

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village**  
**7/7/2020**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
DUI Prosecution Contract	Enza Petrarca Village Attorney

**SYNOPSIS**

A resolution has been prepared authorizing execution of an agreement for DUI prosecution services with McMahon Law Offices in the amount of \$35,000, but not to exceed \$45,000.

**STRATEGIC PLAN ALIGNMENT**

The goals for 2019-2021 include *Exceptional Municipal Services*.

**FISCAL IMPACT**

The FY20 budget includes \$45,000 in the General Fund for this contract.

**RECOMMENDATION**

Approval on the July 7, 2020 Consent Agenda.

**BACKGROUND**

The current DUI prosecution agreement with McMahon Law Offices ("McMahon") is up for renewal. McMahon has agreed to reduce their fee from \$45,000/year to a \$35,000/year flat fee for three years, provided the number of DUI cases per year does not exceed one hundred. If so, the contract will increase back to \$45,000/year.

Staff has been pleased with the work McMahon has performed over the years and has a good working relationship with the firm. Therefore, staff recommends the approval of the attached resolution authorizing an agreement for legal services with McMahon for an additional three years.

**ATTACHMENTS**

Resolution  
Agreement

**RESOLUTION NO.****A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR PROSECUTION SERVICES WITH MCMAHON LAW OFFICES**

BE IT RESOLVED by the Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the form and substance of a proposed Agreement (the "Agreement") between the Village of Downers Grove (the "Village"), and McMahon Law Offices ("McMahon") providing for services related to the prosecution of DUI violations for the Village in the courts of DuPage County, Illinois, for the Village, and other matters related thereto, as set forth in the form of the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

\_\_\_\_\_  
Mayor

Passed:

Attest: \_\_\_\_\_  
Village Clerk

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## AGREEMENT FOR PROSECUTION SERVICES

This agreement dated this 25<sup>th</sup> day of June, 2020 is made between the Village of Downers Grove (the "Village") and McMahon Law Offices ("McMahon") 18W140 Butterfield Road, Ste. 1500, Oakbrook Terrace, IL 60181.

WHEREAS, the Village is desirous of having a qualified attorney represent the Village for DUI violation cases prosecuted in the Courts of DuPage County, Illinois.

NOW, THEREFORE, in consideration of the mutual undertakings and promises contained herein, the parties agree to as follows.

Section 1. McMahon Law Offices, shall prosecute DUI violations of the Village of Downers Grove and shall represent the Village at regular Court sessions held at the Wheaton County Courthouse designated for said Village's cases during the terms of this Agreement.

Section 2. The Village shall pay McMahon a flat fee of Thirty-Five Thousand Dollars (\$35,000.00) over a twelve (12) equal month period. Said fee shall be payable in twelve (12) equal monthly installments. That this fee shall include compensation for in-court time, preparation, travel time and any and all administrative costs in connection with prosecuting DUI cases. In the event court cases exceed one hundred (100) per calendar year, said flat fee shall increase to Forty-Five Thousand Dollars (\$45,000.00) over a twelve (12) equal month period.

Section 3. The Village may designate that individual DUI ordinance violation cases be prosecuted by its Village attorneys.

Section 4. This Agreement will be effective August 1, 2020 through July 31, 2023.

Section 5. A Campaign Disclosure Certificate is required pursuant to the Village of Downers Grove Council Policy on Ethical Standards and is applicable to those campaign contributions made to any member of the sitting Village Council and is provided as an attachment to this Agreement as Exhibit A.

Said Campaign Disclosure Certificate requires any individual or entity doing business with the Village to disclose campaign contributions, as defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4), made to current members of the Village Council within the five (5) year period preceding the date of the bid or proposal release.

By signing the documents, McMahon agrees to refrain from making any campaign contributions as defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4) to any current Village Council member and any challengers seeking to serve as a member of the Downers Grove Village Council.

Notwithstanding any provision contained herein to the contrary, this Agreement may be terminated by either party at any time. But, McMahon agrees to give sixty (60) days prior written notice to the Village of Downers Grove.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

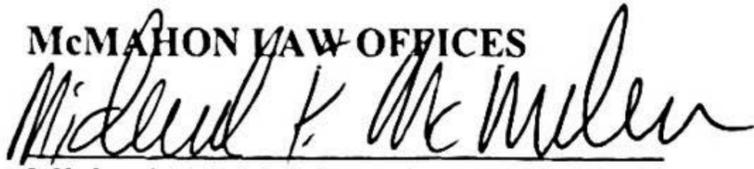
**VILLAGE OF DOWNERS GROVE**

\_\_\_\_\_  
Village Manager

Attest:

\_\_\_\_\_  
Village Clerk

**McMAHON LAW OFFICES**



Michael F. McMahon, Attorney at Law

# Campaign Disclosure Certificate

Any contractor, proposer, Proposer or vendor who responds by submitting a bid or proposal to the Village of Downers Grove shall be required to submit with its bid submission, an executed Campaign Disclosure Certificate, attached hereto.

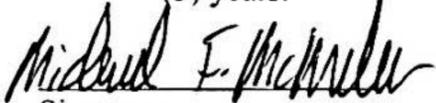
The Campaign Disclosure Certificate is required pursuant to the Village of Downers Grove Council Policy on Ethical Standards and is applicable to those campaign contributions made to any member of the Village Council.

Said Campaign Disclosure Certificate requires any individual or entity bidding to disclose campaign contributions, as defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4), made to current members of the Village Council within the five (5) year period preceding the date of the bid or proposal release.

By signing the bid documents, contractor/proposer/Proposer/vendor agrees to refrain from making any campaign contributions as defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4) to any Village Council member and any challengers seeking to serve as a member of the Downers Grove Village Council.

Under penalty of perjury, I declare:

Proposer/vendor has not contributed to any elected Village position within the last five (5) years.

  
Signature

Michael F. McMahon  
Print Name

Proposer/vendor has contributed a campaign contribution to a current member of the Village Council within the last five (5) years.

Print the following information:

Name of Contributor: \_\_\_\_\_  
(company or individual)

To whom contribution was made: \_\_\_\_\_

Year contribution made: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Michael F. McMahon  
Retired County Board Commissioner

**McMahon Law Offices**  
Attorneys & Counselors at Law

www.mcmahonlegal.net

Honorable Cary B. Pierce  
Retired Judge

One Lincoln Center 18W140 Butterfield Road Ste 1500 • Oakbrook Terrace, IL 60181 • Telephone (630) 953-4400 • Facsimile (630) 953-4401

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6/25/2020

Enza Petrarca

Village of Downers Grove  
801 Burlington Ave  
Downers Grove IL 60515

Dear Enza,

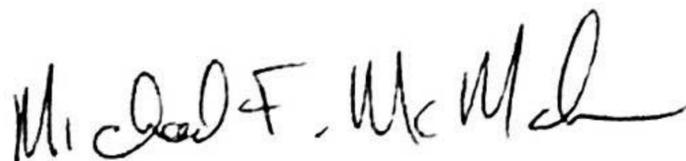
It has been a pleasure serving the Village of Downers Grove for 19 years. I would very much like to continue serving in my role as the Prosecutor for all village DUI cases.

Considering the Covid-19 pandemic and the devastating effect on our economy as well as the Village of Downers Grove's budget, I am willing to reduce my fee to \$35,000 per year. The fee will continue to cover all of my time spent in court, as well as any other costs incurred by my firm. I further purpose, that in the event that the number of DUI cases was to increase over the amount of 100, then my fee would increase the following year to my current rate of \$45,000 per year.

Considering the fact that the village has written much lower amount of DUI cases, I feel that this is a fair offer at this time.

Should you have any questions or need any further documentation please free to contact me.

Sincerely,



Michael McMahon  
Attorney at Law