

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney **DATE:** June 19, 2001
(Name)

RECOMMENDATION FROM: Village Attorney **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to approve "A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR LEGAL SERVICES WITH MICHAEL F. McMAHON," as presented.

SUMMARY OF ITEM:

Adoption of the attached resolution will authorize execution of an agreement with Michael F. McMahon for the prosecution of Village DUI violations in the DuPage County Courts from July 1, 2001, through April 30, 2002.

RECORD OF ACTION TAKEN:

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF AN
AGREEMENT FOR LEGAL SERVICES WITH MICHAEL F. McMAHON**

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 Michael F. McMahon providing for services related to the prosecution of DUI violations for the Village in the courts of DuPage County, Illinois, from July 1, 2001, through April 30, 2002, 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 That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.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

AN AGREEMENT FOR PROSECUTION SERVICES

This agreement dated this _____ day of _____, 2001 is made between the Village of Downers Grove (the "Village") and the Law Offices of MICHAEL F. McMAHON, 11 S. 526 Rachael Court, Hinsdale, IL 60521.

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. MICHAEL F. McMAHON, Attorney at Law, shall prosecute DUI local ordinance violations of the Village of Downers Grove and shall represent the Village at regular Court sessions held at Wheaton County Courthouse designated for said Village's cases during the terms of this Agreement.

Section 2. The Village shall pay MICHAEL F. McMAHON a flat fee of \$33,300.00 over a ten (10) month period commencing July 1, 2001 and ending April 30, 2002. Said fee shall be payable in ten (10) 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.

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 from July 1, 2001 though April 30, 2002. Notwithstanding any provision contained herein to the contrary, this Agreement may be terminated by either party at any time. But, MICHAEL F. McMAHON agrees to give thirty (30) days prior written notice to the Village of Downers Grove. Dated this _____ day of _____, 2001.

VILLAGE OF DOWNERS GROVE

By: _____
Village Manager

Attest:

Village Clerk

Michael F. McMahon, Attorney at Law

