



We Are Columbia

**MEETING DATE:** October 18, 2016

**DEPARTMENT:** Legal

**FROM:** *Shari Ardis, Legal Administrator*

**SUBJECT:** **Resolution No.: R-2016-050 - A Resolution Approving and Ratifying Mutual Aid Agreements between the City of Columbia and the City of Columbia Police Department and Various Law Enforcement Agencies and Authorizing the City Manager of the City of Columbia and the Chief of Police of the City of Columbia to execute all such Agreements**

**FINANCIAL IMPACT:**

**ATTACHMENTS:**

- R-2016-050 approve-ratify Law Enforcement Mutual Aid Agreements (PDF)

**RESOLUTION NO.: R-2016-050**

*A Resolution Approving and Ratifying Mutual Aid Agreements between the City of Columbia and the City of Columbia Police Department and Various Law Enforcement Agencies and Authorizing the City Manager of the City of Columbia and the Chief of Police of the City of Columbia to execute all such Agreements*

WHEREAS, the South Carolina Law Enforcement Assistance and Support Act, codified in Section 23-20-10 through 23-20-60 of the Code of Laws of South Carolina (1976, as amended) authorizes law enforcement agencies of the State of South Carolina (the "State") to enter into contractual agreements with other law enforcement providers as may be necessary for the proper and prudent exercise of public safety functions; and,

WHEREAS, Section 23-1-210 of the Code of Laws of South Carolina (1976, as amended) further authorizes the temporary transfer or assignment of law enforcement officers within multijurisdictional task forces established for the mutual aid and benefit of the participating jurisdictions, pursuant to written agreements between the concerned municipalities or counties; and,

WHEREAS, Section 23-10-215 of the Code of Laws of South Carolina (1976, as amended) further authorizes law enforcement agencies to enter into agreements allowing law enforcement officers to exercise authority outside their resident jurisdiction for the purpose of investigations, arrest, or other activities related to criminal activity, when a crime occurs involving multiple jurisdictions; and,

WHEREAS, the Columbia Police Department ("CPD") is desirous of entering into agreements with various law enforcement agencies in the State, in order to properly and prudently exercise public safety functions in a manner which benefits the citizens the City and the State; and,

WHEREAS, the City Council of the City of Columbia, as the governing body of the City ("City Council") believes the adoption, execution and use of multi-jurisdictional agreements to be reasonable, prudent and desirable, and that such agreements serve the best interest of the citizens of the City; and,

WHEREAS, pursuant to the decisions in State v. Boswell, 391 S.C. 592, 707 S.E.2d 265 (2011) and State v. Burgess, 408 SC 421; 759 S.E.2d 407 (2014), the South Carolina Attorney General recommended that all multi-jurisdictional agreements be approved by the respective governing bodies for each agency; and,

WHEREAS, the City Council finds that the Police Chief of the City (the "Chief"), as the lead law enforcement officer for the City and the City Manager of the City (the "City Manager"), as the chief executive officer of the City, are qualified and shall be authorized by City Council to make determinations concerning the organization, initiation, implementation and supervision of law enforcement activities and operations of CPD, which includes making decisions and performing cooperative policing in conjunction with other law enforcement agencies; and,

WHEREAS, none of the Mutual Aid Agreements provide for any expenditure of funds from the City of Columbia above FIFTY THOUSAND AND NO/100 (\$50,000.00), so the City Manager is authorized to sign said documents; and,

WHEREAS, all Mutual Aid Agreements will be presented back to City Council through the office of the City Clerk within SEVENTY- TWO (72) hours of execution; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Columbia, South Carolina, this \_\_\_ day of \_\_\_\_\_, 2016, in a meeting duly assembled, that:

1. The Chief and the City Manager, acting together, are authorized to execute and enter into mutual aid agreements with various law enforcement agencies. A list of all governmental agencies to which the Chief and City Manager are authorized to so act and agree is attached hereto as Exhibit "A". The Chief and the City Manager are specifically authorized and vested with the power to execute and negotiate any and all mutual aid agreements with such entities (the "Agreements").
2. To the extent any such Agreement is executed by the Chief and the City Manager, it shall be valid and binding against the City (and CPD) and upon their joint execution thereof, such Agreement shall be deemed ratified, confirmed and approved by City Council.
3. The approval and ratification powers granted herein applies to and validates all actions previously taken or to be taken by the Chief and/or the City Manager, any action taken or to be taken by the City or CPD under such agreements (as executed by the Chief and the City Manager), including, but not limited to, joint operations, extra-jurisdictional arrests, multi-jurisdictional investigations, sharing of personal and/or equipment, and all other activities authorized by applicable law and by the terms of the respective agreements.
4. Any amendment or necessary change to the list of entities in the attached Exhibit "A" shall be approved by City Council by and through an express written amendment hereto.
5. The authorization for the Chief and the City Manager to act under the provisions hereof, including the term of any Agreements authorized under the provisions of this Resolution, shall be binding until December 1, 2016, unless the authorization for the Chief and/or the City Manager to so act is revoked by the City Council, or otherwise amended.

Requested by:

City Manager \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved by:

\_\_\_\_\_  
City Manager

Approved as to form:

\_\_\_\_\_  
Senior Assistant City Attorney

ATTEST:

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

Introduced:  
Final Reading:

**EXHIBIT "A"**  
**RESOLUTION NO.: R-2016-050**

<b>MUNICIPALITY/COUNTY</b>	<b>STATE AGENCIES</b>
Aiken Sheriff	State Museum
Batesburg-Leesville Police	Natural Resources
Bishopville Police	Probation, Pardon and Parole
Camden Police	Public Safety
Cayce Police	SLED
Charleston County Sheriff	
Charleston Police	
Cherokee County Sheriff	
Chesterfield County Sheriff	
Clemson University Police	<b>OTHER ENTITIES</b>
Darlington County Sheriff	Allen University
Elgin Police	Benedict College
Fairfield County Sheriff	Columbia College
Florence County Sheriff	Commission on Accreditation for Law Enforcement Agencies, Inc.
Florence Police	Congaree Swamp National Park
Forest Acres Police	Drug Enforcement Agency
Greenville Police	Federal Bureau of Investigations
Greenville County Sheriff	Department of Homeland Security
Horry County Police	Irmo-Chapin Recreation Commission
Irmo Police	Irmo Fire District
Kershaw County Sheriff	LARADAC, The Behavioral Health Center of the Midlands
Lancaster County Sheriff	Midlands Technical College
Lexington County Sheriff	Richland County School District One
Lexington Police	River Alliance
Myrtle Beach Police	University of South Carolina Division of Public Safety
Newberry Sheriff	United States Law Enforcement
North Charleston Police	United States Marine Corps, Special Operations Command (MARSCO)
North Myrtle Beach Police	
Orangeburg County Sheriff	
Orangeburg Department of Public Safety	
Richland County Sheriff	
Spartanburg County Sheriff	
Spartanburg Department of Public Safety	
Springdale Police	
Sumter County Sheriff	
Sumter Police	
West Columbia Police	

LEGAL DEPARTMENT DRAFT