

4/17/14

Morrison Motion to amend

Late Backup

#20

AMENDMENT ONE TO INTERLOCAL COOPERATION AGREEMENT
FOR SUSTAINMENT FUNDING FOR THE
AUSTIN REGIONAL INTELLIGENCE CENTER (ARIC)

This Amendment One to the Interlocal Cooperation Agreement for Sustainment Funding for the Austin Regional Intelligence Center (ARIC) is made and entered by and between the following parties:

City of Austin,
Austin Independent School District through its Police Department,
City of Georgetown through its Police Department,
Hays County through its Sheriff's Office,
City of Pflugerville through its Police Department,
City of Round Rock through its Police Department,
City of San Marcos through its Police Department,
Travis County through its Sheriff's Office,
University of Texas through its Police Department, and
Williamson County through its Sheriff's Office
(collectively referred to as the "Original Partner Agencies" in this Amendment)

And

Austin Community College through its Police Department,
Texas State University through its Police Department,
City of Cedar Park through its Police Department,
Pflugerville Independent School District through its Police Department,
City of Kyle through its Police Department, and
City of Buda through its Police Department.
(collectively referred to as the "New Partner Agencies" in this Amendment).

Collectively, the Original Partner Agencies and the New Partner Agencies are referred to as "Partner Agencies."

RECITALS

The ARIC is a collaborative effort of public safety agencies in Hays, Travis and Williamson Counties. Partner Agencies work together to provide resources, expertise, and information to the Center. ARIC focuses on regional public safety data analysis. The mission of ARIC is to maximize the ability to detect, prevent, apprehend, and respond to criminal and terrorist activity.

During the summer and fall of 2010, each of the Original Partner Agencies' governing bodies approved an interlocal cooperation agreement that established and outlined the intent of the Original Partner Agencies to centralize efforts and co-locate certain intelligence operations (Original ARIC Agreement). Further, the Original ARIC Agreement established a framework for the organization of the ARIC. The Original ARIC Agreement set out a common understanding of the policies and procedures that the ARIC currently follows in providing criminal intelligence and coordination of law enforcement service to the citizens in the Austin-Round Rock metropolitan area.

During the summer and fall of 2012, each of the Original Partner Agencies' governing bodies approved a second Interlocal Cooperation Agreement that established a funding mechanism to sustain the operations of ARIC (ARIC Sustainment Funding Agreement).

Section XIII of the Original ARIC Agreement and section seven of the ARIC Sustainment Funding Agreement permit those agreements to be amended to add additional partner agencies. Upon approval of an amendment adding a new partner agency or agencies by the Partner Agencies' governing bodies, each New Partner Agency must execute a Counterpart Original ARIC Agreement and a Counterpart ARIC Sustainment Funding Agreement.

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The two purposes of this Amendment One to the ARIC Sustainment Funding Agreement are to add the New Partner Agencies to the ARIC Sustainment Funding Agreement, effective April 10, 2014, and to authorize the City of Austin to enter into separate collateral agreements with non-governmental entities, as necessary, to provide these non-governmental entities with obligations and benefits equivalent to Partner Agencies.

Legal authority for amending and entering into these agreements by the Original Partner Agencies and New Partner Agencies is found in the Interlocal Cooperation Act, Texas Government Code Chapter 791 and the Interagency Cooperation Act, Texas Government Code Chapter 771.

NOW, THEREFORE, the Original Partner Agencies agree to amend the ARIC Sustainment Funding Agreement, and the New Partner Agencies each agree to execute Counterpart ARIC Sustainment Funding Agreements and amend that agreement as follows:

AMENDMENT TO ARIC SUSTAINMENT FUNDING AGREEMENT

1.0 LIST OF PARTIES

The list of parties at the beginning of the Original ARIC Agreement is deleted and the following is substituted in its place:

This Interlocal Cooperation Agreement (the Agreement) is made and entered by and between City of Austin through its Police Department, Austin Independent School District through its Police Department, City of Georgetown through its Police Department, Hays County through its Sheriff's Office, City of Pflugerville through its Police Department, City of Round Rock through its Police Department, City of San Marcos through its Police Department, Travis County through its Sheriff's Office, University of Texas through its Police Department, Williamson County through its Sheriff's Office, Austin Community College through its Police Department, Texas State University through its Police Department, City of Cedar Park through its Police Department, Pflugerville Independent School District through its Police Department, City of Kyle through its Police Department, and the City of Buda through its Police Department.

2.0 AMENDMENT TO SECTION 7

Section 7 of the ARIC Sustainment Funding Agreement is amended by adding subsection C to read as follows:

C. The City of Austin is authorized to enter into separate collateral agreements, as necessary, to allow agencies that are not state agencies, local governments, or other agencies that are authorized to contract with each other under Chapters 771 and 791 of the Government Code (non-governmental agencies) to assume obligations and receive benefits equivalent to Partner Agencies (Partner Equivalent Agencies). To qualify for consideration to become a Partner Equivalent Agency, a non-governmental agency must utilize a full-service law enforcement component that employs police officers licensed by the State of Texas and vested with full law enforcement powers and responsibilities.

~~Before any non-governmental agency becomes a Partner Equivalent Agency, that non-governmental agency must first be agreed upon by a majority of the Executive Board, with approval by the Chair. Upon approval by the Executive Board and Chair, the approved non-governmental agency is recommended to the City of Austin City Council which must approve each agreement before any approved non-governmental agency seeking to become a Partner Equivalent Agency may be offered an agreement to become a Partner Equivalent Agency. Such an agreement must include the same terms of understanding contained in the ARIC Sustainment Funding Agreement in substantially the same format as the ARIC Sustainment Funding Agreement. (Partner Equivalent Agency Funding Agreement). To complete the transaction, the approved non-governmental agency and the City of Austin must execute the Partner Equivalent Agency Funding Agreement.~~

2.0 EXECUTION OF THIS AGREEMENT

Section 15 of the ARIC Sustainment Funding Agreement, titled "Duplicate Originals," is retitled and amended to read as follows:

15. Execution of this Agreement.

This Agreement and any amendments to this Agreement may be executed by the Original Partner Agencies and the New Partner Agencies in multiple counterparts, each of which shall be considered one and the same agreement.

3.0 EFFECTIVE DATE OF THIS AMENDMENT.

This Amendment is effective when it has been approved by the governing body of each and every Partner Agency and executed by their authorized representatives.

CITY OF AUSTIN on behalf of its POLICE DEPARTMENT

By: _____ Date: _____

AUSTIN INDEPENDENT SCHOOL DISTRICT on behalf of its POLICE DEPARTMENT

By: _____ Date: _____
