



Date October 18, 2021

**HEARING AND RESOLUTION TAKING ACTION ON THE PROPOSITION TO
AUTHORIZE AND ENTER INTO A LOAN AGREEMENT IN THE PRINCIPAL
AMOUNT NOT-TO-EXCEED \$534,000, FOR THE PURPOSE OF
PURCHASING CERTAIN TASER CERTIFICATION BUNDLE EQUIPMENT AND
MATERIALS**

WHEREAS, it is deemed necessary and advisable that the City of Des Moines, Iowa ("City") shall enter into a Loan Agreement with Axon Enterprise, Inc. in the principal amount of not to exceed \$534,000 (the "Agreement" or "Loan Agreement") as authorized by Iowa Code Sections 384.24A and 384.25 for the purpose of providing funds for the purchase of certain taser certification bundle equipment and materials; and

WHEREAS, the proposed purchase under the Agreement shall be payable solely out of the City's general fund and will not cause the total of scheduled annual payments of principal or interest or both principal and interest due from the general fund in any single future fiscal year with respect to all loan agreements in force on the date of Agreement authorization to exceed ten percent of the last certified general fund budget amount; and

WHEREAS, the taser certification bundle equipment and materials have been competitively bid and are available from Axon Enterprises, Inc., 17800 N 85th Street, Scottsdale, Arizona, 85255, Rich Smith, CEO, per Contract League of Oregon Cities (fka NPP) Contract #PS20270; and

WHEREAS, Municipal Code section 2-726(m) provides for the procurement of goods and/or services from contracts that have been competitively established through cooperative group contracting consortiums for state government departments, institutions, agencies and political subdivisions, without conforming to the competitive bidding requirements of the Procurement Ordinance; and

WHEREAS, a copy of the proposed Agreement is on file in the Office of the City Clerk which provides that the City shall pay five annual payments totaling a principal not-to-exceed \$534,000 for the purchase of certain taser certification bundle equipment and materials; and

WHEREAS, it is in the best interests of the City to purchase the taser certification bundle equipment and materials in conjunction with City operations; and



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WHEREAS, before the proposed Agreement may be authorized, it is necessary to comply with the provisions of Iowa Code Sections 384.24A and 384.25 and to publish notice of the proposal and of the time and place of the hearing at which the City Council proposes to take action for the authorization of the Agreement and to receive oral or written objections from any resident or property owner of the City to such action; and

WHEREAS, on October 4, 2021 by Roll Call No. 21- 1480, the City Council resolved that the proposition to authorize and enter into the Agreement be set down for hearing on October 18, 2021 at 5:00 p.m. in the Council Chambers at City Hall; and

WHEREAS, due notice of said proposal and the time and place of said hearing was published in the Des Moines Register on October 6, 2021, as provided by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa as follows:

1. The public meeting and hearing on the City's proposition to authorize and enter into a Loan Agreement with Axon Enterprise, Inc. for the purpose of providing funds for the purchase of certain taser certification bundle equipment and materials has been duly held at the time and place provided and in accordance with said notice, oral or written objections from residents or property owners of the City have been received and filed.
2. That the time for receiving oral and written objections from any resident or property owner of the City and the hearing be closed and the proposition to authorize and enter into the Loan Agreement with Axon Enterprise Inc. and all objections thereto are taken into consideration by the City Council.
3. The City hereby takes action to authorize, approve and enter into the Loan Agreement with Axon Enterprise Inc. and all incorporated and ancillary documents and the City Manager is hereby authorized and directed to sign the Loan Agreement and all incorporated and ancillary documents thereto as may be required.

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- 4. The City Manager or his designee is hereby authorized and directed to administer the terms of the Loan Agreement and the Finance Director is authorized and directed to make all payments in accordance with the terms of the Loan Agreement.

(Council Communication No. 21-456)

APPROVED AS TO FORM:

Moved by _____ to adopt.

Douglas Philip
Assistant City Attorney

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

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

Mayor

City Clerk