

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

September 23, 2008

Katherine Pugh, Esquire
Deputy City Attorney
P. O. Box 27792
Jackson, MS 39207-2779

**Re: *Interlocal Agreement Between The City of Jackson and Hinds County
for 2008 Byrne Justice Assistance Grant***

Dear Ms. Pugh:

OFFICIAL OPINION
Attorney General Jim Hood has received your request to review and approve the above-referenced Interlocal Agreement.

We have examined the Agreement pursuant to the Interlocal Cooperation Act of 1974 and find that the Agreement is in proper form and compatible with state law, and is hereby approved. Prior to becoming effective, in addition to being executed by the governing authorities and receiving the approval of this office, the agreement must be filed with the Chancery Clerk of Hinds County and with the Secretary of State. Further, the agreement must be filed with the State Auditor within sixty (60) days of its effective date.

Sincerely,

Handwritten signature of James Y. Dale in cursive script.

James Y. Dale
Special Assistant Attorney General

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE CITY OF JACKSON AND HINDS COUNTY, MISSISSIPPI**

**In Re: 2008 Byrne Justice Assistance Grant (JAG) Program Award
GMS Application Number 2008-F6578-MS-DJ**

THIS AGREEMENT is made and entered into this 7th day of July, 2008 by and between City of Jackson, Mississippi, a municipal corporation, hereinafter referred to as "City, and Hinds County, Mississippi, a political subdivision, hereinafter referred to as "County", pursuant to Section 17-13-1 et seq., Mississippi Code of 1972, as amended, being the "Interlocal Cooperation Act of 1974" **witnesseth:**

WHEREAS, the parties of this Agreement act under the authority of Sections 19-3-40 and 21-17-5, respectfully of the Mississippi Annotated of 1972 as Amended, and

WHEREAS, this Agreement shall remain in effect until September 30, 2012; and

WHEREAS, each governing body intends to utilize their respective share of funds for the administration of justice as outlined in the grant spending plan attached hereto as "Exhibit A", and,

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall fund that performance or those payments from current revenues legally available to that party; and,

WHEREAS, each governing body finds that the performance of this Agreement is in the best interest of both parties, that the undertaking will benefit the public, and that the division of funds fairly compensates each performing party for the services or functions under this Agreement; and,

WHEREAS, the CITY agrees to provide the COUNTY, ^{B.H.C.} \$48,046.95, from the JAG award for the purchase of ThinkStream database access, Hinds County Court Facilitator, and Attorney for the Public Defender Programs; and,

WHEREAS, the CITY and COUNTY believe it to be in their best interest to allocate the JAG funds as proposed in the grant application spending plan. ("Exhibit A"), GMS Application Number 2008-F6578-MS-DJ

NOW THEREFORE, the CITY and COUNTY agree as follows:

Section 1

CITY agrees to disburse to the COUNTY a total of \$48,046.95 of these JAG funds.

Section 2

COUNTY agrees to use \$48,046.95 for ThinkStream database access, Hinds County Court Facilitator, and Attorney for Public Defender Programs until September 30, 2012.

Section 3

CITY agrees to use \$48,046.95 for purchase of ThinkStream database access for Municipal Court until September 30, 2012.

Section 4

City agrees to use the remaining \$10,677.10 (10%) for administration of this grant.

Section 5

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which the Mississippi Tort Claims Act may impose liability.

Section 6

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which the Mississippi Tort Claims Act may impose liability.

Section 7

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of services by the other party.

Section 8

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 9

By entering into this Agreement, the parties do not intend to create any obligations, expressed or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

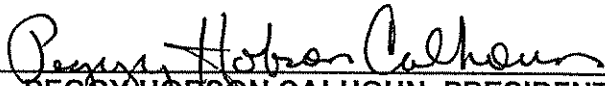
CITY OF JACKSON, MISSISSIPPI

^{KP}
BY: 
FRANK E. MELTON, MAYOR


ATTEST:


CEDRIC MORGAN, CITY CLERK

HINDS COUNTY, MISSISSIPPI


BY: 
PEGGY HOBSON CALHOUN, PRESIDENT

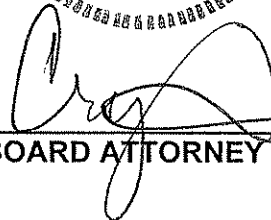
ATTEST:


EDDIE JEAN CARR, CHANCERY CLERK



APPROVED AS TO FORM:


CITY ATTORNEY


BOARD ATTORNEY

CITY OF JACKSON AND HINDS COUNTY, MISSISSIPPI
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

BUDGET NARRATIVE (Exhibit "A")
DISPARATE FUNDING (50/50)
SPENDING PLAN

TOTAL JURISDICTION AWARD: \$106,771.00
ADMINISTRATIVE COST: \$ 10,677.10
SHARED AMOUNT: \$ 96,093.90

CITY OF JACKSON RECEPIENT	JAG ALLOCATION	PROJECT/USE
Administrative Cost (10%)	\$10,677.10	10% allowable administrative cost from JAG Award
ThinkStream Database Access Software/installation/1 yr maintenance for Municipal Court	\$48,046.95	ThinkStream database access software will connect the City of Jackson Municipal Court to the Hinds County Sheriff's Department criminal databases, NCIC national database and individual databases for the 50 states. This will serve to give the court greater access to criminal histories , reduce the time spent by COJ Police Department Records department in obtaining background information for Municipal Court cases. This access will also reduce the number of man hours spent by JPD Detectives providing information to the court which will be readily accessible by the court itself.
COUNTY OF HINDS RECEPIENT	JAG ALLOCATION	PROJECT/USE
Thinkstream Database Access Software/installation/1 yr maintenance for Hinds County Jail System	\$16,015.65	Installation of ThinkStream into the Hinds County Sheriff's Department Jail records will allow immediate access to their information by the Jackson Police Department and the Municipal Court.
Court Facilitator	\$16,015.65	This portion of Hinds County's disparate share of JAG funding will be utilized to support the salary of the Hinds County Court Facilitator
Asst. Public Defender	\$16,015.65	This portion of Hinds County's funding will be used to support the salary of one Assistant Public Defender.
TOTAL	\$106,771.00	

ORDER AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE FY 2008 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FUNDED AND ADMINISTERED BY THE U.S. DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS.

WHEREAS, the Department of Justice, Office of Justice programs has advised Jackson's Police Department that it is eligible and can apply for funding pursuant to the FY 08 Edward Byrne Memorial Justice Assistance Grant and

WHEREAS, the City of Jackson Police Department and the Hinds County Sheriff's Department have since 2004 worked to develop effective communications and records sharing between the two agencies and

WHEREAS, the City of Jackson intends to apply for funding in the amount of \$106,771.00 and

WHEREAS, grant funds will be used to upgrade and enhance interoperability between the Hinds County Sheriff's Department and the City of Jackson Police Department and

WHEREAS, the 2008 Edward Byrne Memorial Justice Assistance Grant requires no matching funds

IT IS HEREBY ORDERED that the mayor be authorized to execute and submit an application to the US Department of Justice, Office of Justice programs and

IT IS FURTHER ORDERED that the mayor may execute any and all agreements and documents necessary to accomplish and affect the purposes and intent of this order.

Council Member Barrett-Simon moved adoption; **Council Member Tillman** seconded.

Yeas – Barrett-Simon, Bluntson, Crisler, McLemore, Tillman, and Weill, Sr.
Nays – None.
Absent – Stokes.

ATTEST:

Cedric Morgan
City Clerk

I, Cedric Morgan, the duly appointed qualified City Clerk and lawful custodian of records of the Council and seal of said City of Jackson, Mississippi, certify that the foregoing is a true and exact copy of an Order passed by the City Council at its special meeting on July 7, 2008, and recorded in Minute Book "5-S".

WITNESS my signature and official seal of office, this the 20th day of August, 2008.

(SEAL)


Cedric Morgan
City Clerk