

JAN -7 2013

ORDINANCE NO. 2993

J. Ronald Colyer
City Clerk

**AN ORDINANCE TO FILL THE OFFICE OF CITY ATTORNEY AND
AUTHORIZATION TO ENTER INTO A LEGAL FEE AGREEMENT
FOR THE REMAINDER OF THE FISCAL YEAR OF THE CITY
ENDING APRIL 30, 2013**

WHEREAS, pursuant to Ordinances of the City of Columbia, Illinois, (the "City"), and Division 30 of Article 3.1 of the Illinois Municipal Code (65 ILCS 5/3.1-30-5), non-elected City Officers are to be appointed by the Mayor with the advice and consent of the City Council;

WHEREAS, the Illinois Municipal Code further provides that the salaries or other compensation to be received by said appointed officers is to be fixed by ordinance and may be increased but may not be diminished so as to take effect during each respective officer's term of office (65 ILCS 5/3.1-50-5);

WHEREAS, the Law Firm of Belsheim & Bruckert, L.L.C., which was appointed as the City Attorney of the City pursuant to City Ordinance No. 2950, ceased its operations effective as of the close of business on December 31, 2012, and the new Law Firm of Bruckert, Gruenke & Long, P.C. has now taken over the operations of said Belsheim & Bruckert, L.L.C. Law Firm;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Columbia, Illinois, as follows:

Section 1. City Attorney.

Effective January 1, 2013, the Law Firm of Bruckert, Gruenke & Long, P.C. is hereby appointed as corporate legal counsel (i.e., City Attorney) of the City of Columbia, Illinois, for the remainder of the fiscal year of the City ending April 30, 2013, for the usual and customary legal services of the City, including preparation and/or review of ordinances and resolutions required for corporate action to be taken by the City, consulting with and rendering legal advice to the Mayor, the City Council, and the other elected and appointed officers of the City on all legal questions affecting the City; for the prosecution or defense of all suits or legal actions in which the City, or any of its Officers, acting in the course and scope of their official duties may be a party (for which a defense is not provided by the City's insurer); negotiations and documentation of routine city financial matters (including lease-purchase agreements and installment sales agreements for the purchase of real or personal property by the City). The Law Firm of Bruckert, Gruenke & Long, P.C. has agreed to a monthly retainer in the amount of \$3,500.00 for many of the services described herein; services not included in the retainer based fee amount will be billed at hourly rates agreed upon in the Fee Agreement that is attached as Exhibit "A" and incorporated herein by reference.

Section 2.

The City Council of the City of Columbia, Illinois, does hereby authorize and direct the Mayor to execute and deliver one or more document(s) entitled "City of Columbia Fee Agreement – January 1, 2013 – April 30, 2013" ("Fee Agreement"), in the form attached hereto as Exhibit

“A”, acknowledging and approving the fees to be charged by the Law Firm of Bruckert, Gruenke & Long, P.C., in providing legal services to the City, which Fee Agreement is hereby approved as to form, in as many counterparts as the Mayor shall determine, and the City Clerk is hereby authorized and directed to attest the same and affix thereto the corporate seal of the City.

Section 3.

All ordinances, resolutions, or orders of the City in conflict herewith, to the extent of such conflict, are hereby repealed.

Section 4.

This ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Alderman Reis moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Niemietz, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Huch and Reis.

NAYS: None.

ABSENT: Aldermen Roessler and Mathews.

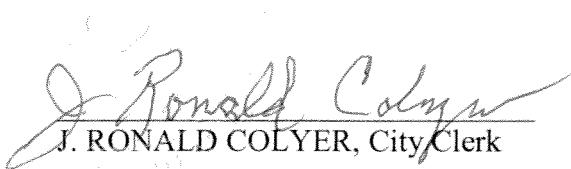
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 7th day of January, 2013.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

STATE OF ILLINOIS)
)
COUNTY OF MONROE)

CERTIFICATE OF TRUE COPY

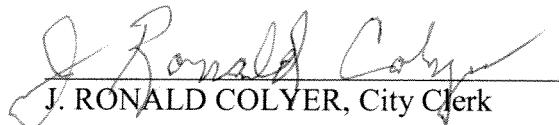
I, J. Ronald Colyer, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that Ordinance No.2993 entitled:

**“AN ORDINANCE TO FILL THE OFFICE OF CITY ATTORNEY AND
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FOR THE REMAINDER OF THE FISCAL YEAR OF THE CITY
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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 Columbia, Illinois City Council held on the 7th day of January, 2013.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 7th day of January, 2013.


J. RONALD COLYER, City Clerk

(SEAL)

EXHIBIT "A"

CITY OF COLUMBIA FEE AGREEMENT **JANUARY 1, 2013 – APRIL 30, 2013**

The following are the general terms of the Fee/Cost Agreement between the City of Columbia, Illinois ("City"), and the law firm, Bruckert, Gruenke & Long, P.C. ("Law Firm") from January 1, 2013 thru April 30, 2013.

RETAINER: \$3,500.00 Per Month

Covers:

- Two (2) City 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 City Council Meetings, Staff Meetings and all other meetings covered by the retainer.
- Telephone calls, e-mails and other similar modes of communication with the Mayor, Members of the City Council, the City Clerk, City Administrator and Department Heads.
- Ordinance and Resolution Review: Routine Ordinances and Resolutions that are prepared initially by City Staff and reviewed by counsel.
- Routine Ordinance and Resolution Preparation: Up to two (2) per Council Meeting.

HOURLY: \$165.00 plus costs and expenses (attorney time irrespective to attorney)
\$ 65.00 per hour paralegal
\$ 50.00 per hour staff

Covers:

- All City litigation; negotiations beyond Council discussions; labor contracts, negotiations and grievances; special contracts, e.g., sale of City 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/projects and in circumstances where Developer Reimbursement Agreements are negotiated.

Standard hourly rate

Hourly Rates: \$225.00 / Terry Bruckert
\$195.00 / John Long
\$165.00 / Douglas Gruenke
\$85.00 / paralegal
\$65.00 / staff

Covers:

Bond or 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)).

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., \$.565/mile for CY 2013) to change as and when the IRS revises its Standard Mileage Rates. No mileage will be charged for travel between Law Firm and City.
- Court Related Expenses: Filing fees and costs, including expert fees, witness fees, travel expenses and deposition and transcript fees and costs.

Submitted:
Bruckert, Gruenke & Long, P.C.

By:

Date

Terry I. Bruckert
Bruckert, Gruenke & Long, P.C.

Accepted:
City of Columbia, Illinois

By:

Date

Kevin B. Hutchinson
Mayor of the City of Columbia, Illinois

ATTEST:

J. Ronald Colyer, City Clerk

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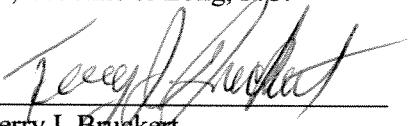
Submitted:

Bruckert, Gruenke & Long, P.C.

1-7-13

Date

By:



Terry I. Bruckert

Bruckert, Gruenke & Long, P.C.

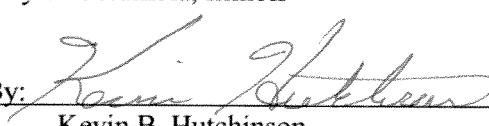
Accepted:

City of Columbia, Illinois

1-7-2013

Date

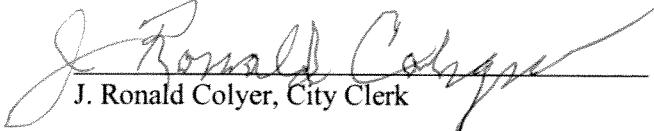
By:



Kevin B. Hutchinson

Mayor of the City of Columbia, Illinois

ATTEST:



J. Ronald Colyer, City Clerk