

**BOARD OF COMMISSIONERS
FOR THE
THE TOWN OF UPPER MARLBORO**

EMERGENCY ORDINANCE: 2018-06
SESSION: Regular Town Meeting
INTRODUCED: August 14, 2018

AN EMERGENCY ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN PRINCE GEORGE'S COUNTY, MARYLAND AND THE TOWN OF UPPER MARLBORO, MARYLAND FOR JURISDICTIONAL POLICE SERVICES AND GENERALLY RELATING TO POLICE COOPERATION AND CONCURRENT JURISDICTION

WHEREAS, the Town Charter, Section 82-16(2)(m) authorizes the Board of Commissioners to pass certain legislation to make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions; and

WHEREAS, pursuant to Criminal Procedure Art., Section 2-105(b), by action as in the regular routine for legislative enactment, the governing body of a county or municipal corporation may determine the circumstances under which the police officers and other officers, agents, and employees of the county or municipal corporation, together with all necessary equipment, may lawfully go or be sent beyond the boundaries of the county or municipal corporation to any place within or outside the State; and

WHEREAS, pursuant to said Section 2-105(e)(1) of the Annotated Code of Maryland, the governing body of a county or municipal corporation may make a reciprocal agreement for the period that it considers advisable with a county, or municipal corporation, within or outside the State, and establish and carry out a plan to provide mutual aid by providing its police officers and other officers, employees, and agents, together with all necessary equipment; and

WHEREAS, pursuant to said Section 2-105(e)(2), a county, municipal corporation, or the Maryland-National Capital Park and Planning Commission may not make a reciprocal agreement unless the agreement provides that each party shall: (i) waive any and all claims that are against the other parties to the agreement and that may arise out of their activities outside their respective jurisdictions under the agreement; and (ii) indemnify and hold harmless the other parties to the agreement from all claims by third parties that are for property damage or personal injury and that may arise out of the activities of the other parties to the agreement outside their respective jurisdictions under the agreement; and

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WHEREAS, the previous Chief of Police has promulgated a directive in the form of General Order 2016-01 regarding Interagency Agreements dated October 1, 2016 with the purpose of adopting and implementing a mutual aid agreement entitled as a “Memorandum of Understanding between Prince George’s County, Maryland and the Town of Upper Marlboro, Maryland for Jurisdictional Police Services” that was signed by the respective chiefs of police on or about December 8, 2016; and

WHEREAS, the said mutual aid agreement or “Memorandum of Understanding” promulgated by the former UMPD police chief requires further approval or ratification by the Board to fulfill the State enabling statute’s requirements; and

WHEREAS, Section 82-11 of the Town Charter states that in cases of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by unanimous vote of the Board of Commissioners; and

WHEREAS, the Board of Town Commissioners finds there is an urgent need to expedite the adoption of this emergency ordinance to ensure legal sufficiency of its interagency agreements, better facilitate similar agreements in the future and promote the health, safety and welfare of the public; and

WHEREAS, said Section 82-11 further mandates that each ordinance shall be posted in the Town office, and each ordinance or a fair summary thereof, shall be published at least once, in a newspaper of general circulation in the Town.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES ORDAIN AND ENACT AS FOLLOWS: that the Board hereby approves and ratifies a mutual aid agreement entitled “Memorandum of Understanding between Prince George’s County, Maryland and the Town of Upper Marlboro, Maryland for Jurisdictional Police Services,” (the “MOU”) that was signed by the respective jurisdictions’ chiefs of police on or about December 8, 2016;

AND BE IT FURTHER ENACTED AND ORDAINED, that said MOU referenced above is incorporated by reference herein as if it was written word for word; and

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AND BE IT FURTHER ENACTED AND ORDAINED, that the Board further directs the Chief of Police to revise and conform any relevant and applicable General Orders of the Police Department to comport with said MOU;

AND BE IT FURTHER ENACTED AND ORDAINED, that the Board is hereby authorized to approve or establish police mutual aid agreements or such similar reciprocal agreements as signed by the Chief of Police or the President and entered into pursuant to § 2-105 of the Criminal Procedures Article of the Maryland Annotated Code, as amended from time to time, by written resolution of said Board;

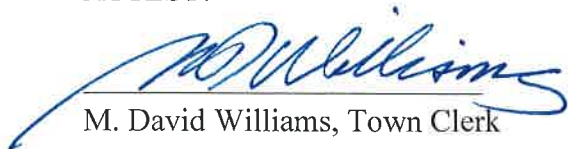
AND BE IT FURTHER ENACTED AND ORDAINED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Emergency Ordinance shall become effective immediately following approval by the Board of Commissioners;

AND BE IT FURTHER ENACTED AND ORDAINED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that pursuant to the Town Charter this Emergency Ordinance shall be posted in the Town office and a fair summary of it shall be published once in a newspaper of general circulation in the Town.

Adopted this 14th day of August, 2018.

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

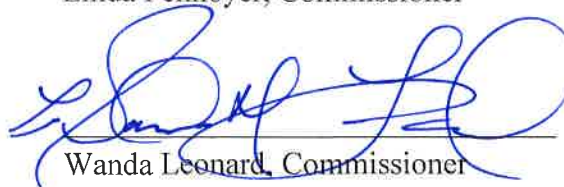
ATTEST:


M. David Williams, Town Clerk


Tonga Turner, President




Linda Pennoyer, Commissioner


Wanda Leonard, Commissioner

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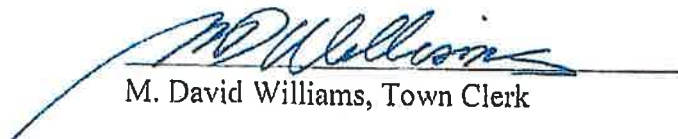
Reviewed and Approved for Legal Sufficiency


Kevin J. Best, Esq.

Date: 8/20/18

CLERK'S CERTIFICATION

I, M. David Williams, the duly appointed Town Clerk of The Town of Upper Marlboro, Maryland, do hereby certify that the foregoing is a full, true, and correct copy of Emergency Ordinance 2018-06 of the governing body of said municipal corporation, duly and regularly called and held in all respects as required by law, and the charter, bylaws or ordinances of said Town, at the office hereof on the 14th day of August, 2018 at which meeting a unanimous vote of the Board of Commissioners of said municipal corporation voted in favor of said emergency ordinance; and that said emergency ordinance is in full force and effect.


M. David Williams, Town Clerk