

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 19, 2019 AGENDA**

Subject:	Type:	Submitted By:
WITHDRAW INTERLOCAL COOPERATION AGREEMENT - SOUTH METRO REGIONAL SWAT TEAM	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

SYNOPSIS

A resolution has been prepared to provide notice to withdraw from the Interlocal Cooperation Agreement between the City of La Vista and the cities of Bellevue, Papillion, Ralston and Plattsmouth for participation on the South Metro Regional SWAT Team.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval

BACKGROUND

On January 16, 2007, the La Vista City Council passed Resolution # 07-011, an Interlocal Cooperation Agreement between the cities of Bellevue, Papillion, Ralston and Plattsmouth for participation on the South Metro Regional SWAT Team. The Interlocal was fully executed by all cities on February 6, 2007.

Paragraph 21 of the Agreement requires any Agency to provide termination by resolution or ordinance.

It has long been recognized that mutual aid between law enforcement agencies sharing similar demands is highly desirable. The responses to critical incidents require the specialized attention of a team trained to be effective in highly volatile situations. Law Enforcement agencies also recognize that delivery of these services can be done most cost-effectively and with enhanced flexibility when forces are combined. For the past 12 years under the terms of the Interlocal Cooperation Agreement referred to in this Report, two separate tactical teams (herein referred to as SWAT teams) have operated in our area, the South Metro SWAT Team and a separate Sarpy County Sheriff SWAT Team.

Papillion Police Chief Scott Lyons and I have envisioned a unified SWAT element in Sarpy County to better maximize our resources, response and delivery of service to our citizens. Meetings have been held with Sarpy County Sheriff Jeff Davis and his staff to propose a merger of Papillion and La Vista resources to a unified Sarpy County team. The Sarpy County Attorney has recommended and unified Sarpy County SWAT team be comprised of agencies in Sarpy County only. I agree with that recommendation. The result of those meetings have led to the drafting of a new Interlocal Cooperation Agreement between the cities of La Vista, Papillion, and Sarpy County to form a joint SWAT Team.

The Police Chiefs in Plattsmouth and Ralston were given notice on December 26, 2018, of the intent to create a Sarpy County only team. Both cities have other options for tactical services through the Douglas County Sheriff, Omaha Police Department, and the Nebraska State Patrol.

The Sarpy County Sheriff has agreed to provide tactical response to any requested incident need in La Vista until the La Vista, Papillion and Bellevue SWAT operators are fully integrated with the new Sarpy County unified team.

The terms of the current Agreement stipulate no less than a 30 day notice for withdrawal from the Agreement. Also in the Agreement are two provisions which provide “No Liability for Failure to Respond” if La Vista chooses to cease South Metro SWAT operations during the 30 day notice period.

21. Term of Agreement: This Agreement shall be effective on the first day of the calendar month next following the completion of implementing action by all five Agencies as required by Paragraph 18.b hereof and shall continue in full force and effect until terminated by ordinance or resolution of the governing body of any Agency, the effective date of which shall not be less than thirty (30) days following such terminating Agency’s written notice to all other Agencies.
- 8b. No Liability for Failure to Respond: It is understood and agreed by all of the Cooperating Agencies that assistance is not assured or guaranteed to any Agency. Nor is there any understanding that all, or any, requests for assistance will be met. It is expressly agreed by and between all Agencies that any Agency to which a request is made, or which shall otherwise have knowledge of need of assistance in another Agency, shall have no liability whatsoever to the requesting Agency or any other Agency signatory hereto or to the Officers or employees of any Agency or to any third person whomsoever for failure for whatever reason to respond to, or delay in responding to, a call for assistance or for failure to communicate such call or any failure or delay. Each Agency covenants not to sue and agrees to save harmless each of the other Agencies for any claim or action based, in any manner, on a failure to respond in or to a request for assistance under this Agreement.
- 17e No Liability for Failure to Respond: The Police Chief, or designated representative, of each city may decline to respond to a request for negotiation or tactical unit services through the Regional Team or may withdraw all personnel/services for any resource or policy reason but in general, each city shall respond to a request for Regional Team services in the other city as promptly and fully as possible.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA GIVING NOTICE TO WITHDRAW FROM AN INTERLOCAL COOPERATION AGREEMENT (RESOLUTION #07-011) BETWEEN THE CITY OF LA VISTA AND THE CITIES OF BELLEVUE, PAPILLION, RALSTON AND PLATTSMOUTH FOR PARTICIPATION ON THE SOUTH METRO REGIONAL SPECIAL WEAPONS AND TACTICS TEAM.

WHEREAS, the City of La Vista entered into an Interlocal Cooperation Agreement for participation on the South Metro SWAT Team with Resolution #07-011 on January 16, 2007; and

WHEREAS, since that time responses to critical incidents continue to require the specialized attention of a team trained to be effective in highly volatile situations; and

WHEREAS, the Police Department has met with the Sarpy County Sheriff to form a unified SWAT team in Sarpy County with enhanced flexibility when forces are combined and said agreement is in the best interest of the citizens of La Vista;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby approve this Resolution giving notice to the Cities of Papillion, Bellevue, Plattsmouth and Ralston of the intent to withdraw from the Interlocal Cooperation Agreement (fully executed on February 6, 2007) for SWAT Team services effective April 18, 2019.

PASSED AND APPROVED THIS 19TH DAY OF MARCH, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Rachel D. Carl, CMC
Deputy City Clerk