

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____
Waiver of First Requested
Recommendations of Boards, Commissions & Committees (Green) _____
Other Business (Pink) _____

_____ X _____

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *DAH*

DATE: October 6, 2009 (COW)(B of T) October 15, 2009

TITLE: A Motion Authorizing Shanahan & Shanahan, LLP to Serve as Village Bond Counsel

SUBMITTED BY: Timothy Sexton, Director of Finance

BACKGROUND/POLICY IMPLICATIONS:

Staff is recommending that the Village Board approve Shanahan & Shanahan LLP to serve as the Village's Bond Counsel, based on interviews conducted with several firms. Additional information is provided in the memo attached.

Review (as necessary):
Village Attorney X
Finance Director X
Village Manager X

Date _____
Date 10/7/09
Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



To: William J. Mueller, Village President
Village Board of Trustees

From: David A. Hulseberg, Village Manager
Timothy Sexton, Director of Finance *TS*

Date: October 6, 2009

Subject: Motion Authorizing Shanahan & Shanahan LLP to Serve as Bond Counsel

The Village is in need of hiring a new bond counsel.

Background: Village staff received notification this past July that Jim Shanahan was leaving Ice Miller LLP, the firm that has served as the Village's Bond Counsel for the last 13 years, to start his own firm. For the first five years Lombard was with Ice Miller, our Bond Counsel was Charles Hug, who then retired. Mr. Shanahan has been our Bond Counsel for the last eight years. In September, the Village Manager and Finance Director contacted four firms to determine if they were interested in serving as our bond counsel. Interviews were then conducted with the following firms; Ice Miller LLP, Shanahan & Shanahan LLP and Ungarretti & Harris.

For Ice Miller, staff met with Robert Schillerstrom, James Snyder and Tim Stratton. For Shanahan & Shanahan, we met with James A. Shanahan and James D. Shanahan. For Ungarretti & Harris, we met with Raymond Fricke. All of the firms were qualified to serve as the Village bond counsel. However, the Village has a unique situation because of the Village's relationship with the Lombard Public Facilities Corporation (LPFC). The LPFC is very unique in its relationship to the Village and it requires an in-depth knowledge of this special type of financing.

After the interview process and a considerable amount of discussion, we recommend that the Village select Shanahan & Shanahan to serve as the Village Bond Counsel. Mr. Shanahan was involved from the beginning with all discussions related to the formation of the LPFC, and either wrote or was involved with the review of all of the agreements related to the LPFC. We routinely seek out his advice on the practical application of the agreements, as well as what the original intent of certain language was. The trustee for the LPFC bonds, Amalgamated Bank, also relies on Mr. Shanahan's opinions when there are certain differences between the agreements, or the language does not clearly state how a situation should be handled.

Recommendation: Therefore, staff is recommending that the Village Board approve Shanahan & Shanahan LLP to serve as the Village's Bond Counsel.