

Request for City Council Action

Date: June 14, 2016

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| Agenda Section: Consent Agenda No. 5 | Originating Department: Police Department/Legal |
| Item: Resolution Authorizing the City Manager to Submit an Application for a DOJ, Justice Assistance Grant for the Police Department & an Ordinance Increasing the Police Department’s FY2017 Budget No. 5.16 | Approved: |

Background and Summary:

The City of Carbondale has been notified by the U.S. Department of Justice that the City is eligible to receive a federal FY2016 Justice Assistance Grant (JAG) in the amount of \$17,710. In order to receive the funds, it is necessary for the City to submit an application and the grant instructions require the governing body to authorize the filing of the application. In October, 2016, the City of Carbondale was awarded a federal FY2015 U.S. Department of Justice, Justice Assistance Grant (JAG) in the amount of \$19,501.

Part of the JAG program’s legislative framework addresses funding disparities among jurisdictions. By statute, a disparate allocation occurs when a constituent unit of local government is scheduled to receive one and one half times more than another constituent unit while the other unit of government bears more than 50% of the costs of prosecution or incarceration that arise for Part 1 violent crimes reported by the geographically constituent units. JAG disparate jurisdictions are certified by the Director of the Bureau of Justice Assistance (BJA), based in part on input from the state’s Attorney General. The City of Carbondale and Jackson County have been certified as disparate jurisdictions.

Jurisdictions certified as disparate must file a joint application for the aggregate of funds allocated to them, specifying the amount of the funds that are to be distributed to each of the units of local government and the purposes for which the funds will be used. When beginning the JAG application process, a Memorandum of Understanding (MOU) must be completed, signed, and faxed to the Office of Justice Programming indicating who will serve as the applicant/fiscal agent for the joint funds. The City of Carbondale will serve as the applicant.

In the federal FY2016 JAG allocation for eligible jurisdictions, the City of Carbondale was awarded \$17,710 and Jackson County was not awarded any funding. Representatives of the two jurisdictions met and agreed to divide the City of Carbondale’s allocation. The agreement calls for an equal distribution of \$8,855 for each jurisdiction (\$9,750.50 in federal FY2015). The funding to Jackson County would offset the costs arising from the increase in services on the County due to Carbondale’s additional crime fighting capability.

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| Engineering Approval Obtained | Finance Approval Obtained | Legal Approval Obtained | Approval Obtained | Manager's Approval Obtained |
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Council Action: Motion by _____ 2nd by _____ to _____

Had the two agencies not agreed to share their funding allocation, neither of the agencies would be eligible for funding from the JAG program.

JAG funds can be used for a variety of purposes, including the hiring of additional personnel, paying overtime to increase the hours already worked by personnel, purchasing equipment and planning, evaluation, and technology improvement programs.

The JAG program relies on annual appropriations from Congress. As a result, it is not prudent to use JAG funds to begin activities that will have an ongoing cost for the City. The purchase of equipment allows the City to take advantage of the JAG funds without committing future City resources.

The JAG program does not require any local matching funds, but grant regulations do not allow the City to substitute the JAG funds for City funds. Consequently, the grant will enable the City to improve police operations beyond what would have been possible with City funds.

The Police Department would like to use this allocation of JAG funds to purchase hardware and software for the Department's radio communications infrastructure. The addition of this equipment will enhance the clarity and security of the Department's communications equipment. The federal FY2015 JAG funds were allocated to purchase mobile computer system printers and equipment for the Department's marked patrol fleet. The addition of this equipment will provide the Department with the ability to migrate to an electronic mobile crash reporting system. The City's 50% of these grant funds were not expensed in the Police Department's FY2016 budget and are therefore in need of placement in the Department's FY2017 budget.

RECOMMENDED ACTION:

It is recommended the City Council approve a resolution authorizing the City Manager to apply for a Justice Assistance Grant in the amount of \$17,710 and enter into a Memorandum of Understanding with Jackson County to serve as the applicant/fiscal agent for the joint funds. Further, to authorize the City Manager or his designee to execute such assurances, certifications, and other documents as may be needed to apply for and accept the grant and;

It is recommended that the City Council approve an Ordinance accepting the Justice Assistance Grant, approve a budget adjustment to the Police Department's FY 2017 budget in the amount of \$27,460.50 (\$9,750.50 + \$17,710) and authorize the City Manager, or his designee, to execute such assurances, certifications and other documents as may be necessary to accept and administer the grants.

CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2016-__

**AN ORDINANCE AUTHORIZING THE ADDITION OF A JUSTICE ASSISTANCE
GRANT TO THE POLICE DEPARTMENT'S FY2017 BUDGET**

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF CARBONDALE, ILLINOIS

THE 14TH DAY OF JUNE, 2016

**Published in pamphlet form by authority of the City Council of the City of Carbondale,
Jackson County, Illinois, this 15th day of June, 2016.**

CERTIFICATE OF PUBLICATION

**I, Jennifer R. Sorrell, the duly qualified City Clerk of the City of Carbondale, Illinois,
and the official custodian of the records of said City, do hereby certify that this ordinance
was published in pamphlet form by authority of the City Council on the 15th day of June,
2016.**

Jennifer R. Sorrell, City Clerk

ORDINANCE NO. 2016-_____

AN ORDINANCE AUTHORIZING THE ADDITION OF A JUSTICE ASSISTANCE GRANT TO THE POLICE DEPARTMENT'S FY2017 BUDGET

WHEREAS, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City of Carbondale has been awarded a \$17,710 Justice Assistance Grant (JAG) through the U.S. Department of Justice; and

WHEREAS, Representatives from the City of Carbondale and Jackson County met and agreed to equally divide the City of Carbondale's allocation due to Jackson County not being awarded any funding; and

WHEREAS, the funding to Jackson County would offset the costs arising from the increase in services on the County due to Carbondale's additional crime fighting capability; and

WHEREAS, the intent of the grant funds includes hiring of additional personnel, paying overtime to increase the hours already worked by personnel, purchasing equipment and planning, evaluation, and technology improvement programs; and

WHEREAS, the City Council of the City of Carbondale finds it in the best interest of the City of Carbondale to accept the Justice Assistance Grant in the amount of \$17,710 and to adjust the Police Department's Fiscal Year 2017 (FY2017) budget by a total of Twenty Seven Thousand

Four Hundred Sixty and 50/100ths Dollars (\$27,460.50) (\$9,750.50 unexpended FY2015 funds +\$17,710).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE AS FOLLOWS:

SECTION 1. That the City Council deems it in the best interest of the citizens of Carbondale to authorize the City Manager to accept the award of a grant from the U.S. Department of Justice and to adjust the budget by increasing the Police Department's FY2017 budget expenditures by a total of Twenty Seven Thousand Four Hundred Sixty and 5000/100ths Dollars (\$27,460.50) in the amount and manner as provided in Exhibit "A", attached hereto and incorporated by reference.

SECTION 2. That the FY2017 budget is hereby increased in accordance with the expenditures as shown in Exhibit "A", and such funds are hereby appropriated in accordance with law for the purposes of this Ordinance.

SECTION 3. That the City Manager of the City of Carbondale is hereby authorized to execute such assurances, certifications and other documents as may be necessary to administer the grant and shall take any and all reasonable, necessary, and proper action to carry out the intent and purposes of this Ordinance.

SECTION 4. That the Finance Director is hereby authorized to increase the Police Department's FY2017 budget in accordance with this Ordinance and transfer the amount of Twenty Seven Thousand Four Hundred Sixty and 50/100ths Dollars (\$27,460.50) as specified in Exhibit "A" attached hereto.

SECTION 5. That all ordinances and parts thereof in conflict herewith are expressly

repealed and are of no other force and effect.

SECTION 6. That repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

SECTION 7. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 8. That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

SECTION 9. That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
John M. Henry, Mayor

ATTEST: _____
Jennifer R. Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

Lenoard "Jamie" Snyder, City Attorney

RESOLUTION NO. 2016-R-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR A DEPARTMENT OF JUSTICE, JUSTICE ASSISTANCE GRANT FOR THE POLICE DEPARTMENT

WHEREAS, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City of Carbondale has been notified that the City is eligible for a Justice Assistance Grant (JAG) to be shared with the County of Jackson in the amount of \$17,710.00, by the United States Department of Justice; and

WHEREAS, in order to receive this JAG grant, the City of Carbondale and the County of Jackson must sign an Intergovernmental Agreement; and

WHEREAS, the City and County may use the monies received from this grant for many purposes including the hiring of additional personnel, paying overtime to increase the hours already worked by personnel, purchasing equipment and planning, evaluation, and technology improvement programs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS AS FOLLOWS:

SECTION 1. The City Council finds and declares that it is in the best interest of the citizens of the City of Carbondale to authorize the City Manager to submit a Justice Assistance

Grant application to the United States Department of Justice, and enter into an Intergovernmental Agreement with the County of Jackson, attached hereto as Exhibit A.

SECTION 2. That the City Manager of the City of Carbondale, Illinois be and is hereby authorized to take any and all reasonable, necessary, and proper action to carry out the intent and purpose of this Resolution.

SECTION 3. That this Resolution shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
John M. Henry, Mayor

ATTEST: _____
Jennifer R. Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

Lenoard "Jamie" Snyder, City Attorney

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CARBONDALE
AND THE COUNTY OF JACKSON FOR A 2016 BYRNE JUSTICE ASSISTANCE
GRANT (JAG) PROGRAM AWARD**

THIS AGREEMENT is made and entered into this ____ day of June, 2016, between the City of Carbondale, a municipal corporation, acting by and through its governing body, the City Council, hereinafter referred to as the "Municipality", and the County of Jackson, acting by and through its governing body, the County Board, hereinafter referred to as the "County", both of Jackson County, State of Illinois, witnesseth:

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

WHEREAS, 5 ILCS 220/1, entitled the "Intergovernmental Cooperation Act", provides that any power or powers, privileges, or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government; and

WHEREAS, 5 ILCS 220/2, defines a public agency as follows:

"any unit of local government as defined in the Illinois Constitution of 1970, any school district, any public community college district, any public building commission, the State of Illinois, any agency of the State government or of the United States, or any other State, any political subdivision of another State, and any combination of the above pursuant to an intergovernmental agreement which includes provisions for a governing body of the agency created by the agreement."; and

WHEREAS, the Municipality is a unit of government situated within the corporate boundaries of the County; 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 interest 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, the Municipality agrees to provide the County \$8,855 from the JAG award for County programs; and

WHEREAS, the Municipality and County believe it to be in their best interest to reallocate the JAG funds.

NOW, THEREFORE, it is hereby agreed that:

1. The 2016 Byrne Justice Assistance Grant (JAG) Program Award of \$17,710.00 will be equally shared between the City of Carbondale and County of Jackson, in that both parties shall receive \$8,855 of the total \$17,710.00 of JAG funds.
2. County agrees to use \$8,855 for Equipment Upgrades until September 30, 2017.
3. Municipality agrees to use \$8,855 for Equipment Upgrades until September 30, 2017.
4. 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 Local Governmental and Governmental Employees Tort Immunity Act.
5. Nothing in the performance of this Agreement shall impose any liability for claims against Municipality other than claims for which liability may be imposed by the Local Governmental and Governmental Employees Tort Immunity Act.
6. 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.
7. The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.
8. By entering into this Agreement, the parties do not intend to create any obligations expressed or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

IN WITNESS WHEREOF, the undersigned local governments have set their signatures on the respective dates set forth below. This document may be signed in duplicate originals.

CITY OF CARBONDALE

By: _____
Gary Williams, City Manager

ATTEST:

By: _____
Title _____
Date: _____

COUNTY OF JACKSON

By: _____
John S. Rendleman, County Board Chairman

ATTEST:

By: _____
Title: _____
Date: _____

APPROVED AS TO FORM:

Lenoard "Jamie" Snyder, City Attorney

Michael Carr, State's Attorney