

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS ON THE NON-APPROPRIATION OF FUNDS FOR THE MASTER SERVICES AND PURCHASING AGREEMENT WITH TASER INTERNATIONAL, INC.**

**WHEREAS**, the City of Pflugerville (the “City”) entered into a Master Services and Purchasing Agreement (the “Agreement”) with Taser International, Inc. (“Taser” or “Axon”) on September 30, 2016; and

**WHEREAS**, Taser International, Inc. now conducts business under the name “Axon”; and

**WHEREAS**, the City previously provided for funds in the Fiscal Year 2016 Budget for a “Body Worn Camera System”; and

**WHEREAS**, Axon has not delivered any cameras, equipment, or other products to the City; and

**WHEREAS**, the equipment Axon agreed to provide is not well-suited for the City Police Department’s needs, and exceeds the scope of the “Body Worn Camera System” for which the Council previously allocated funds; and

**WHEREAS**, the storage licenses pursuant to the Agreement are of significantly greater cost than the value provided by the licenses; and

**WHEREAS**, the software used by Axon in its cameras does not meet the City’s requirements; and

**WHEREAS**, in preparing the Budget for Fiscal Year 2018, the City seeks to ensure that the City’s funds are spent in accordance with resident’s needs and wishes; and

**WHEREAS**, pursuant to Section 15.2 of the Agreement, the City may terminate the Agreement if sufficient funds will not be appropriated or are not otherwise legally available to pay the fees under the Agreement; and

**WHEREAS**, pursuant to Paragraph 3 of the Appendix to the Agreement, the City shall have the right to terminate the agreement at the end of any City fiscal year if the governing body of the City does not appropriate funds sufficient to continue the contract; and

**WHEREAS**, the City’s Fiscal Year 2018 begins on October 1, 2017; and

**WHEREAS**, the City will not appropriate funds sufficient to continue the Agreement in Fiscal Year 2018; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS THAT:**

- 1) The recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purpose for finding of fact; and
- 2) The City Council of the City of Pflugerville hereby declares that funds for the purchasing of equipment and services under the Agreement with Axon shall not be appropriated for budget year 2017-2018; and
- 3) The City Council of the City of Pflugerville hereby declares that it is terminating the Agreement with Axon.

APPROVED this 22<sup>nd</sup> day of August, 2017.

CITY OF PFLUGERVILLE, TEXAS

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Victor Gonzales, Mayor

ATTEST:

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Karen Thompson, City Secretary