

TOWN OF COTTAGE CITY  
RESOLUTION 2019-01

A RESOLUTION OF THE COTTAGE CITY COMMISSION APPROVING A POLICE  
MUTUAL AID AGREEMENT WITH THE MARYLAND-NATIONAL CAPITAL PARK  
AND PLANNING COMMISSION

Introduced by: Commissioner-Chair Young

WHEREAS, pursuant to the authority set forth in the Charter of the Town of Cottage City, § 18(45), the Town has established the Town of Cottage City Police Department (the "Town Police") to protect the health, safety and general welfare of the public within the corporate limits of Cottage City, Maryland; and

WHEREAS, pursuant to the authority set forth in the Annotated Code of Maryland (the "Code") at Section 5-101 of the Land Use Article, the Maryland-National Capital Park and Planning Commission ("M-NCPPC" or the "Park and Planning Commission") regularly acquires, develops, owns and/or operates various park facilities and other real properties or interests therein, including such of the Park and Planning Commission properties located within the Town Limits presently including but not limited to the Dueling Branch Neighborhood Playground, the Cottage City Neighborhood Mini-Park, and the Anacostia River Stream Valley Park including the Anacostia River Trail; and

WHEREAS, police mutual aid agreements in Maryland are authorized by an enabling statute codified at Section 2-105 of the Annotated Code of Maryland, Criminal Procedure Article (the "Mutual Aid Statute"); and

WHEREAS, pursuant to Section 2-105(e)(2) of the Mutual Aid Statute, a county, municipal corporation, or the Maryland-National Capital Park and Planning Commission may not make a reciprocal agreement unless the parties agree to waive all claims and indemnify the other according to the terms and requirements set forth in said paragraph of the Criminal Procedure Article; and

WHEREAS, pursuant to § 11-7 of the Code of the Town of Cottage City (the "Town Code") the Town shall have the authority to enter into mutual aid and reciprocal enforcement agreements with other police agencies in and outside of the State of Maryland, and such agreements shall enable Town police officers to enforce state law and the laws of such other jurisdiction(s) within the territory of such other jurisdiction(s) with the protections/immunities granted by law to police officers of the other jurisdictions and/or to allow the police officers of such other jurisdictions to enforce the Town's Code and laws within the Town; and

WHEREAS, pursuant to § 11-7 of the Town Code, all such agreements shall be approved by the Commissioners by motion or resolution after consultation with the Town Police Department and the Town Attorney; and

WHEREAS, the proposed police mutual aid agreement has been reviewed according to the risk management guidelines found in Module 15 dated 11/11/2013 of the Risk Management Manual prepared by the Local Government Insurance Trust regarding the implementation of mutual aid agreements; and

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WHEREAS, the Cottage City Commission finds that it is in the best interests of the Town to enter into a police mutual aid agreement with M-NCPPC.

NOW, THEREFORE, BE IT RESOLVED by Cottage City Commission, that the Town shall enter into a Mutual Aid and Reciprocal Enforcement Agreement between the Town of Cottage City and the Maryland-National Capital Park and Planning Commission, in substantially the same form as attached, and that the Commissioner-Chair and Town Manager shall be authorized to sign said Agreement.

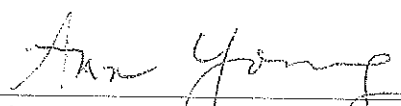
AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

PASSED this 12<sup>th</sup> Day of July 2019.

ATTEST:

TOWN OF COTTAGE CITY, MARYLAND

  
Consuella Barbour, Town Manager

By:   
Ann Young, Commissioner-Chairman

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Interim Town Manager of the Town of Cottage City, Maryland, that on the 12<sup>th</sup> day of June 2019 with 5 Aye votes and 0 Nay votes, the aforesaid Resolution 2019-01 passed.

  
Consuella Barbour, Town Manager

[Exhibit A - Mutual Aid and Reciprocal Enforcement Agreement between the Town of Cottage City and the Maryland-National Capital Park and Planning Commission (2018)]