

ORDINANCE NO. 2009-12-087

AN ORDINANCE RELATING TO THE 2009 BUDGET TO ACCOUNT FOR THE RECEIPT OF A \$10,200.00 GRANT FROM THE WASHINGTON TRAFFIC SAFETY COMMISSION TO THE BELLINGHAM POLICE DEPARTMENT AND APPROPRIATING RELATED EXPENDITURES FOR OVERTIME IN THE GENERAL FUND ASSOCIATED WITH MULTI-JURISDICTIONAL DUI PATROLS.

WHEREAS, the City of Bellingham Police Department was awarded a \$10,200.00 grant from the Washington Traffic Safety Commission, and

WHEREAS, this grant will provide for overtime to participate in specific "Drive Hammered Get Nailed" multi-jurisdictional DUI Patrols between November 19, 2009 and September 6, 2010.

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:


The sum of \$10,200.00 is hereby appropriated in the General Fund. The source of funds will be credited as follows:

<u>001</u>	<u>GENERAL FUND</u>		
3 821	PATROL/TRAFFIC OPERATIONS		
001-3821232332060	NATIONAL HW TRAFFIC SAFETY ADM	\$	10,200.00

To be debited as follows:


<u>001</u>	<u>GENERAL FUND</u>		
5 821	PATROL/TRAFFIC OPERATIONS		
001-58212321201	OVERTIME	\$	9,435.00
001-58212322101	PERSONNEL BENEFITS	\$	765.00
		\$	<u>10,200.00</u>

PASSED by the Council this 14th day of December, 2009.



Council President

APPROVED by me this 23rd day of December, 2009.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published:

December 18, 2009



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Traffic Safety

**MEMORANDUM OF UNDERSTANDING
WASHINGTON TRAFFIC SAFETY COMMISSION**

THIS AGREEMENT, pursuant to Chapter 39.34 RCW is made and entered into by and between the

Bellingham Police Department
(Agency Name)

hereinafter referred to as **Agency**, and the Washington Traffic Safety Commission, hereinafter referred to as **WTSC**.

IT IS THE PURPOSE OF THIS AGREEMENT to provide overtime funding to law enforcement agencies to conduct "X52: Drive Hammered Get Nailed" Multi-jurisdictional DUI Patrols during the following timeframes:

Holiday DUI Patrols: November 19 to December 31, 2009
St. Patrick's Day DUI Patrols: March 11-21, 2010
Summer Kick Off DUI Patrols: June 24-30, 2010
4th of July DUI Patrols: July 1-5, 2010
Drive Hammered Get Nailed Labor Day DUI Crackdown: August 12 – Sept 6, 2010

The goal of this project is to contact and arrest as many DUI violators as possible as part of a statewide high-visibility enforcement campaign. Funding from this agreement may not exceed the amount prescribed by your local Target Zero Manager.

IT IS, THEREFORE, MUTUALLY AGREED THAT:

1. **Agency** will provide commissioned police officer(s) (active or paid reserve) with appropriate equipment (vehicle, radar, etc) on an "overtime" basis (not to exceed 1.5 times normal salary) to participate in the X52: Drive Hammered Get Nailed DUI patrols.
Agency may provide communications officers/dispatch personnel on an overtime basis with prior approval from Impaired Driving Program Manager for the WTSC.
2. **Agency** will receive an amount not to exceed \$ 10,200 for overtime for the campaigns listed above, unless additional funding becomes available. \$7200 Patrol, \$3000 Dispatch.
3. **Agency** agrees to participate in night-time DUI patrols during each of the campaign dates listed above. Nighttime is defined as between 1600 and 0600 hours.
4. **Agency** will participate in multi-jurisdictional DUI patrols targeting times (ie. Weekends) and locations where high numbers of fatal and serious injury DUI collisions occur. Please coordinate your patrols with other agencies to maximize the visibility of this emphasis!
5. Performance standards for law enforcement personnel on these patrols are **a minimum of three (3) self-initiated contacts per hour.** This is an enforcement activity intended to apprehend

impaired drivers. It is expected that a Notices of Infraction will be issued at contact unless circumstances dictate otherwise. It is understood that violator contacts may result in related, time-consuming activity. Such activity will be considered for reimbursement. Activity other than that initiated through emphasis patrol contact (investigating collisions, emergency responses, etc) will be the responsibility of the contracting agency and may not be considered for reimbursement.

6. **Agency** must report patrol statistics on the form provided (activity log) **within 48 hours** after the date of the patrol to:

David A. Wright dwright@ferndalepd.org

5640 Third Ave/ PO Box 1257

Ferndale, WA 98248 Phone: 360-384-3390 Fax: 360-384-3345

(Target Zero Managers: Please Fill in with you name, address, fax, email, and phone.)

7. Payment cannot be made until activity logs are received. **Activity logs cannot be modified.** Please use the logs provided in this package.
8. **Agency** must submit claims (A19-A1 form) for reimbursement in a timely manner to their **Target Zero Manager** (name and address above) who will forward to WTSC for payment. The task force coordinator tracks the total budget for your county and therefore must see all reimbursement paperwork.

Agency should submit reimbursement forms as soon as possible at the end of each patrol period. The CFDA number for this grant is 20.601.

For activity from Oct 1, 2009 through June 30, 1020, **agency** must submit reimbursement forms no later than August 15, 2009. Requests for reimbursement for activity during this time period received after August 15, 2009 **will not** be honored by the WTSC

For activity from July 1 through September 30, 1020, **agency** must submit reimbursement forms no later than October 15, 2009. Requests for reimbursement received after November 15, 2009 **will not** be honored by the WTSC.

Claims for reimbursement must include:

- ◆ Invoice Voucher, A19-1A Form. Please note that we cannot accept a fax. Identify your agency as the "Claimant." Include a Federal Tax ID # and an original signature of the agency head, command officer or contracting officer on the A19-A1 form.
 - ◆ Payroll support documents.
 - ◆ Activity logs must have been filled out and turned into the task force representative within 48 hours of the patrol to receive payment. **Please include copies of the logs with the A19-A1, as well.**
9. Disputes arising under this agreement shall be resolved by a panel consisting of one representative of the **WTSC**, one representative from the **Agency** and an agreed upon third party. The dispute panel shall decide the dispute by majority vote.
10. Either party may terminate this agreement upon 30 days written notice to the other party. In the event of termination of this agreement, the terminating party shall be liable for the performance

rendered prior to the effective date of termination.

11. **Agency** certifies that none of the funds for this project supplant the normally budgeted funds of this agency nor do these funds pay for routine traffic enforcement normally provided by this agency.
12. **Agency** certifies that all of the officers that participate in DUI emphasis patrols under the terms of this agreement are **SFST trained**.
13. These DUI patrols are conducted as part of highly publicized efforts to reduce impaired driving. As such, publicity campaigns around these patrols as planned to let the public know that extra enforcement is out looking for impaired drivers. Therefore, **Agency** must provide the names of two agency officers who can be available for media requests and questions:

SGT. MARK STOKES
Name/Title
(360) 778-8763
Office Phone

Cell Phone

LT. SCOTT SNIDER
Name/Title
(360) 778-8655
Office Phone

Cell Phone

IN WITNESS THEREOF, THE PARTIES HAVE EXECUTED THIS AGREEMENT.

BELLINGHAM POLICE
Agency

FLO SIMON
Contracting Agent (Name)

[Signature]
Signature

11/5/09
Date

[Signature]
Washington Traffic Safety Commission

11-17-09
Date

Please return this signed MOU to your County Target Zero Manager by Thursday Nov. 12, 2009.

David A. Wright
Target Zero Manager

5640 Third Ave/PO Box 1257
Address

Ferndale, WA 98248
City/State/Zip

360-384-3390 dwright@ferndalepd.org
Phone/E-mail

Target Zero Manager will forward signed and reviewed document by November 19, 2009 to:
Shelly Baldwin, WTSC, PO Box 40944, Olympia, WA 98504-0944