

## 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. 85<sup>th</sup> 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. 85<sup>th</sup> 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. 85<sup>th</sup> 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 20<sup>th</sup> day of December 2021.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Ayes:

Roll Call Vote:

Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Councilwoman Fitch  
Councilwoman Robbins  
Councilman Weller

Nays:

None

Absent:

None

Motion Carried Unanimously