

# Staff Summary Report

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**Council Meeting Date:** 11/06/2008

**Agenda Item Number:** \_\_\_\_\_

**SUBJECT:** Request approval of a resolution to enter into a Memorandum of Understanding with Maricopa County to accept funding from the Justice Assistance Grant (JAG) program for the purchase of Smartboards, symposiums and computers.

**DOCUMENT NAME:** 20081106pdsj01 **POLICE DEPARTMENT ADMINISTRATION (0606-02)**  
Resolution No. 2008.100

**SUPPORTING DOCS:** Memorandum of Understanding

**COMMENTS:** Funding in the amount of \$23,268.30.

**PREPARED BY:** Shannon Johnson, Management Assistant II **EXT. 2023**

**REVIEWED BY:** Paul Bentley, Fiscal & Research Administrator **EXT. 6204**

**LEGAL REVIEW BY:** Bill Amato, Police Legal Advisor **EXT. 8610**

**DEPARTMENT APPROVAL:** Tom Ryff, Chief of Police **EXT. 8610**

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Approve and sign the Memorandum of Understanding.

**ADDITIONAL INFO:** This equipment will allow the PD to participate in Fusion Center joint briefings, further enhancing connectivity with and between our agency and other east valley agencies.

**RESOLUTION NO. 2008.100**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN MARICOPA COUNTY AND THE CITY OF TEMPE FOR JUSTICE ASSISTANCE GRANT PROGRAM DOLLARS, AND AUTHORIZING THE CHIEF OF POLICE OR HIS DESIGNEE TO ACT AS AGENT OF THE CITY OF TEMPE FOR ALL NEGOTIATIONS AND NECESSARY INSTRUMENTS.**

WHEREAS, the City of Tempe, at the recommendation of the Police Department, will approve the Memorandum of Understanding; and

WHEREAS, this project is for the benefit of all citizens of Tempe; and

WHEREAS, the project is compatible with the laws of the United States of America, Arizona and the City of Tempe.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, HEREBY:

1. Approves the Memorandum of Understanding between Maricopa County and the City of Tempe; and
2. Gives authority to the Tempe Chief of Police or his designee, to act as agent of the City of Tempe to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, billing statements, and any other necessary or desirable instruments in connection with such funding.

PASSED, ADOPTED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
MAYOR

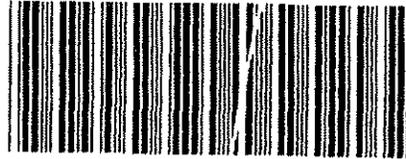
ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

HOLD FOR BASKET PICK-UP  
CLERK OF THE BOARD



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
2008-0756045 (8/29/08 02:54 PM  
1 OF 10

RRPONTESA

MEMORANDUM OF UNDERSTANDING

AMONG

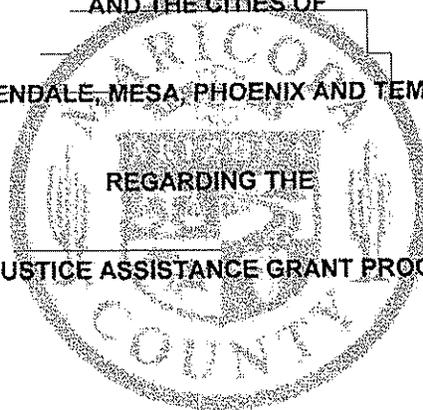
MARICOPA COUNTY

AND THE CITIES OF

GLENDALE, MESA, PHOENIX AND TEMPE

REGARDING THE

2008 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD



APPROVED BY THE

MARICOPA COUNTY BOARD OF SUPERVISORS

ON

JULY 23, 2008

C 20 09 006 G 00

DO NOT REMOVE

This is part of the official document

8

9/30/11

GMS APPLICATION NUMBER 2008-F4942-AZ-DJ (Mandatory)

**124219**

CONTRACT NO. \_\_\_\_\_

C-20-09-006-G-00

THE STATE OF ARIZONA  
COUNTY OF MARICOPA

KNOW ALL BY THESE PRESENT

MEMORANDUM OF UNDERSTANDING  
AMONG  
THE CITY OF GLENDALE, CITY OF MESA, CITY OF PHOENIX,  
CITY OF TEMPE AND COUNTY OF MARICOPA, ARIZONA  
  
2008 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD

This Memorandum of Understanding (MOU) is made and entered into by and among the COUNTY of MARICOPA, hereinafter referred to as COUNTY; and the CITY of GLENDALE; and the CITY of MESA; and the CITY of PHOENIX; and the CITY of TEMPE, hereinafter referred to as CITIES; all of Maricopa County, State of Arizona, witnesseth:

WHEREAS, this MOU is made under the authority of A.R.S. §§11-201, et seq.:

WHEREAS, the CITIES and the COUNTY have become entitled to certain grant funds through the Edward Byrne Memorial Justice Assistance Grant (JAG) 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 MOU is in the best interests of all 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 COUNTY agrees to receive \$578,399 from the JAG award for the Maricopa County JAG Program; and

WHEREAS, the CITIES and COUNTY believe it to be in their best interests to reallocate the JAG funds;

NOW THEREFORE, the COUNTY and CITIES agree as follows:

Section 1

COUNTY agrees to pay City of Glendale a total of \$23,268.30 of JAG funds.  
COUNTY agrees to pay City of Mesa a total of \$46,536.60 of JAG funds.  
COUNTY agrees to pay City of Phoenix a total of \$201,658.24 of JAG funds.  
COUNTY agrees to pay City of Tempe a total of \$23,268.30 of JAG funds.

All payments to Cities will be made within thirty (30) days after receipt of the JAG funds by COUNTY.

Section 2

COUNTY agrees to use \$283,667.56 for the JAG Program until September 30, 2011.

**30101**

NO. \_\_\_\_\_  
Filed with the Secretary of State  
Date Filed: 7-18-08  
*[Signature]*  
Secretary of State  
By: *[Signature]*

GMS APPLICATION NUMBER 2008-F4942-AZ-DJ (Mandatory)

**Section 3**

1. **Term.** This Agreement shall be in effect for the term of the FY2008 JAG grant, being October 1, 2007 through September 30, 2011, unless terminated sooner in accordance with the terms of the grant, and such reasonable time thereafter as may be needed to complete the administration of the grant.
  
2. **Obligations of the County.** The COUNTY agrees that the Juvenile Probation Department of COUNTY will administer the Funds as provided in Section 1, and shall:
  - A. Ensure that the funds received by COUNTY are dispersed to the CITIES in accordance to this MOU, and shall
  - B. Collect and transmit to the appropriate Federal funding authorities all financial and program reports as required by the terms and conditions of the grant and applicable Federal regulations.
  
3. **Obligations of the CITIES.** During the term of this Agreement;
  - A. The CITIES agree that the Juvenile Probation Department of COUNTY will administer the Funds as provided in Section 1.
  - B. The CITIES will maintain and provide to the COUNTY all financial and program reports as required by the terms and conditions of the grant and applicable Federal regulations.
  - C. The CITIES will be responsible for their own actions in providing services under this MOU and shall hold harmless the parties to this MOU from any liability that may arise from the furnishing of the services by the other parties.
  
4. **DISCLAIMER.** This MOU is not intended to and will not constitute, create, give rise to, or otherwise recognize a joint venture, agency, partnership or formal business association or organization of any kind among the parties, and the rights and obligations of the parties shall be only those expressly set forth in this MOU.
  
5. **NON-AVAILABILITY OF FUNDS.** Each payment obligation of the parties created hereby is conditioned on the availability of funds. The parties recognize that the continuation of this MOU after the close of any of their respective fiscal years shall be subject to the approval of their respective governing bodies providing an appropriation covering this item as an expenditure. None of the parties represent that said budget items will be actually adopted.

**GMS APPLICATION NUMBER 2008-F4942-AZ-DJ (Mandatory)**

6. **NOTICES.** Notices provided under this Agreement shall be directed to the following persons:

<p>The <u>COUNTY</u>:</p> <p>Teresa Tschupp C/O Juvenile Probation Department Finance Office 3125 W. Durango Phoenix, AZ 85009 602-372-0332 Fax: 602-506-4165</p>	<p>The CITY of <u>GLENDALE</u> Name: Kristy Pratt Address: 6835 N. 57<sup>th</sup> Drive Address: Address: City/St/Zip: Glendale AZ 85301 Phone: 623-930-3212 Fax: 623-930-3698</p>
<p>The CITY of <u>MESA</u> Name: Lisa Quedens Address: C/O Mesa Police Department Address: 130 North Robson Address: City/St/Zip: Mesa AZ 85201-6697 Phone: 480-644-2072 Fax: 480-644-2857</p>	<p>The CITY of <u>PHOENIX</u> Name: Gary Turner Address: 620 W. Washington Street Address: Fiscal Mgt Bureau, Room 422 Address: City/St/Zip: Phoenix AZ 85003 Phone: 602-534-3622 Fax: 602-534-1613</p>
<p>The CITY of <u>TEMPE</u> Name: Chief of Police Thomas Ryff Address: 120 E. Fifth Street Address: Address: City/St/Zip: Tempe AZ 85281 Phone: 480-350-8306 Fax: 480-350-8337</p>	

**Section 4**

The parties to this MOU do not intend for any third party to obtain a right by virtue of this MOU.

**Section 5**

**CONFLICT OF INTEREST.** This MOU is subject to A.R.S. §38-511.

**Section 6**

By entering into this MOU, the parties do not intend to create any obligations express or implied other than those set out herein; further, this MOU shall not create any rights in any party not a signatory hereto.

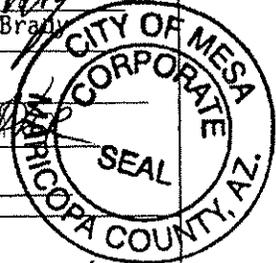
**Section 7**

This MOU shall not be effective until filed with the Maricopa County Recorder's Office.



GMS APPLICATION NUMBER 2008-F4942-AZ-DJ (Mandatory)

<p>This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.</p>	<p>MARICOPA COUNTY</p>
<p><i>Roberto Velazquez</i> Deputy County Attorney</p>	<p>By: <i>Andrew Kunasek</i> Andrew Kunasek</p>
<p>8/14/08 Date</p>	<p>Its: Chairman of the Board of Supervisors</p>
	<p>Attest: <i>Fran McCarroll</i> Fran McCarroll, Clerk of the Board 072308</p>
	<p>DATE: AUG 19 2008</p>
<p>This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.</p>	<p>CITY OF GLENDALE</p>
<p>Glendale City Attorney</p>	<p>By: _____</p>
<p>Date</p>	<p>Type Name: _____</p>
	<p>Its: _____</p>
	<p>Attest: _____</p>
	<p>DATE: _____</p>
<p>This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.</p>	<p>CITY OF MESA</p>
<p>Mesa City Attorney</p>	<p>By: <i>Christopher J. Brady</i> Christopher J. Brady</p>
<p>7/9/08 Date</p>	<p>Its: City Manager</p>
	<p>Attest: <i>Linda Crocker</i></p>
	<p>DATE: 7/14/08</p>
<p>This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.</p>	<p>CITY OF PHOENIX</p>
<p>Phoenix City Attorney</p>	<p>By: _____</p>
<p>Date</p>	<p>Type Name: _____</p>
	<p>Its: _____</p>
	<p>Attest: _____</p>
	<p>DATE: _____</p>
<p>This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.</p>	<p>CITY OF TEMPE</p>
<p>Tempe City Attorney</p>	<p>By: _____</p>
<p>Date</p>	<p>Type Name: _____</p>
	<p>Its: _____</p>
	<p>Attest: _____</p>
	<p>DATE: _____</p>



GMS APPLICATION NUMBER 2008-F4942-AZ-DJ (Mandatory)

This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.

Roberto Pulver 8/14/08  
Deputy County Attorney Date

MARICOPA COUNTY  
By: Andrew Kunasek  
Andrew Kunasek  
Its: Chairman of the Board of Supervisors  
Attest: Fran McCarroll  
Fran McCarroll, Clerk of the Board 072308  
DATE: AUG 19 2008

This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.

\_\_\_\_\_  
Glendale City Attorney Date

CITY OF GLENDALE  
By: \_\_\_\_\_  
Type Name: \_\_\_\_\_  
Its: \_\_\_\_\_  
Attest: \_\_\_\_\_  
DATE: \_\_\_\_\_

This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.

\_\_\_\_\_  
Mesa City Attorney Date

CITY OF MESA  
By: \_\_\_\_\_  
Type Name: \_\_\_\_\_  
Its: \_\_\_\_\_  
Attest: \_\_\_\_\_  
DATE: \_\_\_\_\_

This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.

William Beck  
ACTING Phoenix City Attorney Date

CITY OF PHOENIX  
By: Frank Fairbank  
Type Name: Frank Fairbank  
Its: City Manager  
Attest: Car Meyer  
ACTING CITY CLERK  
DATE: 7-11-08

This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.

\_\_\_\_\_  
Tempe City Attorney Date

CITY OF TEMPE  
By: \_\_\_\_\_  
Type Name: \_\_\_\_\_  
Its: \_\_\_\_\_  
Attest: \_\_\_\_\_  
DATE: \_\_\_\_\_



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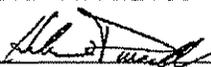
GMS APPLICATION NUMBER 2008-F4942-AZ-DJ (Mandatory)

<p>This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.</p>	<p>MARICOPA COUNTY By: <u><i>Andrew Kunasek</i></u> Andrew Kunasek</p>
<p><u><i>Roberto Alvarez 8/14/08</i></u> Deputy County Attorney Date</p>	<p>Its: <u>Chairman of the Board of Supervisors</u> Attest: <u><i>Eran McCarroll</i></u> Eran McCarroll, Clerk of the Board 072308 DATE: <u>AUG 19 2008</u></p>
<p>This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.</p>	<p>CITY OF GLENDALE By: _____ Type Name: _____ Its: _____ Attest: _____ DATE: _____</p>
<p>_____ Glendale City Attorney Date</p>	
<p>This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.</p>	<p>CITY OF MESA By: _____ Type Name: _____ Its: _____ Attest: _____ DATE: _____</p>
<p>_____ Mesa City Attorney Date</p>	
<p>This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.</p>	<p>CITY OF PHOENIX By: _____ Type Name: _____ Its: _____ Attest: _____ DATE: _____</p>
<p>_____ Phoenix City Attorney Date</p>	
<p>This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel.</p>	<p>CITY OF TEMPE By: <u><i>Charles Meyer</i></u> Type Name: <u>Charles Meyer</u> Its: <u>City Manager</u> Attest: <u><i>Melanie Stoddard</i></u> DATE: <u>July 30, 2008</u></p>
<p><u><i>[Signature]</i></u> <u><i>7/29/08</i></u> Tempe City Attorney Date</p>	

20080756045  
OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL



The foregoing instrument is  
a full, true and correct  
copy of the original record  
in this office.  
Attest: 10/09/2008 10:54:47 AM

By  Recorder