

RESOLUTION NO. 2013-07-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT, IF AWARDED, THE U.S. DEPARTMENT OF JUSTICE 2013 BYRNE JUSTICE ASSISTANCE GRANT, AND DESIGNATING THE 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, 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; and

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 City Manager, or designee, to apply for and accept, if awarded, the U.S. Department of Justice 2013 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 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 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 16th DAY OF JULY, 2013.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT "A"

GMS APPLICATION NUMBER 2013-H4523-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 _____, 2013, 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 **\$19,518.00** of the JAG Award funds which will be used by CCSO to purchase five radar units to be installed in patrol vehicles that currently do not have radar capability to enforce and monitor the traffic complaints received during patrol shifts.
2. City of Plano agrees to forward to the City of McKinney a total of **\$12,081.00** of the JAG Award funds which will be used by the City of McKinney to purchase a tactical robot for their SWAT unit.
3. City of Plano agrees to keep the remaining total of **\$21,456.00** of the JAG Award funds which will be used by the City of Plano to purchase GPS trackers for the Criminal Investigative Division.
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: _____
Jason Gray
City Manager

By: _____
Joe Williams
Chief of Police

EXHIBIT "B"

GMS APPLICATION NO. 2013-H4523-TX-DJ

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE COLLIN COUNTY SHERIFF'S OFFICE, THE CITY OF MCKINNEY, AND THE
CITY OF PLANO, TEXAS REGARDING THE 2013 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 2013 Byrne Justice Assistance Grant (JAG) Program Award.

The City of Plano agrees to be the applicant/fiscal agent of the 2013 Byrne Justice Assistance Grant (JAG) Program.

The funds for this grant will be distributed as follows:

McKinney Police Department	\$12,081.00
Plano Police Department	\$21,456.00
Collin County Sheriff's Office	<u>\$19,518.00</u>
Total funds from the JAG	\$53,055.00

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 2013 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

Diane C. Wetherbee
City Attorney

CITY OF MCKINNEY, TEXAS

By: _____
Jason Gray
City Manager

By: _____
Joe Williams
Chief of Police