

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

This memorandum of understanding is entered into on the 29<sup>th</sup> 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 **CITY OF PENITAS 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- A. Four (4) as-is Surveillance Vests (Point Blank DSV-Front opening Bullet-proof vest), which are outdated, have expired manufacturer's warranties (purchased in 2006 and are not recommended to use after five (5) years) and have outlived service life.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. 38233	501307291
2. 38234	501307290
3. 38235	501307295
4. 38236	501307293

B. Four as-is (4) Motorola Des Spectra Mobile Radios

<u>County Asset No.</u>	<u>Serial Number</u>
1. 24308	671ARW0098
2. 24310	671ARW0099
3. 24311	671ARW0096
4. 24313	671ARW0095

C. Four as-is (4) H99DX Astro Digital Spectra Portable Radios

<u>County Asset No.</u>	<u>Serial Number</u>
1. 44493	465AAL0210
2. 44495	465AAL0211
3. 44497	465AAL0212
4. 44559	465AAL0213

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	9045366
2. Canon Power Shot A530 W/camera case	2822223609

E. One (1) as-is Digital Scale (HIDTA awarded Cause No. C-992-11-E)

<u>Description of Item</u>	<u>Serial Number</u>
1. Salter Brecknell Model#SB1100	409000065

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.

