

VILLAGE OF DUPO, ILLINOIS

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ORDINANCE NO. 17-11

AN ORDINANCE TO AUTHORIZE THE VILLAGE OF DUPO, ILLINOIS TO ENTER INTO  
A FEE AGREEMENT WITH THE LAW FIRM OF BOYLE BRASHER, LLC OF BELLEVILLE,  
ILLINOIS, TO PROVIDE LEGAL SERVICES TO THE VILLAGE OF DUPO, ILLINOIS FOR  
THE VILLAGE'S 2017 and 2018 FISCAL YEAR

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ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF DUPO, ILLINOIS  
THIS 6th DAY OF NOVEMBER, 2017

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Published in pamphlet form by  
authority of the Village Board  
of Trustees of the Village of  
Dupo, St. Clair County, Illinois,  
this 6th day of November, 2017.

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**AN ORDINANCE TO AUTHORIZE THE VILLAGE OF DUPO, ILLINOIS TO ENTER INTO A FEE AGREEMENT WITH THE LAW FIRM OF BOYLE BRASHER, LLC OF BELLEVILLE, ILLINOIS, TO PROVIDE LEGAL SERVICES TO THE VILLAGE OF DUPO, ILLINOIS FOR THE VILLAGE'S 2017 and 2018 FISCAL YEAR**

**WHEREAS**, the Village Council of the Village of Dupo, Illinois (the "Village") has found and determined and does hereby declare that it is in the Village's best interests and appropriate to enter into a fee agreement with the law firm of Boyle Brasher, LLC of Belleville, Illinois ("Boyle Brasher") to provide legal services to the Village; and

**WHEREAS**, it is necessary and appropriate that this Ordinance be enacted for the purpose of approving such fee agreement for Boyle Brasher to provide legal services to the Village.

**NOW, THEREFORE, BE IT ORDAINED**, by the Village Council of the Village of Dupo, Illinois, as follows:

**Section 1.** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the Village council of the Village of Dupo, Illinois.


**Section 2.** The Village Council of the Village of Dupo, Illinois, does hereby authorize and direct the Mayor to execute and deliver one or more document(s) entitled "Village of Dupo Fee Agreement – Fiscal Year 2017 and 2018" ("Fee Agreement"), in the form attached hereto as Exhibit "A", acknowledging and approving the fees to be charged by Boyle Brasher in providing legal services to the Village, which Fee Agreement is hereby approved as to form, in as many counterparts as the Mayor shall determine, and the Village Clerk is hereby authorized and directed to attest the same and affix thereto the corporate seal of the Village.

**Section 3.** This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form, as provided by law.

**PASSED** this 6th of November, 2017 by the Village Mayor and the Village Board of Trustees of the Village of Dupo, St. Clair County, Illinois, and deposited and filed in the office of the Village Clerk in said Village on that date.

<u>Trustees</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Chris Ragsdale	X	---	---	---
Ben Kenner	X	---	---	---
James Smith	X	---	---	---
Joe Basinski	X	---	---	---
Ken Phillips	X	---	---	---
Kerry Foster	X	---	---	---

APPROVED AND PASSED by the Mayor of the Village of Dupo, Illinois this 6th day of November, 2017.

  
 Jerry Wilson, Mayor  
 Village of Dupo, Illinois

ATTEST:

  
 MARK NADLER, VILLAGE CLERK

(SEAL)

STATE OF ILLINOIS    )  
                                  ) SS  
COUNTY OF ST. CLAIR )

**CERTIFICATE OF PUBLICATION**

I, Mark Nadler, certify that I am the duly elected and acting Village Clerk of the Village of Dupu, Illinois.

I further certify that on the 6th day of November, 2017, the Corporate Authorities of the Village of Dupu, Illinois, passed and approved Ordinance No. 17-11, entitled:

**“AN ORDINANCE TO AUTHORIZE THE VILLAGE OF DUPO, ILLINOIS TO ENTER INTO A FEE AGREEMENT WITH THE LAW FIRM OF BOYLE BRASHER, LLC OF BELLEVILLE, ILLINOIS, TO PROVIDE LEGAL SERVICES TO THE VILLAGE OF DUPO, ILLINOIS FOR THE VILLAGE’S 2017 and 2018 FISCAL YEAR”**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 17-11, including the ordinance and a cover sheet thereof, was prepared, and a copy of such ordinance was posted in the Dupu Village Hall, commencing on November 6, 2017 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also made available for public inspection upon request in the office of the Village Clerk.

DATED at Dupu, Illinois this 6th day of November, 2017.

  
MARK NADLER, Village Clerk

(SEAL)

STATE OF ILLINOIS    )  
                                  ) SS  
COUNTY OF ST. CLAIR )

CERTIFICATE OF TRUE COPY

I, Mark Nadler, certify that I am the duly elected and acting Village Clerk of the Village of Dupo, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said Village.

I do further certify that Ordinance No. 17-11, entitled:

**"AN ORDINANCE TO AUTHORIZE THE VILLAGE OF DUPO, ILLINOIS TO ENTER INTO A FEE AGREEMENT WITH THE LAW FIRM OF BOYLE BRASHER, LLC OF BELLEVILLE, ILLINOIS, TO PROVIDE LEGAL SERVICES TO THE VILLAGE OF DUPO, ILLINOIS FOR THE VILLAGE'S 2017 and 2018 FISCAL YEAR"**

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Dupo, Illinois Village Council held on the 6th day of November, 2017.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 6th day of November, 2017.



MARK NADLER, Village Clerk

(SEAL)

**VILLAGE OF DUPO FEE AGREEMENT**  
**FISCAL YEAR 2017 and 2018**

The following are the general terms of the Fee/Cost Agreement between the Village of Dupo, Illinois ("Village"), and the law firm, Boyle Brasher, LLC ("Law Firm") for the Village's fiscal year beginning on July 1, 2017 and ending on December 31, 2018.

**RETAINER:**        \$3,500.00 Per Month

**Covers:**

- Two (2) Village Council Meetings per month
- One (1) Staff Meeting per month
- Up to Four (4) other meetings per year (e.g., Committee Meetings, Zoning Board, Plan Commission).
- Preparation for said Village Council Meetings, Staff Meetings and all other meetings covered by the retainer.
- Telephone calls, emails and other similar modes of communication with the Mayor, Members of the Village council, the Village Clerk, Village Administrator and Department Heads.
- Ordinance and Resolution Review: Routine Ordinances and Resolutions that are prepared initially by Village Staff and reviewed by counsel.
- Routine Ordinance and Resolution Preparation: Up to two (2) per Council Meeting.

**HOURLY:**        \$195.00 plus costs and expenses (Charles J. Swartwout)  
                      \$175.00 plus costs and expenses (David Schneidewind)  
                      \$145.00 plus costs and expenses (Associates)  
                      \$125.00 Traffic Matter Appearances by Attorney  
                      \$ 50.00 Paralegal

**Covers:**

- All Village litigation; negotiations beyond Council discussions; labor contracts, negotiations and grievances; special contracts, e.g., sale of Village owned properties, real estate acquisitions or sale.
- Special Projects that are not large: subdivision or engineering related matters.

**LARGE PROJECTS:**        Generally large tract real estate developments including but not limited to work related to an Intergovernmental Agreement, Boundary issues annexation, TIF projects, and in circumstances where Developer Reimbursement Agreements are negotiated.

Standard hourly rate

Hourly Rates:    \$250.00/ Charles J. Swartwout  
                      \$195.00/ David B. Schneidewind  
                      \$125.00/ (Associates)  
                      \$ 50.00/ Paralegal

Also covers:

Grant projects; large tract real estate development; STA, TIF, SSA or BD siting and development; major Enterprise Zone, EPA projects (e.g., new water tower(s) or wastewater facility(ies)).

Specifically excepting herefrom bond issuing and associated bond matters/projects; such to be governed by separate agreement.

STA = Sales Tax Agreements  
TIF = Tax Increment Financing  
SSA = Special Service Areas  
BD = Business District

COSTS/EXPENSES:

In addition to the above attorney's fees, the Law Firm will be reimbursed for its costs as follows:

- Copies / \$.20 per page
- Faxes / \$.25 per page
- Travel / The standard Mileage Rate as allowed by the IRS for business miles driven (i.e., \$.535/mile for CY 2017) to change as and when the IRS revises its Standard Mileage Rates. NO MILEAGE WILL BE CHARGED FOR TRAVEL BETWEEN LAW FIRM AND VILLAGE.
- Court Related Expenses: Filing fees and costs, including expert fees, witness fees, travel expenses and deposition and transcript fees and costs.

Submitted:  
Boyle Brasher, LLC

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Charles J. Swartwout  
Boyle Brasher, LLC

Accepted:  
Village of Dupu, Illinois

11/6/2017  
\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Jerry Wilson  
Mayor of the Village of Dupu, Illinois

ATTEST:

\_\_\_\_\_  
Mark Nadler, Village Clerk