



January 17, 2017
City Council Meeting

Supplemental Packet

4. **LEGAL & LICENSING** – Alderman Patricia Haugeberg, Chair
 - a. Resolution Amending Resolution R-179-16 to Authorize Expanded Scope of Services and to Increase the Maximum Amount of Expenditure – **RESOLUTION R-15-17**
(back-up material to follow)



CITY MANAGER'S OFFICE

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MEMORANDUM

Date: January 11, 2017
To: Mayor Bogusz and Aldermen of the City Council
From: Michael G. Bartholomew, City Manager *MB*
Subject: January 17, 2017 City Council Agenda – Legal & Licensing Committee

At the request of Alderman Haugeberg, attached is back-up material regarding the Hillard Heintze internal investigation, which is on the January 17, 2017 City Council Agenda under the Legal & Licensing Committee.

CITY OF DES PLAINES

RESOLUTION R - 15 - 17

A RESOLUTION APPROVING ADDENDUM TO HILLARD HEINTZE LLC CONTRACT FOR CONDUCT OF ETHICS INVESTIGATION.

WHEREAS, on October 31, 2016, the Legal and Licensing Committee of the City Council recommended that the City Council retain an outside firm to conduct an investigation into the release of certain confidential information and documents by elected officials or employees of the City to the public (“*Investigation*”); and

WHEREAS, in accordance with Chapter 10 of Title 1 of the City Code of the City of Des Plaines and the City’s purchasing policy, the City determined that the procurement of internal investigations does not require competitive bidding because these services require a high degree of professional skill and judgment where the ability or fitness of the individual plays an important part; and

WHEREAS, on November 21, 2016, the City Council adopted Resolution R-179-16, approving the retention of Hillard Heintze LLC (“*Consultant*”) to conduct the Investigation and authorizing the City Manager to enter into a professional services contract with the Consultant for those purposes (“*Contract*”); and

WHEREAS, the Contract was entered into as of November 29, 2016; and

WHEREAS, the Consultant has requested an Addendum to the Contract to authorize services related to the Investigation in addition to those services already provided in the Contract, which additional services would be provided for a not-to exceed amount of \$10,000, and which proposed Addendum is attached to this Resolution as Exhibit A (“*Addendum*”); and

WHEREAS, the City Council has determined that it is in the best interest of the City to retain the Consultant to conduct the Investigation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Resolution as findings of the City Council.

SECTION 2: APPROVAL OF ADDENDUM. The City Council hereby authorizes the City Manager to enter into and execute the Addendum in a form acceptable to the City’s General Counsel in an amount not to exceed \$10,000.

SECTION 3: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

PASSED this ____ day of _____, 2017.

APPROVED this ____ day of _____, 2017.

VOTE: AYES ____ NAYS ____ ABSENT ____

MAYOR

ATTEST:

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

ADDENDUM DATED JANUARY 12, 2017 TO MASTER PROFESSIONAL SERVICES AGREEMENT

1. STATEMENT OF WORK AND SERVICES

The following investigative services (the "Services") will be performed by Company on behalf of the City of Des Plaines (the "Client"). Specifically, Company will:

Support internal investigation: Company will support Client by requesting and then conducting polygraph interviews of the 12 subjects originally interviewed or identified for interview relative to the media leak of attorney/client privileged information. Company will also provide analysis and review of the results of the polygraph interviews. Company will not ask questions outside the scope of this investigation.

Company requires additional budget to complete this portion of Phase 1 of the investigation. Company will present Client with its findings in a final report that will include the results of the polygraph interviews. This report will be prepared and delivered to the City Manager as a confidential and privileged communication.

2. TERM OF AGREEMENT

The term of this Agreement provides for Services to be delivered to the Client beginning on or about January 12, 2017 and in effect until delivery of the final report or terminated by providing a written notice to the other party of the intent to terminate as outlined in the Agreement. Company estimates it will take three to four weeks to conduct this investigation, depending on the availability of the witnesses and the time needed to complete the report.

3. FEES AND BILLING RATE

Company's professional fees are billed at \$275 per hour for investigative services. Company estimates a fee of \$10,000 for these Services.

Any additional services for other work Client may ask Company to conduct will be priced separately and authorized by the Client in writing prior to execution.

IN WITNESS WHEREOF, the Parties have executed this Statement of Work and Services as of January 12, 2017 pursuant to the Master Professional Services Agreement dated November 29, 2016.

HILLARD HEINTZE LLC

CITY OF DES PLAINES



Arnette Heintze,
as Chief Executive Officer

By: _____
Michael G. Bartholomew,
as City Manager