

# VILLAGE OF HOMEWOOD



**BOARD AGENDA MEMORANDUM**

**DATE OF MEETING: May 9, 2023**

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**To:** Village President and Board of Trustees

**From:** Napoleon Haney, Village Manager

**Topic:** Village Attorney Legal Services Retainer Agreement

## **PURPOSE**

Attorney Chris Cummings of Christopher J. Cummings, PC has served as Homewood's Village Attorney for a number of years. Attorney Cummings provides timely, accurate, effective, and efficient legal services for Homewood. Staff recommends that Attorney Cummings' retainer agreement be renewed for two years, effective May 1, 2023 through April 30, 2025.

## **PROCESS**

We have needed to utilize Chris Cummings' legal services more frequently over the past several years. Chris is a critical component of our procedural workflow; specifically, in the review and drafting of economic development incentive agreements, land purchase and sale agreements, new TIF district documents. Attorney Cummings also participates in weekly staff meetings, where he is needed to review and discuss items that have critical legal components.

Attorney Cummings' expiring retainer amount was fixed during the past two years. A 10% retainer increase for municipal legal work was included in the recently passed budget. Attorney Cummings' retainer renewal reflects this budget increase.

The legal services retainer renewal agreement includes a fixed monthly cost for Attorney Cummings' work related to prosecutions before the Circuit Court. Costs associated with representing the Village in litigations will be billed at Chris' current hourly rate of \$210 per hour. To provide context to Attorney Cummings' many deliverables related to this renewal, staff included a list of **some** of Attorney Cummings' services below.

- attendance at all Village Board meetings;
- attendance at Planning and Zoning Commission meetings, upon request of the Village Manager;
- review and supervise recording of all liens, releases, plats, and ordinances; with the County Clerk recording division;
- assist in responding to Freedom of Information inquiries, upon request;
- provide FOIA and Open Meetings Act training, upon request;
- provide legal opinions, interpretations, and guidance to Village staff and Board of Trustees as requested;

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- act as municipal appointee on the Homewood Fire Pension Board and Homewood Police Pension Board;
- negotiate and prepare economic incentive agreements;
- represent the Village in all real estate transactions, including purchases, sales, tax divisions, and complaints for tax exemption;
- draft ordinances and resolutions as required, and review ordinances and resolutions prepared by staff;
- review contracts, agreements, and other legal obligations of the Village;
- review meeting minutes for the Village Clerk;
- act as counsel to the local liquor commissioner, including preparation of charges and attendance at liquor violation hearings;

## OUTCOME

Attorney Cummings is an adamant professional who takes great pride in his service to the Homewood community. Staff collectively recommends the renewal of this general retainer agreement.

## FINANCIAL IMPACT

The annual cost for Attorney Cumming's legal service covered by the retainer is \$186,120. Of this amount, \$148,500 comes from the general fund, \$25,000 comes from the water/sewer fund and \$21,000 comes from the general fund to cover the costs of prosecutions that may come before the circuit court.

- **Funding Source:** General Fund) & Water/Sewer fund
- **Budgeted Amounts:**
  - \$148,500 Legal Services (General fund) *includes budgeted 10% increase*
  - \*\$21,000 Prosecutions (General fund) *includes budgeted 10% increase*
  - \$25,000 Legal Services (Water/Sewer fund)
  - **\$194,500 total budgeted**

*\*This amount is budgeted in the general fund for Prosecution Services. Listed in the agreement as "Prosecutions before Circuit Court" at \$1,760 per month.*

- **Total Retainer Cost: \$186,120**

## LEGAL REVIEW

Completed

## RECOMMENDED BOARD ACTION

Approve the renewal of a General Retainer Agreement for legal services with Christopher J. Cummings, P.C. of Homewood, IL for a minimum of two (2) years (May 1, 2023 through April 30, 2025); and, authorize the Village Manager to execute the General Retainer Agreement.

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**ATTACHMENT(S)**  
Retainer agreement