

RESOLUTION R-2021-114

**A RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENT NO. 258 WITH
AXON ENTERPRISE, INC. TO PROVIDE AXON BODY WORN CAMERAS, RELATED SOFTWARE, AND
CLOUD SERVICES FOR A FIVE (5) YEAR TERM AND A TOTAL AMOUNT NOT TO EXCEED \$460,000
(\$92,000 ANNUALLY)**

WHEREAS, the City of Wheaton, Illinois, ("City") is an Illinois Home Rule Municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution of 1970; and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Illinois Law Enforcement Officer-Worn Body Camera Act ("Act") (50 ILCS 706/10-1 et seq.) requires Illinois law enforcement agencies to employ the use of officer-worn body cameras according to the implementation schedule set forth in the Act; and

WHEREAS, in furtherance of complying with the Act, the Wheaton Police Department completed an evaluation of officer-worn body camera products; and

WHEREAS, the Wheaton Police Department focused on three body-worn camera companies as part of their trial evaluation, which included Axon Enterprise, Inc., Body-Worn, and WatchGuard; and

WHEREAS, individual trials were conducted by the Wheaton Police Department Trial Period Staff and included the use of each company's product and software for 30 days; and

WHEREAS, in October 2021, staff presented the results of this evaluation to the City Council recommending that the City move forward with the purchase of Axon Enterprise, Inc. body-worn cameras for a for a five (5) year term and a total mount not to exceed \$460,000 (\$92,000 annually); and

WHEREAS, the City budgeted funds for police body-worn cameras in the CY2022 General Fund-Cannabis Use Tax Expenditures account for an amount of \$83,000. The General Fund has sufficient annual revenue funds available to accommodate the additional cost; and

WHEREAS, the Wheaton Police Department's use of officer-worn body cameras, related software and cloud services provided by Axon Enterprise, Inc. necessitates the use of a Business Associate Agreement between the City and Axon Enterprise, Inc., for those services, activities or functions that may be covered by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), and all pertinent regulations (45 CFR Parts 160 and 164) issued by the U.S. Department of Health and Human Services; and

WHEREAS, the Business Associate Agreement attached hereto as **Exhibit B**, establishes the necessary relationships and responsibilities between the City and Axon Enterprise, Inc. with regard to Protected Health Information ("PHI"), as that term is defined by HIPAA, and the City and Axon Enterprise, Inc.; and

WHEREAS, the corporate authorities of the City of Wheaton, DuPage County, Illinois find it reasonable and appropriate to enter into an agreement with Axon Enterprise, Inc., located at 17800 N. 85th St., Scottsdale, Arizona, 85255, for the purchase of Axon Body Worn Cameras, related software, and cloud services; and

WHEREAS, the City and Axon Enterprise, Inc. agree to the terms and conditions set forth in the Master Services and Purchasing Agreement between Axon Enterprise, Inc. and the City, the Addendum to the Master Services and Purchasing Agreement between Axon Enterprise, Inc. and the City, and the Business Associate Agreement attached hereto as **Exhibit B**.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that:

Section 1: The Mayor and City Council hereby waive the requirement of competitive bidding for the procurement of officer-worn body cameras, related software and cloud services from Axon Enterprise, Inc.

Section 2: The Mayor is hereby authorized to execute, and the City Clerk is hereby directed to attest to City of Wheaton Agreement No. 258 with Axon Enterprise, Inc., located at 17800 N. 85th St., Scottsdale, Arizona, 85255, for Axon Body Worn Cameras for a five (5) year term and a total amount not to exceed \$460,000 (\$92,000 annually); and that a copy of that certain City of Wheaton Agreement No. 258 is on file with the City Clerk's office as **Exhibit A** to this Resolution R-2021-____ and is hereby incorporated into this Resolution as if fully set forth herein.

Section 3: The Mayor is authorized to sign, and the City Clerk is hereby directed to attest to the Business Associate Agreement with Axon Enterprise, Inc., located at 17800 N. 85th St., Scottsdale, Arizona, 85255; and that a copy of that certain Business Associate Agreement is on file with the City Clerk's office as **Exhibit B** to this Resolution R-2021-114 and is hereby incorporated into this Resolution as if fully set forth herein; and

ADOPTED this 20th day of December 2021.



Philip J. Suess

Mayor

ATTEST:



Andrea Rosedale

City Clerk

Roll Call Vote:

Ayes:	Councilman Barbier Councilwoman Bray-Parker Councilman Brown Mayor Suess Councilwoman Fitch Councilwoman Robbins Councilman Weller
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Nays: None

Absent: None

Motion Carried Unanimously