

STATE OF TEXAS)
)
 COUNTY OF HIDALGO) **MEMORANDUM OF UNDERSTANDING**

This memorandum of understanding is entered into on the 29th day of November, 2011, by and between the **COUNTY OF HIDALGO, TEXAS by and through the HIDALGO COUNTY HIDTA TASK FORCE**, hereinafter called "HIDTA", and the **SULLIVAN CITY POLICE DEPARTMENT**, hereinafter called "City".

WITNESSETH:

WHEREAS, HIDTA has certain surplus equipment and City has a need for such surplus equipment which will be utilized in crime prevention and law enforcement (hereinafter "Equipment");

WHEREAS, HIDTA and City have common law enforcement and crime prevention goals and close government ties and the City has a need for such Equipment to continue their efforts;

WHEREAS, HIDTA purchased the Equipment with Federal Asset Forfeiture Program Funds (Equitable Sharing), and the transfer of Equipment is allowable under *The Guide to Equitable Sharing for State and Local Law Enforcement Agencies*.

NOW THEREFORE, to enhance cooperation amongst local law enforcement agencies and express their mutual commitment to crime prevention and law enforcement, HIDTA and City hereby agree as follows:

1. **EQUIPMENT SHARING**: HIDTA will permanently transfer to the City certain surplus designated Equipment owned by HIDTA which is identified as:

- A. Two (2) as-is Surveillance Vests (Point Blank DSV-Front opening Bullet-proof vest), which are outdated, have expired manufacturer's warranties (purchased in 2006 and are not recommended to use after five (5) years) and have outlived service life.

<u>County Asset No.</u>	<u>Serial Number</u>
1. 38238	501307296
2. 38418	601379149

- B. One (1) P.A.C.A Body Armor (Point Blank front opening Bullet-proof vest), which is outdated, have expired manufacturer's Warranties, purchased in 2006 and is not recommended to use after five (5) years) and have outlived service life.

<u>County Asset No.</u>	<u>Serial Number</u>
1.	RC-529817

- C. Two (2) P.A.C.A. Body Armor (Point Blank front opening Bullet-proof vest), purchased in 2009

<u>County Asset No.</u>	<u>Serial Number</u>
1.	RC-567007
2.	RC-567008

- D. Two (2) as-is cameras

<u>Description of Item</u>	<u>Serial Number</u>
1. Sony Cyber-Shot Camera W/battery charger & camera case	6621585
2. Sony Cyber-Shot Camera W/camera case	525007

2. **INDEMNITY:** TO THE EXTENT PERMITTED BY THE TEXAS CONSTITUTION AND LAWS OF THE STATE OF TEXAS, CITY, ITS PREDECESSORS, SUCCESSORS, AND ASSIGNS HEREBY RELEASE, RELINQUISH, AND DISCHARGE THE COUNTY OF HIDALGO, TEXAS, HIDTA, THEIR PREDECESSORS, ASSIGNS, LEGAL REPRESENTATIVES, AND FORMER, PRESENT AND FUTURE AGENTS, EMPLOYEES, DIRECTORS AND OFFICERS FROM ANY LIABILITY ARISING OUT OF THE USE OF THE SURPLUS EQUIPMENT (identified herein) FOR ANY INJURY, INCLUDING DEATH OR DAMAGE TO PERSONS OR TO PROPERTY WHERE SUCH DAMAGE IS SUSTAINED IN CONNECTION WITH OR ARISING OUT OF THE USE OF EQUIPMENT PROVIDED UNDER THIS AGREEMENT.

- A. City will accept permanently transferred Equipment in "as-is" condition and acknowledges that HIDTA makes no warranty in any manner as to the fitness of the equipment for any purpose.
- B. City will be responsible for all Equipment repairs and maintenance.
- C. City agrees that Equipment shall be solely used for law enforcement purposes.

3. **TERMINATION:** This Agreement may be terminated by either party by giving thirty (30) days written notice via certified mail, return receipt requested to the other party hereto of the intention to terminate.

4. **LAW GOVERNING VENUE:** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and, the obligations and undertakings of each of the parties to this Agreement shall be performable in Hidalgo County, Texas.

County will receive no compensation from CITY for any EQUIPMENT shared and/or transferred pursuant to this agreement. This agreement becomes effective on the Date it is signed by both parties.

COUNTY OF HIDALGO

By: _____ Date _____
Ramon Garcia, Hidalgo County Judge

By: Rene Guerra 12/5/11
Rene Guerra, Hidalgo County District Attorney Date

By: _____ Date _____
Dora Munoz, HIDTA Task Force Commander

SULLIVAN CITY

By: _____ Date _____
Julie Davila, City Manager

APPROVED AS TO FORM
Hidalgo County District Attorney's Office
Josephine Ramirez Solis, Assistant DA

By: Josephine Ramirez Solis Date: 12/1/11