



- Incorporated February 16, 1865 -
115 South Oakwood Avenue
Geneseo, Illinois 61254-2128
Phone (309) 944-6419 / Fax (309) 944-8254

**City of Geneseo
Agenda for First Special City Council Meeting
Tuesday, November 22, 2016
6:00 PM**

Council Chambers, 115 South Oakwood Avenue Geneseo, IL 61254

- I. Pledge of Allegiance**
- II. Roll Call**
- III. Public Comment – City Ordinance allows members of the Public to speak and give input up to 3 minutes during Public Comment, there can be no debate or action by the City Council at this time.**
- IV. Administration**
 - a. Consideration of the appointment of a City Attorney.
- V. Public Comment - City Ordinance allows members of the Public to speak and give input up to 3 minutes during Public Comment, there can be no debate or action by the City Council at this time.**
- VI. Adjournment**



SPECIAL COUNCIL MEETING

November 22, 2016

ORIGINATING DEPARTMENT: Administration

PRESENTER: Lisa Kotter, City Administrator

SUBJECT: City Attorney Appointment

BACKGROUND AND DISCUSSION: Included in your packet is a letter of resignation from City Attorney Dan Alcorn. The firm of Ancel Glink submitted a proposal in July 2015 when the City had a Request for Proposal for the City Attorney. The firm is still willing to bill hourly with a maximum amount of \$24,000 for standard municipal legal work. There is a maximum amount of one hour that will be billed per meeting that the attorneys attend. Please see the letter of engagement that was submitted by the firm for Council consideration. We will still need to determine who will represent the City in prosecution of municipal ordinance violations. This action will be considered at a Special Council meeting prior to the regularly scheduled Committee of the Whole meeting so that an attorney may be in place for the COW if approved.

RECOMMENDATION: Motion to appoint the law firm of Ancel Glink, to include Attorneys Derke Price and Kurt Asprooth, as City Attorney to represent the City of Geneseo in municipal matters as outlined in the November 16, 2016 Engagement Letter.

BUDGET IMPACT: As Outlined in the letter of Engagement

DOCUMENTS ATTACHED: Attorney Alcorn Letter of Resignation, Ancel Glink November 16, 2016 Letter of Engagement, Bios for Derke Price, Curt Asprooth and Margaret Kostopulos

ATTORNEYS
Daniel S. Alcorn
Elisa M. Nelson
Pamela S. Wilcox

November 15, 2016

Mayor Kathy Carroll-Duda
City of Geneseo
115 South Oakwood Avenue
Geneseo, Illinois 61254-2128

Re: Resignation Letter

Dear Mrs. Mayor:

I hereby resign as City Attorney for the City of Geneseo effective immediately upon the City hiring new counsel. Of course, we will cooperate with the City's new counsel regarding transfer of active files and projects.

Sincerely,
ALCORN NELSON LLC

By



Daniel S. Alcorn
For the Firm

cc: Ms. Lisa Kotter, City Administrator

November 16, 2016

Lisa Kotter
City Administrator
City of Geneseo
115 South Oakwood Avenue
Geneseo, IL 61254

Re: City Attorney Legal Services

Dear Lisa:

Ancel Glink is pleased to serve as the City Attorney for the City of Geneseo. This letter will describe the key terms of our engagement.

1. **Client; Scope of Representation.** The City of Geneseo will be our client and the scope of our engagement will be to represent the City of Geneseo in all corporate and legal matters. Consistent with the City's 2015 Request for Proposal for legal services, and our response thereto, we more specifically agree to perform the following services:

- A. Serve as the legal advisor to the Mayor, City Council and officials of the City and represent the City in legal matters as required. When requested by authorized personnel, the attorney shall give written legal opinions which are to be filed with the City.
- B. Function as legal advisor to the City Plan Commission, Police Commission Board, Board of Zoning Appeals and any other sub unit Committees and represent these sub units in all legal matters as required.
- C. Draft ordinances, resolutions, bonds, and other instruments as may be required by City officials.
- D. Represent the City as needed concerning any other actions and/or suits brought before the City when there is no insurance coverage by private carriers.
- E. Apprise City officials as needed about changing laws and other legal matters that may be of interest and/or concern to the City.
- F. Conduct other legal matters as determined by the City including economic development and TIF issues.

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You may limit or expand the scope of our representation from time to time. We expect assignments will come from yourself, the Mayor and/or the City Council. You and the mayor will be our primary contacts.

2. **Term of Engagement.** Either of us may terminate the engagement at any time for any reason by written notice, subject on our part to applicable rules of professional responsibility and on your part for payment of work performed to that date. If, upon termination, you wish to have any documents delivered to you, please advise us. Otherwise, all documents will be transferred to the person responsible for administering our records retention program. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to destroy or otherwise dispose of any such documents retained by us, absent contrary instructions from you.

3. **Fees and Expenses.** Our firm has a long standing commitment to public service and to provide legal services at a reasonable cost. Because we concentrate our practice in the representation of public entities (and because several of our attorneys have served as elected members of government bodies), we are well aware of the financial constraints of municipalities.

The Firm agrees to perform the duties described for no more than the budgeted amount with the understanding that all time for labor and litigation, special projects, and one hour of travel per meeting will not be included within the cap. Specifically, we agree that we will charge our below described hourly rate, but our fees will be capped at your budgeted amount of \$24,000 per year. Additionally, the Firm reserves the right to renegotiate the fee cap should an unforeseen or unusually complex project arise during the year.

Subject to the above agreed upon fee cap, our fee schedule is as follows:

\$205 per hour for Partners/Of Counsel
\$195 per hour for Associates
\$120 per hour for Paralegals

We are reimbursed standard charges for copies, computer research, and messenger/courier delivery charges. On our invoices, all of our time and expenses are fully itemized and documented. Each monthly bill for services includes the initials of the individual performing the assigned task, the date on which the work was performed, a description of the work and the amount of time spent completing the assignment. Our rates are usually adjusted annually.

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4. **Personnel.** The City will have access to all our attorneys and resources available to all clients. We expect Kurt Asprooth and myself to be your primary contacts on general corporate matters, while Margaret Kostopulos will continue to work with you on labor and employment matters. In addition, we may call upon other attorneys with special expertise in land use, finance, economic development and litigation matters to offer efficient and effective support to the City if appropriate. Over time we expect you will become familiar with several of our attorneys.

Our responsibility as City Attorney is to provide legal advice to assist the City Council in establishing policy that serves the best interest of the City and its citizens and taxpayers, and to work with the City Administrator and City Staff to implement those policies. We look forward to working with the City Council and City Staff in advancing their interests and goals.

If you are in agreement with the above, please sign this letter in the space provided below and return the signed letter to me. If you have any questions, please do not hesitate to call me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Derke J. Price", with a long horizontal flourish extending to the right.

Derke J. Price

ANCEL, GLINK, DIAMOND, BUSH, DICIANNI & KRAFTHEFER, P.C.

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ACCEPTED:

DATE:

City of Geneseo

4850-0881-0557, v. 1

Derke J. Price

Equity Partner



Derke represents municipalities, park districts, school districts, townships, libraries, and special agencies. His practice includes appeals and trial work in both federal and state courts and concentrates in construction, land use and development, and environmental matters.

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Practice Areas
Local Government
Land Use
Litigation

Education
J.D., Harvard Law School
B.A., Wheaton College

Bar & Court Admissions
Illinois
Northern District of Illinois

Derke serves as corporate counsel for the Villages of South Elgin and Millington, and the City of Monticello, and he is also special counsel to numerous other municipalities including the Cities of Geneseo and Charleston. He is corporate counsel to the Park Districts of Naperville, Batavia, Bloomingdale, Oswegoland, Glen Ellyn, DeKalb, Sugar Grove, and Sycamore as well as special counsel to the firm's numerous other park districts. He is corporate counsel for the Solid Waste Agency of Northern Cook County and he has done specialty pollution control facility work for Winnebago and Grundy Counties, the Village of Carol Stream, and the Cities of West Chicago and Yorkville. He is also the attorney for Dundee Township and counsel to select private entity clients including Vulcan Construction Materials, Kluber Engineering & Architecture, and Citgo Petroleum.

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Experience

- Created a public-private partnership to reclaim and plan uses of 100 year old quarry, including pioneering land-use regulations on reclamation, master plan for properties, and coordination of property transfers and use
- Successful application on behalf of private client for rezoning of 230 acres of property to an industrial use with 60 year land use plan
- Negotiate and draft energy savings contracts for multi-million dollar overhaul of park district facilities

Presentations

Derke frequently speaks at local government conferences on land use and construction law issues, including speaking each year at the Illinois Municipal League Conference and the Annual IAPD/IPRA Conference for Park Districts.

- "An Outline Visionary Coverage for Pools - Where Others Fear to Tread," presented to the Public Risk Management Association
- Lorman Education Seminars:
 - Law of Easements: Legal Issues and Practical Considerations, 2004, 2005, and 2007
 - Eminent Domain in Illinois, 2006 and 2007
 - Real Estate Development From Beginning to End In Illinois, 2007 and 2008
 - Plat and Subdivision Law in Illinois, 2007, 2008, and 2009

Publications

Derke has contributed materials to numerous publications for municipal officials, planning and zoning authorities, counties, park district officials, townships and school districts on land use and construction issues. He is an author for both the Municipal Law Treatise and the School Law Treatise published by the Illinois Institute of Continuing Legal Education. He is also an author for a number of Ancel Glink handbooks relating to municipal, park district, and township matters.

Margaret Kostopulos

Partner



Chicago Office
140 S. Dearborn Street,
6th Floor Chicago, IL 60603

Direct Phone:
312.604.9106
Email:
mkostopulos@ancelglink.com

Practice Areas
Labor & Employment

Education
J.D., John Marshall Law
School
B.A., Loyola University

Bar & Court Admissions
Illinois
Northern District of Illinois
Northern District of Illinois Trial Bar

Margaret has served as lead negotiator in collective bargaining of numerous contracts with a variety of unions representing public employees, such as the IBEW, FOP, MAP, SEIU, AFSCME, IAFF, IEA-NEA, IFT-AFT, the Teamsters and many local unions.

She has bargained both initial and successor contracts for employers. In addition to her litigation and collective bargaining experience, Margaret serves as a labor and employment advisor to public and private employers, advising general counsel, managers, department heads, supervisors and directors in all areas of employment and personnel issues. These issues include contract enforcement, interest arbitration, employee discipline and discharge including prosecuting cases before Boards of Fire and Police Commissioners, discrimination, strike management, and compliance with federal and state labor and employment laws.

Margaret has represented employers through union elections and in the defense of unfair labor practice charges before the NLRB and ILRB. She has also represented employers in employment disputes before the Illinois Department of Labor, the Equal Employment Opportunity Commission, the Illinois Human Rights Commission, and in state and federal court. She has represented employers in grievance arbitrations as well as a variety of employment litigation issues. In addition, she has represented public clients through mediation and arbitration.

In her capacity as a school attorney, Margaret serves as board attorney to school boards. She advises school districts, officials and staff on all areas of law affecting school districts including special education issues, student discipline, student residency, homeless rights, tenure rights, personnel matters, grievance processing, general compliance with the Illinois School Code and discipline of teachers, administrators and other employees.

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Experience

- Successfully represented Chiefs before Boards of Fire and Police Commissioners in seeking discharge of police and fire employees for misconduct
- Negotiated numerous collective bargaining agreements on behalf of municipalities for a variety of bargaining units including police, fire, public works
- Counseled employers through reductions in force and subcontracting issues
- Successfully defended local governmental entities in unfair labor practices and other administrative
- Successfully defended employers in discrimination claims before the IDHR, EEOC, state and federal courts
- Successfully represented school boards in tenured teacher dismissal actions

Presentations

- IAPD 2012 Conference – Independent Contractors Versus Employees
- IAPD 2012 Conference – Internships, Independent Contractors and the Law
- Co-authored IICLE Municipal Law Series Chapter 6, Police and Fire
- Co-authored IICLE Illinois School Law: Personnel and Student Issues; Chapter 4, Labor Relations Negotiating a Contract
- Co-authored IICLE Illinois Municipal Law Series Chapter 1; Municipal Labor Law
- “Learn the legal implications before asking for Facebook logins,” The Washington Post – April 9, 2012

Honors & Awards

- Illinois Super Lawyer

Kurt S. Asprooth Associate



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Practice Areas
Local Government
Land Use

Education
B.A., The George Washington University
J.D., Chicago-Kent College of Law

Bar and Court Admissions
Illinois
Northern District of Illinois

Memberships
Chicago Bar Association

Kurt's practice focuses on representing units of local government and zoning and land use matters.

Kurt has represented local governments for his entire legal career. Through his experience, Kurt has come to understand the dynamics of how public entities operate, and the legal issues that they face. Kurt advises local governments on a broad array of legal topics, including compliance with the Open Meetings Act and FOIA, zoning and land use issues, election law, employment matters, competitive procurement requirements, and other transactional matters. Prior to joining Ancel Glink, Kurt practiced at a local government law firm in suburban Cook County where he represented municipalities, townships, park districts, school districts, and community college districts. In addition to his representation of public entities, Kurt represents private entities in zoning and land use matters. Kurt also has considerable litigation experience representing retail corporations, not-for-profit companies, and religious institutions in civil litigation, including premises liability, construction defects, nursing home negligence, and school liability.

Kurt graduated from The George Washington University in Washington, D.C., and earned his Juris Doctor from Chicago-Kent College of Law. While in law school, Kurt received Dean's List Honors, and was awarded the CALI Award of Excellence for earning the highest grade in Commercial Law.



Experience:

- Attended public board meetings as corporate counsel for various units of local governments.
- Represented municipal zoning boards of appeal.
- Successfully obtained a special use permit for a medical cannabis dispensary from the Chicago Zoning Board of Appeals.
- Assisted in obtaining a height variance for the installation of football stadium lighting at a suburban high school.
- Drafted and negotiated a wide variety of contracts and intergovernmental agreements on behalf of local governments.