

CITY OF NOKOMIS, ILLINOIS

ORDINANCE NO. 2149

AN ORDINANCE AMENDING SECTIONS 1-2-26 AND 1-2-50 OF THE REVISED CODE OF ORDINANCES OF NOKOMIS, ILLINOIS AND ESTABLISHING AN ANTI-NEPOTISM POLICY

ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF NOKOMIS, ILLINOIS

THIS 23rd DAY OF FEBRUARY, 2026

Published in pamphlet form by the authority of the City Council of the City of Nokomis, Montgomery County, Illinois, this _____ day of February, 2026.



GIFFIN WINNING
COHEN & BODEWES, P.C.
ATTORNEYS AT LAW

900 COMMUNITY DRIVE
SPRINGFIELD, ILLINOIS 62703
TELEPHONE (217) 525-1571

CITY OF NOKOMIS, ILLINOIS

Ordinance No. 2149

**AN ORDINANCE AMENDING SECTIONS 1-2-26 AND 1-2-50 OF THE
REVISED CODE OF ORDINANCES OF NOKOMIS, ILLINOIS AND
ESTABLISHING AN ANTI-NEPOTISM POLICY**

WHEREAS, the City of Nokomis, Illinois (hereinafter, the “City”) is an Illinois non-home rule municipal corporation pursuant to Article VII, § 7 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*); and

WHEREAS, pursuant to Section 1-2-1 of the Illinois Municipal Code, 65 ILCS 5/1-2-1, the City “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, both the Illinois Municipal Code (65 ILCS 5/4-3-4(b)) and Section 1-2-26 of the Revised Code of Ordinances of Nokomis, Illinois provide for appointments of members of the City Council when a vacancy in elected office occurs; and

WHEREAS, Illinois law establishes eligibility for elective office, but the City retains the right to regulate how it exercises its discretionary power of appointment; and

WHEREAS, the City Council recognizes that public confidence in municipal government depends upon fairness, transparency, and the avoidance of actual or perceived favoritism in employment and appointment decisions; and

WHEREAS, the appearance of favoritism or preferential treatment undermines public trust and employee morale; and

WHEREAS, the hiring, supervision, or evaluation of relatives of elected officials or employees may give rise to conflicts of interest or the appearance of impropriety; and

WHEREAS, the City possesses authority under the Illinois Municipal Code to regulate municipal employment practices and to adopt policies necessary for the proper administration of municipal affairs; and

WHEREAS, the corporate authorities find it in the best interests of the City and its residents to adopt clear standards governing the employment of relatives in

order to promote merit-based hiring and impartial administration; and

WHEREAS, the corporate authorities further find it in the best interests of the City and its residents to adopt clear standards governing the filling of vacancies in elective or appointed offices in order to promote merit-based appointments; and

WHEREAS, the City Council additionally finds that adopting an anti-nepotism policy governing municipal employment and appointments will promote integrity, accountability, and public confidence in City government; and

WHEREAS, this Ordinance is intended to regulate the conduct of municipal hiring and employment practices and not to establish additional qualifications for elective office under state law.

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

SECTION 1: The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of City Council of the City of Nokomis, Illinois.

SECTION 2: Section 1-2-26 of the Revised Code is hereby amended by adding a second sentence, to read as follows:

1-2-26 VACANCIES. If a vacancy occurs in any of these offices, the remaining members of the Council, within **thirty (30) days** after the vacancy occurs, shall appoint a person to fill the vacancy for the balance of the unexpired term or until the vacancy is filled by interim election under Section 3.1-10-50 of this Chapter and until the successor is elected and has qualified. No person shall be appointed to fill a vacancy in an elective or appointed office of the City if such person is a relative, as defined in Section 1-2-50 of this Code, of the Mayor or of any Commissioner who is then serving on the City Council at the time of the appointment.

SECTION 3: Section 1-2-50 of the Revised Code, which is currently "**RESERVED**" is hereby amended to read as follows:

1-2-50 ANTI-NEPOTISM POLICY.

(A) The employment of immediate family can cause various problems, including charges of favoritism, conflicts of interest, family discord, and scheduling conflicts that work to the disadvantage of the village, its employees and elected officials. Therefore, it is the policy of the City of Nokomis to not hire relatives, as defined.

(B) No individual shall be hired or employed by the City of Nokomis for any position if that individual is a relative, as defined by this section, of an elected City official. Any employee who is a relative of an elected City official must either voluntarily quit or terminate his/her employment within 30 days of the date of the election of the City official. However, any current employee that meets these requirements on the date that this section is approved by the City Council is specifically exempted from this provision and may retain his/her job.

(C) Relatives of City employees who are not relatives of City elected officials may be hired or employed by the City of Nokomis only where that individual would not supervise a relative or be supervised by a relative, as defined by this section. The employee also may not evaluate a relative's job performance and may not recommend a salary increase for a relative.

(D) If two City employees are currently in the same department, and if there is a supervisory/subordinate relationship, one of the two must transfer departments, if a position for which he or she is qualified is available. If no position is available, one employee must either voluntarily quit or terminate his/her employment within 90 days of the date on which the two became relatives. The choice regarding which employee shall leave shall be made by the employees. If there is an unwillingness to make a decision, the employee with the least seniority shall be terminated, unless the City Council determines that the needs of the City demand otherwise.

(E) For purposes of this section and policy the term "relative" is defined as the employee's spouse, civil union spouse/partner, dependent child (biological, foster, or step), father, mother, son/daughter (including step and in-law), sister, brother, grandparent, or grandchild.

SECTION 4: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance, which are hereby declared to be separable.

SECTION 5: All ordinances, resolutions, motions, or parts thereof in conflict with this Ordinance are hereby superseded, and this Ordinance shall be in full force and effect upon its adoption, approval, and publication as required by law.

SECTION 6: The Mayor is authorized and directed to sign and the Clerk is authorized and directed to attest to this Ordinance. Further, the City Clerk shall publish this Ordinance in pamphlet form and shall see to its inclusion in the next published update of the City Code.

Adopted this 9th day of February, 2026, by roll call votes as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Present</u>	<u>Absent</u>	<u>Abstain</u>
Commissioner Arkebauer					
Commissioner Morris					
Commissioner Glenn					
Commissioner O'Malley					
Mayor Goldsmith					

APPROVED by the Mayor of the City of Nokomis, Illinois this ___ day of February, 2026.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) ss.
CITY OF NOKOMIS)

CERTIFICATE

I certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2149 of said City; that said Ordinance, which is

**AN ORDINANCE AMENDING SECTIONS 1-2-26 AND 1-2-50 OF THE
REVISED CODE OF ORDINANCES OF NOKOMIS, ILLINOIS AND
ESTABLISHING AN ANTI-NEPOTISM POLICY**

was passed by the City Council of the City of Nokomis, Montgomery County, Illinois, by yea and nay vote on the 23rd day of February, 2026; that said Ordinance was approved by the Mayor on the ___ day of February, 2026; and that said Ordinance was then deposited in the office of the City Clerk of said City and filed therein; and that the same was recorded in the Record of Ordinances of said City.

I further certify said Ordinance provided by its terms that it should be published in pamphlet form; that the pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof, was prepared; that a copy of such Ordinance was posted in the Nokomis City Hall, commencing on the ___ day of February, 2026, to continue for at least ten (10) days thereafter; and that copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Nokomis, Illinois, this ___ day of February, 2026.

(SEAL)

City Clerk