

Village Board Agenda Memo

Date: July 12, 2016

To: Village President & Board of Trustees

From: Emily Rodman, Assistant Village Manager 

Julia Cedillo, Village Manager 

RE: Tax Increment Financing & Business District Legal Counsel Recommendation - Kathleen Field Orr & Associates

PURPOSE

To consider a letter of engagement with Kathleen Field Orr & Associates to provide legal services related to Tax Increment Financing (TIF) and Business Districts.

BACKGROUND

In June, the Village released a Request for Proposals (RFP) for legal services related to the implementation of two Tax Increment Financing Districts, four Business Districts and associated annexation services. The RFP document is attached and outlines the specific services the Village is seeking. The RFP was sent to five legal firms and all five firms submitted proposals in response to the RFP. Staff reviewed the responses received and based upon the experience of the firms, anticipated hours of work, hourly rates and staff's prior experience, staff recommended the Village engage Kathleen Field Orr & Associates for legal services. At their meeting on June 28, 2016, the CRC discussed the various RFP responses and concurred with staff's recommendation to engage Kathleen Field Orr & Associates.

A proposed letter of engagement from Kathleen Field Orr & Associates is attached. The letter outlines the scope of services proposed and the proposed hourly rate (\$200). The Village Attorney has reviewed the letter and has no concerns with proceeding at this time.

RECOMMENDATION

If the Village Board concurs with the CRC's recommendation, staff recommends the Village Board approve the attached proposal from Kathleen Field Orr and Associates to serve as the Village's legal counsel related to TIF and Business Districts.

ACTION REQUESTED

This item is for both discussion and action.

Motion to Approve a Letter of Engagement with Kathleen Field Orr & Associates for legal services related to Tax Increment Financing and Business Districts.

DOCUMENTATION

- Letter for Engagement – Kathleen Field Orr & Associates
- Commercial Revitalization Committee Memo – June 28, 2016 (w/out attachments)
- Village of La Grange Park Request for Proposal – Tax Increment Financing and Business District Legal Services (w/out attachments)
- Kathleen Field Orr & Associates Proposal

LAW OFFICE
KATHLEEN FIELD ORR & ASSOCIATES
53 WEST JACKSON BLVD.
SUITE 964
CHICAGO, ILLINOIS 60604
(312)382-2113
(312)382-2127 facsimile

KATHLEEN FIELD ORR
kfo@kfoassoc.com

July 6, 2016

Village of La Grange Park
447 North Catherine Avenue
La Grange Park, Illinois 60526
Attn: Dr. Jim Discipio, Village President and Board of Trustees

Re: Village of La Grange Park

Dear Ms. Rodman:

Thank you for selecting Kathleen Field Orr & Associates to provide legal services to the Village in connection with its proposed application of the Illinois Tax Increment Allocation Act ("TIF") and the Business District Development and Redevelopment Law of Illinois ("*Business District*").

The purpose of this letter is to set forth the terms on which we understand you intend us to proceed and to address matters up front in order to avoid potential misunderstandings.

Scope of Services. This engagement letter does not engage us to undertake any matter other than the establishment, administration and implementation of the Village's use of TIF and Business District statutes. We are prepared to be called upon to negotiate and draft development and redevelopment agreements in connection therewith. We are also well acquainted with the laws regarding annexation and are prepared to assist the Village as may be requested.

Firm Personnel. I will be primarily responsible for the supervision of this matter, but you are engaging the firm and, as necessary, I will draw on the talent and expertise of my partner and associate within the firm. We do not use paralegal staff in any capacity. You may expect to communicate with any or all of the lawyers during the course of our firm's engagement in this matter. The resumes of the firm members are attached to this letter.

Legal Fees. Our fees for services are \$200.00 per hour; however, while you are charged for travel time, we do not seek reimbursement for facsimile transmissions, photocopies or long

distance telephone calls. It would be our intention to perform superior legal services with as much efficiency as permitted.

Billing Arrangements. Itemized statements of services and disbursements will be sent monthly, with payment to be made within thirty (30) days of the invoice date.

If you ever have any questions regarding the billing format or any information contained in any invoice or statement, please let me know immediately so that we can attempt to resolve any concerns fairly and without delay.

Withdrawal. The Village of LaGrange ^{Park} may terminate the attorney-client relationship at any time and for any reason. Such a termination does not, however, absolve you of responsibility to pay for services incurred prior to our receipt of notice of termination or incurred subsequent to notice but, in our view, reasonably necessary to protect your interests.

We are particularly looking forward to working with the Village Manager, Julia A. Cedillo and Assistant Village Manager, Emily Rodman from whom we will take direction. We understand and are prepared to work with any officer, employee or consultant working with you on TIF matters and/or Business District matters, as requested.

We are very pleased to have an opportunity to assist you with your commitment to economic development as we believe the Village will continue to prosper as a result of all of its new undertakings.

I am available to answer any questions you might have and/or meet with you if you believe that that would be advantageous.

Very truly yours,

KATHLEEN FIELD ORR & ASSOCIATES


KATHLEEN FIELD ORR

KFO/kms
Enclosures

cc: *Julia A. Cedillo, Village Manager*
Emily Rodman, Assistant Village Manager

Biographies

KATHLEEN FIELD ORR is the managing partner of the law firm of Kathleen Field Orr & Associates, focusing in the area of local government law. During the course of her practice of over thirty-five (35) years, Ms. Orr has concentrated in the area of municipal law and municipal finance. She has worked extensively in economic development, dealing with innovative financial incentive programs pertaining to residential, commercial, recreational and industrial development. She is currently a member and has served as Chairperson of the Local Government Section Council of the Illinois Bar Association, and is an active member of the Illinois Tax Increment Association and the Illinois Municipal League. In addition to serving as Special Counsel to approximately 40 municipalities in the State of Illinois, she has served as the Village Attorney of the Village of Park Forest, the Village of Matteson, City Attorney of the City of Calumet City, and Corporation Counsel of the City of Chicago Heights. She is currently serving as City Attorney of the United City of Yorkville, and Village Attorney of the Village of East Dundee, the Village of Carbon Cliff, the Village of Berkeley and the Village of Villa Park. She continues to serve the Park Forest Housing Authority since its organization in 1988; the Berwyn 9-1-1 Emergency Telephone Board since its inception in 1987; and, the Park Forest Public Library since 1979.

JAMES W. BINNINGER is an associate with the law firm of Kathleen Field Orr and Associates. Mr. Binninger received his Juris Doctor from Southern Illinois University School of Law and a Bachelor of Science in Political Science with a concentration in Urban Affairs from Northern Illinois University. Prior to joining the firm, Mr. Binninger was the in-house Assistant Corporation Counsel for the City of Elgin and the Village Attorney for the Village of Hanover Park, Illinois for the last 28 years. During his time with the Village of Hanover Park he was involved in the creation of Village TIF districts, various redevelopment agreements and a broad range of municipal legal issues. He has continued his municipal law practice at the firm with an emphasis on tax increment financing. He has been a frequent speaker regarding building codes and property maintenance, zoning, subdivision controls, land use and liability issues of public employees.

ANDREW D. COSTA is an associate working with the law firm of Kathleen Field Orr and Associates. Mr. Costa received his Juris Doctor with a certificate in Business Law from DePaul University College of Law and a Bachelor of Arts in Sociology with a concentration on Law and Society from DePaul University, both conferred *cum laude*. During Law School, Mr. Costa gained valuable knowledge and experience by assisting other attorneys through his work as a Law Clerk with the firm of Gardiner Koch Weisberg & Wrona. Mr. Costa was admitted to the Illinois Bar in November of 2014. He has worked in the area of Municipal Law and has assisted with the creation of TIF districts, various redevelopment agreements, and ordinances. Mr. Costa is a member the American Bar Association, Illinois State Bar Association, Chicago Bar Association, and Will County Bar Association.

Commercial Revitalization Committee Agenda Memo

Date: June 28, 2016

To: Trustee Jim Kucera, Chairman & Committee Members

From: Emily Rodman, Assistant Village Manager *ER*

RE: Tax Increment Financing and Business District Legal Counsel Recommendation

BACKGROUND

Earlier this month the Village released a Request for Proposals (RFP) for legal services related to the implementation of two Tax Increment Financing Districts, four Business Districts and associated annexation services. The RFP document is attached and outlines the specific services the Village is seeking. The RFP was sent to five legal firms, two of which staff has experience working with directly and three were provided by the Village's development consultant, S.B. Friedman Development Advisors. All five firms submitted proposals in response to the RFP which are attached.

Staff anticipates working closely with our selected legal counsel on the implementation of both the TIF and Business Districts. Counsel will review the implementation timeline and draft all required notices and ordinances to ensure compliance with the TIF statute. Counsel will also facilitate the annexation of the IHM railroad parcel to achieve contiguity of the former Praxair parcel. Finally, the legal counsel selected will provide ongoing support to Village staff and the Village Board with regard to annual TIF reporting requirements, review and negotiation of redevelopment projects and agreements, etc.

Based upon review of the submitted proposals, experience of the firms, anticipated hours of work, hourly rates and staff's prior experience, staff recommends the Village engage Kathleen Field Orr & Associates for legal services. Ms. Orr has extensive experience with regard to TIF and Business District implementation and ongoing management, as well as annexation. Ms. Orr has worked with S.B. Friedman on several past TIF Districts and is currently working with them in Bloomington, Carpentersville, and Lemont on TIF Districts. She is also an active member of the Illinois Tax Increment Financing Association and previously presented at the Village's Strategic Planning Session on Tax Increment Financing (February 2015).

ACTION REQUESTED

If the Commercial Revitalization Committee concurs with staff's recommendation, staff will forward the Committee's recommendation to the Village Board for consideration at the July 12th Work Session.

DOCUMENTATION

- Village of La Grange Park Request for Proposal – Tax Increment Financing and Business District Legal Services (w/out attachments)
- Holland & Knight Proposal
- Cohen, Salk & Huvad Proposal
- Gorski & Good Proposal
- Kathleen Field Orr & Associates Proposal
- Ancel Glink Proposal



Village of La Grange Park

REQUEST FOR PROPOSALS

Tax Increment Financing and Business District Legal Services

OVERVIEW

Request for Proposals

The Village of La Grange Park (hereinafter "Village"), located in Cook County Illinois, is seeking proposals from qualified law firms for legal work related to the potential creation of Tax Increment Financing (hereinafter "TIF") Districts, in accordance with 65 ILCS 74.4, in order to promote the development and revitalization of multiple commercial and industrial areas in the Village. Specifically, the Village has entered into a contract with S.B. Friedman Development Advisors to oversee the process of designation and implementation of two TIF Districts (Phase 1) and four Business Districts (Phase 2) in the locations shown on the attached map. The attached S.B. Friedman Development Advisors contract provides additional details. In order to establish contiguity within one of the proposed TIF districts, the Village and the selected law firm will need to work with the Indiana Harbor Belt Railroad to voluntarily annex a portion of its property into the Village.

The Village anticipates starting the process of designating and implementing the two TIF districts simultaneously over the summer months. Once that process is complete, the Village intends to proceed with implementation of all four business districts simultaneously (anticipated this fall/winter).

SCOPE OF SERVICES

Tax Increment Financing Districts

- Review, comment on and edit for legal compliance all TIF designation documents prepared by S.B. Friedman Development Advisors (e.g., the project timeline, the eligibility study, a housing impact study and the redevelopment plan).
- Draft all required hearing notices, public notices and ordinances designating and establishing the TIF districts (actual distribution and publication of notices will be handled by Village staff) and advise the Village staff on all required recipients of notices.
- Attend and offer all necessary legal counsel at Joint Review Board meeting and all required public meetings and public hearings.
- Advise the Village on legal strategies for handling any objections and negative feedback.



Business Districts

- Review, comment on and edit for legal compliance all documents prepared by S.B. Friedman Development Advisors (e.g., the project timeline, the eligibility study, etc.).
- Draft all required hearing notices, public notices and ordinances designating and establishing the Business districts (actual distribution and publication of notices will be handled by Village staff) and advise the Village staff on all required recipients of notices.
- Attend and offer all necessary legal counsel at all required public meetings/hearings.

Other

- Assist with Indiana Harbor Belt property annexation, including drafting annexation notices, ordinances, etc. (excluding Plat of Annexation).
- General consultation with staff and research as necessary to achieve legally compliant annexation.

Proposal Submittal

Please submit a letter outlining your firm's experience with providing legal services related to Tax Increment Financing and Business District implementation, as well as annexation. The letter should include a brief description of the proposed services and associated costs. If costs are proposed to be billed hourly, please provide the minimum billable increment and an estimate of anticipated total hours for Phase 1, Phase 2 and the annexation (the Village recognizes the final cost would be subject to actual hours billed).

Questions regarding this document and the Scope of Services may be directed at any time to Emily Rodman at (708) 354-0225 or erodman@lagrangepark.org.

Proposals shall be emailed or delivered **no later than 5:00 p.m. on June 17, 2016** to:

Emily Rodman, Assistant Village Manager
Village of La Grange Park
447 N. Catherine Avenue,
La Grange Park, Illinois 60526
erodman@lagrangepark.org

LAW OFFICE
KATHLEEN FIELD ORR & ASSOCIATES
53 WEST JACKSON BLVD.
SUITE 964
CHICAGO, ILLINOIS 60604
(312)382-2113
(312)382-2127 facsimile

KATHLEEN FIELD ORR
kfo@kfoassoc.com

RECEIVED JUN 13 2016

June 8, 2016

Emily Rodman, Assistant Village Manager
Village of La Grange Park
447 North Catherine Avenue
La Grange, Illinois 60526

Re: Village of La Grange Park

Dear Ms. Rodman:

Thank you for the opportunity to offer my services to the Village of La Grange Park in connection with the administration and implementation of its Tax Increment Financing Districts ("TIF").

I have practiced solely in the area of municipal law since 1974 and I have been actively involved with enterprise zones, tax increment financing districts and business development districts, as well as the drafting and implementing economic incentive and redevelopment agreements. Currently, I am working with more than 100 TIF Districts and 20 Business Districts located in over 35 municipalities in the State of Illinois. I am a frequent speaker at conferences on economic development all over our State.

As municipal attorneys, we are called upon daily to draft resolutions, ordinances, regulations and policies in connection with economic development projects. Having served numerous municipalities over the past three decades, we have also acquired substantial experience in zoning codes, annexations, planned unit developments and annexation agreements. Our firm has worked extensively in the area of municipal finance and tax exempt financing, including the issuance of industrial revenue bonds, tax increment revenue bonds, business district bonds, special service area bonds as well as general obligation bonds. Our biographies and client list demonstrate our broad experience in the area of local government law and our ability to address and advise on all aspects of governmental operations.

I have been an active member of the Illinois Tax Increment Finance Association and serve on its Program Committee. I have also attached my resume and that of my associate, James W. Binninger along with a list of clients and references for your convenience.

Our fees for services are \$200.00 per hour; however, while you are charged for travel time, we do not seek reimbursement for facsimile transmissions, photocopies or long distance telephone calls. It would be our intention to perform superior legal services with as much efficiency as permitted.

I am available to answer any questions you might have and/or meet with you if you believe that that would be advantageous.

Very truly yours,

KATHLEEN FIELD ORR & ASSOCIATES



KATHLEEN FIELD ORR

KFO/kms
Enclosures

CURRENT LIST OF MUNICIPAL CLIENTS

Village of Andalusia
Village of Annawan
Village of Berkeley
Berwyn 911 Emergency Telephone System Board
City of Bloomington
City of Calumet City
Village of Carbon Cliff
City of Colona
City of Colchester
Village of Creve Coeur
Village of Divernon
The Dundee Foundation, NFP
Village of Durand
Village of East Dundee
Village of Elizabeth
Village of Hampton
City of Havana
Henry County Enterprise Zone
Village of Hillside
Village of Lake Zurich
Village of Lake Villa
City of Lanark
Village of Lemont
Village of Lena
City of LeRoy
City of Lewistown
Village of Malta
Metro West Council of Government
Village of Montgomery
City of Mount Carroll
Park Forest Housing Authority
Park Forest Public Library
Village of Port Byron
Village of Saunemin
City of Savanna
Village of Sherman
Village of Stockton
Village of Warren
Village of West Dundee
Village of Woodhull
United City of Yorkville

Biographies

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