

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL WORKSHOP  
FEBRUARY 9, 2010 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Prosecution Services Agreement	✓ Resolution Ordinance Motion Discussion Only	Enza Petrarca Village Attorney

**SYNOPSIS**

A resolution has been prepared authorizing an agreement with Linda S. Pieczynski, Attorney at Law, P.C. for ordinance violation prosecution services for a flat fee of \$35,000.

**STRATEGIC PLAN ALIGNMENT**

The Five Year Plan and Goals include *Exceptional Municipal Organization*. A supporting objective of this statement is to provide *Steward of Financial Sustainability*.

**FISCAL IMPACT**

The FY10 budget includes \$40,000 in the General Fund for this service.

**RECOMMENDATION**

Approval on the February 9, 2010 consent agenda.

**BACKGROUND**

The Village issued a Request for Proposal (RFP) for prosecution services in January, 2010 and received five responses. Staff has reviewed the RFP responses and recommends Linda S. Pieczynski, Attorney at Law, P.C. for these services. Ms. Pieczynski previously represented the Village from approximately 1989-2003, when the Village opted to handle prosecutions in-house. The key issue utilized by staff in evaluating the proposals was experience and knowledge regarding the Village code enforcement cases. Ms. Pieczynski has extensive experience in code enforcement issues, property maintenance cases and abandoned property issues. Additionally, as a former Assistant State's Attorney, Ms. Pieczynski has extensive experience in dealing with police department issues.

**ATTACHMENTS**

Resolution  
Agreement

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING EXECUTION OF AN  
AGREEMENT FOR PROSECUTION SERVICES  
BETWEEN THE VILLAGE OF DOWNERS GROVE  
AND LINDA S. PIECZYNSKI, ATTORNEY AT LAW, P.C.**

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 Linda S. Pieczynski, Attorney at Law, P.C. providing for services related to the prosecution of traffic citations and ordinance 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 Linda S. Pieczynski, Attorney at Law, P.C., 125 W. 2<sup>nd</sup> Street, Hinsdale, Illinois, 60521.

WHEREAS, the Village is desirous of having a qualified attorney represent the Village for local ordinance violation cases prosecuted in the Downers Grove Field Court.

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

Section 1. Linda S. Pieczynski, Attorney at Law, P.C., shall prosecute local ordinance violations of the Village of Downers Grove and shall represent the Village at regular Court sessions held at the Downers Grove Field Court designated for said Village's cases during the terms of this Agreement.

Section 2. The Village shall pay Linda S. Pieczynski, Attorney at Law, P.C., a flat fee of Thirty-Five Thousand Dollars (\$35,000.00) over a twelve (12) equal month period commencing March 1<sup>st</sup> and ending February 28<sup>th</sup>, the following year. Said fee shall be payable in twelve (12) equal monthly installments. That this fee shall include compensation for in-court time, preparation, travel time, attendance at meetings with Village staff, telephone conferences, and any and all administrative costs in connection with prosecuting ordinance violation cases. This does not include training.

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

Section 4. This Agreement will be effective March 1, 2010 through February 28, 2011 and may be automatically extended for two (2) subsequent annual terms. The First Extension shall commence March 1, 2011, ending February 29, 2012. The second extension shall commence March 1, 2012, resulting in a final termination date of February 28, 2013. Any other amendment shall be in writing and shall be signed by all parties.

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.

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, Linda S. Pieczynski, Attorney at Law, P.C. 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.

Notwithstanding any provision contained herein to the contrary, this Agreement may be

terminated by either party at any time. But, Linda S. Pieczynski, Attorney at Law, P.C., agrees to give sixty (60) days prior written notice to the Village of Downers Grove.

Dated this \_\_\_\_\_ day of 2010.

VILLAGE OF DOWNERS GROVE

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

Attest:

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

\_\_\_\_\_  
Linda S. Pieczynski, Attorney at Law, P.C.

# CAMPAIGN DISCLOSURE CERTIFICATE

Any contractor, proposer, bidder 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.

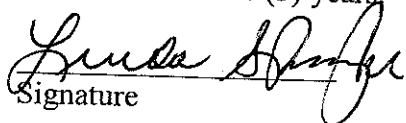
The Campaign Disclosure Certificate is required pursuant to the Village of Downers Grove Council Policy on Ethical Standards and is applicable to those campaign contributions made to any member of the Village Council.

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/bidder/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:

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

  
Signature

Linda S. Pieczynski  
Print Name

Bidder/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