

**RESOLUTION NO.: R-2015-098**

*Authorizing the City Manager of the City of Columbia and the Chief of Police of the City of Columbia to execute all Mutual Aid Agreements Required to Manage Public Safety in the Aftermath of the South Carolina/Columbia Flood of October, 2015*

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, the City of Columbia has been severely and catastrophically affected by record levels of rain from the late evening hours of Saturday, October 3, 2015 and projected to continue through Tuesday, October 6, 2015, a 1000 year rain event; and,

WHEREAS, this catastrophic 1000 year rain event has resulted in widespread flooding throughout the City Of Columbia causing fatalities, injuries, the loss of homes and businesses, thousands of individuals to become homeless, loss of potable water and food supplies; further that there is still widespread stress on the water and sewer system resulting in thousands of homes without potable water; city officials and department heads believe it is in the best interests of the City and its citizens to restrict travel on the roads, which are increasingly dangerous, during the evening hours; and,

WHEREAS, the President of the United States, Barack Obama, at the request of South Carolina Governor Nikki Haley has declared a Major Disaster pursuant to 42 U.S.C. Section 5170 for the City of Columbia and the County of Richland; and,

WHEREAS, the Governor of the State of South Carolina Nikki Haley has declared a state of emergency for the State of South Carolina and activated the National Guard for assistance due to the rainfall and resulting flooding; and,

WHEREAS, the Columbia Police Department ("CPD") has determined that the continued search and rescue effort, as well as the enormous public shelter and aid plan, has stretched the resources of the city; and,

WHEREAS, other law enforcement agencies around the State of South Carolina are desirous of entering into Mutual Aid Agreement to prudently exercise public safety functions in a manner that benefits the citizens the City of Columbia during this extraordinary time; 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 these 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), South Carolina law requires that all multi-jurisdictional agreements be approved by the respective governing bodies for each agency; and,

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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, 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 7th day of October, 2015, 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 any law enforcement agencies for the purpose of rendering assistance pursuant to South Carolina Code of Laws Section 23-1-210 for the purposes of augmenting and assisting the City of Columbia during such time as is necessary for maintaining the public order and safety in the aftermath of the South Carolina Flood, to the extend as outlined in each Mutual Aid Agreement.

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. 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, 2015, 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/Chief of Police \_\_\_\_\_

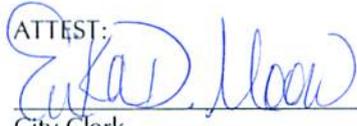
  
\_\_\_\_\_  
Mayor

Approved by:

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

Approved as to form:

  
\_\_\_\_\_  
City Attorney

ATTEST:  
  
\_\_\_\_\_  
City Clerk

Introduced: 10/7/2015  
Final Reading: 10/7/2015