

★ Roll Call Number

20-1230

Agenda Item Number

29

Date 8/03/2020

WHEREAS, the City of Des Moines and the Polk County Sheriff's office are applying for funding from the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$141,606 to be utilized in the purchase of law enforcement equipment; and,

WHEREAS, the allocation for the City of Des Moines is \$130,606 and the Polk County Sheriff's Office is \$11,000; and,

WHEREAS, a Memorandum of Understanding is a requirement to allow the funding to be shared as stated; and,

WHEREAS, there is no match requirement for this grant opportunity;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the 2020 Edward Byrne Memorial Justice Assistance Grant application by the Department of Justice, Office of Justice Programs is here by approved with the Mayor authorized to sign the grant application documents and the Memorandum of Understanding on the behalf of the City, with the City Clerk to attest to the Mayor's signature and to allow the City Manager or his designee to submit and carry out the terms of said grant application and Memorandum of Understanding in a timely manner.

(Council Letter Number 20- 333 attached)

Moved by Gatto to adopt.

Approved as to form:

[Signature]

Douglas P. Philip
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

[Signature: J. M. Franklin Cownie]

[Signature: P. Kay Cmelik]

City Clerk

Date 8-3-20

Agenda Item 29

Roll Call # 20-1230

**MEMORANDUM OF UNDERSTANDING
Interlocal Agreement**

BETWEEN THE COUNTY OF POLK, IOWA AND THE CITY OF DES MOINES

**EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM WARD
FY2020 Local Solicitation**

This Agreement is made and entered into the 3rd day of August, 2020, by and between the County of Polk Iowa, acting by and through its governing body, the Board of Commissioners, hereinafter referred to as COUNTY, and the City of Des Moines, acting by and through its governing body, the City Council, hereinafter referred to as DES MOINES, of Polk County, State of Iowa, witnessed:

WHEREAS, this agreement is made under the authority of Federal Statute 34 U.S.C., Section 10156 of Government Code: 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 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 City of DES MOINES agrees to provide the COUNTY up to \$11,000 from the JAG award for the Law Enforcement Equipment Program: and

NOW THEREFORE, COUNTY and DES MOINES agree as follows:

Section 1.

DES MOINES agrees to reimburse COUNTY up to the total of \$11,000 of JAG funds

Section 2.

COUNTY agrees to submit documentation of purchase and proof of payment to DES MOINES as a request for reimbursement, up to \$11,000, for purchases made that are directly related to the Law Enforcement Equipment Program until August 1, 2023

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Tort Claims Act.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims against DES MOINES other than claims for which liability may be imposed by the Tort Claims Act.

Section 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.

Section 6.

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

Section 7.

By entering into this Agreement, the parties 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.

COUNTY AND DES MOINES agree that this Memorandum of Understanding, Interlocal Agreement regarding the FY2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM, will be approved by the governing bodies of each party with the signing of this document by The Chairperson of the Polk County Board of Supervisors or their designee and the Mayor of DES MOINES, and the executed documents returned to DES MOINES.

The COUNTY of Polk, Iowa

[Signature] 7/28/20
Chairperson of the Board of Supervisors Date

ATTEST:

Jami Fitzgerald 7/28/20
Polk County Auditor Date

APPROVED AS TO FORM:

[Signature]
07/23/2020
Assistant Polk County Attorney Date

The City of DES MOINES, Iowa

Mayor of the City of Des Moines Date

ATTEST:

City Clerk of Des Moines Date

APPROVED AS TO FORM

Assistant City Attorney Date

The COUNTY of Polk, Iowa

Chairperson of the Board of Supervisors Date

ATTEST:

Polk County Auditor Date

APPROVED AS TO FORM:

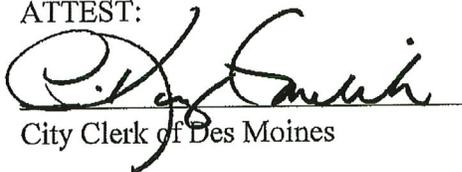
Assistant Polk County Attorney Date

The City of DES MOINES, Iowa

 8-5-20

Mayor of the City of Des Moines Date

ATTEST:

 8-5-20

City Clerk of Des Moines Date

APPROVED AS TO FORM



Assistant City Attorney 7/21/2020
Date

RESOLUTION

MOVED By Connolly SECONDED By Brownell that the following Resolution be adopted.

WHEREAS, Polk County and the City of Des Moines have again received an Edward Byrne Memorial Justice Assistance Grant, Local Law Enforcement Block Grant; and

WHEREAS, the City of Des Moines will be the official applicant and fiscal agent for the Justice Assistance Grant; and

WHEREAS, the awards shall be for law enforcement program improvements; and

WHEREAS, the award share for Polk County is up to \$11,000; and

WHEREAS, all Agencies participating in the Grant are required to sign a Memorandum of Understanding.

NOW, THEREFORE BE IT RESOLVED that Polk County, Iowa approves and authorizes the Chair of the Board of Supervisors to sign the Memorandum of Understanding.

Approved this 28th day of JULY, 2020.

POLK COUNTY, IOWA

Matt McCoy
Chairperson
Polk County Board of Supervisors

SUBMITTED BY:
F. Marasco
Frank Marasco
Polk County Sheriff's Office

APPROVED AS TO FORM:
Ralph Marasco
Assistant County Attorney

ROLL CALL	Steve Van Oort	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay
FOR ALLOWANCE	Robert Brownell	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay
	Tom Hockensmith	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay
	Angela Connolly	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay
	Matt McCoy	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay
		Yea <u>15</u>	Nay <u>0</u>
	Above tabulation made by <u>BD</u>		

JUL 28 2020
ALLOWED BY VOTE OF BOARD
Matt McCoy
CHAIRPERSON

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POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution to sign Memorandum of Understanding between Polk County and the City of Des Moines for the Edward Byrne Memorial Justice Assistance Grant.

Agenda Date: July 28, 2020

Contact Individual: Frank Marasco, 515-286-3943, frank.marasco@polkcountyiowa.gov

Action Requested (Recommended): Approval of the Memorandum of Understanding.

Background: Polk County would receive up to \$11,000 from this grant. The award shall be used for law enforcement program improvements. The Polk County Sheriff's Office will use the funds to augment law enforcement equipment and technology support. There is no match required for these funds.

Action Impact: Polk County would authorize signature of the Memorandum of Understanding, allowing the City of Des Moines to act as official applicant and fiscal agent. Upon acceptance of the award, the Polk County Sheriff's Office will use the funds to purchase equipment identified in the official application to enhance and improve current law enforcement operations.

Fiscal Note:

Fiscal Year	Budgeted? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
20/21	N	\$11,000	\$11,000	N		
21/22						

Additional Fiscal Note Information (optional): Funding is used for one-time equipment/technology enhancements as the funds are awarded on an annual basis and may not be available for ongoing expenses.