

## The Town of Upper Marlboro

RESOLUTION: 2023-19  
SESSION: Regular Town Meeting  
DATED: September 26, 2023

A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO TO APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) REGARDING THE NIBIN (NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK) ENFORCEMENT SUPPORT SYSTEM (NESS)

**WHEREAS**, the Town Charter, Section 82-16(2)(m) authorizes the Board of Commissioners (Board) to pass certain legislation to make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions; and

**WHEREAS**, Ordinance No. 2020-04, § 5 enacted on March 24, 2020 states that in addition to and/or in connection with the exercise of the powers specified in said article, the President/Mayor shall, in carrying out the provisions thereof: (1) Utilize to the maximum extent practicable the services, equipment, supplies and facilities of existing departments, offices, and agencies of the Town, including the Town community emergency response team (CERT), state, counties and other municipal corporations organized under the laws of the state consistent with any applicable intergovernmental agreements (i.e., memoranda of understanding); and

**WHEREAS**, pursuant to said Section 2-105(e)(1) of the Annotated Code of Maryland, the governing body of a county or municipal corporation may make a reciprocal agreement for the period that it considers advisable with a county, or municipal corporation, within or outside the State, and establish and carry out a plan to provide mutual aid by providing its police officers and other officers, employees, and agents, together with all necessary equipment; and

**WHEREAS**, the Board finds that the use of the NESS system is provided without charge to the NESS Partner Agency and the purpose of this MOU is to establish an interagency agreement governing the access and utilization of NESS, and that the MOU will designate a primary and alternate point of contact (POC) for the NESS Partner Agency, and the agency POC will ensure adherence to the MOU between ATF and NESS Partner Agency Users, and these POCs shall also identify individuals from their respective agencies who will require system access, periodically validate the list of Users, and to notify an ATF POC immediately if it becomes necessary to revoke or suspend a User's account; and

**WHEREAS**, the Board further finds that the subject MOU establishes and defines a partnership between the parties that will result in ATF NESS installation, operation, and administration for the dissemination of crime gun data to enhance the efforts of law enforcement to integrate resources to reduce firearms violence, identify shooters and sources of crime guns, and refer them for prosecution; and

**WHEREAS**, the Board of Town Commissioners concludes that it will be advantageous for the Town to execute a memorandum of understanding regarding the NIBIN Enforcement Support System (NESS) with the Bureau of Alcohol, Tobacco, Firearms and Explosives.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO** that the Board, concurs with and approves the intergovernmental agreement entitled “Memorandum of Understanding Regarding the NIBIN Enforcement Support System (NESS)” attached hereto as Exhibit A; and

**BE IT FURTHER RESOLVED**, that the Board hereby authorizes the appointments by the Chief of Police of the primary and alternate POCs within the Upper Marlboro Police Department as indicated in Art. IV of said MOU to carry out the responsibilities and procedures stated therein; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately upon passage and that the President/Mayor or her designee is authorized to execute the subject MOU and any related documents.

**PASSED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the \_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
Clerk: John Hoatson

\_\_\_\_\_  
Sarah Franklin, President

Date: \_\_\_\_\_

\_\_\_\_\_  
Charles Colbert, Commissioner

\_\_\_\_\_  
Thomas Hanchett, Commissioner

\_\_\_\_\_  
Karen Lott, Commissioner

\_\_\_\_\_  
Linda Pennoyer, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed. IN WITNESS WHEREOF, I have hereunto set my hand and seal of the municipal corporation, this 26th day of September 2023.

\_\_\_\_\_  
John Hoatson, Town Clerk