



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item:	Consider approval of Resolution No. 2018-24 Authorizing the City Administrator to enter into a Retainer Agreement with Gaido & Fintzen for Legal Services.		
Presenter & Title:	Stephanie K. Dawkins, City Administrator		
Date:	March 26, 2018		
Please Check Appropriate Box:			
<input checked="" type="checkbox"/>	Committee of the Whole Meeting	<input type="checkbox"/>	Special Committee of the Whole Meeting
<input checked="" type="checkbox"/>	City Council Meeting	<input type="checkbox"/>	Special City Council Meeting
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Other -
Estimated Cost: \$6250/monthly	Budgeted?	<input checked="" type="checkbox"/>	YES NO
<i>If NO, please explain how the item will be funded:</i>			
Executive Summary:			
<p>For more than ten years City Attorney Charles Radovich has been affiliated with Gaido & Fintzen law firm as "of counsel" and reciprocally, the law firm has been "of counsel" to Charles Radovich's law firm. From the City's perspective, this arrangement has provided legal coverage to the City when the City Attorney has been on vacation or had an unavoidable appointment conflict with another client. As a result of recent discussions with the Mayor and City Administrator, the need for additional or supplemental legal counsel at meetings, such as the Committee of the Whole and staff meetings, as well as access by senior staff members to legal advice, seemed prudent and warranted.</p> <p>For the City Council's consideration is a Retainer Agreement that has been prepared by City Attorney Radovich and Scott Fintzen, and reviewed and edited by the City Administrator.</p> <p>Attorney Radovich will continue to serve as City Attorney with Gaido & Fintzen providing additional legal support and services.</p>			
Attachments: <i>(please list)</i>			
<ul style="list-style-type: none"> • Resolution • Retainer Agreement with Gaido & Fintzen 			
Recommendation / Suggested Action: <i>(briefly explain)</i>			
Recommend approval of a Resolution authorizing the City Administrator to execute the Retainer Agreement with Gaido & Fintzen for legal services.			

GAIDO & FINTZEN

Attorneys at Law

VIA EMAIL

sdawkins@geneva.il.us

April 19, 2018

Stephanie Dawkins
City Administrator, City of Geneva
22 South First Street
Geneva, IL 60134

Re: Retainer Agreement

Dear Stephanie:

Thank you for retaining Gaido & Fintzen to represent the City of Geneva (“City”). This letter will confirm our agreement, effective March 1, 2018, for the services to be provided to the City, and our firm’s legal fees.

Our firm shall provide the following services to the City:

- Attend COW (2 per month) and CC Meetings (2 per month);
- Attend staff meetings (when requested) (1 to 2 hours per month);
- Provide general legal guidance;
- Review ordinance creation;
- Interpret ordinances;
- Interpret/opine on case law;
- Address liquor code questions;
- Review jurisdictional questions regarding authority and/or jurisdiction;
- Review professional services contracts;
- Review purchase contracts (facility improvements, infrastructure projects, etc.);
- Review intergovernmental agreements;
- Review LOC/Subdivision Bond matters;
- SSA (review and consultation exclusive of creation);
- Review property legal descriptions;
- Prepare utility easements;
- Review subdivision plats;
- Review redevelopment agreements;
- Review memoranda of understanding;

Chicago Office
30 North LaSalle Street, Suite 3010
Chicago, Illinois 60602

St. Charles Office
320 Walnut Street
St. Charles, Illinois 60174

T (312) 346-7855
F (312) 346-8317
www.gaido-fintzen.com

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- Review sales tax rebate agreements;
- Address connectivity questions;
- Interpret/provide advice regarding appropriate responses to FOIA requests;
- Review and prepare parking lot leases;
- Provide opinions on code interpretations;
- Provide opinions on administrative procedures;
- Interpret annexation agreements, planned unit development ordinances, easement provisions, etc.;
- Draft documents (resolutions, ordinances, IGAs, MOUs); and
- Prepare audit attorney letter.

Our monthly fee for the above services is **\$6,250.00**. We will bill the City monthly and expect payment within ten (10) days. Other than litigation, annexation agreement preparation, and municipal bond issues, all other services not included in the list above will be billed to the City at **\$190.00** per hour. Litigation, annexation agreement preparation, and municipal bond issues will be billed to the City at our reduced hourly rates of **\$250.00** for partners and Of Counsel attorneys, **\$200.00** for associates, and **\$125.00** for paralegals. Payment for these fees is expected within thirty (30) days from the invoice date.

In addition to our fees, we will bill for our out-of-pocket expenses and other associated costs including, without limitation, filing fees, long distance telephone expenses, facsimile charges, on-line research (Westlaw), messenger charges, copies, postage, and similar items.

With respect to how assignments will be given to our firm, we will only work on matters assigned by the Mayor, the City Council (as a body), or the City Administrator. If a City Department Head contacts us for legal counsel, we will assume that the caller has permission to contact us.

Charles Radovich, who is of counsel to our firm, will continue to be designated City Attorney (subject to annual reappointment), unless or until, he resigns or is requested to resign by the City, at which time this Agreement shall terminate. Mr. Radovich will be compensated for his services to the City by Gaido & Fintzen, pursuant to a separate agreement between Mr. Radovich and Gaido & Fintzen.

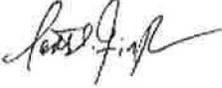
Finally, this will confirm that after April 30, 2018, the Mayor, the City Administrator, Charles Radovich, Ronald Sandack, and I will meet to review the above arrangement. Thereafter, the parties will meet to review the arrangement at least annually and at such other times as any party deems necessary or appropriate. Any agreed revisions to the relationship, including the scope of services covered by the monthly fee or the amount of the monthly fee will only apply prospectively, and will not apply retrospectively.

If the terms set forth above are satisfactory, please execute this letter below and return it to me.

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Of course, if you have any questions or comments, please call me.

Very truly yours,



Scott S. Fintzen
SSF/ea

ACCEPTED AND AGREED:
CITY OF GENEVA



Signature - Stephanie K. Dawkins

04/19/2018

Date

Stephanie K. Dawkins, City Administrator
Print Name and Title