

APPROVED Minutes

Reinventing Government Committee

Thursday April 5, 2012

6:30 pm

The meeting was called to order at 6:30 p.m. in Room 130.

Present: Trustee Hedges, Trustee Salzman, Trustee Tucker

Others Present: Interim Manager Cara Pavlicek, Acting Village Attorney Boutet, and Deputy Village Manager Shelley

Approved the minutes of November 21, 2011 with the noted change to correct the Roll Call and remove Trustee Salzman who was not present for the meeting.

No public comments.

OLD BUSINESS

A. Law Department

Trustee Hedges stated that based on the information provided and in particular the letter from Klein, Thorpe and Jenkins to the Village dated January 7, 2010, the appointment and the supervision of the Village Attorney is clearly under the direction of the Village Manager.

In addition, with the current vacant Village Manager position, it may be best to put a temporary break on the process until the search for a new Village Manager is concluded. He also added that although the Interim Village Manager position carries the authority to make this decision now, it may be best to wait until the Village Manager is on staff, as this individual may have a particular organization/structure that he or she prefers just as the former Manager expressed a particular recommendation. Both of the other committee members agreed, Trustee Salzman and Trustee Tucker.

Trustee Tucker added that currently things appear to be running ok and if there is a need to talk about current short-term needs, they could do that. Trustee Salzman added that if the new Village Manager should want advice from this committee that would be ok, and/or if the Board is asked to weigh in in the future – it would be only at the request of the Manager otherwise the Village Manager would have the authority to make this decision.

On a different but related matter, the committee noted that over the past several years we incurred several outside counsel contracts in excess of \$25K and therefore would like to see those submitted to the Board for approval, as all other contracts are required. This was important for many reasons and in particular keeps the Board and the Manager conscious of current costs or on-going costs. Discussion continued about the method to

do this and the challenge to not “tip our hat” of potential litigation total authorized amounts. Staff will need to find a way to bring these contracts forward to accomplish this need. One idea or method to consider was possibly passing the contracts with an hourly rate only with a corresponding Executive Session to review the actual anticipated costs relative to pending litigation.

There was discussion about the coordination and oversight of outside counsel. In general, they thought this should be done with the Village Attorney by the Village Manager. Interim Manager Pavlicek noted the need to keep communication open with Attorney and as well as the subcontracted legal counsel through a process reporting to the Village Manager. The Committee agreed with the importance of having a process for this to occur. On a related but different issue, Trustee Tucker mentioned the idea of having a manageable and comprehensive Board policy regarding Litigation. At times he feels the Board is too much into the detail and it should instead be a joint recommendation from the Acting Village Attorney and the Interim Manager making recommendations to the Board (ie. the Board should not be involved in what would be the opening or counter proposal). This policy will be a challenge because it can't be too broad and then not functional either.

The Committee also mentioned that the letter dated January 7, 2010 from Klein, Thorpe and Jenkins in the agenda material also reminds the Board of the relationship between the Village Board and Manager and the committee felt there was a “drift” from the form of government and the elected officials are getting involved in too much administrative detail and issues.

Interim Manager Pavlicek discussed the notification she will provide to those that responded to the RFP for legal services. She said that she will send a notice that will state that except for General Counsel, the Village will determine next steps, if any, in 90 days. This will allow time for her to meet with the Acting Village Attorney and determine if any of the responses can be used to support the Law Department on an interim basis. The Committee just cautioned from making any major changes or shifts with the current outside labor counsels the Village currently uses, until the process for assigning a permanent Village Attorney is complete. Tightening is ok but expressed a need to wait for the future process of selecting a permanent Village Attorney or Firm, who may have a completely different opinion. The Village wouldn't want to go through this again in 6 months.

Acting Village Attorney Boutet advised the Committee that she is preparing a document to track fees per case. She doesn't think this was done before.

Interim Manager Pavlicek agreed that now is not the time to replace existing support counsel but that there is a need for temporary assistance for the Law Department. She will be working with Acting Attorney Boutet to identify potential assistance for 6 months with a month to month contract thereafter. The Committee said that would be the Interim Manager's role and they do not need to be involved except to approve the contract assuming it will be over \$25,000.

Other

Staff also provided an update regarding IRMA. Although the Committee decided this past year not to recommend to the full Board to potentially explore joining an organization like IRMA (due to IRMA's current structure), IRMA is still in process as an organization reviewing if they will change in the future to be more beneficial to larger communities like Oak Park. This self-evaluation by IRMA is expected to be complete by early summer and a report will be provided to Oak Park.

In the meantime, staff engaged IRMA to conduct a series of evaluations of best practices in the area of risk management. Oak Park just completed the first evaluation and met with IRMA to review the results. Staff found the exercise to be very helpful and welcomed many of the suggestions. Staff is preparing a follow-up work plan to implement some of the suggestions.

B. NEW BUSINESS

The Committee discussed some potential topics for future discussion.

It was agreed that the Committee would advise the Board they would continue with organization structure reviews starting with Business Services and then Partner Agencies to coincide with the 2013 budget process.

The Committee suggested that at the upcoming Special Meeting on Monday April 9, 2012, they report briefly on the results of this meeting to the full Board.

Motion to adjourn at 7:30 p.m.