



CITY of NOVI CITY COUNCIL

Agenda Item 1
February 21, 2012

SUBJECT: Approval of the following recommendations pertaining to the City's General Counsel Legal Services:

- A. Approval of termination, effective immediately, of the 12/31/10 Contract for General Legal Counsel Services between the City of Novi and Secrest Wardle and authorization for the City Clerk to issue to Secrest Wardle a Notice of Termination For cause of said contract;
- B. Approve resolution to authorize the City Manager to provide the law firm of Secrest Wardle with a written authorization and direction to deliver all files and data regarding legal matters involving the City of Novi to the law firm of Johnson, Rosati, Schultz and Joppich PC in order that further legal representation to the City of Novi and legal services to be provided to the City of Novi be handled by the law firm Johnson, Rosati, Schultz and Joppich PC

SUBMITTING DEPARTMENT: City Manager

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

City Council approved and entered into an agreement with Secrest Wardle on December 31, 2010. The City's longstanding legal representative, Tom Schultz, and colleagues have constituted a new firm with Johnson, Rosati, Schultz and Joppich PC. City Council is being requested to cancel the agreement immediately, with cause, that it entered in with Secrest Wardle. Additionally, City Council is being requested to approve a resolution and approve the release of all files and documents relating to work done for the City of Novi as authorized to do so under Michigan Rules of Professional conduct, including specifically Rule 1.16 (a) (3) and (d).

RECOMMENDED ACTION: Approval of the following recommendations pertaining to the City's General Counsel Legal Services:

- A. Approval of termination, effective immediately, of the 12/31/10 Contract for General Legal Counsel Services between the City of Novi and Secrest Wardle and authorization for the City Clerk to issue to Secrest Wardle a Notice of Termination For cause of said contract;
- B. Approve resolution to authorize the City Manager to provide the law firm of Secrest Wardle with a written authorization and direction to deliver all files and data regarding legal matters involving the City of Novi to the laws firm of Johnson, Rosati, Schultz and Joppich PC in order that further legal representation to the City of Novi and legal services to be provided to the City of Novi be handled by the law firm Johnson, Rosati, Schultz and Joppich PC

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				

CITY OF NOVI

COUNTY OF OAKLAND, MICHIGAN

RESOLUTION AUTHORIZING RELEASE OF FILES

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held at the City Hall in said City on February, 21, 2012 at 7:00 o'clock P.M. Prevailing Eastern Time.

PRESENT:

Councilmembers _____

ABSENT:

Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

WHEREAS, the City Council has determined to terminate the General Legal Counsel services of Secrest, Wardle, Lynch, Hampton, Truex and Morley, and

NOW THEREFORE, BE IT THEREFORE RESOLVED that the City Council authorizes Secrest, Wardle, Lynch, Hampton, Truex and Morley to release any and all files to Thomas R. Schultz, Esq. at a location of his designation, and to turn over and deliver said files including everything contained therein, but not limited to any files set forth on any list attached to the signed authorization, any electronic files or messages of any kind involving the City of Novi, any closed files relating to the City of Novi and any files under any file number assigned to the City of Novi. The Mayor is hereby authorized to sign for the release of all files.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

MARYANNE CORNELIUS, CITY CLERK

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi, County of Oakland, and State of Michigan, at a regular meeting held this 21st day of February, 2012, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

MARYANNE CORNELIUS, CITY CLERK

AUTHORIZATION TO RELEASE FILES

TO: SECREST, WARDLE, LYNCH, HAMPTON, TRUEX & MORLEY

The Undersigned hereby authorizes and directs you to immediately release, turn over, and deliver to Thomas R. Schultz, Esq., and his representatives or designees, at a location of his designation, all of the files , including everything contained therein, of the Undersigned, including, but not limited to any files set forth on any list attached hereto, any electronic files or messages of any kind involving the Undersigned, any closed files relating to the Undersigned, and any files under any file number assigned to the undersigned.

You are directed to execute a consent to substitution of attorneys on each of said files where appropriate. Upon the turnover of the files as aforesaid, you will have no further responsibility in connection with any of said files.

If you fail to immediately release the files as directed herein, the Undersigned shall consider same to be a breach of the Michigan Rules of Professional conduct, including specifically Rule 1.16 (a) (3) and (d).

By:

Its:

Dated February __, 2012