

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

CERTIFICATION


I, LUS E. CHAVEZ, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Burnham, Cook County, Illinois, (the "Village"), and as such Village Clerk, I am the keeper of the official journal of proceedings, books, records, papers, minutes, entries, documents, resolutions, ordinances, and files of the Village and of the President and Board of Trustees, (the "Corporate Authorities"), thereof, and that attached is a full, true, and correct copy of ORDINANCE NO. 2025-O-001 now on file in my office entitled:

**ORDINANCE NO. 2025-O-001
DISTRICT 154.5 OPT-OUT
OPT-OUT FROM PAID LEAVE FOR ALL WORKERS ACT
AN ORDINANCE REGARDING THE ILLINOIS PAID LEAVE
FOR ALL WORKERS ACT FOR SCHOOL DISTRICT 154.5 IN
THE VILLAGE OF BURNHAM, ILLINOIS.**

I further certify that said Ordinance No. 2025-O-001 was duly passed on roll call vote by the Board of Trustees of the Village on the 28th day of January 2025 and approved by the President of the Village on the 28th day of January 2025, and that said Ordinance attached is now in full force and effect and has not been rescinded.

I do further certify that the deliberations of the Corporate Authorities on the passage of said Ordinance was taken openly, that the vote on the passage of said Ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all newspapers, radio or television stations and other news media requesting such notice; and that said meeting was called and held in strict compliance with the provisions of "AN ACT in relation to meeting", approved July 11, 1957, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied will all of the provisions of said Act and said Codes and with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I have affixed hereunto my official signature as
Village Clerk of the Village and the seal of the Village this 28th day of January 2025.



Lus E. Chavez
Village Clerk

(SEAL)

**THE VILLAGE OF BURNHAM
COOK COUNTY, ILLINOIS**

DISTRICT 154.5 OPT-OUT

OPT-OUT FROM PAID LEAVE FOR ALL WORKERS ACT

ORDINANCE NO. 2025-O-001

**AN ORDINANCE REGARDING THE ILLINOIS PAID LEAVE FOR ALL
WORKERS ACT FOR SCHOOL DISTRICT 154.5 IN THE VILLAGE OF
BURNHAM, ILLINOIS.**

WHEREAS, The Village of Burnham was organized as a municipal corporation on February 8, 1907, by court order under the Cities, Villages and Towns Act of the Illinois Revised Statutes in Cook County, Illinois; and

WHEREAS, the Village of Burnham, Cook County, Illinois has elected by referendum on March 11, 1980, to become a home rule unit, and accordingly, pursuant to the provisions of the *Constitution of the State of Illinois of 1970*, particularly Article VII Sec. 6 (a) thereof, the Village is a home rule unit; and

WHEREAS, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the *Constitution of the State of Illinois of 1970*, the Village may exercise any power and 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; to license; to tax; and to incur debt; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, the Village of Burnham is a home rule unit of government pursuant to Article VII, Section 6(a) of the Illinois Constitution and, pursuant to the provisions of said Section 6 of Article VII, may exercise any power or perform any function pertaining to its government and affairs; and

WHEREAS, on or about March 12, 2023, Governor JB Pritzker signed into law the Paid Leave for All Workers Act (820 ILCS 192/1 *et seq.*) (the "Act") with exceptions for school

district employees; and

WHEREAS, the State of Illinois did not make the necessary appropriations or include statutory language exempting the Act from the Illinois State Mandates Act (30 ILCS 805/1 *et seq.*); and

WHEREAS, the Act does not include any express limitation on the Village's home rule authority as required by Article VII, Section 6 of the Illinois Constitution; and

WHEREAS, Article VII, Section 6(i) of the *Illinois Constitution of 1970* provides that home rule units of local government may exercise and perform concurrently with the State any power or function to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive.

WHEREAS, the PLAWA does not preempt the Village's home rule authority.

WHEREAS, the Board of Commissioners of the County of Cook adopted Ordinance Amendment 24-0583, entitled "Cook County Paid Leave Ordinance" that requires employers in Cook County to provide a minimum amount of paid leave to employees effective December 31, 2023 (the "County Ordinance").

WHEREAS, the Board of Commissioners of the County of Cook adopted an amendment to the County Ordinance to temporarily exempt school districts from complying with the County Ordinance until January 1, 2025 (the "Temporary County Exemption").

WHEREAS, despite the State having exempted school districts from the PLAWA, the County has not extended the Temporary County Exemption, and school districts located in the County, including Burnham School District 154.5, must comply with the County Ordinance beginning on January 1, 2025.

WHEREAS, the Village recognizes that compliance with the County Ordinance imposes a unique hardship on units of local government that provide essential services to the residents of the Village including Burnham School District 154.5 (the "School District").

WHEREAS, the Village further recognizes that compliance with the County Ordinance might affect the School District's day-to-day operations and its ability to provide uninterrupted services.

WHEREAS, the Village deems it necessary to exercise its home rule authority so that the School District may continue to maintain its existing paid leave benefits program.

WHEREAS, Article VII, Section 6(c) of the Illinois Constitution provides that if "a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction."

WHEREAS, this Ordinance prevails over the County Ordinance to the extent that it conflicts with the County Ordinance pursuant to Section 6(c) of Article VII of the Illinois Constitution.

WHEREAS, pursuant to the Village's home rule powers, the Corporate Authorities find it in the best interest in the health, safety, and welfare of its residents to exempt the School District from the County Ordinance in the manner set forth in this Ordinance and the County Ordinance shall not prevail over this Ordinance within the jurisdiction of the Village pursuant to Section 6(c) of Article VII of the Illinois Constitution.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Burnham, Cook County, Illinois, by and through their Home Rule Powers, 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. EXEMPTION FROM COUNTY ORDINANCE.

- A. Pursuant to its home rule authority, the Village hereby declares that the School District is exempt from following the County Ordinance for its own employees who are primarily engaged in work within the Village of Burnham and may continue to offer those employees the same paid leave benefits that it currently provides to those employees, as such benefits may be amended from time to time.
- B. This Ordinance governs over and supersedes all provisions of the County Ordinance to the extent it conflicts with the County Ordinance
- C. This Ordinance, once adopted, applies to all employees of the School District who are primarily engaged in work within the Village of Burnham.

Section 3. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

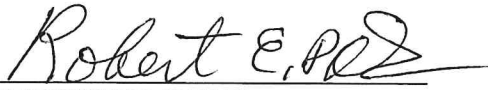
Section 4. All ordinances, resolutions, motions, or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law. This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a matter or regarding a matter not delegated to municipalities by state law.

Section 6. It is the intent of the Corporate Authorities of the Village of Burnham that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this Ordinance shall supersede state law in that regard within its jurisdiction.


Section 7. 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 and retro-active to January 1, 2025.

PASSED By the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 28th January 2025.


ROBERT E. POLK
Village President (Mayor)

PRESIDENT AND VILLAGE BOARD MEMBERS

| | AYES: | NAYS: | ABSENT: | ABSTAIN: |
|-----------------------------|-------------------|-------------------|-------------------|-------------------|
| Trustee John Cap Jr. | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Jefferey Hodges | <u> </u> | <u> </u> | <u> X </u> | <u> </u> |
| Trustee Graciela Garcia | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Brenda Greer | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Carmella Richardson | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Travis Claybrooks | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |


ROBERT E. POLK
Village President (Mayor)

ATTEST:


LUS E. CHAVEZ
Village Clerk (SEAL)

Recorded in Village Records:

Published in pamphlet form by authority of the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois on 28th day of January, 2025.

ATTEST:


LUS E. CHAVEZ, VILLAGE CLERK
(SEAL)