

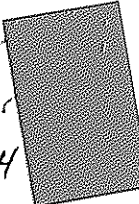
Schad, Patrick F.

From: John Myers [jmyers@springfieldlaw.com]
Sent: Monday, November 28, 2005 1:48 PM
To: Schad, Patrick F.
Subject: Re: Pam Newbanks--Fast Action needed

You can reach me by e-mail or by cell phone, 725-3877.

Thanks.

see ES
MINUTES
1/13/04



Schad, Patrick F. wrote:

John,
I just got off the phone with Del. I'm going in the village office after work to resolve this confusion. I very vaguely remember an ordinance being passed authorizing the second position because Galloway had been hired (as the second sergeant) but the position hadn't been authorized.

Del thinks a later ordinance was passed authorizing the third position.

If, indeed the minutes should have mentioned the third position, rather than the second, they weren't "corrected".

How can I reach you after hours if necessary?
Pat

From: John Myers [mailto:jmyers@springfieldlaw.com]
Sent: Monday, November 28, 2005 12:59 PM
To: Schad, Patrick F.
Cc: Roy Barnett; Del McCord; Tom Gray
Subject: Pam Newbanks--Fast Action needed

Pat:

The week before last, the Department of Human Rights investigator requested a copy of the ordinance creating the third sergeant's position, and I promised I would deliver it today. Following up, I asked Roy Barnett to find the ordinance, and last week while I was out of town, Roy provided me with Ordinance No. 04-03, which I scanned and attach in pdf format. As you can see, this ordinance does not, in fact, create a third sergeant position.

My copy of Ordinance No. 04-03, which was on my computer and is in MS Word format, is also attached. This copy does create a third sergeant position. According to my records, this is the ordinance that I e-mailed to the Board on February 4, 2004 for consideration on February 10. Also, in an e-mail to me dated January 28, 2004, you said:

"You're going to draft an ordinance recognizing the existing 2nd sergeant position, currently held by Sergeant Galloway, as a position authorized by the board and creating, or authorizing, a third sergeant position ... to be filled from a new eligibility list yet to be created by the Police Commission.

I also attach a copy of the minutes for February 10, 2004 relating to this ordinance. The minutes state that a second sergeant position was created, and are silent as to a third sergeant position.

The question is: what happened here? Which ordinance was passed? I am 97% certain it had to be my version, not your version. And if it was your version, who made the changes from my version, and why? Incidentally, I didn't attend the February 10, 2004 meeting. Presumably, if you can find the tape, we might have an answer.

Also, we are on record, under oath, with the Department of Human Rights saying that the third sergeant position was created on May 1, 2004. And I don't think there is any doubt in anybody's mind that this was the Board's intent. And so, if it wasn't my version of the ordinance that was passed, then is there another ordinance creating the third position?

It is critical that I get an immediate response to this (hopefully tomorrow a.m.) because I promised the DOR investigator an answer today, and worse, she is having a conference call with me and the Board of Fire and Police Commissioners on Friday of this week. I certainly apologize for the inconvenience.

Thanks.

John

VILLAGE OF CHATHAM, ILLINOIS

ORDINANCE NO. 04 - 03

AN ORDINANCE RELATING TO POLICE SERGEANT AND AMENDING
THE CODE OF ORDINANCES OF THE VILLAGE OF CHATHAM

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF CHATHAM, ILLINOIS THIS 10TH DAY OF FEBRUARY, 2004

Published in pamphlet form by the authority of the President and
Board of Trustees of the Village of Chatham, Sangamon County,
Illinois, this 10th day of February 2004.

Ordinance N o .04- 03

AN ORDINANCE RELATING TO POLICE SERGEANTS AND AMENDING
CODE OF ORDINANCES OF THE VILLAGE OF CHATHAM

*BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF
THE VILLAGE OF CHATHAM, AS FOLLO WS:*

SECTION 1: Section 32.11(B) of the Code of Ordinances of the Village of Chatham is amended to state as follows:

B. In accordance with past practices, there shall be two police sergeant positions in the Village Police Department.

SECTION 2: Subsection (C) is added to Section 32.11(B) of the Code of Ordinances of the Village of Chatham, to state as follows:

(C) Whenever there is a vacancy in a sergeant position, the Chief of Police shall notify the Village Board of the vacancy. If the Village Board determines that it wishes to fill the vacancy, it shall by motion duly made, seconded and passed, notify the Board of Fire and Police Commissioners of the vacancy and request that the vacancy be filled in accordance with the provisions of the Illinois Municipal Code pertaining to Boards of Fire and Police Commissioners. The Board of Fire and Police Commissioners shall fill no vacancy unless the Village Board in has given notice to it in accordance with this section.

SECTION 3: This Ordinance is effective upon its passage and approval as required by law. The Clerk shall see to its inclusion in the next update of the Village Code of Ordinances.

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

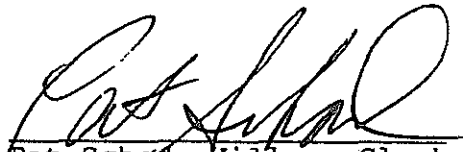
I do further certify that the Ordinance attached hereto is a full, true, and exact copy of Ordinance No. 04-03 adopted by the President and Board of Trustees of said Village on the 10th day of February, 2004, said Ordinance being entitled:

**AN ORDINANCE RELATING TO POLICE SERGEANT AND AMENDING
THE CODE OF ORDINANCES OF THE VILLAGE OF CHATHAM**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 10th day of February, 2004.




Pat Schad, Village Clerk

**AN ORDINANCE RELATING TO POLICE SERGEANTS AND AMENDING
CODE OF ORDINANCES OF THE VILLAGE OF CHATHAM**

*BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF CHATHAM, AS FOLLOWS:*

SECTION 1: Section 32.11(B) of the Code of Ordinances of the Village of Chatham is amended to state as follows:

B. Until May 1, 2004, and in accordance with past practices, there shall be two police sergeant positions in the Village Police Department. Effective May 1, 2004, there shall be an additional, third police sergeant position in the Village Police Department.

SECTION 2: Subsection (C) is added to Section 32.11(B) of the Code of Ordinances of the Village of Chatham, to state as follows:

(C) Whenever there is a vacancy in a sergeant position, the Chief of Police shall notify the Village Board of the vacancy. If the Village Board determines that it wishes to fill the vacancy, it shall by motion duly made, seconded and passed, notify the Board of Fire and Police Commissioners of the vacancy and request that the vacancy be filled in accordance with the provisions of the Illinois Municipal Code pertaining to Boards of Fire and Police Commissioners. No vacancy shall be filled by the Board of Fire and Police Commissioners unless notice has been given to it by the Village Board in accordance with this section.

SECTION 3: This Ordinance is effective upon its passage and approval as required by law. The Clerk shall see to its inclusion in the next update of the Village Code of Ordinances.

PASSED this _____ day of _____, 2004.

VILLAGE PRESIDENT

ATTEST:

Village Clerk

AYES: _____

NAYS: _____

PASSED: _____

APPROVED: _____

ABSENT: _____

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 04-____ adopted by the President and Board of Trustees of said Village on the ____ day of _____, 2004, said Ordinance being entitled:

**AN ORDINANCE RELATING TO POLICE SERGEANTS AND AMENDING
CODE OF ORDINANCES OF THE VILLAGE OF CHATHAM**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this ____ day of _____, 2004.

Village Clerk

ORDINANCE NO. 04-44

AN ORDINANCE AUTHORIZING AN ADDITIONAL POLICE SERGEANT POSITION AND AMENDING THE VILLAGE OF CHATHAM CODE OF ORDINANCES

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, ILLINOIS, AS FOLLOWS:

SECTION 1: 32.11(B) of the Code of Ordinances of the Village of Chatham is amended to state as follows:

"(B) There shall be three police sergeant positions in the Village Police Department."

SECTION 2: This Ordinance is effective upon its passage and approval as provided by law. The Clerk shall see to its inclusion in the next update of the Code of Ordinances.

PASSED THIS 13 DAY OF July, 2004

Thomas S. Gray
Thomas S. Gray, President
Village of Chatham

ATTEST:
Pat Schad, Village Clerk

AYES: KAUNAGH, SHERR, BOYLE, MCCARTHY, MCGRATH
NAYS: 0
ABSENT: 1 M'ROAMS

PASSED: 7-13-04
APPROVED: 7-13-04



ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 04-44, adopted by the President and Board of Trustees of said Village on the 13 day of July, 2004, said Ordinance being entitled:

AN ORDINANCE AUTHORIZING AN ADDITIONAL POLICE SERGEANT POSITION AND AMENDING THE VILLAGE OF CHATHAM CODE OF ORDINANCES

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 13 day of July, 2004.



Village Clerk



ORDINANCE NO. 04-44

AN ORDINANCE AUTHORIZING AN ADDITIONAL POLICE SERGEANT POSITION AND AMENDING THE VILLAGE OF CHATHAM CODE OF ORDINANCES

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, ILLINOIS, AS FOLLOWS:

SECTION 1: 32.11(B) of the Code of Ordinances of the Village of Chatham is amended to state as follows:

"(B) There shall be three police sergeant positions in the Village Police Department."

SECTION 2: This Ordinance is effective upon its passage and approval as provided by law. The Clerk shall see to its inclusion in the next update of the Code of Ordinances.

PASSED THIS 13 DAY OF July, 2004

Thomas S. Gray
Thomas S. Gray, President
Village of Chatham

ATTEST:
Pat Schad, Village Clerk

AYES: 5 KAVANAGH, HERR, BOYLE, MCCARTHY, MCGRATH
NAYS: 0
ABSENT: 1 M'ROAMS

PASSED: 7-13-04
APPROVED: 7-13-04



ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 04-44, adopted by the President and Board of Trustees of said Village on the 13 day of July, 2004, said Ordinance being entitled:

AN ORDINANCE AUTHORIZING AN ADDITIONAL POLICE SERGEANT POSITION AND AMENDING THE VILLAGE OF CHATHAM CODE OF ORDINANCES

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 13 day of July, 2004.



Village Clerk

