

RESOLUTION R-53-10

A RESOLUTION AUTHORIZING THE EXECUTION OF A  
LETTER OF INTENT – INTEROPERABILITY EMERGENCY  
RADIO DISPATCH SYSTEM

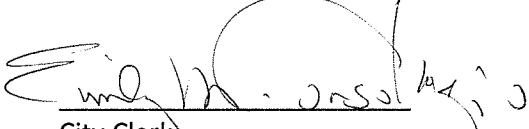
WHEREAS, the Emergency Telephone System Board (ETSB) and the Police Departments, Fire Departments and Fire Protection Districts of DuPage County are attempting to implement a county-wide interoperable emergency radio dispatch system through the use of Motorola Incorporation's STARCOM21 infrastructure; and

WHEREAS, the ETSB has asked potential users of the system to submit a Letter of Intent relating to their participation in the STARCOM21 system.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, that the Mayor of the City of Wheaton is hereby authorized to execute the Letter of Intent which is attached to this resolution as Exhibit A.

DATED this 7<sup>th</sup> day of September, 2010.

ATTEST:

  
City Clerk

Ayes:

Roll Call Vote:

Councilman Mouhelis  
Mayor Gresk  
Councilman Prendiville  
Councilman Scalzo  
Councilman Suess  
Councilwoman Corry

Nays:

None

Absent:

Councilman Levine

Motion Carried Unanimously

6

6

6

September 7, 2010

Wheaton City Hall  
303 W. Wesley St., Box 727  
Wheaton, IL 60187-0727

City of Wheaton, Illinois

www.wheaton.il.us

Mr. Patrick J. O'Shea, Chairman  
Emergency Telephone System Board of DuPage County  
421 North County Farm Road  
Wheaton, Illinois 60187

Dear Chairman O'Shea:

In consideration of DuPage County's significant monetary investment towards county-wide radio interoperability, this letter of intent expresses the City of Wheaton's commitment to participation in an intergovernmental agreement with DuPage County on behalf of its Emergency Telephone System Board (ETSB) as part of the ETSB's implementation of a county-wide interoperable emergency radio dispatch system through the use of Motorola Incorporation's STARCOM21 infrastructure.

The City of Wheaton hereby certifies that it will participate in the STARCOM21 project with the understanding and subject to the conditions that any final intergovernmental agreement will provide that:

- 1) The DuPage County ETSB will fund the purchase of the proposed interoperable emergency radio dispatch system utilizing surcharge funds at a level that also allows for the continued operation and maintenance of the 9-1-1 infrastructure;
- 2) City of Wheaton will be responsible for all costs not funded by ETSB, including additional equipment purchased by our agency, costs associated with the installation of mobile radio equipment and PSAP site preparation
- 3) City of Wheaton will be responsible for contracting with Motorola, Inc. for a service agreement for the use of the Starcom21 radio network and understand that the ETSB will reimburse us for these costs for a period not to exceed (4) four years as set forth in the Agreement;
- 4) City of Wheaton will be required to comply with all Federal Communications Commission (FCC) rules regarding narrowbanding and the release unused frequencies to the FCC's Regional Planning Council;
- 5) City of Wheaton will ensure that all equipment provided pursuant to the Agreement be assigned to only first responding personnel, i.e. sworn police officers, firefighters, and paramedics and used primarily for the purpose of responding to emergency calls to 9-1-1; and
- 6) That DuPage County and the ETSB will not be responsible for any injuries related to or resulting from the Agreement other than through their own intentional torts.

Upon execution of any final intergovernmental agreement, the City of Wheaton further understands that any such agreement will recognize that in the event of a loss of funding for the ETSB, including the unavailability of funds from the 9-1-1 surcharge authorized by 50 ILCS 750/15.3 *et seq.*, the City of Wheaton will be required to assume any remaining costs associated with the purchase of the equipment. In such an event, we understand that the agreement will provide for the transfer of the ownership of such equipment to the City of Wheaton from the ETSB.

Mr. Patrick O'Shea/Page 2

The City of Wheaton further understand that this project cannot proceed without the participation of a sufficient number of governmental entities in DuPage County and that the County will rely on this letter and the understandings contained herein in proceeding with the project and may enter into binding agreements with vendors in reliance in our participation in the project but subject to the conditions set forth above.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael J. Gresk".

Mayor Michael J. Gresk  
City of Wheaton