

ILL.

**Williamson County Board of Commissioners v. Board of Trustees of
the Illinois Municipal Retirement Fund**

Williamson County Board of Commissioners v. Board of Trustees of the Illinois Municipal Retirement Fund,
2020 IL 125330 (Ill. 2020) · No. 125330 · Decided June 4, 2020

SUMMARY

The Illinois Supreme Court held that section 7-137.2(a) of the Illinois Pension Code, which required county boards to adopt a resolution within 90 days of each general election certifying that board members work sufficient hours for IMRF participation, violates the pension protection clause of Article XIII, Section 5 of the Illinois Constitution. The court ruled that the clause protects the contractual relationship governed by the terms in effect when an employee becomes a member of the retirement system, and the legislature cannot unilaterally impose new eligibility requirements that diminish or impair that relationship. Because the plaintiffs satisfied the original IMRF eligibility requirements and their participation was terminated solely due to the county board's failure to comply with the new certification requirement, the provision could not be constitutionally applied to them. The court affirmed the circuit court's judgment declaring the provision unconstitutional and ordering reinstatement of the plaintiffs' IMRF membership and benefits.

CASE DETAILS

COURT	Ill.
WRITING FOR THE COURT	Kilbride; Anne M. Burke; Garman; Karmeier; Theis; Neville; Michael J. Burke
JURISDICTION	Illinois
DECIDED	June 4, 2020
DOCKET	125330
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from circuit court judgment reversing administrative decision and declaring statute unconstitutional under the Illinois Constitution.
STANDARD OF REVIEW	De novo
PRECEDENTIAL VALUE	Published

PARTIES

Board of Trustees of the Illinois Municipal Retirement Fund v.
Williamson County Board of Commissioners et al.

TOPICS

constitutional law

statutory interpretation

administrative law

appellate procedure

PRACTICE AREAS

Constitutional Law

Pension Law

Administrative Law

QUESTIONS PRESENTED

1. Whether section 7-137.2(a) of the Illinois Pension Code violates the pension protection clause of article XIII, section 5, of the Illinois Constitution.

KEY QUOTATIONS

“the clause provides that ‘[m]embership in any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof, shall be an enforceable contractual relationship, the benefits of which shall not be diminished or impaired.’” (2020 IL 125330, ¶ 31)

“the only reason their IMRF participation was terminated ... was the failure of the Williamson County Board of Commissioners to pass the service-hours resolution ... This newly created requirement ... did not exist when plaintiffs began their public employment and participation in IMRF. Thus, it cannot be constitutionally applied to plaintiffs.” (2020 IL 125330, ¶ 50)

“we affirm the circuit court’s judgment holding unconstitutional section 7-137.2 of the Pension Code ... under article XIII, section 5, of the Illinois Constitution.” (2020 IL 125330, ¶ 52)

FACTUAL BACKGROUND

Plaintiffs Robert Gentry, Ronald M. Ellis, and James D. Marlo were elected members of the Williamson County Board of Commissioners and participated in the Illinois Municipal Retirement Fund (IMRF) for several years. In 2016, the General Assembly enacted Public Act 99-900, adding section 7-137.2(a) to the Pension Code, which required county boards to adopt a resolution within 90 days of each general election certifying that board members were expected to work at least 1000 hours per year. The Williamson County Board failed to adopt the resolution within 90 days of the November 2016 election, resulting in the termination of plaintiffs' IMRF participation effective February 2017.

PROCEDURAL HISTORY

Plaintiffs, elected county board members, challenged the termination of their IMRF participation after the county board failed to adopt a resolution required by section 7-137.2(a) of the Pension Code. The Fund affirmed the termination. On administrative review, the circuit court reversed, finding the statute unconstitutional. The Fund appealed directly to the Illinois Supreme Court under Rule 302(a).

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The circuit court's order directing the Fund to reinstate plaintiffs with full rights, membership, and participation is affirmed.

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