

MUNICIPAL ORDER 21-2020

A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF OWENSBORO, KENTUCKY, AND THE COUNTY OF DAVIESS, KENTUCKY, UNDER THE TERMS OF WHICH THE CITY WILL APPLY FOR 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS IN THE AMOUNT OF \$20,411.00 WHICH WILL BE ALLOCATED TO THE CITY OF OWENSBORO POLICE DEPARTMENT TO PURCHASE TEN (10) AR-15 RIFLES FOR THE EMERGENCY RESPONSE TEAM AND 105 RED DOT OPTICS FOR PATROL RIFLES, AND TWENTY-SEVEN (27) FLIP-UP REAR SIGHTS; NO MATCH IS REQUIRED OF THE CITY.

WHEREAS, in 2005, the Chief of Police of the City of Owensboro and the Sheriff of Daviess County agreed that in the event annual grant funds became available under the Edward Byrne Memorial Justice Assistance (JAG) program, the City and County would alternate filing applications for possible funding to purchase equipment for their individual departments; and

WHEREAS, in 2019, the County was the recipient of the Byrne grant funds and has agreed to sign a Memorandum of Agreement with the City authorizing it to file an application for the 2020 grant funds; and

WHEREAS, since the City of Owensboro is within the jurisdiction of Daviess County, the use of equipment purchased with funding from the JAG program will benefit and provide assistance to both the Owensboro Police Department (OPD) and the Daviess County Sheriff's Department, as well as the Kentucky State Police; and

WHEREAS, the 2020 grant funds will be used to assist with the purchase of ten (10) AR-15 rifles for the OPD Emergency Response Team, 105 Red Dot Optics for patrol rifles, and twenty-seven (27) flip-up rear sights for patrol rifles, with no match being required of the City; and

WHEREAS, this Municipal Order authorizes and directs the Mayor to execute the Memorandum of Agreement allowing the City to apply for and utilize the 2020 JAG grant funds in the amount of \$20,411.00 to assist with the purchase of the equipment listed above.

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:

Section 1. That the Mayor be, and he hereby is, authorized and directed to execute a Memorandum of Agreement by and between the City of Owensboro, Kentucky, and the County of Daviess, Kentucky, under the terms of which the City and County agree that it is in their best interests for the City to receive the 2020 JAG grant funds in the amount of \$20,411.00, which funds will be utilized to purchase ten (10) AR-15 rifles for the OPD Emergency Response Team, 105 Red Dot Optics for patrol rifles, and twenty-seven (27) flip-up rear sights for patrol rifles. A copy of the Memorandum of Agreement, together with supporting documentation, is attached hereto and incorporated herein by reference.

Section 2. That the Mayor be, and he hereby is, authorized and directed to execute an application for the 2020 Edward Byrne Memorial Justice Assistance (JAG) program for the amount of \$20,411.00.

Section 3. That the Mayor, City Manager and appropriate staff members are hereby authorized and directed to execute any and all other agreements, instruments or documents necessary and appropriate to effectuate and implement any grants awarded to the City.

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING, this the 4th day of August, 2020.

Thomas H. Watson, Mayor

ATTEST:

Beth Cecil, City Clerk

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT is made and entered into this ___ day of August 2020, by and between Daviess County, Kentucky, acting by and through its governing body, the Daviess County Fiscal Court, hereinafter “the County,” and the City of Owensboro, Kentucky, acting by and through its governing body, the Owensboro Board of Commissioners, hereinafter “the City.” Collectively, the County and City may be referred to in this agreement as “the Parties.”

WHEREAS, since 2005, the Daviess County Sheriff’s Office and the Owensboro Police Department (OPD) have agreed to alternate in filing annual applications for the Edward Byrne Memorial Justice Assistance (JAG) program and this arrangement has been of great benefit to both agencies, as well as the County and City; and

WHEREAS, the Parties agree that in 2020 the City should file an application on behalf of the Owensboro Police Department for grant funding in the amount of \$20,411.00 under the Edward Byrne Memorial Justice Assistance (JAG) program; and

WHEREAS, said funding shall be used to purchase ten (10) AR-15 rifles for the OPD Emergency Response Team, 105 Red Dot Optics for patrol rifles, and twenty-seven (27) flip-up rear sights for patrol rifles.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

Section 1. The County agrees to permit the City to apply for JAG funds in the amount of \$20,411.00.

Section 2. Nothing in the performance of this Agreement shall impose any liability for claims against the County other than claims for which liability may be imposed by the Tort Claims Act.

Section 3. Nothing in the performance of this Agreement shall impose any liability for claims against the City other than claims for which liability may be imposed by the Tort Claims Act.

Section 4. Each party to this Agreement shall 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 5. The Parties to this Agreement do not intend for any third party to obtain any rights by virtue of this Agreement.

Section 6. By entering into this Agreement, the Parties shall not create any obligations express or implied other than those set out herein; Further, this Agreement shall not create any rights to any party not a signatory hereto.

DAVIESS COUNTY, KENTUCKY:

CITY OF OWENSBORO, KENTUCKY:

Al Mattingly, Judge-Executive

Thomas H. Watson, Mayor

ATTEST:

ATTEST:

Jennifer Warren, Fiscal Court Clerk

Beth Cecil, City Clerk

APPROVED AS TO FORM:

PREPARED BY:

Claud Porter, County Attorney

Stephen D. Lynn, City Attorney