

SANGAMON COUNTY, ILLINOIS

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ORDINANCE  
NUMBER 21-44

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**AN ORDINANCE AMENDING THE VILLAGE OF CHATHAM PERSONNEL CODE  
RELATING TO ANTI-NEPOTISM IN HIRINGS GOVERNED BY THE BOARD OF  
POLICE COMMISSIONERS**

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DAVE KIMSEY, Village President  
DAN HOLDEN, Village Clerk

KRISTEN CHIARO  
ANDREW DETMERS  
MEREDITH FERGUSON  
BRETT GERGER  
MATT MAU  
PAUL SCHERSCHEL  
Village Trustees

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of

Chatham  
on November 23, 2021

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62705

ORDINANCE NO. 21- 44

**AN ORDINANCE AMENDING THE VILLAGE OF CHATHAM PERSONNEL CODE  
RELATING TO ANTI-NEPOTISM IN HIRINGS GOVERNED BY THE BOARD OF  
POLICE COMMISSIONERS**

**WHEREAS**, the Village of Chatham, Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois; and,

**WHEREAS**, the corporate authorities of a municipality may dictate how employees, as distinguished from officers, are to be hired or fired and may delegate such power to some person other than the Mayor or President; and

**WHEREAS**, in 2016, the Village passed Ordinance 16-62 modifying its Personnel Code to update the Village's anti-nepotism provisions and to establish a policy against elected officials serving as officials for the Village, then immediately becoming employees of the Village; and,

**WHEREAS**, Division 2.1 Board of Fire and Police Commissioners, Chapter 65 of the Illinois Compiled Statutes (65 ILCS 5/10 - 2.1-1 et seq.), vests authority in a Board of Fire and Police Commissioners to conduct the hiring and promotions within the Village's police department; and,

**WHEREAS**, Division 2.1 Board of Fire and Police Commissioners, Chapter 65 of the Illinois Compiled Statutes (65 ILCS 5/10 - 2.1-1 et seq.), directs that the Board of Fire and Police Commissioners adopt Rules applicable to the conduct of examinations for original appointments, and for promotions, within the police department; and

**WHEREAS**, the Village Board of Trustees and the President of the Village of Chatham believe it is in the best interests of the Village to amend the Village Code in conformance with this Ordinance.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Chatham, Sangamon County, Illinois, as follows:

**Section 1.** Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**Section 2.** Amendment to Section 35.093. Chapter 35, Section 35.093, shall be amended as follows (added):

**§ 35.093 NEPOTISM / REVOLVING DOOR PROVISIONS.**

- A. Anti-Nepotism. Consistent with these provisions, the Village of Chatham shall prohibit nepotism. Consistent with that prohibition and the principle that Village employees and prospective employees should be evaluated on the basis of individual merit, without reference to considerations of race, sex, religion or national origin, or any other factors not involving personal professional qualifications and performance, the following restrictions, designed to avoid the possibility of favoritism based on family relationship, shall be observed with respect to employment of all Village personnel:
- (i) Immediate Family Members of Elected Officials. Members of a Village elected official's immediate family may not be considered for employment by the Village and may not be hired by the Village. Immediate family shall be defined herein to mean a spouse, parents, children, brothers, sisters, grandparents, all step relationships, all in-law relationships, all half relationships and any and all guardians and wards of the elected official.
  - (ii) Extended Family Members of Elected Officials. Members of a Village elected official's extended family may not be considered for employment by the Village and may not be hired if any of the following may apply: (1) a supervisor/subordinate relationship is created between the family members; (2) there is a potential for creating an adverse impact on work performance; (3) the employment could create either an actual conflict of interest or the appearance of a conflict of interest. Extended family shall be defined herein as any familial relation not within the immediate relationship defined above.
  - (iii) Family Members of Staff. Members of a staff member's immediate or extended family will be considered for employment on the basis of their qualifications. However, immediate family may not be hired, if employment would: (1) create a supervisor/subordinate

relationship between family members; (2) have the potential for creating an adverse impact on work performance; or (3) create either an actual conflict of interest or the appearance of a conflict of interest.

B. Revolving Door Prohibitions. Elected officials and/or former elected officials of the Village shall not be eligible for employment with the Village until at least 90 days after their last date of service as an elected official.

C. Board of Fire and Police Commissioners. Notwithstanding the foregoing, the Village Board of Fire and Police Commissioners shall evaluate candidates in accordance with state statute and its duly approved testing rules.

**Section 3.** Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

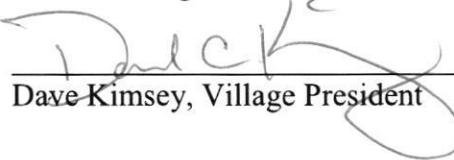
**Section 4.** Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this ordinance.

**Section 5.** Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

	AYE	NAY	ABSTAIN	ABSENT
KRISTEN CHIARO	✓			
ANDREW DETMERS	✓			
MEREDITH FERGUSON				✓
BRETT GERGER	✓			
MATT MAU	✓			
PAUL SCHERSCHEL	✓			
DAVE KIMSEY				

TOTAL	5	0	0	1

**APPROVED** by the President of the Village of Chatham, Illinois this 23 day of November, 2021.

  
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 Dave Kimsey, Village President

Attest:

  
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 Dan Holden, Village Clerk