



BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES

FROM: SCOTT KOEPEL, VILLAGE ADMINISTRATOR

SUBJECT: AN ORDINANCE AMENDING TITLE 1, CHAPTER 9, OF THE MUNICIPAL CODE OF THE VILLAGE OF SUGAR GROVE, ILLINOIS, REGARDING THE RETENTION AND SELECTION OF SPECIAL LEGAL COUNSEL FOR LEGISLATIVE AND CONFLICT MATTERS

AGENDA: October 6, 2026

DATE: September 29, 2026

ISSUE

Shall the Village Board approve an Ordinance Amending Title 1, Chapter 9, of the Municipal Code of the Village of Sugar Grove, Illinois, Regarding the Retention and Selection of Special Legal Counsel for Legislative and Conflict Matters?

DISCUSSION

This agenda item was added by two Trustees. On September 1st, the Village Board discussed the possibility of separate legal counsel for the Trustees. Staff did research on the topic and drafted the attached Ordinance. Currently, the Village retains special legal counsel separate from the Village Attorney for specific matters. Sergio Galindo represents the Village for administrative enforcement.

If the Ordinance is adopted, staff will seek direction in the selection process for special counsel as an independent contractor. Special legal counsel will only be used when required by the Ordinance but waiting to retain an independent contractor will delay the initial request.

COST

There is no cost to update the Village Code, but retaining legislative counsel will incur an hourly fee.

ATTACHMENTS

Ordinance Amending Title 1 Chapter 9 of the Municipal Code of the Village of Sugar Grove, Illinois Regarding the Retention and Selection of Special Legal Counsel for Legislative and Conflict Matters

RECOMMENDATION

Staff is neutral on this topic, as the special legal counsel would be for the Board of Trustees.



**Village of Sugar Grove
Kane County, Illinois**

Ordinance No.: 20261006 VB1

**AN ORDINANCE AMENDING TITLE 1, CHAPTER 9, OF THE MUNICIPAL CODE OF
THE VILLAGE OF SUGAR GROVE, ILLINOIS, REGARDING THE RETENTION AND
SELECTION OF SPECIAL LEGAL COUNSEL FOR LEGISLATIVE AND CONFLICT
MATTERS**

**Adopted by the
Village Board
of the
Village of Sugar Grove
October 6, 2026**

Published in pamphlet form by
Authority of the Village Board
of the Village of Sugar Grove,
Kane County, October 6, 2026

Village Clerk

(seal)

**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO.: 20261006 VB1

**AN ORDINANCE AMENDING TITLE 1, CHAPTER 9, OF THE MUNICIPAL CODE OF THE
VILLAGE OF SUGAR GROVE, ILLINOIS, REGARDING THE RETENTION AND
SELECTION OF SPECIAL LEGAL COUNSEL FOR LEGISLATIVE AND CONFLICT
MATTERS**

WHEREAS, the Village of Sugar Grove, Kane County, Illinois (the "Village"), is a non-home rule municipality organized and operating under the provisions of the Illinois Municipal Code (65 ILCS 5/1-1-1 et seq.); and

WHEREAS, pursuant to Section 3.1-30-5 of the Illinois Municipal Code (65 ILCS 5/3.1-30-5), the Board of Trustees (the "Board") is authorized to prescribe the duties and define the scope of administrative officers and departments of the Village; and

WHEREAS, pursuant to Section 8-1-7 of the Illinois Municipal Code (65 ILCS 5/8-1-7), the corporate authorities have the statutory power to enter into contracts for corporate purposes and control municipal expenditures; and

WHEREAS, Rule 1.7 of the Illinois Rules of Professional Conduct dictates that legal counsel cannot represent clients when a concurrent conflict of interest exists, including situations where the legal interests of the Executive (Village President) and the Legislative Body (Board of Trustees) directly diverge; and

WHEREAS, the Board of Trustees finds it necessary and in the best interest of the health, safety, and welfare of the residents of the Village to establish a formal procedural framework for retaining independent legal counsel as independent contractors to represent or advise the Board when a legal conflict of interest arises or when independent legislative oversight is required.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: RECITALS. The foregoing recitals are incorporated into and made a part of this Ordinance as if fully set forth herein.

SECTION TWO: AMENDMENT. Title 1, Chapter 9, Article E. ("Village Attorney") of the Municipal Code of the Village of Sugar Grove is hereby amended by adding a new Section [1-9E-5], entitled "Retention of Special Legislative Counsel," to read as follows:

"Section [1-9E-5]: RETENTION OF SPECIAL LEGISLATIVE COUNSEL.

(A) Declaration of Conflict or Need for Legislative Counsel. A legal conflict or legislative necessity requiring independent legal representation shall be deemed to exist whenever:

(1) The Village Attorney declares in writing that a conflict of interest exists under the Illinois Rules of Professional Conduct precluding the joint representation of the Village President and the Board of Trustees; or

(2) The Board of Trustees, by a majority vote, determines that a legal dispute, controversy, or adverse legal position exists between the Executive Branch (Village President) and the Legislative Branch (Board of Trustees); or

(3) The Board of Trustees, by a majority vote, determines that independent legal advice, drafting, or investigative oversight is necessary regarding legislative duties, internal administrative inquiries, or corporate governance matters separate from general administrative legal representation.

(B) Retention as Independent Contractor. Upon the occurrence of any condition set forth in Subsection (A), the Board of Trustees is authorized, by resolution approved by a majority vote of the Corporate Authorities then holding office, to retain independent legal counsel. Counsel retained under this Section shall serve as an independent contractor under a professional services agreement and shall not be deemed a municipal officer under Section 3.1-30-5 of the Illinois Municipal Code.

(C) Scope of Duties and Reporting. Special Legislative Counsel retained under this Section shall report directly and exclusively to the Board of Trustees with respect to the specific legal matter, investigation, or engagement for which they were contracted.

(D) Compensation and Payment. Fees and expenses for Special Legislative Counsel retained under this Section shall be paid from municipal funds appropriated for legal services, professional services, or legislative contingencies in the annual budget ordinance.

SECTION THREE: SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

SECTION FOUR: REPEAL OF CONFLICTING PROVISIONS. All ordinances, resolutions, or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in book or pamphlet form as provided by law.

PRESENTED, PASSED AND APPROVED by the President and the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, on this 6TH day of **October 2026**.

Sue Stillwell, Village President

Tracey R. Conti, Village Clerk

BOARD VOTE:

	Aye	Nay	Absent	Abstain	Recuse
Trustee Heidi Lendi	_____	_____	_____	_____	_____
Trustee Matthew Bonnie	_____	_____	_____	_____	_____
Trustee Sean Michels	_____	_____	_____	_____	_____
Trustee Anthony Speciale	_____	_____	_____	_____	_____
Trustee Nora London	_____	_____	_____	_____	_____
Trustee Michael Roskopf	_____	_____	_____	_____	_____