Passed 7-0

Volan arrived after vote was taken
Satterfield absent

RESOLUTION 11-12

TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA IN REGARDS TO 2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) (To Purchase and Train Staff to Operate Polygraph Equipment)

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 2011 Edward Byrne Memorial Justice Assistance Grant (JAG).

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

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

SECTION II. 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 III. 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 14th day of SEPTEMBER, 2011.

SUSAN SANDBERG, 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 15th day of SEPTEMBER, 2011.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 15th day of September, 2011.

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 $40,317.00 2011 Edward Byrne Memorial Justice Assistance Grant. The Interlocal Agreement provides that the City and County will equally divide the funds and use their respective shares of the grant to purchase polygraph machines and to train one person from their respective departments on how to operate the polygraph machine.

Signed copies to:
Legal
Controller
Price

CA/CA
Clerk(2)

Attach JAG interlocal

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).

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

Section 1. Payment

The City of Bloomington (hereinafter, "City") agrees to pay 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 shall collect and deposit $20,158.50 in JAG funds into its own account.

Section 2. Use of Funds

Both parties agree to use their respective funds to purchase a complete Polygraph System with associated hardware/software, the required laptop computer and accompanying systems. Funds shall also be used to pay for each party to train one member of its Department on how to use and interpret the Polygraph System; this shall include the costs of travel.

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 August, 2011, by the Monroe County, Indiana Commissioners:

MONROE COUNTY, INDIANA

PATRICK STOFFERS, President
Monroe County Commissioners

IRIS F. KIESLING, Vice President
Monroe County Commissioners

MARK STOOPS, Commissioner
Monroe County Commissioners

ATTEST:

AMY GERSTMAN, Auditor

Approved this 14th day of SEPTEMBER, 2011, by the City of Bloomington Common Council.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk

Approved this 15th day of September, 2011, by the City of Bloomington.

CITY OF BLOOMINGTON, INDIANA

MARK KRUZAN, Mayor

ATTEST:

REGINA MOORE, Clerk