

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
FEBRUARY 6, 2007 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Resolution authorizing execution of an agreement for prosecution services	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Motion <input type="checkbox"/> Discussion Only	Enza Petrarca Village Attorney

SYNOPSIS

A resolution has been prepared authorizing execution of an agreement for driving under the influence of alcohol (DUI) prosecution services with Michael McMahon of Oakbrook Terrace, Illinois.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2006-2011 identified *Exceptional Municipal Organization*. A supporting objective identified a *Financially Sound and Sustainable Village Government*.

FISCAL IMPACT

The FY 2007 Budget provides funding for this contract. The cost of a one-year contract for such services is \$55,000.

UPDATE & RECOMMENDATION

This item was presented January 9, 2007, at the Council Workshop. On January 16, 2007 the item was removed from the consent agenda and tabled.

Approval is recommended on the February 6, 2007, active agenda.

BACKGROUND

In 2001, the Village contracted with attorney Michael F. McMahon to prosecute ordinance DUI offenses. With the exception of late 2003 through 2004 when we brought the prosecutions in-house, Mr. McMahon has continued to prosecute Downers Grove ordinance DUI cases. Mr. McMahon is a former DuPage County Assistant State's Attorney with extensive experience prosecuting DUI offenses in the DuPage Court system. While Mr. McMahon has been providing DUI prosecution services for the Village, the Village has been satisfied with his services.

Mr. McMahon is proposing to perform DUI prosecution services at \$55,000.00 per year which does not represent an increase in his rate from the previous year contract. This contract provides prosecution services for a term of one year commencing on February 1, 2007 and ending January 31, 2008.

ATTACHMENTS

Resolution
 Agreement

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney **DATE:** February 6, 2007
(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 DOLCI & MCMAHON," as presented.

SUMMARY OF ITEM:

Adoption of the attached resolution will authorize execution of an agreement with Dolci & McMahon for the prosecution of DUI violations for the Village in the courts of DuPage County, Illinois.

RECORD OF ACTION TAKEN:

RESOLUTION NO.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR PROSECUTION SERVICES WITH DOLCI & 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 Dolci & 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

AN AGREEMENT FOR PROSECUTION SERVICES

This agreement dated this _____ day of _____, 20__ is made between the Village of Downers Grove (the "Village") and Dolci & McMahon, 17W662 Butterfield Road, Suite 304, Oakbrook Terrace, Illinois, 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. DOLCI & McMAHON, Attorneys as Law, 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 DOLCI & McMAHON a flat fee of Fifty Five Thousand Dollars (\$55,000.00) over a twelve (12) equal month period commencing February 1, 2007 and ending January 31, 2008. 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.

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 February 1, 2007 through January 31, 2008.

Notwithstanding any provision contained herein to the contrary, this Agreement may be terminated by either party at any time. But, DOLCI & 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:

DOLCI & McMAHON

Village Clerk

Michael F. McMahon, Attorney at Law