



# Council Communication

Office of the City Manager

<b>Date</b>	September 10, 2007
<b>Agenda Item No.</b>	76
<b>Roll Call No.</b>	<u>07-</u>
<b>Communication No.</b>	<u>07-561</u>
<b>Submitted by:</b>	Craig Smith A.A.E. , Aviation Director

## AGENDA HEADING:

Approval of Cooperative Assistance Agreement with the Transportation Security Administration (TSA) pursuant to the Law Enforcement Officer Reimbursement Program.

## SYNOPSIS:

The City of Des Moines and Des Moines International Airport are eligible for reimbursement of certain law enforcement expenses under a program with the Transportation Security Administration. The reimbursement is provided under a Cooperative Assistance Agreement between the TSA and the City of Des Moines Aviation Department in the amount of \$1,020,540, covering the period October 1, 2007 through September 30, 2012. On September 5, 2007, the Airport Board recommended the City Council approve the Agreement and requested that the Mayor be authorized to execute the Agreement on behalf of the City.

## FISCAL IMPACT:

Amount: TSA will reimburse eligible expenses totaling \$1,020,540 over five years. The annual expense that exceeds this reimbursement is approximately \$105,392.

Funding Source: Under terms of the proposed Agreement, and based on current budget estimates, actual cost to provide the law enforcement officer at the checkpoint will exceed the reimbursable amount by approximately \$105,392 annually. This additional cost has been budgeted through the Airport Operating Fund EN002 POL100200 Acct 501010-501175 (Airport Police Unit). Under the terms of the Airport's Signatory Agreement with the commercial airline carriers, all non-reimbursed security checkpoint costs will be recovered from the carriers as part of the airline security charge, on a per-passenger basis.

## ADDITIONAL INFORMATION:

On November 19, 2001, the President and Congress enacted the Aviation and Transportation Security Act (ATSA), which established the Transportation Security Administration (TSA) as an agency within the Department of Transportation. ATSA recognized the importance of security for all forms of

transportation and related infrastructure facilities. Moreover, ATSA grants broad authority to the Administrator of TSA to oversee the security of aviation. To that end, TSA established a cooperative effort to deploy and train sufficient law enforcement officers to meet their dual responsibility of ensuring the safety of airline passengers and to counter risks to transportation security. A significant part of the cooperative effort involves TSA reimbursement of City-incurred costs related to the deployment of qualified law enforcement officers at the Airport.

On November 25, 2002, the President and Congress enacted the Homeland Security Act of 2002, which created the Department of Homeland Security (DHS) and included a transfer of TSA to the new DHS. Federal appropriation of funds for the law enforcement officer reimbursement program began with the 2003 Federal Fiscal Year, and has been administered through the DHS and TSA in the ensuing years.

Pursuant to establishment of the law enforcement officer reimbursement program, the Airport Director and TSA executed a Reimbursement Agreement (RA) which allowed for reimbursement of direct costs associated with the staffing the security checkpoint with a City of Des Moines Police Officer beginning June 1, 2003, and terminating September 30, 2004.

Since that time, the original RA has been extended a total of seven times by direct approval of the Aviation Director and is currently set to expire on September 30, 2007, at the end of the current Federal fiscal year. In anticipation of a new appropriation for aviation security, TSA has adjusted its directive to require approval for the program to cover the next five Federal fiscal years. Earlier this year, all affected airports including DSM were required to submit a detailed application requesting reimbursement from October 1, 2007, to September 30, 2012.

Staff submitted the Airport's application and was notified on September 2, 2007, of TSA's intention to enter into a five-year Cooperative Agreement which will allow for reimbursement of up to \$204,108 annually, for a total of \$1,020,540. The Cooperative Agreement does not ensure funding, as it will remain contingent on Congressional appropriation each fiscal year.

The Cooperative Agreement includes several terms and conditions which obligate the City to standards and procedures as determined by TSA; substantially similar to those typically required with acceptance of Federal Grant monies through the Federal Aviation Administration's Airport Improvement Program.

The Airport typically requires the security checkpoint to be open for approximately 20 hours per day. TSA reimbursement is generally available for actual/direct costs for one officer at a fully-burdened rate, only covering such times that the checkpoint is open and staffed. The fully-burdened rate for the officer includes base salary, social security, and employer-paid 401(k)/403(b)/457 plan contributions, life & disability insurance premiums, health care benefits, and pension contributions. It does not include indirect, overhead, or administrative costs.

Under terms of the previous RAs, nearly all of the direct cost was reimbursed by TSA, however with this Cooperative Agreement TSA will provide reimbursement to offset law enforcement responsibilities, only to a maximum level of \$204,108 per annum.

**PREVIOUS COUNCIL ACTION(S): NONE**

**BOARD/COMMISSION ACTION(S):**

Date: September 5, 2007

Resolution Number: Airport Board A07-167

Action: Recommend to City Council Approval of the Cooperative Agreement between the TSA and the City of Des Moines Aviation Department in the amount of \$1,020,540, covering the period October 1, 2007 through September 30, 2012, and recommend that the Mayor be authorized to execute the agreement on behalf of the City.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**