Passed 9-0

RESOLUTION 10-13

TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA IN REGARDS TO 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)
(To Purchase Two Vans for the Critical Incident Response Team)

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 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 2010 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 Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana in regards to 2010 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 ordinance, 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 ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance 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 4th day of AUGUST, 2010.

ISABEL PIEDMONT-SMITH, 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 5th day of AUGUST, 2010.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 6TH day of AUGUST, 2010.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution approves the Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana regarding the use of the 2010 Edward Byrne Memorial Justice Assistance Grant. The Interlocal Agreement provides that the City will utilize all of the available funds to purchase two vans to be utilized by the Critical Incident Response Team.

Signed Copies To:
Legal (10)
Controller
BPD
Sheriff
IUPD

County Commissioners
County Auditor
County Treasurer

CA/CA (2)
Clerk (2)

INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE CITY OF BLOOMINGTON AND
MONROE COUNTY, INDIANA
IN REGARDS TO 2010 EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG)

WHEREAS, Indiana Code § 36-1-7-1 *et seq.* permits governmental entities 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 2010 Edward Byrne Memorial Justice Assistance Grant (JAG).

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

Section 1. Payment

Monroe County, Indiana (hereinafter, "County") agrees that it will not collect any of the $43,446.00 of funds received from the 2010 Edward Byrne Memorial Justice Assistance Grant (hereinafter, "JAG") and that the City of Bloomington, Indiana (hereinafter, "City") shall collect and deposit all of the $43,446.00 in JAG funds into its own account.

Section 2. Use of Funds

City agrees to use all of the $43,446.00 for the purchase of two fifteen passenger vans to be utilized by the Critical Incident Response Team, said team being a multijurisdictional critical incident and counter-terrorism team comprised of members from the City Police Department, the County Sheriff Department and the Indiana University Police Department.

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

Be 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.

SO AGREED this _____ day of _____, 2010.

CITY OF BLOOMINGTON, INDIANA

ATTEST:

_____
MARK KRUZAN, Mayor

_____
REGINA MOORE, Clerk

MONROE COUNTY, INDIANA

ATTEST:

_____
PATRICK STOFFERS, President
Monroe County Commissioners

_____
AMY GERSTMAN, Auditor

_____
IRIS F. KIESLING, Vice President
Monroe County Commissioners

_____
MARK STOOPS, Commissioner
Monroe County Commissioners

Approved this _____ day of _____, 2010, by the City of Bloomington Common Council.

_____ _____
ISABEL PIEDMONT-SMITH, President
Bloomington Common Council