

January 22, 2024

Executive Session:

President called session to order at 6:34 pm.

Members Present: Trustee Brewer, Trustee Carver, Trustee Eandi, Trustee Hendrickson, Trustee Kindred, Trustee Munroe, President Suerdeick, Clerk Gerberding

Tonight's topic is to interview two potential candidates for Village Attorney.

Candidates:

Pamela Hart is from Scott and Scott. She has represented Village of Mechanicsburg since 2009. She focuses primarily Elder and Estate Law, but also does community practice. She has litigated TIF issues for Mechanicsburg. Since it has 2 TIF districts, there have been several cases. She graduated from IL College in 2003, then worked overseas and then attended Valparaiso for her law degree in 2009. She has maintained continuing education requirements since that time – she is current with all of those requirements.

What is your experience with Union negotiations? She has been involved but not in municipal work. She would recommend a firm that specializes in Union specific work. She has been more as a side counselor than the primary dealing directly with the unions.

Our office staff has the most contact with the Village attorney besides the Village President. That contact usually involves agenda updates, ordinance wording, etc. How thin is your firm? Will you be able to deal with this? Yes, not an issue. She often works after hours. There are 4 attorneys with each having their own clerk. Office is in downtown Springfield. With Mechanicsburg, she works primarily with Village Clerk/Treasurer and Mayor so very familiar with our situation. Dawson (represented by Scott) is another village that she helps with as well.

Do you have in-house TIF specialty or do we need to use someone else? You want someone else. She recommended using our already existing TIF counsel (Jacob and Klein).

Do you have grant writers in your office? No. Those are very specific individuals. She has worked with Kevin Kuhn Engineers in the past.

How soon can you start? Rochester has counsel through March. She is available in March or April whichever works for our schedule.

Election knowledge – Rochester has never had issues, but what if something were to come up? Ms. Hart could help with that topic.

What do you do in your spare time? triathlons and running

When does compensation come up? Municipal rate is \$185/hour.

Rochester is in the process of reviewing liquor ordinance and liquor licensing issuing processes. What are your thoughts on this? Ms. Hart is familiar with liquor codes. The committee will meet next week to discuss the process moving forward.

Ms. Hart asked when Codes were last audited? Rochester had that done when we were re-codified. It was more of a self-audit than an attorney audit.

What kind of HR/employment issues experience is in your firm? Ms. Hart handles those. We went through the employee handbook 2 years ago and got it cleaned up.

Between interviews....Pres. Suerdieck explained how he came to these two firms for interviews – he reached out to a legal contact. That contact gave him Brown, Hay, and Stephens. President Suerdieck talked with both of the guys on the call about who practices municipal law. Tony at that firm would be a better fit. Another firm was Giffin, Winning, Cohen and Bodewes, and they turned Pres. Suerdieck down before much discussion. When talking to Kevin Kuhn, he recommended Scott and Scott. Pres. Suerdieck didn't want to flip through Yellow Pages. He was working on recommendations from respected individuals.

Dan Hamilton, Tony Schuering from Brown, Hay, and Stephens – Dan Hamilton started with general information about the firm. They represent several municipalities. Tony Schuering is an expert in municipal law and serves multiple municipalities. He is up to speed on the current issues – FOIA, OMA, Paid Leave Act, etc. Mr. Hamilton also represents IL Municipal League. 1 person would be dedicated as the Village's regular contact and attend meetings. Then once a task is given to that dedicated person, then the firm steps in and refers the project the best qualified person.

Mr. Schuering would prefer to answer questions as they arise instead of doing a presentation. Bios from attorneys in the firm are in a folder that each Village Board Trustee received. He listed several areas that he works with on a daily basis – TIF, liquor licenses, ordinance changes, etc.

Of the municipalities that you already serve, where do we fit size wise? Rochester is the average size – not smallest or largest.

Based on size of your firm and the number of municipalities that you do serve, will we still have guaranteed representation? Absolutely, yes. If Mr. Schuering can't be here, someone from their firm will be.

We have 2 unions in Rochester. Do you do that or is that a firm counterpart? We have 2 attorneys in our firm that deal with labor/employment negotiations and relations. They currently handle District 186 and several communities in the area.

What about HR/employment issues? Yes, we could cover those areas as needed.

Mr. Hamilton suggested updating employee handbooks every 2-5 years.

We have a TIF attorney already in place. Do you do that work also? Yes, we do. Our firm is not greedy. If you are happy with your TIF attorney, keep them. If you are not happy with your TIF attorney, we can cover that. Mr. Schuering represents several municipalities that also have TIF attorneys. Our job will be dictated by you.

What is your current compensation rate? Attorneys bill at \$200/hour. Each additional year, they add \$5/hour. The general rate is \$400/hour so municipalities are at half rate. Our rate would be for any person within the firm.

Where do you go for continuing legal education? A couple of legal subscriptions, IML, and other resources in the area.

Our Office Manager would be the primary contact for you. What type of availability would we have for her when last minute things happen? Mr. Schuering has the same set up with a different municipality. If Mr. Schuering goes radio silent, please reach out to Mr. Hamilton and it will be remedied by the firm.

What do you do when you are not being a lawyer? Prior to law school, he was in construction. So, rehabbing his home is what he currently does. He likes reading and exercising.

Area of expertise in grant writing? Not within the firm, but happy to connect with other municipal grant writers.

We have some special review type of work – contracts, etc. We are working through our liquor license ordinances. Can you help with those areas? Yes, it is complicated to get the local municipality aligned with the state ordinances. He gave an example of recent work in another municipality.

We are within the first year of golf cart ordinance. We know that is going to need reviewed and updated coming soon. What are your capabilities on that? Mr. Schuering handles this type of work regularly for other villages and towns.

How many attorneys and support staff are in the firm? About 30 attorneys and about 30 support staff. Most are in Springfield. Decatur office has 2 staff and 4 attorneys. Another works 100% remotely from Bloomington.

We have kicked around adding a Park District. Can you help with that? Yes. Last year, we helped a local village work through what to do with moving to a fire district or not. So, not exactly the same, but similar.

What is your timeline for coming on board? We could start as soon as needed.

Election needs? Yes. They are currently working on several election issues. He has represented candidates and election boards. While not a fun topic, it is something they could help with.

Thanks for the opportunity to talk with you.

Discussion:

How much do we pay TIF attorneys? We pay quarterly.

Trustee Munroe feels both costs seem pretty reasonable. Trustee Carver likes the idea of everything being in one place.

Trustee Munroe mentioned more personal attention from Ms. Hart, but, what will she need to farm out?

Discussion followed regarding pros and cons of each candidate.

Both candidates were personable and probably both qualified. However, one has more access to resources than the other.

What's the plan? Do we need a 3rd candidate? President Suerdieck doesn't know where to go to get another name.

Trustee Munroe made a motion to close executive session. Trustee Eandi seconded the motion. The motion passed unanimously at 7:51 pm.