

ORDINANCE NO. 7592

AN ORDINANCE ACCEPTING A PASS THROUGH FROM PUEBLO COUNTY IN THE AMOUNT OF \$1,000,000 AS A PORTION OF A GRANT FROM THE CHEMICAL STOCKPILE EMERGENCY PREPAREDNESS PROGRAM (CSEPP) FOR THE CONSTRUCTION OF RADIO TOWERS AND BUDGETING AND APPROPRIATING SAME.

WHEREAS, the City of Pueblo supports the acquisition of equipment and improvement to sites for the purpose of improving the reliability and efficiency of public safety radio communications and acceptance of a grant in the amount of \$1,000,000 from the Chemical Stockpile Emergency Preparedness Program.

WHEREAS, the City Council of Pueblo has the authority on behalf of the City of Pueblo to accept such passthrough funding from the Chemical Stockpile Emergency Preparedness Program for public and municipal purposes and to enter into agreements relating thereto, and

WHEREAS, the City Council of Pueblo intends to appropriate and budget the required \$2,000,000 match toward the conversion to the 800 MHz Radio Network and constructing, improving, and equipping the City's 911 Dispatch Center, and

WHEREAS, acceptance of the Award for the purposes for which it has been made is in the best interest of the City and will benefit the health, welfare and safety of the citizens of the City; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The grant of \$1,000,000, passed through Pueblo County from the Chemical Stockpile Emergency Preparedness Program, is hereby accepted and approved. The President of City Council is authorized to execute the Intergovernmental Agreement with Pueblo County in the name of the City.

SECTION 2.

Funds in the amount of \$1,000,000 are hereby budgeted and appropriated and shall only be expended and used for the 800 MHz Radio Network Conversion.

INTRODUCED: May 14, 2007

BY: Randy Thurston
Councilperson

APPROVED: Judy P. Weaver
PRESIDENT of City Council

ATTESTED BY: Gina Dutcher
CITY CLERK

PASSED AND APPROVED: May 29, 2007



**Background Paper for Proposed
ORDINANCE**

DATE: MAY 14, 2007

AGENDA # 2416

DEPARTMENT: INFORMATION TECHNOLOGY DEPARTMENT
DIRECTOR JOHN WILKINSON

TITLE

AN ORDINANCE ACCEPTING A PASS THROUGH FROM PUEBLO COUNTY IN THE AMOUNT OF \$1,000,000 AS A PORTION OF A GRANT FROM THE CHEMICAL STOCKPILE EMERGENCY PREPAREDNESS PROGRAM (CSEPP) FOR THE CONTINUATION OF RADIO TOWERS AND BUDGETING AND APPROPRIATING SAME

ISSUE

Should City Council accept a grant from the Chemical Stockpile Emergency Preparedness Program (CSEPP) passed through Pueblo County, in the amount of \$1,000,000? The local match required by the City is \$2,000,000.

RECOMMENDATION

Approval of the Ordinance.

BACKGROUND

It has been a continuing priority for the City to migrate to the State's 800 MHz Radio Network. By adopting the State's system, the City's radio users will be able to communicate in most every area of the State. Likewise, other jurisdictions that adopt the State standard, including Pueblo County, will be able to communicate between agencies when in Pueblo. This grant funding would be used to build radio towers necessary for coverage within the City of Pueblo. The towers will be sited such that areas outside of the City limits will have improved coverage as well, providing benefit to other emergency responders in the region and providing coverage in areas of anticipated growth for the City.

In order to receive the grant, the City must indicate its intention to appropriate and budget \$2,000,000 in additional expenditures. In originally applying for this grant, City Council passed Resolution 10397 on May 9, 2005, so stating the intention to expend the required \$2,000,000 in matching funds. Qualified expenditures toward the City's match include any expenses toward the 800 MHz Radio System Conversion project or expenditures to build, equip, or improve the City's 911 Dispatch Center, as long as such expenditures are not funded with revenue from this or other grants.

FINANCIAL IMPACT

The City will be obligated to expend \$2,000,000 to receive this \$1,000,000 grant.

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT entered into as of May 29, 2007, by and between the City of Pueblo, a municipal corporation, ("City") and the Board of County Commissioners of Pueblo County, Colorado ("County"),

WITNESSETH,

Recitals

A. City and County are authorized by §29-1-201, et seq., C.R.S. and Art. XIV, Section 18(2)(a) and (b) of the Colorado Constitution to cooperate and contract with one another to provide any function or service lawfully authorized to each contracting governmental unit.

B. County pursuant to its Resolution No. 05-144 filed for and received a grant from the Federal Emergency Management Agency ("FEMA") Region VIII ("Grant") for \$2.2 million funding through the Chemical Stockpile Emergency Preparedness Program ("CSEPP") ("Grant Funds") in order to assist in the upgrading of the public safety radio system and towers in the City of Pueblo and the County of Pueblo.

C. Pursuant to Resolution No. 05-144, up to \$1 million of the Grant Funds was to be appropriated to the City of Pueblo as sub-grantee for upgrading its public safety radio tower system, integrating it with the Digital Trunked Radio System (DTRS).

NOW, THEREFORE, IT IS MUTUALLY AGREED in consideration of the foregoing and mutual covenants contained herein, by and between the City and County as follows:

1. County has appropriated up to \$1 million of the 2005 Chemical Stockpile Emergency Preparedness Program (CSEPP) DTRS Grant Funds to be used by the City in accordance with the terms and conditions of the Grant for upgrading its public safety radio tower system, with the actual amount of that appropriation contingent on the City's budget commitment of a total of \$2 million as matching funds [a 2:1 ratio = 2 City:1 CSEPP] toward the construction and/or purchase of equipment for the City's overall DTRS project .

2. Grant Funds are federal funds excluded from fiscal year spending under Article X, Section 20 of the Colorado Constitution.

3. City as a sub-grantee will expend the \$1 million in Grant Funds no later than September 15, 2007, in accordance with the terms and conditions of the Grant and file all reports required under the Grant with the County in a timely and proper manner. The City will submit documentation of those expenditures to the County and the County will forward the documentation in a timely fashion to the State of Colorado Department of Local Affairs, Division of Emergency Management for reimbursement out of the 2005 CSEPP DTRS Grant.

4. This Agreement sets forth the complete understanding between City and County with respect to the subject matter hereof and shall become effective upon the date and year first written above and may be amended or modified in writing approved by each governing body.

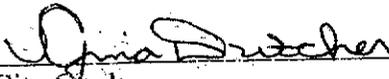
5. This Agreement shall be governed by and construed in accordance with the laws of the state of Colorado and if any provision shall for any reason be determined to be invalid or unenforceable, such determination shall not affect any of the remaining provisions of this Agreement.

6. This Agreement may not be assigned in whole or in part by any Party and this Agreement shall inure to the benefit of and be binding upon the Parties and their respective successors.

Executed the day and year first above written.

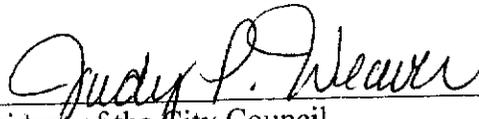
CITY OF PUEBLO

Attest:



City Clerk

By



President of the City Council

BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

Attest:



County Clerk and Recorder

By



Chairman of the Board of
County Commissioners