

**RESOLUTION NO. 2016-06-\_\_\_ (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT AND MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PLANO, THE CITY OF MCKINNEY AND COLLIN COUNTY FOR THE APPLICATION FOR AND ADMINISTRATION OF THE DEPARTMENT OF JUSTICE 2016 BYRNE JUSTICE ASSISTANCE GRANT, AND DESIGNATING THE INTERIM CITY MANAGER, OR DESIGNEE, AS OFFICIAL REPRESENTATIVE OF THE CITY IN MATTERS RELATING TO THE PROGRAM**

**WHEREAS**, the City Council of the City of McKinney, Texas, recognizes the need for the application for and acceptance of federal funds, allocated to the City of McKinney to assist the McKinney Police Department in enhancing public safety and reducing crime in the City of McKinney; and

**WHEREAS**, the Justice Assistance Grant funds are allocated by the U.S. Department of Justice, to be shared between Collin County, the City of Plano, and the City of McKinney to enhance public safety and reduce crime.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:**

Section 1. The City Council of the City of McKinney, Texas, hereby authorizes the Interim City Manager, or designee, to apply for and accept, if awarded, the U.S. Department of Justice 2016 Justice Assistance Grant, and handle all matters related to acceptance of said grant.

Section 2. The City Council of the City of McKinney, Texas, hereby authorizes the Interim City Manager, or designee, to enter into an Interlocal Agreement (Exhibit A) and Memorandum of Understanding (Exhibit B) with Collin County and the City of Plano for the disbursement of these grant funds.

Section 3. This Resolution shall take effect immediately from and after the date of passage and is so resolved.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 21<sup>st</sup> DAY OF JUNE, 2016.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary  
DENISE VICE, TRMC  
Assistant City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney

**EXHIBIT "A"**

**GMS APPLICATION NUMBER 2016-H2850-TX-DJ**

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF PLANO, CITY OF MCKINNEY,  
AND THE COLLIN COUNTY SHERIFF'S OFFICE OF COLLIN COUNTY, TEXAS FOR  
THE DISBURSEMENT OF THE EDWARD BYRNE MEMORIAL JUSTICE  
ASSISTANCE GRANT (JAG) AWARD**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Plano, acting by and through its governing body, the City Council, hereinafter referred to as City of Plano; the City of McKinney, acting by and through its governing body, the City Council, hereinafter referred to as City of McKinney; and the Collin County Sheriff's Office, hereinafter referred to as CCSO, collectively (the "Parties" or each "Party").

**WHEREAS**, the Parties have previously agreed that Plano Police Department would serve as Fiscal Agent for the Edward Byrne Memorial Justice Assistance Grant Formula Award, (hereafter the "JAG Award"); and

**WHEREAS**, this Agreement is made under the authority of Public Law 109-162 (Jan 5, 2006) Title XI—Department of Justice Reauthorization, Subtitle B—Improving the Department of Justice's Grant Programs, Chapter 1—Assisting Law Enforcement and Criminal Justice Agencies, Sec. 1111, Merger of Byrne Grant Program and Local Law Enforcement Block Grant Program; and

**WHEREAS**, the governing body of each Party, in performing 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**, the governing body of each Party finds that the performance of this Agreement is in the best interests of the Parties, 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 agreement; and

**WHEREAS**, the Parties believe it to be in their best interests to reallocate the JAG Award funds.

**NOW, THEREFORE**, the Parties agree as follows:

1. City of Plano agrees to forward to CCSO a total of **\$16,649.00** of the JAG Award funds which will be used by CCSO to purchase a contraband team kit with fiber scope and density meter to be used in Patrol and Investigation Environments.
2. City of Plano agrees to forward to the City of McKinney a total of **\$11,854.00** of the JAG Award funds which will be used by the City of McKinney to purchase bicycles for the Neighborhood Police Officer Unit and radar unit for the traffic unit.
3. City of Plano agrees to keep the remaining total of **\$21,950.00** of the JAG Award funds which will be used by the City of Plano to purchase two Forensic Recovery of Evidence Devices used to forensically extract digital evidence from electronic media.
4. Nothing in the performance of this Agreement shall impose any liability for claims against any of the Parties other than claims for which liability may be imposed by the Texas Tort Claims Act.
5. Each Party to this Agreement will 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.

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

7. By entering into this Agreement, the Parties do not intend to create any obligations express or implied other than those set out herein.

**CITY OF PLANO, TEXAS,**

By: \_\_\_\_\_  
Bruce D. Glasscock  
City Manager

By: \_\_\_\_\_  
Gregory W. Rushin  
Chief of Police

**COLLIN COUNTY SHERIFF'S OFFICE**

By: \_\_\_\_\_  
Terry Box  
Collin County Sheriff

By: \_\_\_\_\_  
Keith Self  
Collin County Judge

**CITY OF MCKINNEY, TEXAS**

By: \_\_\_\_\_  
Tom Muehlenbeck  
Interim City Manager

By: \_\_\_\_\_  
Greg Conley  
Chief of Police

**EXHIBIT "B"**

**GMS APPLICATION NO. 2016-H2850-TX-DJ**

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE COLLIN COUNTY SHERIFF'S OFFICE, THE CITY OF MCKINNEY,  
AND THE CITY OF PLANO, TEXAS REGARDING THE 2016 BYRNE JUSTICE  
ASSISTANCE GRANT (JAG) PROGRAM**

This Memorandum of Understanding sets forth the agreement by and between the Collin County Sheriff's Office, the City of McKinney, and the City of Plano, Texas regarding the application process of the 2016 Byrne Justice Assistance Grant (JAG) Program Award.

The City of Plano agrees to be the applicant/fiscal agent of the 2016 Byrne Justice Assistance Grant (JAG) Program.

The funds for this grant will be distributed as follows:

McKinney Police Department	\$11,854.00
Plano Police Department	\$21,950.00
Collin County Sheriff's Office	<u>\$16,649.00</u>
Total funds from the JAG	\$50,453.00

The Collin County Sheriff's Office, the City of McKinney, and the City of Plano, Texas agree to enter into an agreement setting forth the terms and conditions regarding the administration of the 2016 Justice Assistance Grant (JAG) Program Award.

**COLLIN COUNTY SHERIFF'S OFFICE**

By: \_\_\_\_\_  
Terry Box  
Collin County Sheriff

By: \_\_\_\_\_  
Keith Self  
Collin County Judge

**CITY OF PLANO, TEXAS**

By: \_\_\_\_\_  
Bruce D. Glasscock  
City Manager

By: \_\_\_\_\_  
Gregory W. Rushin  
Chief of Police

APPROVED AS TO FORM

\_\_\_\_\_  
Paige Mims  
City Attorney

**CITY OF MCKINNEY, TEXAS**

By: \_\_\_\_\_  
Tom Muehlenbeck  
Interim City Manager

By: \_\_\_\_\_  
Greg Conley  
Chief of Police