Passed 9-0

# RESOLUTION 13-13

## TO APPROVE AN *AMENDED* INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA IN REGARD TO THE 2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

WHEREAS, the City of Bloomington and Monroe County are authorized by I.C. 36-1-7-1, *et seq.*, to enter into agreements for the joint exercise of their powers for the provision of services to the public; and

WHEREAS, this A*mended* Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively utilize proceeds received from the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG).

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The *Amended* Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana in regard to 2011 Edward Byrne Memorial Justice Assistance Grant, a copy of which is attached hereto and made a part hereof, is hereby approved.

SECTION 2. If any sections, sentence or provision of this legislation, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this legislation which can be given effect without the invalid provision or application, and to this end the provisions of this legislation are declared to be severable.

SECTION 3. This resolution shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 17th day of July, 2013.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon
this 17TH day of July, 2013.

SIGNED and APPROVED by me upon this 22nd day of July, 2013.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution approves the *Amended* Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana regarding the use of the 2011 Edward Byrne Memorial Justice Assistance Grant. The *Amended* Interlocal Agreement provides that the City will utilize all of the available funds to purchase emergency lighting systems (light bars) for installation on Police Department patrol vehicles rather than for polygraph equipment and training. The County will continue to use its share of the grant to purchase a polygraph machine and to train one person from its department on how to operate the polygraph machine.

Signed copies:
legal
controller
BPD
MC Sheriff
MC Commissioners
MC Auditor

CA/CA
Clerk(2)

**AMENDED**
INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE CITY OF BLOOMINGTON AND
MONROE COUNTY, INDIANA
IN REGARDS TO 2011 EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG)

WHEREAS, Indiana Code § 36-1-7-1 *et seq.* permits governmental entities to jointly exercise powers through Interlocal Cooperation Agreements; and

WHEREAS, each governmental entity, in performing their governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governmental entity finds that the performance of this Interlocal Cooperation Agreement is in the best interests of both entities, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Interlocal Cooperation Agreement; and

WHEREAS, this Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively utilize proceeds received from the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG); and

WHEREAS, the original Interlocal Cooperation Agreement was approved by the Monroe County Commissioners on August 12, 2011; the City of Bloomington Common Council on September 14, 2011; and approved by the Mayor of Bloomington on September 15, 2011; and

WHEREAS, the City of Bloomington was unable to utilize is $20,158.50 allocation for the purchase of a polygraph system or of training a person to utilize a polygraph system because of other budgetary constraints; and

WHEREAS, the Department of Justice has advised the City of Bloomington that the $20,158.50 can still be allocated to the City, provided the City instead utilizes said money for the purchase of emergency lighting equipment to be used as light bars on its patrol vehicles; and

WHEREAS, the Department of Justice has advised the City of Bloomington that in order to utilize the $10,158.50 for the purchase of emergency lighting equipment an *Amended* Interlocal Cooperation Agreement must be entered into between the City of Bloomington and Monroe County; and

NOW, THEREFORE, City of Bloomington and Monroe County, Indiana, hereby agree as follows:

Section 1. Payment

The City of Bloomington (hereinafter, "City") paid Monroe County, Indiana (hereinafter, "County"), a total of $20,158.50 of funds received from the Recovery Act: Justice Assistance Grant (hereinafter "JAG").

The City collected and deposited $20,158.50 in JAG funds into its own account.

Section 2. Use of Funds

Monroe County shall use its respective funds to purchase a complete Polygraph System with associated hardware/software, the required laptop computer and accompanying systems and to pay to train one member of its Department on how to use and interpret the Polygraph System; this shall include the costs of travel.

The City of Bloomington shall use its respective funds to purchase emergency lighting equipment (light bars) to install on its patrol vehicles.

Section 3. Liability

Nothing in the performance of this Interlocal Cooperation Agreement (hereinafter, "Agreement") shall impose any liability for claims against either governmental entity other then claims for which liability may be imposed by the Indiana Tort Claims Act.

Section 4. Responsibility

Each entity to this Agreement shall be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 5. Commitment

The entities shall communicate and cooperate with one another to ensure that the purposes of this Agreement are achieved on behalf of and to the benefit of the publics they serve.

Section 6. Third Parties

The entities to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7. Intent

By entering into this Agreement, the entities do not intend to create any obligations express or implied other than those set out herein. Further, this Agreement shall not create any rights in any party not a signatory hereto.

Section 8. Severability

If any provision of this Agreement is declared, by a court of competent jurisdiction, to be invalid, null, void or unenforceable, the remaining provisions shall not be affected and shall have full force and effect.

Section 9. Appropriation of Funds

The entities acknowledge and agree that the performance of this Agreement is subject to the appropriation of sufficient funds by JAG. The parties agree to make a good faith effort to obtain all necessary

appropriations and to comply with all provisions of this Agreement to the extent feasible under current or future appropriations.

Approved this 12TH day of July, 2013, by the Monroe County, Indiana Commissioners:

MONROE COUNTY, INDIANA

IRIS F. KIESLING, President
Monroe County Commissioners

JULIE THOMAS, Vice President
Monroe County Commissioners

PATRICK STOFFERS, Commissioner
Monroe County Commissioners

ATTEST:

STEVE SAULTER, Auditor

Approved this 17th day of July, 2013, by the City of Bloomington Common Council.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk

Approved this 22nd day of July, 2013, by the City of Bloomington.

CITY OF BLOOMINGTON, INDIANA

MARK KRUZAN, Mayor

ATTEST:

REGINA MOORE, Clerk