

ITEM RES 2015-6213

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
5/12/2015

SUBJECT:	SUBMITTED BY:
A Resolution Authorizing Execution of an Agreement for Prosecution Services	Enza Petrarca Village Attorney

SYNOPSIS

A resolution has been prepared authorizing a three-year agreement with Christine Charkewycz, Attorney at Law, for ordinance violation and traffic citation prosecution services for a flat annual fee of \$27,960.

STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 includes *Exceptional Municipal Services*.

FISCAL IMPACT

The FY15 budget includes \$27,960 in the General Fund for this service.

RECOMMENDATION

Approval on the May 12, 2015 consent agenda.

BACKGROUND

The Village's current prosecutor, Linda Pieczynski, will be retiring effective June 1, 2015. As such, the Village issued a Request for Proposal (RFP) for prosecution services in April of 2015 and received seven (7) responses. All seven firms were deemed qualified. Staff has reviewed the RFP responses and recommends Christine Charkewycz, Attorney at Law, for these services. Ms. Charkewycz worked with Linda Pieczynski, and is familiar with the Village. The key issues utilized by staff in evaluating the proposals were experience and knowledge, primarily regarding the Village code enforcement cases, as well as cost. Ms. Charkewycz not only submitted the lowest cost proposal, but also has the most experience in code enforcement issues, property maintenance cases and abandoned property issues having worked with Ms. Pieczynski for 20 years.

The contract will be for an initial term of three years.

ATTACHMENTS

Resolution
Agreement

RESOLUTION NO.**A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR PROSECUTION SERVICES WITH CHRISTINE CHARKEWYCZ**

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 Christine Charkewycz (the "Prosecutor") 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 2015 is made between the Village of Downers Grove (the "Village") and Christine Charkewycz, Attorney at Law (the "Prosecutor").

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 and the main court house in Wheaton.

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

Section 1. The Prosecutor, 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 and any appearances required at the DuPage County court house in Wheaton during the terms of this Agreement.

Section 2. The Village shall pay the Prosecutor a flat fee of Twenty Seven Thousand Nine Hundred Sixty Dollars (\$27,960.00) over a twelve (12) month period commencing June 1st and ending May 31st, the following year for each year of the initial three-year term. Said fee shall be payable in twelve (12) equal monthly installments. 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 or appeals.

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

Section 4. This Agreement will be effective June 1, 2015 through May 31, 2018 and may be extended for two (2) subsequent annual terms.

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, the Prosecutor 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, the Prosecutor agrees to give sixty (60) days

prior written notice to the Village of Downers Grove.

Dated this _____ day of 2015.

VILLAGE OF DOWNERS GROVE

PROSECUTOR

Village Manager

Attest:

Village Clerk

Christine Charkewycz

Christine Charkewycz, Attorney at Law

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.

Christine Charkewycz
Signature

Christine Charkewycz
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