

September 2, 2010

Patrick J. O'Shea, Chairman
Emergency Telephone System Board of DuPage County
421 N. County Farm Rd.
Wheaton, IL 60187

Dear Chairman O'Shea:

In consideration of DuPage County's significant monetary investment towards county-wide radio interoperability, this letter of intent expresses our commitment to participating 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, Inc.'s STARCOM21 infrastructure. The Village of Lombard certifies that we will participate in the project with the understanding 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.) The Village of Lombard 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.) The Village of Lombard 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.) The Village of Lombard will be required to comply with all Federal Communications Commission (FCC) rules regarding narrowbanding and the release of unused frequencies to the FCC's Regional Planning Council;
- 5.) The Village of Lombard 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.

The Village of Lombard 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.*, we 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 us from the ETSB. The Village of Lombard further understands 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 on our participation in the project.

Sincerely,

William J. Mueller
Village President

Attest:

Brigitte O'Brien
Village Clerk