

ORDINANCE 2016.442

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LAW ENFORCEMENT ASSISTANCE AGREEMENT WITH THE FLORENCE COUNTY SHERIFF'S OFFICE IN ORDER TO PERMIT THE SHERIFF'S OFFICE TO PROVIDE THE SERVICES OF A VICTIM'S ADVOCATE WITHIN THE CITY; AND OTHER MATTERS RELATED THERETO.

The City Council of the City of Lake City (the "*Council*"), the governing body of the City of Lake City, South Carolina (the "*City*"), has made the following findings of fact:

(A) The City is a municipal corporation of the State of South Carolina (the "*State*") that is empowered and authorized by the general powers given to such entities to maintain a police force and enforce the laws of the City and the State within the boundaries of the City; and

(B) Pursuant to Section 16-3-1505 *et seq.* of the Code of Laws of South Carolina 1976, as amended (the "*Victim's Bill of Rights*"), the City is required to provide certain services to victims of and witnesses to crimes (the "*Victim's Advocate Services*"); and

(C) The City, the Florence County Sheriff's Office (the "*Sheriff's Office*") has agreed to enter into a contractual arrangement providing for a Victim's Advocate employed by the Sheriff's Office (the "*Victim's Advocate*") to provide the Victim's Advocate Services within the City; and

(D) In order to compensate the Sheriff's Office for the provision of the Victim's Advocate Services, the City intends to turn over to the Sheriff's Office all monies collected pursuant to Section 14-1-211 of the Code of Laws of South Carolina 1976, as amended.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Lake City, South Carolina, in a meeting duly assembled, as follows:

Section 1. The Mayor of the City (the "*Mayor*") is hereby authorized to execute an agreement by and between the City and the Sheriff's Office, a draft of which is attached hereto as **Exhibit A** (the "*Agreement*"), to provide for the Sheriff's Deputy to provide Victim's Advocate Services within the City pursuant to the terms of the Agreement. The Mayor may approve any such amendments to such draft as he finds fit, provided that such amendments are not detrimental to the City, and his execution of the final form of the Agreement shall be considered as the assent of the Council to any such amendments.

Section 2. This Ordinance shall become effective upon its enactment.

DONE AND ENACTED IN COUNCIL ASSEMBLED, this 10th day of January 2017.

CITY OF LAKE CITY, SOUTH CAROLINA

(SEAL)

By: 
Lovith Anderson, Mayor

Attest:

By: 
City Clerk

First Reading	December 13, 2016
Second Reading	January 10, 2017

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

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AGREEMENT

This agreement (this "*Agreement*") is entered into this 19th day of January, 2017 (the "*Effective Date*"), by and between the City of Lake City, South Carolina (the "*City*"), a body corporate and politic, and a political subdivision of the State of South Carolina (the "*State*") and the Florence County Sheriff's Office (the "*Sheriff's Office*"), a law enforcement agency of the State.

RECITALS

The State General Assembly, in enacting the Victim's Bill of Rights, codified at Section 16-3-1505 *et seq.* of the Code of Laws of South Carolina 1976, as amended (the "*Victim's Bill of Rights*") recognized the civic and moral duty of victims of and witnesses to a crime to cooperate fully and voluntarily with law enforcement and prosecution agencies. The State General Assembly further recognized that to ensure that all victims of and witnesses to a crime are treated with dignity, respect, courtesy, and sensitivity, the rights and services extended in the law to victims of and witnesses to a crime are to be honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protections afforded criminal defendants.

The purpose of this agreement is to maintain a level of service throughout the City as contemplated by the Victim's Bill of Rights. In furtherance of this purpose, the Sheriff's Office has agreed to provide the City with the services of Victim's Advocate (as defined and set forth in the Victim's Bill of Rights) pursuant to the terms hereof.

NOW, THEREFORE, upon the terms and conditions set forth herein, for good and adequate consideration, the adequacy of which is hereby acknowledged, the City and the Sheriff's Office agree as follows:

Section 1. The Sheriff's Office shall provide the City with the services of a Victim's Advocate for the purposes of assistance, notification of release of offenders, notification of court appearances, assistance with reimbursement forms, and other counseling services, as well as the other services mandated by the Victim's Bill of Rights to be provided by the law enforcement agency (collectively, the "*Victim's Advocate Services*").

Section 2. In consideration for the provision of Victim's Advocate Services, the City shall turn over to the Sheriff's Office all monies collected pursuant to Section 14-1-211 of the Code of Laws of South Carolina 1976, as amended. The monies collected by the City pursuant to Section 14-1-211 shall be transmitted to the Sheriff's Office on a monthly basis and will be placed in the Victim Services Account of the Florence County Treasurer's Office just as if those funds were maintained by Florence County as general sessions and magistrate's court surcharges.

Section 3. Any Victim's Advocates shall be employees of the Sheriff's Office at all times, including when rendering the Victim's Advocate Services on behalf of the City. The job description of the Victim's Advocate job shall be revised and updated by the Sheriff's Office to incorporate additional duties regarding providing Victim's Advocate Services to the City. Furthermore, with the exception of personnel specifically named in other agreements between these two agencies, this agreement does not in any way render personnel of the City as employees of the Sheriff's Office.


Section 4. The Sheriff's Office shall provide the City with monthly, quarterly and year-end reports regarding the number of victims, types of victims and services provided to victims on behalf of the City.

Section 5. The initial term of this Agreement shall begin as of the Effective Date and shall expire on June 30, 2018, unless rescinded at an earlier date by either party by delivery of written notice to the other party. Upon expiration, this Agreement shall be re-evaluated and may be renewed by the parties hereto.

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IN WITNESS WHEREOF, the City has caused this Agreement to be signed in its name by its duly authorized officers as of the Effective Date.

CITY OF LAKE CITY, SOUTH CAROLINA



Lovith Anderson, Jr., Mayor

ATTEST:



Clerk to City Council

IN WITNESS WHEREOF, the Sheriff's Office has caused this Agreement to be signed in its name by its duly authorized officer as of the Effective Date.

FLORENCE COUNTY SHERIFF'S
OFFICE

Witness:

Jennifer Allen

William Kenney Boone, Sheriff

Witness:

Cynthia Haselden

K. G. Rusty Smith, Jr.