

RESOLUTION NO. 26068

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO NEGOTIATE AND ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH HAMILTON COUNTY, TENNESSEE IN SUBSTANTIALLY THE FORM ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that the Chief of Police is hereby authorized to negotiate and enter into a memorandum of understanding with Hamilton County, Tennessee in substantially the form attached hereto and incorporated herein by reference.

ADOPTED: September 15, 2009

/add

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding, made and entered into this ____ day of September, 2009, between the City of Chattanooga, Tennessee, a municipality of the State of Tennessee, (hereinafter "City"), and Hamilton County, Tennessee, a political entity and county governmental agency of the State of Tennessee, (hereinafter "County"), hereinafter sometimes collectively referred to as the "Parties";

WHEREAS, said Parties have agreed to participate in and contribute to the development and enhancement of the transportation of persons taken into custody that are suffering from a mental illness or a serious emotional disturbance in the City of Chattanooga, Tennessee and Hamilton County, Tennessee; and

WHEREAS, County Sheriff is required under State law to transport persons in Hamilton County with a mental illness or serious emotionally disturbance detained under Tenn. Code Ann. § 33-6-401, *et seq.*; and

WHEREAS, County is authorized under the laws of the State of Tennessee to designate a secondary transportation agent to assist in making such transports; and

WHEREAS, City agrees to become a secondary transportation agent as authorized under the laws of the State of Tennessee; and

WHEREAS, the Parties agree to work together to create a Crisis Intervention Team, known as "CIT," and assist with each other and surrounding law enforcement agencies to provide for the transportation of individuals taken into custody with a mental illness or serious emotional disturbance in Hamilton County, Tennessee; and

NOW, THEREFORE, the Parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby agree as follows:

1. County and City, in cooperation with any other local law enforcement agencies, will develop a CIT program to provide for the need to handle individuals in the City of Chattanooga and Hamilton County, Tennessee that have a mental illness or serious emotional disturbance and require detention under the laws of the State of Tennessee, specifically Tenn. Code Ann. § 33-6-401, *et seq.*

2. Hamilton County, Tennessee, as the statutory transporting agency under State law, hereby through its Sheriff designates the City a secondary transportation agent under Tenn. Code Ann. § 33-6-901.

3. The Parties agree that the City meets all of the requirements for a secondary transportation agent provided in under Tenn. Code Ann. § 33-6-901. The County Sheriff has consulted with the County Mayor prior to the signing of the Memorandum of Understanding and the County designating the City as a secondary transportation agent.

4. County shall provide training on Mental Health Crisis Management for secondary transportation agents and the Sheriff's Department personnel, or insure that such training is provided in accordance with Tenn. Code Ann. § 33-6-901(c).

5. City, as a designated secondary transportation agent, shall be available twenty-four (24) hours per day, provide adequately for the safety and security of the persons being transported, and provide appropriate medical conditions for transporting persons for involuntary hospitalization.

6. City, as a secondary transportation agent, shall have the same duties and authority as the Hamilton County Sheriff's Department in the detention or transportation of persons detained pursuant to Tenn. Code Ann. § 33-6-901, *et seq.*

7. The Parties agree that they shall not be responsible for the negligence of any other Parties, any other law enforcement agency, or any medical professionals that are part of the CIT Program.

8. City will not provide any funding or make any monetary contributions with regard to the CIT Program.

9. City will not provide any transportation of individuals as a secondary transportation agent that requires travel outside of Hamilton County, Tennessee.

10. This Memorandum of Understanding may be terminated by either Party for any reason upon thirty (30) days written notice to the other party.

11. This Memorandum of Understanding may be amended, as conditions warrant, in writing, with the agreement of all Parties.

IN WITNESS WHEREOF, this Memorandum of Understanding has been executed the day and year heretofore set out on the part of the Parties by authority duly given.

HAMILTON COUNTY, TENNESSEE

By: _____
Printed Name: _____
Title: _____

CITY OF CHATTANOOGA, TENNESSEE

By: _____
Printed Name: _____
Title: _____