

STATE OF ILLINOIS
COUNTY OF Lake County, IL

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF WAUKEGAN AND COUNTY OF LAKE
2011 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

This agreement is made and entered into this ____ day of _____, 2012 by and between The COUNTY of Lake, acting and through its governing body, the County Board hereinafter referred to as COUNTY, and the City of Waukegan, acting through its governing body, the City Council, hereinafter referred to as CITY, both of Lake County, State of Illinois, witnesseth:

WHEREAS, this agreement is made under the authority of the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*; and

WHEREAS, the Edward Byrne Memorial Justice Assistant Grant Program (the “Program”) is a United States Department of Justice program that provides grant monies to local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system; and

WHEREAS, the CITY and the COUNTY are eligible for a joint award of \$28,189 in FY2012 grant monies under the Program; and

WHEREAS, the potential allocation of the eligible funds under the funding disparity provisions of the Program is \$5,638 to the COUNTY and \$22,551 to the CITY and the CITY and COUNTY agree that is in their best interests to allocate the Program funds in this manner; and

WHEREAS, each governing body finds that a joint application for the Program funds and the performance of this Agreement is in the best interests of both the CITY and the COUNTY, that the allocation and undertaking will benefit the public, and that the allocation of grant monies as provided for herein is fair and appropriate; and

WHEREAS, in order to receive any Program funds, the CITY and COUNTY must submit an executed memorandum of understanding in connection with the joint application for Program funds, indicating which party will serve as the Fiscal Agent for all Program funds received and agreeing to an appropriate allocation of Program funds.

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NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

CITY agrees to serve as the Fiscal Agent with respect to the Program, to submit a joint application on behalf of the CITY and the COUNTY for the Program funds, and to administer all funds received through the Program in accordance with all applicable Program rules and requirements.

Section 2.

The CITY agrees to pay the COUNTY \$5,638 of the Program funds within thirty (30) days of the CITY's receipt of the Program funds. In the event the CITY receives less than the full \$28,189 in eligible Program funds, the COUNTY shall be entitled to receive its proportionate twenty percent (20%) share of the Program funds actually received by the CITY.

Section 3.

The CITY and the COUNTY agree to use the Program funds received only for proper Program purposes.

Section 4.

Each party to this Agreement will be responsible for its own decisions and actions with respect to its share of the Program funds and neither party receiving Program funds under this Agreement shall be liable for any civil liability or penalty that may arise from the use of such funds or the furnishing of services by the other party.

Section 5.

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

Section 6.

By entering into this Agreement, the parties do not intend to create any obligations express 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 WAUKEGAN

COUNTY OF LAKE

Mayor

County Board Chairman

Date

Date