



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

|   |   |
|---|---|
| <b>CITY SECRETARY'S USE ONLY</b>                                  |   |
| <input type="checkbox"/> Consent                                  | <input type="checkbox"/> Regular <input type="checkbox"/> Statutory |
| Council Meeting Date:   | 07/25/2011  |
| Department:   | Police  |
| Department Head   | Gregory W. Rushin   |
| Agenda Coordinator (include phone #): <b>Pam Haines, ext 2538</b> |   |

**CAPTION**

A Public Hearing and consideration of a Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an interlocal agreement between the City of Plano, the City of McKinney and the Collin County Sheriff's Office for the disbursement of the 2011 Edward Byrne Justice Assistance Grant funds; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

**FINANCIAL SUMMARY**

NOT APPLICABLE       OPERATING EXPENSE       REVENUE       CIP

| FISCAL YEAR:               | 2010-2011,<br>2011-12, 2012-13, 2013-14 | Prior Year<br>(CIP Only) | Current<br>Year | Future<br>Years | TOTALS        |
|----------------------------|---|--------------------------|-----------------|-----------------|---------------|
| Budget                     | 0                                       | 0                        | 0               | 0               | 0             |
| Encumbered/Expended Amount | 0                                       | 0                        | 0               | 0               | 0             |
| This Item                  | 0                                       | 35,523                   | 0               | 0               | <b>35,523</b> |
| BALANCE                    | 0                                       | 35,523                   | 0               | 0               | <b>35,523</b> |

**FUND(S):      POLICE GRANT FUNDS**

**COMMENTS:** This grant contract, if approved, provides total funding in the amount of \$76,556 and approves an interlocal cooperation agreement between the City of Plano, the City of McKinney, and the Collin County Sheriff's Office for the disbursement of the 2011 Byrne Justice Assistance Grant (JAG), for the purpose of purchasing equipment resources for the respective Police departments. The resolution and grant agreement establishes the City of Plano as fiscal agent for the disbursement of funds to the City of McKinney, \$15,770; and the Collin County Sheriff's Office, \$25,263; leaving the City of Plano Police Department, \$35,523 of the awarded funds. The effective grant period will be for four years from the grant's effective date.

**STRATEGIC PLAN GOAL:** Acceptance and administration of Federal Grant Funds relates to the City's Goal of Financially Strong City with Service Excellence and Safe Large City.

**SUMMARY OF ITEM**

The United States Department of Justice, pursuant to the amendments made by Section 201 of H.R. 3036 of the 108<sup>th</sup> Congress, as passed by the House of Representative on March 30, 2004, has offered the City of Plano, the City of McKinney and Collin County Sheriff's Office a grant totaling \$76,556.00 for the purpose of purchasing equipment resources for their respective departments. The City of Plano being the fiscal agent will disburse to the City of McKinney \$15,770, and the Collin County Sheriff's Office \$25,263 from the total amount awarded, leaving the City of Plano Police Department \$35,523 of the awarded funds. The effective grant period will be for four years from the grant's effective date



**CITY OF PLANO  
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| List of Supporting Documents:<br>Memo, Resolution, Exhibits A & B | Other Departments, Boards, Commissions or Agencies |
|---|--|
|   |  |



P.O. Box 860358  
Plano, Texas 75086-0358  
972-424-5678  
Fax. No. 972-941-2177  
www.planopolice.org

## MEMORANDUM

**DATE:** July 1, 2011

**TO:** LaShon Ross, Deputy City Manager

**FROM:**  Gregory W. Rushin, Chief of Plano

**SUBJECT:** 2011 Edward Byrne Memorial Justice Assistance Grant

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On July 25, 2011 the City Council will be asked to adopt a resolution authorizing the City of Plano to participate in, and receive funding through, the 2011 Byrne Justice Assistance Grant program. The grant will provide the Plano Police Department, McKinney Police Department and Collin County Sheriff's Office with \$76,556.00 to be used towards the purchase of necessary equipment for Police resources.

This grant was established 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 authorizes you to execute any and all documents necessary to effectuate the action taken.

Prior to the awarding of the funds, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance requires, as a part of the application process, the jurisdiction receiving the funds hold at least one public hearing regarding the proposed use of funds. Plano Police Department's portion of \$35,523 will be used to purchase tactical vests for the Plano Police Tactical Team. The public hearing scheduled for the July 25, 2011 Council Meeting is to meet these requirements and consider the disbursement of these grant funds.

The Plano Police Department has been designated as the fiscal agent for these funds and equitable sharing has been determined to be McKinney Police Department \$15,770, Plano Police Department \$35,523 and Collin County Sheriff's Office \$25,263.

This is the seventh grant offered through the Byrne Justice Assistance Grant since the merger of the Byrne Grant Program and Local Law Enforcement Block Grant (LLEBG).

There is no cash match for this grant.

GWR/ph

**A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Interlocal Agreement between the City of Plano, the City of McKinney and the Collin County Sheriff's Office for the disbursement of the 2011 Edward Byrne Justice Assistance Grant funds; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.**

**WHEREAS**, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes governmental entities to contract with each other to perform government functions and services under the terms thereof; and

**WHEREAS**, the City of Plano, the City of McKinney, and the Collin County Sheriff's Office have previously agreed that Plano Police Department would serve as Fiscal Agent for the JAG Grant (see attached "Exhibit A"); and

**WHEREAS**, the funds are ready to be disbursed pursuant to the attached Interlocal Agreement, which is the subject of this resolution. (see attached "Exhibit B"); and

**WHEREAS**, the City Council of the City of Plano held a public hearing and provided an opportunity for citizens and neighborhood or community-based organizations to comment on the terms and conditions of the proposed interlocal agreement; 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**, each governing body, 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**, each governing body finds that the performance of this Agreement is in the best interests of both 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**, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved.

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

**Section I.** The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interest of the City of Plano and its citizens, are hereby in all things approved.

**Section II.** The City Manager or his authorized designee is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement.

**Section III.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** this the 25<sup>th</sup> day of July, 2011.

\_\_\_\_\_  
Phil Dyer, MAYOR

ATTEST:

\_\_\_\_\_  
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

**GMS APPLICATION NO. 2011-H3290-TX-DJ**

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE COLLIN COUNTY SHERIFF'S OFFICE, THE  
CITY OF MCKINNEY, AND THE CITY OF PLANO, TEXAS  
REGARDING THE 2011 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 2011 Byrne Justice Assistance Grant (JAG) Program Award.

The City of Plano agrees to be the applicant/fiscal agent of the 2011 Byrne Justice Assistance Grant (JAG) Program.

The funds for this grant will be distributed as follows:

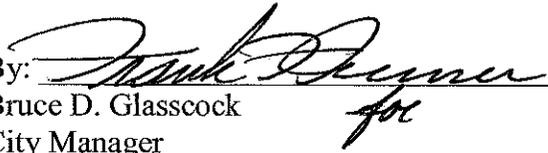
|                                |             |
|--------------------------------|-------------|
| McKinney Police Department     | \$15,770.00 |
| Plano Police Department        | \$35,523.00 |
| Collin County Sheriff's Office | \$25,263.00 |
| Total funds from the JAG       | \$76,556.00 |

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 2011 Justice Assistance Grant (JAG) Program Award.

**COLLIN COUNTY SHERIFF'S OFFICE**

By:   
Terry Box  
Sheriff

**CITY OF PLANO, TEXAS**

By:   
Bruce D. Glasscock  
City Manager

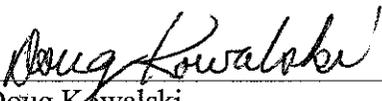
By:   
Gregory W. Rushin  
Chief of Police

APPROVED AS TO FORM

  
Diane C. Wetherbee  
City Attorney

**CITY OF MCKINNEY, TEXAS**

By:   
Jason Gray  
City Manager

By:   
Doug Kowalski  
Chief of Police

By Rick Chaffin, Deputy City Manager  
and authorized signatory

## EXHIBIT "B"

GMS APPLICATION NUMBER 2011-H3290-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 \_\_\_\_\_, 2011, 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**, the JAG Award funds are ready to be disbursed; 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 pay CCSO a total of **\$25,263.00** of the JAG Award funds which will be used by CCSO to purchase spotlight mounted thermal imagers for Patrol vehicles.
2. City of Plano agrees to pay the City of McKinney a total of **\$15,770.00** of the JAG Award funds which will be used by the City of McKinney to upgrade the department's Mobile Information Platform System.
3. City of Plano agrees to receive the remaining total of **\$35,523.00** of the JAG Award funds which will be used by the City of Plano to purchase ballistic vests for the Police Department's Tactical Unit.
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.

[Remainder of Page Intentionally Left Blank]

**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: \_\_\_\_\_  
Doug Kowalski  
Chief of Police