



City of North Port

RESOLUTION NO. 2016-R-37

A RESOLUTION OF THE CITY OF NORTH PORT, APPROVING THE TERMS AND AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA, THE METROPOLITAN POLICE DEPARTMENT OF WASHINGTON, D.C., AND THE CITY OF NORTH PORT THROUGH THE CITY OF NORTH PORT POLICE DEPARTMENT RELATING TO THIS SPECIAL ASSIGNMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Commission of North Port desires to accomplish the purposes outlined in the Memorandum of Understanding, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1. APPROVAL OF TERMS AND EXECUTION OF THE MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA, THE METROPOLITAN POLICE DEPARTMENT OF WASHINGTON D.C., AND THE CITY OF NORTH PORT

That this Commission approves the terms and authorizes the execution by the Mayor of the Memorandum of Understanding between the United States Attorney for the District of Columbia, the Metropolitan Police Department of Washington, D.C. and the City of North Port, through the City of North Port Police Department, which is not attached hereto for security reasons, relating to this special assignment, and to exercise any and all provisions contained in the Memorandum of Understanding, for and on behalf of the City of North Port.

SECTION 2. LAW ENFORCEMENT SENSITIVE

- 2.1 After consultation with the Civil Division of the United States Attorney’s Office for the District of Columbia, the public release of the Memorandum of Understanding is prohibited due to the designation of “Law Enforcement Sensitive” because in the aggregate, if all of them were to be made public, then it would be clear how many law enforcement agencies would be providing support at the Inauguration.
- 2.2 The 2017 Presidential Inauguration Task Force Memorandum of Understanding is LAW ENFORCEMENT SENSITIVE. The Memorandum of Understanding should not be published, released to the public, reproduced or distributed outside of those persons necessary for approval.
- 2.3 Florida State Statute 119.071 (2) B states, any information revealing surveillance techniques or procedures or personnel is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any comprehensive inventory of state and local law enforcement resources compiled pursuant to part I, chapter 23, and any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency, as defined in s. 252.34, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and unavailable for inspection, except by personnel authorized by a state or local law enforcement agency, the office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement, or the Division of Emergency Management as having an official need for access to the inventory or comprehensive policies or plans.

SECTION 3. CONFLICTS

- 3.1 In the event of any conflicts between the provisions of this Resolution and any other Resolution, the provisions of this Resolution shall prevail to the extent of such conflict.

SECTION 4. SEVERABILITY

- 4.1 If any section, subsection, sentence, clause, phrase, or provision of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. EFFECTIVE DATE

- 5.1 This Resolution shall take effect immediately upon adoption by the City Commission of the City of North Port.

THIS RESOLUTION PASSED AND DULY ADOPTED by the City Commission of the City of North Port, Florida, this _____ day of December 2016.

CITY OF NORTH PORT, FLORIDA

MAYOR LINDA M. YATES

ATTEST:

PATSY ADKINS, MMC
CITY CLERK

Approved as to form and correctness:

MARK MORIARTY
CITY ATTORNEY