G:

~~F. Upon receipt of a complete application for PSEBA benefits, the 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 4: That the previously created PSEBA application procedures found in Ordinance 17-4747 be amended by adding the following underlined language to Section 4:

F. Upon receipt of the complete application for PSEBA benefits, the City Manager shall review the application and decide whether to grant the Applicant PSEBA benefits.

G. The City Manager shall review the application and determine the Applicant's eligibility for the award of PSEBA benefits within fifteen (15) business days of receipt of a complete application. The City Manager shall provide the Applicant with a written determination of eligibility. The City Manager's written decision shall be deemed a final administrative decision under the Administrative Review Law (735 ILCS 5/3-101 et seq.), as amended.

H. Should the City Manager determine additional information regarding the circumstances surrounding the incident giving rise to the injury are needed, he or she is hereby authorized to request additional information from the PSEBA Applicant within fifteen (15) days of receipt of an application. In doing so, the City Manager shall make a request for additional information in writing, allowing a reasonable amount of time for the Applicant to respond to such request, and designating such deadline in the request. Should the City Manager request additional information, he or she will make a determination regarding benefits within fifteen (15) days of receipt of the Applicant's supplemental documentation.

Section 5: That the previously created PSEBA application procedures found in Ordinance 17-4747 be amended by deleting all the language from Sections Five and Six, including all of the following crossed-out words:

~~SECTION FIVE: 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 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. 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 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 SIX: ADMINISTRATIVE HEARING. The system of administrative hearings for the determination of eligibility for benefits under PSEBA shall be initiated either by the 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 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 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.~~

Section 6: Any PSEBA application which has been submitted to the City Manager but has not yet been assigned to a hearing officer under the conditions established by Ordinance 17-4747 shall now be reviewed by the City Manager for a determination of PSEBA eligibility under the terms provided in Section 4 above.

Section 7: Any policy, resolution, or ordinance of the City that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

Section 8: That this Ordinance shall be in full force and effect from and after its adoption and approval.

Section 9: The City Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.

ADOPTED this 12th day of January 2026, by the Mayor and City Council of the City of Rochelle on a roll call vote as follows:

AYES:

NAYS:

ABSENT:

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Huéramo, City Clerk of the City of Rochelle, County of Ogle and State of Illinois,
DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____,
“AN ORDINANCE MODIFYING THE CITY’S ADMINISTRATIVE PROCEDURES FOR
ASSESSING AND DETERMING CLAIMS UNDER PSEBA” which was adopted by the Mayor
and City Council of the City of Rochelle on this 12th day of January, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 12th day of January 2026.