

RESOLUTION 2009 - 82

ORIGINAL

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, APPROVING
APPROVING ADDENDUM NO. 1 TO
INTERLOCAL AGREEMENT FOR LAW ENFORCEMENT MUTUAL AID
(Violent Crimes Task Force)**

WHEREAS, the City of Sunnyside is authorized to enter into mutual aid agreements for law enforcement pursuant to the Mutual Aid Peace Officers Powers Act (Chapter 10.93 RCW) and the Interlocal Cooperation Act (Chapter 39.34 RCW); and

WHEREAS, the City of Sunnyside, Yakima Police Department, Yakima County Sheriff's Office, Yakima County Department of Corrections, Federal Bureau of Alcohol, Tobacco, Firearms and Explosives, Immigration and Customs Enforcement, U.S. Marshalls Service, Yakama Nation Police Department, and Washington State Department of Corrections, have negotiated an Interlocal Agreement for Law Enforcement Mutual Aid creating the "Violent Crimes Task Force;" and

WHEREAS, the City Council finds and determines that approval of Addendum No. 1 to the Interlocal Agreement for Law Enforcement Mutual Aid and participation in such program is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

SECTION 1. That Addendum No. 1 to the Interlocal Agreement for Law Enforcement Mutual Aid, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby approved; and the City Manager is hereby authorized to execute and administer such agreement for and on behalf of the City of Sunnyside.

SECTION 2. This Resolution shall be effective upon passage, approval and signatures hereon in accordance with law.

PASSED this 12th day of October, 2009.



PABLO GARCIA, MAYOR

ATTEST:



DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:



MENKE, JACKSON, BEYER, EHLIS & HARPER, LLP
ATTORNEYS AT LAW

EXHIBIT "A"

ADDENDUM NO. 1

INTERLOCAL AGREEMENT FOR LAW ENFORCEMENT MUTUAL AID BETWEEN
THE YAKIMA POLICE DEPARTMENT,
THE YAKIMA COUNTY SHERIFF'S OFFICE,
THE YAKIMA COUNTY DEPARTMENT OF CORRECTIONS,
SUNNYSIDE POLICE DEPARTMENT,
FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES,
IMMIGRATION AND CUSTOMS ENFORCEMENT,
U.S. MARSHALLS SERVICE,
YAKAMA NATION POLICE DEPARTMENT, and
THE WASHINGTON STATE DEPARTMENT OF CORRECTIONS

THIS AMENDED INTERLOCAL AGREEMENT is entered into under the Mutual Aid Peace Officer Powers Act (Chapter 10.93 RCW) and the Interlocal Cooperation Aid (Chapter 39.34. RCW) between the undersigned parties by which the Yakima Police Department ("YPD"), Yakima County Sheriff's Office ("YCSO"), Yakima County Department of Corrections ("YCDOC"), Sunnyside Police Department ("SPD"), Federal Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), Immigration and Customs Enforcement ("ICE"), U.S. Marshalls Service ("USM"), Yakama Nation Police Department ("YNP"), and Washington State Department of Corrections ("WSDOC") agree to authorize and permit their respective agencies to participate in the apprehension and prosecution of violent fugitive and career criminals.

RECITALS

1. The participating agencies entered into the Interlocal Law Enforcement Mutual Aid Agreement establishing the Violent Crimes Task Force (VCTF) in order to address county-wide incidences of violent criminal acts; and secondarily, to identify, investigate, apprehend and target for prosecution violent fugitives, inmate escapees, and felons who have committed violent acts or violated community supervision.
2. Concern was expressed by some agencies that the Interlocal Law Enforcement Mutual Aid Agreement as originally drafted did not specifically reference violent criminal acts committed by gangs and gang members as being within the scope of the agreement.
3. The purpose of this Addendum is to make clear that violent criminal acts committed by gangs and gang members are within the scope of the Interlocal Agreement and are specifically an issue to be addressed by the VCTF. The Addendum also clarifies the responsibilities of participating agencies concerning grant applications and grand funding.

WHEREFORE, the parties agree to the following amendments to the Interlocal Law Enforcement Mutual Aid Agreement:

1. Paragraph 1 of the Agreement is amended as follows:

1. PURPOSE AND FUNCTIONS

EXHIBIT "A"

The purpose of this agreement is to define the rights and responsibilities of all participating agencies in the creation of an interlocal "violent crimes task force" (VCTF).

The primary function of the VCTF is to: 1) address crimes associated with county-wide incidences of violent criminal acts to include, but not limited to murder, attempted murder, drive by shootings, robberies and home invasions, and 2) establish a county-wide task force to arrest and prosecute violent criminals, and 3) to address their criminal patterns. Violent criminal acts committed by gangs and gang members are within the scope of this agreement and are an issue to be addressed by the VCTF.

The secondary function of the VCTF is to help identify, investigate, apprehend and target for prosecution violent fugitives, inmate escapees and felons who have committed criminal acts or violated community supervision.

2. Paragraph 19 of the Agreement is amended as follows:

19. FUNDING

This Interlocal Agreement is not a federal task force, nor does it represent an obligation or commitment of funds, or basis of transfer of funds, but rather a basic commitment of the understanding between the parties hereto as to the tasks and methods performing the tasks described herein. Unless otherwise agreed in writing, each party shall bear its own costs in relation to this Interlocal Agreement. Expenditures by each party will be subject to its applicable laws, ordinances, regulations, and policies.

The parties agree to cooperate in obtaining grant funds. The agency applying for the funds will be responsible for the preparation, management, and accountability of grant funds. The applying agency shall determine participation of the other parties.

3. Except as hereby amended, the terms and conditions of the Interlocal Agreement for Law Enforcement and Mutual Aid shall remain in full force and effect.

APPROVED AS TO FORM:

Yakima County Prosecuting Attorney

IN WITNESS WHEREOF, the parties have executed this amended Interlocal Agreement.

For the Yakima County Sheriff's Office:

Signature

Date

Printed Name and Title

EXHIBIT "A"

For Yakima County:

Signature

Date

Printed Name and Title

For the Yakima Police Department:

Signature

Date

Printed Name and Title

For the City of Yakima:

Signature

Date

Printed Name and Title

**For the State of Washington Department
Of Corrections:**

Signature

Date

Printed Name and Title

For the Sunnyside Police Department:

Signature

Date

Printed Name and Title

EXHIBIT "A"

For the City of Sunnyside:

Signature

Date

Printed Name and Title

For the Yakima County Dept. of Corrections:

Signature

Date

Printed Name and Title

**For the Federal Bureau of Alcohol, Tobacco,
Firearms, and Explosives:**

Signature

Date

Printed Name and Title

For the U.S. Marshalls Service:

Signature

Date

Printed Name and Title

**For the Immigration and Customs Enforcement
Office of Investigations:**

Signature

Date

Printed Name and Title

EXHIBIT "A"

For the Yakama Nation Police Department:

Signature

Date

Printed Name and Title

For the Yakama Nation:

Signature

Date

Printed Name and Title