THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: December 8, 2020

Subject: Resolution amending inter-local agreement with Asheville-Buncombe Technical Community College (AB-Tech) regarding AB-Tech Police Department jurisdiction.

Staff Resource(s): John Maddux, Deputy City Attorney

Action Requested: Approval of a resolution granting authority to amend inter-local agreement with AB-Tech and Buncombe County concerning jurisdiction of the AB-Tech Police Department.

Background:

- North Carolina law allows any community college in North Carolina that has a law enforcement agency to enter into a joint agreement with the governing board of a municipality where the college is located in order to expand the community college's law enforcement jurisdiction.
- AB-Tech has requested that the City and Buncombe County amend its current agreement to allow the AB-Tech police to exercise jurisdiction on the property of the Allied Health Building and the Smith-McDowell House, which are both on or immediately adjacent to AB-Tech's campus.

Pro(s):
- Will provide a law enforcement partner with authority necessary to effectively carry out its duties.

Con(s):
- None

Fiscal Impact:
- None.

Suggested Motion:
- Motion to adopt a resolution authorizing the mayor to sign an amendment to the 2014 Joint Agreement between AB-Tech and Buncombe County extending the AB-Tech police department's jurisdiction.

Attachment(s)
- Resolution

RESOLUTION NO. 20-____

RESOLUTION AUTHORIZING AMENDMENT TO INTERLOCAL AGREEMENT WITH AB-TECH AND BUNCOMBE COUNTY TO EXPAND THE JURISDICTION OF THE AB-TECH POLICE DEPARTMENT TO CERTAIN PROPERTY.

WHEREAS, pursuant to N.C. Gen. Stat. § 115D-21.1(a), the Board of Trustees of an institution of any community college in North Carolina that has a law enforcement agency established pursuant to N.C. Gen. Stat. § 115-21.1(b) may enter into a joint agreement with the governing board of a municipality where the college is located in order to expand the community college's law enforcement jurisdiction; and

WHEREAS, Asheville-Buncombe Technical Community College has a law enforcement agency that meets all the requirements of Chapter 17C of the North Carolina General Statutes and is established pursuant to N.C. Gen. Stat. § 115-21.1; and

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-445, 160A-461 and 160A-288, the City of Asheville may enter into contracts or agreements with other local governments in order to execute an undertaking; and

WHEREAS, the Board of Trustees of Asheville-Buncombe Technical Community College ("AB Tech"), City of Asheville ("City") and Buncombe County ("County") are parties to a Joint Agreement, dated October 14, 2014; and

WHEREAS, AB Tech and the City wish to amend their Joint Agreement allowing the AB-Tech Police Department ("AB-Tech PD") limited jurisdiction within the City of Asheville on the property that currently houses the Ferguson Center for Allied Health and Workforce Development and the Smith-McDowell House Museum;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to sign an amendment to the 2014 Joint Agreement between AB Tech and Buncombe County extending the jurisdiction of the AB Tech police department.

Read, approved and adopted this 8th day of December, 2020.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney