

ORDINANCE NO. 2009-01-003

**AN ORDINANCE RELATING TO THE 2008 BUDGET APPROPRIATING AN ADDITIONAL \$9,000.00 IN THE GENERAL FUND FROM UNANTICIPATED WASHINGTON STATE TRAFFIC SAFETY COMMISSION GRANT REVENUE TO BE USED FOR POLICE DEPARTMENT OVERTIME NEEDED TO CONDUCT IMPAIRED DRIVER AND SPEEDING EMPHASIS PATROLS.**

**WHEREAS**, the Police Department is the recipient of a grant from the Washington State Traffic Safety Commission to be used for overtime needed to conduct impaired driver and speeding emphasis patrols, and;

**WHEREAS**, the Police Department is to conduct these emphasis patrols quarterly between October 2008 and September 2009,

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

The amount of \$9,000.00 is hereby appropriated in the General Fund for the purpose of funding additional Police Department overtime. The source of funding will be credited from:

<u>001</u>		<u>GENERAL</u>		
	3 821	PATROL/TRAFFIC OPERATIONS		
		232 OPERATIONS - TRAFFIC GRANTS		
001-3821232332060		NATIONAL HW TRAFFIC SAFETY ADM	\$	9,000.00

To be debited as follows:

<u>001</u>		<u>GENERAL</u>		
	5 821	PATROL/TRAFFIC OPERATIONS		
		232 OPERATIONS - TRAFFIC GRANTS		
001-58212321201		OVERTIME	\$	8,325.00
001-58212322101		PERSONNEL BENEFITS	\$	675.00
			\$	<u>9,000.00</u>

**PASSED** by the Council this 12th day of January, 2009.

  
\_\_\_\_\_  
Council President

APPROVED by me this 23<sup>rd</sup> day of January, 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:   
\_\_\_\_\_  
Finance Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Office of the City Attorney

Published:

January 16, 2009  
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## **MEMORANDUM OF UNDERSTANDING** **WASHINGTON TRAFFIC SAFETY COMMISSION**

THIS AGREEMENT, pursuant to Chapter 39.34 RCW, is made and entered into on 9/25/2008 (date), 2008 by and between the BELLINGHAM POLICE DEPARTMENT (**Agency**) and the **Washington Traffic Safety Commission (WTSC)**

IT IS THE PURPOSE OF THIS AGREEMENT to assist **WTSC** in a project titled:  
**"X-52: SUSTAINED ENFORCEMENT,  
DUI & SPEEDING TRAFFIC SAFETY EMPHASIS"**

**TERM: 1 October 2008 to 30 September 2009**

Funding is not available for activity before or after this period.

### **IT IS, THEREFORE, MUTUALLY AGREED THAT:**

1. **Agency** will provide commissioned law enforcement (active or paid reserve) with appropriate equipment (vehicle, PBT, radar/lidar, etc.) to participate in X-52 patrols.
2. **WTSC** will pay overtime salaries and benefits (not to exceed 1.5 times normal salary) for all law enforcement participating in X-52 patrols.
3. **WTSC** may also pay overtime salaries for communications officers/dispatch personnel with prior approval either of the WTSC Impaired Driving or Speeding Program Manager.
4. **Agency** will receive an amount not to exceed \$ 9,000.00 for X-52 patrols for federal fiscal year 2009. Your county task force coordinator, however, may increase or decrease that amount should circumstances dictate.
5. **Agency** agrees to participate in eight multi-jurisdictional overtime patrols. Multi-jurisdictional patrols have a minimum of three agencies in the same location at the same time. **Agency** shall participate in two overtime patrols each quarter, one for DUI enforcement, the other for speeding enforcement, starting in October 2008 and ending September 30, 2009. Patrol dates were previously selected by your task force coordinator. If weather or other emergency precludes enforcement on one of the selected dates, **Agency** shall notify your task force coordinator

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who must notify the Impaired Driver or Speeding Program Manager that the enforcement dates have been re-scheduled.


6. **Specific criteria for DUI enforcement patrols:**
  - a. DUI overtime must occur between 1600 hours on Friday and 0400 hours on Sunday.
  - b. If desired, **Agency** may substitute equipment purchases for DUI overtime money. Substitutions must be approved in advance by the Impaired Driving Program Manager.
  - c. Any exceptions to multi-jurisdictional DUI patrols must be pre-approved, in writing, by the Impaired Driving Program Manager.
  
7. **Specific criteria for speeding enforcement patrols:**
  - a. Speeding overtime may occur at any time during the week selected by your task force coordinator. Overtime patrols need not be multi-jurisdictional if given permission from the Speeding Program Manager.
  - b. No equipment purchases or other activities can be substituted for speeding patrols.
  
8. A minimum of 3 self-initiated contacts per hour is required for all X-52 patrols. Some violator contacts may result in time-consuming activity; those activities may be considered for reimbursement providing the circumstances are written on the activity log.
  
9. **Agency** must report X52 patrol statistics on the activity log provided within 48 hours after the date of the patrol. All activity logs must be given to your task force coordinator in order to receive reimbursement. Your task force coordinator will forward them to **WTSC**.
  
10. **Agency** must submit claims for reimbursement in a timely manner to your task force coordinator who will forward them to **WTSC** for payment. Any request for reimbursement for activity conducted prior to June 30, 2009 must be received by WTSC no later than August 15, 2009. Reimbursement for activities occurring between July 1, 2009 and September 30, 2009 must be received by **WTSC** no later than November 1, 2009. Requests for reimbursement received after those dates may not be paid by **WTSC**.
  
11. Claims for reimbursement must include:
  - ◆ Invoice Voucher, A19-1A Form. Please note that we cannot accept a FAX. (**We must have your agency identified as the "Claimant", a Federal Tax ID # and an original signature of the agency head, command officer or contracting officer on the A-19 form.**);
  - ◆ Payroll support documents (signed overtime slips, payroll documents, etc.); and
  - ◆ Officer activity logs showing 3 or more self-initiated contacts per hour.

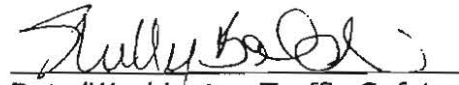
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12. Disputes arising under this agreement shall be resolved by a panel consisting of one representative of the **WTSC**, one representative from **Agency**, and a mutually agreed upon third party. The dispute panel shall decide the dispute by majority vote.
13. 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.
14. **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.
15. **Agency** certifies that all of the law enforcement participating in X-52 DUI emphasis patrols are SFST qualified.

IN WITNESS THEREOF, THE PARTIES HAVE EXECUTED THIS AGREEMENT.

Bellingham Police Department

  
Contracting Agency (Name)  
Todd G. RAMSAY, Chief

  
Date/Washington Traffic Safety  
Commission

Return to Task Force Coordinator:

Sgt Steve Gatterman  
Whatcom County Sheriff  
311 Grand Ave  
Bellingham, WA 98225

