

**A RESOLUTION APPROVING AN ADJUSTMENT TO THE PROFESSIONAL SERVICES RATE
FOR JOHN Z. TOSCAS AS SPECIAL COUNSEL FOR ADMINISTRATIVE ADJUDICATION
HEARING OFFICER SERVICES**

WHEREAS, the Village of Barrington Hills (“the Village”) is a home rule municipality, pursuant to Article VII, Section 6, of the Constitution of the State of Illinois, and as such is authorized to take all reasonable action pertaining to its affairs in accordance therewith; and

WHEREAS, pursuant to the Village Code of Ordinances, section 1-6-6, the President is authorized to select an individual as Special Counsel to provided legal services to the Village and the Village Board is authorized to fix the compensation of Special Counsel so selected by the President; and

WHEREAS, in 2019, the Village engaged the licensed Attorney John Z. Toscas to serve as the Village’s Administrative Adjudication Hearing Officer (Resolution 19 – 13) to preside over the Village’s Administrative Adjudication proceedings; and

WHEREAS, in 2022, the Village approved an adjustment of the service rate to \$425.00 covering up to 2-hours of service at the Village’s regularly scheduled Administrative Adjudication hearings; and

WHEREAS, John Z. Toscas has recently submitted a revised professional services agreement, attached as Exhibit A, including an adjustment of the rate to a \$650.00 covering up to 2-hours of service at the Village’s regularly scheduled Administrative Adjudication hearings, time in excess of two hours would be billed at \$225 per hour; and

WHEREAS, the Village attorney has reviewed the proposal and advises that the requested rate is reasonable; and

WHEREAS, the Village Board determines that it is in the best interests of the Citizens of the Village to accept the professional services agreement of John Z. Toscas to continue his services at the Village’s regularly scheduled Administrative Adjudication hearings.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Barrington Hills, located in the Counties of Cook, Kane, Lake and McHenry, Illinois, as follows:

SECTION ONE: The recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: The Village Board hereby approves the professional service agreement and rate of John Z. Toscas at \$650.00 covering up to 2-hours of service at the Village’s regularly scheduled Administrative Adjudication hearings.

SECTION THREE: This Resolution shall take effect immediately upon its passage and approval as provided by law.

Ayes: 5 (Clarke, Hoffmann, Hills, Ekstrom, Riff)

Nays: 0

Absent: 1 (Strauss)

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 19th day of December, 2023.

APPROVED:


Village President

ATTEST:


Village Clerk

**SPECIAL COUNSEL
PROFESSIONAL SERVICES AGREEMENT**

The **VILLAGE OF BARRINGTON HILLS** (hereinafter referred to as the "**VILLAGE**") and **JOHN Z. TOSCAS** (hereinafter referred to as the "**ADMINISTRATIVE LAW JUDGE**") hereby enter into the following Professional Services Agreement:

W I T N E S S E T H :

WHEREAS, the **VILLAGE** is a governmental entity authorized by statute to enter into agreements for professional legal services; and

WHEREAS, the **VILLAGE** desires to engage an attorney to serve as Special Counsel and conduct Hearings and act as **ADMINISTRATIVE LAW JUDGE** for code violations/towing/seizure and/or parking matters on behalf of the **VILLAGE**; and

WHEREAS, the **ADMINISTRATIVE LAW JUDGE** possesses an expertise and practice concentration in the area of Adjudication/Administrative Hearings and acting as an **ADMINISTRATIVE LAW JUDGE**; and

WHEREAS, the **VILLAGE** has determined that it is in the best interests of the **VILLAGE** to contract for the professional legal services of an **ADMINISTRATIVE LAW JUDGE** to be performed on behalf of the **VILLAGE**; and

WHEREAS, the **VILLAGE** and **ADMINISTRATIVE LAW JUDGE** desire to enter into an Agreement for Professional Services memorializing the contractual terms, conditions and professional services to be provided.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereto covenant and agree as follows:

- Section 1: The foregoing recitals shall be, and are hereby incorporated herein, as if fully set forth within this Section 1.
- Section 2: **ADMINISTRATIVE LAW JUDGE** hereby represents and warrants that **ADMINISTRATIVE LAW JUDGE** is a duly licensed attorney at law, licensed to practice in the State of Illinois and has the requisite experience and certification as an **ADMINISTRATIVE LAW JUDGE**/Adjudication Hearing Officer for over 28 years.
- Section 3: **ADMINISTRATIVE LAW JUDGE** shall, at all times, act in a professional manner and shall conduct fair and impartial Adjudication Hearings in accordance with the law.
- Section 4: The **ADMINISTRATIVE LAW JUDGE** shall be available to conduct the Hearings for the **VILLAGE** on a mutually agreed upon date(s) or day(s) and time(s).
- Section 5: The **VILLAGE** will provide a prosecutor to represent the **VILLAGE** and the Prosecutor shall be in attendance at each Hearing to prosecute each case that is on

the call for the month.

Section 6: The VILLAGE agrees to provide a Clerk to prepare the call for the Hearings and conduct the duties required thereto and such other duties assigned by the ADMINISTRATIVE LAW JUDGE.

Section 7: The VILLAGE agrees to name ADMINISTRATIVE LAW JUDGE as an appointee of the VILLAGE.

Section 8: The VILLAGE agrees, in consideration of the foregoing, to compensate the ADMINISTRATIVE LAW JUDGE for the services rendered as follows:

- (a) A flat fee of six hundred fifty dollars (\$650.00) per two-hour Hearing, which includes travel, preparation time and review of the cases on the docket prior to the Hearing.
- (b) Hearings which exceed two hours in duration will be charged at the rate of \$225.00 per hour for additional time in quarter-hour increments.

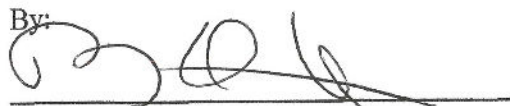
Section 9: The Hearing services shall be invoiced on a monthly basis on the day following the Hearings by the ADMINISTRATIVE LAW JUDGE setting forth the date of attendance at the Hearing and the applicable fee.

Section 10: This Agreement shall commence and take effect on the 1st day of January, 2024, and shall continue in full force and effect up through and including the 31st day of December, 2024. This Agreement shall automatically renew each year. The VILLAGE may terminate this Agreement upon ninety (90) days written notice to ADMINISTRATIVE LAW JUDGE.

Section 11: This writing contains the entire Agreement of the parties. No further representations are made other than those expressly set forth herein.

VILLAGE OF BARRINGTON HILLS

By:



Brian D. Cecola - Village President

TOSCAS LAW GROUP, LLC



JOHN Z. TOSCAS - Administrative Law Judge

Attest:



Nikki Panos - Clerk

Seal

Date: 20 day of December, 2023.

