

COUNCIL OF THE CITY OF DIXON, ILLINOIS
EXECUTIVE SESSION
MONDAY, MAY 21, 2012

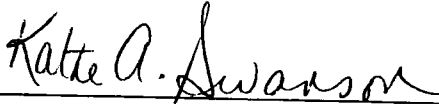
ROLL CALL

The Regular Council Meeting of Monday, May 21, 2012 adjourned into Executive Session at 7:09 p.m. to discuss the appointment or employment of legal counsel. The roll call was: Commissioners Blackburn, Brechon, Considine, Kuhn and Mayor Burke voting aye. Also present were City Clerk Kathe Swanson, City Attorney Tom Sanders, Police Chief Dan Langloss and Public Works Director Shawn Ortgiesen.

DISCUSSION – THE APPOINTMENT OR EMPLOYMENT OF LEGAL COUNSEL

Mayor Burke advised the agreement with Powers, Rogers & Smith (PR&S) includes the out-of-pocket expenses. Attorney Sanders advised the expenses are in addition to the fee but stressed that there is no liability for fees or expenses if no recovery. Attorney Sanders stated the agreement is 25% plus litigation expenses and added that every litigation agreement is like this. Commissioner Kuhn asked for a ballpark figure and Attorney Sanders advised there could not be an estimate given at this time; however, stated that the Wipfli work would not be duplicated. He also stated that if experts are called to testify, that is a large fee on an hourly basis. Chief Langloss suggested the City hire private contractors to do the legwork of expertise, such as forensic accounting. Mayor Burke questioned whether the City could be supplied with an expense report every 2 weeks but Attorney Sanders thought this request to be a bit excessive. Commissioner Brechon questioned if the City could cancel this agreement at any time and Attorney Sanders advised yes but the law firm would be entitled to reasonable value of their work up to that point. He advised the Council that the City has the veto power on any settlement. Commissioner Blackburn stated hiring PR&S is the most prudent way to go. Attorney Sanders advised PRS are well known and highly regarded. Attorney Sanders advised the law firm's fee agreement is subject to FOIA. Mayor Burke stated he would read a prepared statement in Open Session advising the City of Dixon hiring the law firm of Powers, Rogers & Smith, Chicago, Illinois.

A motion was read by Commissioner Blackburn at 7:23 p.m. and the roll call was unanimous to reconvene into Open Session.



Kathe A. Swanson, City Clerk