

**FORSYTH COUNTY
BOARD OF COMMISSIONERS****DRAFT**MEETING DATE: AUGUST 8, 2019AGENDA ITEM NUMBER: 10

SUBJECT: A. RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN FORSYTH COUNTY AND THE CITY OF WINSTON-SALEM REGARDING THE SHARED USE OF 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS

**B. RESOLUTION AWARDDING A CONTRACT TO LAWMEN'S SAFETY SUPPLY, INC., FOR PURCHASE OF NIGHT VISION EQUIPMENT
(FORSYTH COUNTY SHERIFF'S OFFICE)**

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:**SUMMARY OF INFORMATION:**

On September 6, 2018, the Forsyth County Board of Commissioners approved execution of an Interlocal Agreement with the City of Winston-Salem regarding the shared use of 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) funds from the U.S. Department of Justice, Bureau of Justice Assistance in the amount of \$182,029.

Originally, the Sheriff's Office intended to use a portion of its 50% share toward the purchase of a replacement Civil Executions Case Management System. However, County Management Information Systems (MIS) has been working with the Sheriff's Office on the development of this module in-house, and at no cost.

The attached Resolution amends the Interlocal agreement, removing the purchase of the Civil Executions Module and instead purchasing night vision equipment for the Sheriff's Office SWAT team. Eight (8) units would be purchased at a total cost of \$89,333.36, excluding taxes.

The second Resolution approves the awarding of a contract for purchase of eight (8) night vision goggles to Lawmen's Safety Supply, Inc., the lowest bidder, in the amount of \$89,333.36, excluding taxes. A summary of bids is as follows:

Lawmen's Safety Supply, Inc. - \$11,166.67/each (\$89,333.36)

Wills Optics LLC - \$11,995.00/each (\$95,960.00)

TNVC, Inc. - \$13,299/each (\$106,392.00)

\$88,285 will be funded by the JAG grant funds. The remaining balance of \$1,048.36 will be funded using Sheriff's Office FY 2019-2020 agency operating funds. No additional funds are being requested.

ATTACHMENTS: YES NO

SIGNATURE: _____ DATE: _____
COUNTY MANAGER

**RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO THE
INTERLOCAL AGREEMENT BETWEEN FORSYTH COUNTY AND THE
CITY OF WINSTON-SALEM REGARDING THE SHARED USE OF 2018
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS
(FORSYTH COUNTY SHERIFF'S OFFICE)**

WHEREAS on September 6, 2018, the Forsyth County Board of Commissioners adopted a Resolution of an Interlocal Agreement with the City of Winston-Salem on the shared use of 2018 Edward Byrne Memorial Justice Assistance Grant Funds (JAG); and

WHEREAS the City of Winston-Salem Police Department and the Forsyth County Sheriff's Office desire to amend the proposed use of funds, pending the approval of the Department of Justice, Bureau of Justice Assistance;

NOW, THEREFORE, BE IT RESOLVED, by the Forsyth County Board of Commissioners that the attached Interlocal agreement between Forsyth County and the City of Winston-Salem regarding the shared use of U.S. Department of Justice, Bureau of Justice Assistance, FY 2016, Edward Byrne Memorial Justice Assistance Grant (JAG) (Local Solicitation) Program Funds in the amount of \$182,029.00, ratified as required by N.C.G.S. 160A-46, is hereby amended and the Chairman or County Manager and the Clerk to the Board are hereby authorized to execute the attached amendment to the Interlocal agreement, on behalf of Forsyth County, subject to a pre-audit certificate thereon by the County Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney. The original contract is incorporated herein by reference.

BE IT FURTHER RESOLVED, that the County Manager is hereby authorized to sign amendments to this amendment upon written agreement with the City of Winston-Salem.

BE IT FURTHER RESOLVED, that this resolution amending the Interlocal agreement between Forsyth County and the City of Winston-Salem is hereby spread upon the minutes of the Forsyth County Board of Commissioners.

Adopted this the 8th day of August 2019.

**THE STATE OF NORTH CAROLINA
CITY OF WINSTON-SALEM**

AMENDMENT TO INTERLOCAL AGREEMENT

**BETWEEN THE COUNTY OF FORSYTH, NORTH CAROLINA AND
THE CITY OF WINSTON-SALEM, NORTH CAROLINA**

**EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM 2018**

THE INTERLOCAL AGREEMENT, made and effective on September 20, 2018, by and between the CITY OF WINSTON-SALEM, hereinafter referred to as CITY, acting by and through its governing body, the City Council, and the COUNTY OF FORSYTH, acting by and through its governing body, the Board of Commissioners, hereinafter referred to as COUNTY, all of FORSYTH COUNTY, State of North Carolina, is hereby amended, effective September 1, 2019, by the CITY and COUNTY as follows:

Section 1, Section 2 and Section 11 of the INTERLOCAL AGREEMENT are hereby deleted, and the following shall be added as Section I and Section II:

1. If the CITY receives the JAG award in the total amount of \$182,029, the parties agree to the following uses of said award:
 - a. The CITY will use \$88,285 to purchase a three-dimensional crime scene scanner for use at all major crime scenes. The CITY will also reserve \$2,730 (3%) to be applied toward fees associated with becoming fully compliant with the Federal Bureau of Investigation's National Incident Based Reporting System (NIBRS) data submission requirements under the Uniform Crime Reporting (UCR) Program.
 - b. The COUNTY will use \$88,285 to purchase night vision equipment for the Sheriff's Office SWAT team. The COUNTY will also reserve \$2,730 (3%) to be applied toward fees associated with becoming fully compliant with the Federal Bureau of Investigation's National Incident-Based Reporting System (NIBRS) data submission requirements under the Uniform Crime Reporting (VCR) Program.
2. The CITY agrees to reimburse the COUNTY \$91,014.50 for the purchase of night vision equipment for the SWAT team and expenses associated with becoming NIBRS-Compliant.
11. Entire Agreement: Amendment or Termination. This Agreement is the entire Agreement between the parties hereto as to the subject matter herein. The CITY and COUNTY Managers are hereby authorized to sign amendments to this

Agreement. This Agreement may be amended or terminated by written Agreement of both parties.

Except as herein amended, the original Interlocal Agreement attached as Attachment A and incorporated herein by reference remains unchanged and in full force and effect.

This Amendment has been ratified by resolution, and spread upon the minutes of the Forsyth County Board of Commissioners and the Winston-Salem City Council.

CITY OF WINSTON-SALEM, NORTH CAROLINA

Lee D. Garrity, City Manager

Date

ATTEST:

Sandra R. Keeney, City Secretary

Date

Catrina A. Thompson, Police Chief

Date

APPROVED AS TO FORM AND LEGALITY:

Angela I. Carmon, City Attorney

Date

THIS INSTRUMENT HAS BEEN PRE-AUDITED IN THE MANNER REQUIRED BY THE LOCAL GOVERNMENT AND FISCAL CONTROL ACT

Lisa Saunders
Chief Financial Officer
City of Winston-Salem

Date

This Amendment has been ratified by resolution, and spread upon the minutes of the Forsyth County Board of Commissioner and the Winston-Salem City Council.

COUNTY OF FORSYTH, NORTH CAROLINA

J. Dudley Watts, Jr., County Manager

Date

ATTEST:

Ashleigh Sloop, Clerk
Board of Commissioners (SEAL)

Date

Bobby F. Kimbrough, Jr., Sheriff

Date

APPROVED AS TO FORM AND LEGALITY:

B. Gordon Watkins III, County Attorney

Date

**RESOLUTION AWARDING A CONTRACT TO LAWMEN'S SAFETY SUPPLY, INC.,
FOR PURCHASE OF NIGHT VISION EQUIPMENT
(FORSYTH COUNTY SHERIFF'S OFFICE)**

WHEREAS the Forsyth County Sheriff's Office requests to purchase night vision equipment for its SWAT team and the equipment would allow the SWAT team operators the benefit of seeing in darkness and securing violent individuals safely;

WHEREAS Lawmen's Safety Supply, Inc., has submitted the lowest bid at \$89,333.36 for eight (8) units; and

WHEREAS it is the recommendation of the County Manager, the Sheriff, and the Purchasing Director that the purchase of night vision equipment, be awarded to Lawmen's Safety Supply, Inc., in the amount of \$89,333.36, excluding taxes;

NOW, THEREFORE, BE IT RESOLVED, that the Forsyth County Board of Commissioners hereby approves the purchase of night vision equipment for use by the Forsyth County Sheriff's Office;

BE IT FURTHER RESOLVED, that the Forsyth County Board of Commissioners hereby awards a contract Lawmen's Safety Supply, Inc., in the amount of \$89,333.36, excluding taxes for the purchase of night vision equipment for use by the Forsyth County Sheriff's Office;

BE IT FURTHER RESOLVED, that the County Manager and Clerk to the Board are hereby authorized to execute, on behalf of Forsyth County, a contract with Lawmen's Safety Supply, Inc., for the purchase of night vision equipment in the amount of \$89,333.36, excluding taxes, subject to a pre-audit certificate thereon by the County Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney.

Adopted this 8th day of August 2019.

ATTACHMENT A

**THE STATE OF NORTH CAROLINA
CITY OF WINSTON-SALEM**

INTERLOCAL AGREEMENT

**BETWEEN THE COUNTY OF FORSYTH, NORTH CAROLINA AND
THE CITY OF WINSTON-SALEM, NORTH CAROLINA**

**EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM**

This Agreement is made and entered into this 20th day of September 2018 by and between the CITY OF WINSTON-SALEM, hereinafter referred to as CITY, acting by and through its governing body, the City Council, and the COUNTY OF FORSYTH, acting by and through its governing body, the Board of Commissioners, hereinafter referred to as COUNTY, all of FORSYTH COUNTY, State of North Carolina.

WITNESSETH:

WHEREAS, this Agreement is made under the Authority of N.C.G.S. §160A-460, et. seq.:

WHEREAS, the CITY and COUNTY are eligible to share ONE HUNDRED EIGHTY TWO THOUSAND TWENTY NINE DOLLARS AND 00/100 (\$182,029) in funds available under the Edward Byrne Memorial Justice Assistance Grant Program (hereinafter "JAG"); and

WHEREAS, the parties wish to agree to and to document their respective use(s) of the funds if the funds are awarded in the total amount of \$182,029; and

WHEREAS, the parties are entitled to share interest which is earned on the grant funds until the complete expenditure of all grant funds in the same manner and similarly wish to agree to and to document their respective use(s) of said interest.

NOW THEREFORE, the CITY and the COUNTY agree as follows:

1. If the CITY receives the JAG award in the total amount of \$182,029, the parties agree to the following uses of said award:
 - a. The CITY will use \$88,285 to purchase a three-dimensional crime scene scanner for use at all major crime scenes. The CITY will also reserve \$2,370 (which is 3% of \$91,014.50) to be applied toward fees associated with becoming fully compliant with the Federal Bureau of Investigation's National Incident-Based Reporting System (NIBRS) data submission requirements under the Uniform Crime Reporting (UCR) Program.
 - b. The COUNTY will use \$88,285 to purchase case management system for civil executions. The COUNTY will also reserve \$2,370 (which is 3% of \$91,014.50)

to be applied toward fees associated with becoming fully compliant with the Federal Bureau of Investigation's National Incident-Based Reporting System (NIBRS) data submission requirements under the Uniform Crime Reporting (UCR) Program.

2. The CITY agrees to reimburse the COUNTY \$91,014.50 for the purchase of a case management system for civil executions and expenses associated with becoming NIBRS-Compliant.
3. The COUNTY agrees to use earned interest on the COUNTY's allocation of said grant funds solely as approved by the Department of Justice, Bureau of Justice Assistance, after first complying with the applicable bidding laws and the CITY agrees to use all earned interest on the CITY's allocation of said grant funds solely as approved by the Department of Justice, Bureau of Justice Assistance, after first complying with the applicable bidding laws.
4. All purchases will be made after first complying with all applicable bidding laws.
4. The COUNTY agrees to submit an official invoice for reimbursement with copies of all supporting documentation to include, but not limited to, purchase orders, vendor invoices, and/or payroll documentation for all JAG allowable expenditures within 30 days after payment has been made by the COUNTY.
5. The COUNTY agrees to submit a progress report as required by the JAG award to the Winston-Salem Police Department within five days after the end of each calendar quarter until each unit of government has fully implemented its project or until the grant expires, the first being due on or before January 5, 2019. The reporting schedule is as follows:

Quarter	FY2019	FY 2020	FY2021	FY2022
Jul – Sep		10/5/2019	10/5/2020	10/5/2021
Oct – Dec	1/5/2019	1/5/2020	1/5/2021	
Jan – Mar	4/5/2019	4/5/2020	4/5/2021	
Apr – Jun	7/5/2019	7/5/2020	7/5/2021	

6. **Duration.** This Agreement shall remain in full force, effect up to, and including September 30, 2021.
7. **Joint agency: real property.** By this Agreement, no joint agency is established and no real property is involved in the undertaking.
8. **Personnel.** Each party to this Agreement shall be responsible for appointing its own personnel to implement and administer the funds that each receive under this program.

9. Liability. To the extent required by law, each party to this Agreement will be responsible for its own actions under this Agreement and shall not be liable to the other party for any civil liability that may arise hereunder.
10. Method of Financing. No financing will be needed for this undertaking. Each party shall be responsible for its own cost.
11. Entire Agreement: Amendment or Termination. This Agreement is the entire Agreement between the parties hereto as to the subject matter herein. This Agreement may be amended or terminated by written Agreement of both parties.
12. Authority to Contract. Each party hereto represents and warrants that it has the legal authority, by ordinance or otherwise, to enter into this Agreement and to bind itself to its terms, and that its governing board has approved this Agreement or will ratify this Agreement as required pursuant to N.C.G.S §160A-461.
13. Assignment. This Agreement may not be assigned by either party, nor shall the performance of any duties under this Agreement be delegable by either party, without the prior written consent of all parties. This Agreement shall not be assignable by operation of law.
14. Governing Law. This Agreement shall be governed by, and construed according to the laws of the State of North Carolina.

This Agreement has been ratified by resolution, and spread upon the minutes of the Forsyth County Board of Commissioners and the Winston-Salem City Council.


CITY OF WINSTON-SALEM, NORTH CAROLINA

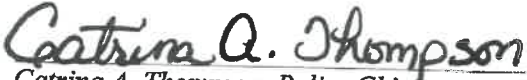


Lee D. Garrity, City Manager

9/27/18
Date

ATTEST:



Melanie Johnson, City Secretary


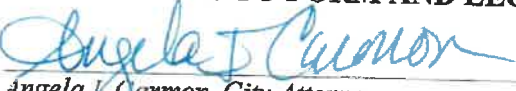
Catrina A. Thompson, Police Chief



9/28/18
Date

9/20/18
Date

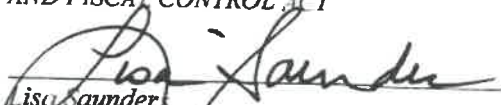
APPROVED AS TO FORM AND LEGALITY:



Angela L. Carmon, City Attorney

9/26/18
Date

THIS INSTRUMENT HAS BEEN PRE-AUDITED IN THE MANNER REQUIRED BY THE LOCAL GOVERNMENT AND FISCAL CONTROL ACT



Lisa Saunder
Chief Financial Officer
City of Winston-Salem

9/26/18
Date

This Agreement has been ratified by resolution, and spread upon the minutes of the Forsyth County Board of Commissioner and the Winston-Salem City Council.

COUNTY OF FORSYTH, NORTH CAROLINA

J. Dudley Watts, Jr.
J. Dudley Watts, Jr., County Manager

9/14/18
Date

ATTEST:

Ashleigh M. Sloop
Ashleigh Sloop, Clerk
Board of Commissioners (SEAL)

9-14-18
Date

William T. Schatzman
William T. Schatzman, Sheriff

9-13-18
Date

APPROVED AS TO FORM AND LEGALITY:

B. Gordon Watkins III, County Attorney

Date

Approved as to form and legality

SEP 13 2018
FORSYTH COUNTY, N.C.
By *[Signature]*
Assistant County Attorney

RF# 392
2019.0177-00

**RESOLUTION RATIFYING AND AUTHORIZING EXECUTION OF AN
INTERLOCAL AGREEMENT BETWEEN FORSYTH COUNTY AND THE
CITY OF WINSTON-SALEM REGARDING THE SHARED USE OF 2018
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)
(LOCAL SOLICITATION) FUNDS
(FORSYTH COUNTY SHERIFF'S OFFICE)**

BE IT RESOLVED by the Forsyth County Board of Commissioners that the attached interlocal agreement between Forsyth County and the City of Winston-Salem regarding the shared use of U.S. Department of Justice, Bureau of Justice Assistance, FY 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) (Local Solicitation) Program Funds in the amount of \$182,029.00 is hereby ratified as required by N.C.G.S. 160A-461, and the Chairman or County Manager and the Clerk to the Board are hereby authorized to execute, on behalf of Forsyth County, the attached interlocal agreement, subject to a pre-audit certificate thereon by the County Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney. The original contract is incorporated herein by reference.

BE IT FURTHER RESOLVED that this resolution ratifying interlocal cooperation between Forsyth County and the City of Winston-Salem is hereby spread upon the minutes of the Forsyth County Board of Commissioners.

Adopted this the 6th day of September 2018.

**ADOPTED
SEP 06 2018**

Forsyth County Board
of Commissioners

RF# 392
2019.0177.00

**RESOLUTION AUTHORIZING EXECUTION OF
NECESSARY DOCUMENTS TO APPLY FOR AND RECEIVE
U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE,
2018 EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG) FUNDS
(FORSYTH COUNTY SHERIFF'S OFFICE)**

BE IT RESOLVED that the Forsyth County Board of Commissioners hereby authorizes the Chairman or County Manager and the Clerk to the Board to execute the necessary documents, on behalf of Forsyth County, to apply for and receive U.S. Department of Justice, Bureau of Justice Assistance, 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) funds in the amount of \$182,029.00, subject to a pre-audit certificate thereon by the County Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney; and further subject to compliance with the applicable bidding laws.

Adopted this the 6th day of September 2018.

**ADOPTED
SEP 06 2018**

Forsyth County Board
of Commissioners