

**CITY COUNCIL
COMMUNICATION:**

03-445

AGENDA:

SEPTEMBER 8, 2003

SUBJECT:

REIMBURSEMENT
AGREEMENT WITH
TRANSPORTATION
SECURITY
ADMINISTRATION
FOR LAW
ENFORCEMENT
SERVICES AT THE
AIRPORT

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

WILLIAM FLANNERY
AVIATION DIRECTOR

WILLIAM MCCARTHY
CHIEF OF POLICE

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

SYNOPSIS —

Execution of the Reimbursement Agreement will provide the financial mechanism necessary to seek reimbursement from the U.S. Government for the partial cost of the Airport to provide law enforcement services at the passenger security screening checkpoint. Partial reimbursement for the costs associated with this service may be provided to the Airport only after the City and the Transportation Security Administration (TSA) have executed the Reimbursement Agreement. The City had previously entered into a Memorandum of Agreement with the federal government for reimbursement, but the government terminated that agreement effective May 31, 2003.

FISCAL IMPACT —

TSA will partially reimburse the City for those law enforcement services provided at the passenger security screening checkpoint.

RECOMMENDATION —

It is recommended the City enter into a Reimbursement Agreement with the U.S. Government to provide the necessary mechanism for the Airport to accept reimbursement for costs associated with providing law enforcement services at the passenger screening checkpoint at the Des Moines International Airport, subject to approval by the Legal Department with the concurrence of the Aviation and Police Departments.

BACKGROUND —

On September 11, 2001, the nation's air transportation system was used as a means to deliver a terrorist attack on the United States of America. On November 19, 2001, the Aviation and Transportation Security Act established the TSA under the direction of the Under Secretary of Transportation for Security. Title 49 of the United States Code, Section 44903(c), requires the Airport Operator establish a security program that provides a law enforcement presence and capability that is adequate to ensure law enforcement presence at the levels required by the TSA.

The City previously entered into a Memorandum of Agreement with the U.S. Government for reimbursement of law enforcement services at the

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passenger security checkpoint through December 31, 2003. The government terminated that agreement effective May 31, 2003. They have offered several drafts of a Reimbursement Agreement that have been unacceptable to City staff, containing much more than necessary for a reimbursement agreement. A revised agreement has been issued to the Airport, but is still being negotiated. The agreement must be signed and returned to TSA by September 12, 2003, if the City is to timely receive the reimbursement. Therefore, it is recommended by staff that this agreement be signed subject to approval of the Legal Department in concurrence with the Aviation and Police Departments.

