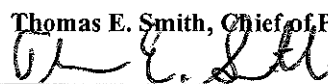


**RESOLUTION
 CITY OF SAINT PAUL, MINNESOTA**

Presented by _____

- 1 WHEREAS, the City of Saint Paul Police Department (SPPD) wishes to enter into an agreement with the
 2 State of Minnesota for their 1033 Surplus Equipment Program; and
 3
 4 WHEREAS, the purpose of this agreement is to set the terms and conditions with respect to excess US
 5 Department of Defense (DOD) personal property in an efficient and expeditious manner; and
 6
 7 WHEREAS, the US Secretary of Defense is authorized by 10 U.S.C. §2576a to transfer to federal and
 8 state agencies, personal property that is in excess to the needs of the DOD and that the Secretary
 9 determines is suitable to be used by such agencies in law enforcement activities, with emphasis on
 10 counterdrug/counterterrorism activities; and
 11
 12 THEREFORE BE IT RESOLVED, that the council approves entering into and authorizes Chief Thomas
 13 Smith to implement the attached agreement with the State of Minnesota.
 14

	Yeas	Nays	Absent
Bostrom			
Brendmoen			
Carter			
Lantry			
Stark			
Thune			
Tolbert			

Requested by Department of: **POLICE**
 By: **Thomas E. Smith, Chief of Police**


Approved by the Office of Financial Services
 By: _____

Approved by City Attorney
 By: _____

Adopted by Council: Date _____
 Adoption Certified by Council Secretary
 By: _____
 Approved by Mayor: Date _____
 By: _____

Approved by Mayor for Submission to Council
 By: _____

1033 SURPLUS EQUIPMENT PROGRAM

AGREEMENT BETWEEN THE STATE OF MINNESOTA AND MINNESOTA LAW ENFORCEMENT AGENCIES

**STATE OF MINNESOTA 1033 STATE PROGRAM PLANS, POLICIES AND
PROCEDURES
APRIL 2013**



PURPOSE:

The purpose of this document is to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property which is transferred pursuant to 10 U.S.C. §2576a and to promote the efficient and expeditious transfer of the property.

AUTHORITY:

The Secretary of Defense is authorized by 10 U.S.C. §2576a to transfer to Federal and State Agencies, personal property that is excess to the needs of the DOD and that the Secretary determines is suitable to be used by such agencies in law enforcement activities, with emphasis on counterdrug/counterterrorism activities, under such terms prescribed by the Secretary. The authorities granted to the Secretary of Defense have been delegated to the Defense Logistics Agency (DLA).

STAFFING AND FACILITIES:

TERMS AND CONDITIONS:

Law Enforcement Agency (LEA) Eligibility Criteria: Must be a “law enforcement activity” whose primary function is enforcement of applicable Federal, State and local laws as defined by the DLA regulation and whose compensated officers have powers of arrest and apprehension. DLA defines law enforcement activities as activities performed by government agencies whose primary function is the enforcement of applicable Federal, State, and local laws and whose compensated law enforcement officers have powers of arrest and apprehension.

- **How to Enroll in the State 1033 Program:** LEA must request enrollment via their State Coordinator. LEAs must provide a completed application form to their State Coordinator (Form can either be requested from the State LESO office, or can found at the MN-LESO website (<https://dps.mn.gov/divisions/hsem/homeland-security/Pages/mn-leso.aspx>)).
- If the enrollment request is approved by the State Coordinator, it will be forwarded to the LESO. Once enrolled, the LEA must sign a Memorandum of Understanding (MOU) with the State Coordinator agreeing to the terms and conditions of the 1033 Program. This document form can either be requested from the State LESO office, or can found at the MN-LESO website (<https://dps.mn.gov/divisions/hsem/homeland-security/Pages/mn-leso.aspx>).
- As soon as an agency is properly enrolled the state will resend to the LEA a signed copy of the Application and the MOU. The LEA can then start the on-line application process through AMP's and RTD-web for the appropriate usernames and passwords and approval to start screening for items in the automated system.

Materials may be screened in-person at a Defense Reutilization and Marketing Office (DRMO), however, the LEA must first screen the property in the RTD-Web system and click the “Walk in Request” button on the “Shopping Cart” page. You will need to bring a Laptop or other portable device to complete a walk-in requisition for materials. MN-LESO must be notified before you go to the DRMO site. It can take up to four hours for approval between State and Federal LESO programs before your items will be released.

- **LEA Screener Criteria:** Must be full-time and/or part-time, sworn and/or non-sworn officers assigned to the LEA performing this duty. LEAs are allowed a maximum of four screeners per agency. A maximum of two of the authorized screeners may physically screen at any DRMO at one time.
- **Identification/Acquisition/Transportation of Property:** LEAs find needed property electronically through the Defense Reutilization and Marketing Service (DRMS) website: <https://business.dla.mil/landing/index.jspr> Once property has been identified, LEAs submit a request through the RTD-Web system. The State Coordinator approves/disapproves the request. If approved, it is sent to the LESO. If approved it goes to the Military Standard Requisitioning and Issue Procedures. It is the responsibility of the State/LEA to transport requested property from the DRMOs to their location. DLA will not fund the transportation cost.
- **Storage of Property:** Unless the State is authorized as a distribution center, it will be the gaining LEA responsibility to store property received through the 1033 Program. Distribution centers should only hold property for their specific customers not more than ninety days. After that date, disposition should be requested, in writing, from the LESO, via their State Coordinator.
- **Distribution of Property:** LESO will approve property request in the following priority: counterdrug/counterterrorism and then any other law enforcement activities.
- **Security of Property:** It is the responsibility of the gaining LEA to safeguard all property received through the 1033 Program. Should any property become lost due to theft, destruction or unauthorized sale/disposal, this information must be forwarded to the State Coordinator within seven working days after the incident. The State Coordinator will contact the LESO for additional guidance.
- **Accountability of Property:** The State and each LEA must maintain records for all property acquired through the 1033 Program. These records must provide an "audit trail" for individual items of property from receipt to distribution. These documents include but are not limited to the following: DRMS Form 103 with all justifications or printouts of automated requests, DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved Bureau of Alcohol, Tobacco and Firearms (ATF) Form 10s, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC-Form 8050-1) and any pertinent paperwork through the LESO. The records maintained must also satisfy any and all pertinent requirements under its applicable State statutes and regulations for the program and this property.
- **Establish Inactive File:** As of October 1, 2003, the LESO will institute a five year file retention policy. This policy will state that LESO will maintain active files for two years and inactive files for three years. After five years, the files are destroyed with the exception of DEMIL code B through Q, sensitive items and \$20,000 or more high dollar items.
- **Utilization of Property:** Property received through the 1033 Program must be placed into use within one year of receipt and utilized for a minimum of one year, unless the condition renders it unusable. If property is not placed in use within one year of receipt, it must be transferred to another authorized agency, or returned to a DRMO. Property returns/turn-ins must be coordinated through the applicable State Coordinator and LESO.
- **Transfer of Property:** LEAs must coordinate, in writing, transfer of 1033 property through their State Coordinator. The State Coordinator will request final approval from the LESO. Property may be transferred within the State or between States as long as it is properly coordinated with the State Coordinator and LESO. If approved a "LESO transfer approval memo" will be sent to the State Coordinator.

- **Disposal of Property:** LEAs must request approval, in writing, from their State Coordinator before any 1033 property is disposed. The State Coordinator will request final approval from the LESO. If approved a “LESO disposal approval memo” will be sent to the State Coordinator.

Only DEMIL codes A, B and Q may be approved for disposal. Items with DEMIL codes of C, D, E, F, G and P must be transferred to an authorized agency or must be returned to a DRMO when no longer needed. Costs incurred for transfers, disposals or turn-ins will be borne by the State/LEA.

DEMIL code A: does not require demilitarization and may be disposed after obtaining State Coordinator and LESO approval.

DEMIL code B: does not require demilitarization and may be disposed or returned to a DRMO. If disposed, it must be in accordance with Trade Security Controls (TSC) (see DOD 4160.21-M, Defense Material Disposition Manual; DOD 4160.21-M-1, Defense Demilitarization Manual; DRMS-I 4160.14, Volume VII).

DEMIL code Q: does not require demilitarization and may be disposed or returned to a DRMO. If disposed, it must be in accordance with Commerce Control List Items (CCLI) disposition requirements (see DOD 4160.21-M, Defense Material Disposition Manual; DOD 4160.21-M-1, Defense Demilitarization Manual; DRMS-I 4160.14, Volume VII).

- ⑩ Specific Requirements for disposal of Munitions Lists Items (MLI)/CCLI (DEMIL codes B and Q) excerpt from DOD 4160.21-M:

- Before disposing of MLI/CCLI property, Federal and State agencies must consider the export control requirements as promulgated by the Department of State, Department of Commerce and the Treasury Department, as applicable. Disposal methods shall ensure that appropriate safeguard requirements are in place prior to disposal. These will include, but are not limited to:

- Notification of export control requirements to the end-user;
- Exclusion of individuals, entities or countries who are excluded from Federal programs by the General Services Administration;
- Exclusion if delinquent on obligations to the U.S. Government or are debarred or suspended from DOD contracts;
- Exclusion if currently suspended for TSC violations;
- Exclusion if subject to denial, debarment or other sanctions under public law

- **DEMIL codes C, D, E, F, G and P:** require demilitarization and must be returned to a DRMO. The State Coordinator must obtain the LESOs approval for equipment returns.

- ⑩ LESO will provide turn-in documentation (DD Form 1348-1A). With few exceptions, the State/LEA will be asked to coordinate the turn-in with a local DRMO. The State/LEA informs LESO which DRMO has agreed to accept the turn-in. LESO will then provide turn-in documentation to the accepting DRMO. Upon receipt of the turn-in documentation, the LEA must return the property to the specified DRMO. The DRMO personnel receiving the materials will sign the turn-in document and give the LEA a copy of the signed receipt paperwork. This receipt paperwork must be maintained in the LEA’s files and a copy of the receipt must be forwarded to

the State Coordinator for their files. (see DOD 4160.21-M, Defense Material Disposition Manual; DOD 4160.21-M-1, Defense Demilitarization Manual; DRMS-I 4160.14, Volume VII for DEMIL rules).

- **Training:** The LEAs should be trained/familiar with guidance and other training materials on the following website: <https://dps.mn.gov/divisions/hsem/homeland-security/Pages/mn-leso.aspx> this website will contain both written and video training reference to enhance LEA's successful operations within the LESO program.

THE STATE WILL:

- a. Receive applications for participation in this program from its law enforcement activities and validate with signature, their law enforcement mission prior to forwarding to LESO for approval as an authorized LEA. Once the approval process is completed and the agency is loaded in the AMP's and RTW-web automated requisitioning system, the system will provide enrolled LEAs with their LEA ID number so they may request materials on-line.
- b. Provide LEA's with an email distribution list (mailman email system:) that LEA's can register in to receive all LESO updates, Training announcements, Equipment availability announcements, and other general operational information. (
- c. Forward requests to LESO for excess property that is necessary to meet requirements for LEA efforts. Assure the recipient LEA is identified on all requisitions.
- d. Be responsible for the transfer and/or allocation of property to qualified LEAs.
- e. Assure the LEAs agree to maintain, at no expense to the U.S. Government, adequate liability and property damage insurance coverage and workmen's compensation insurance to cover any claims.
- f. Control and maintain accurate records on all property obtained under this plan. These records must provide an "audit trail" for individual items of property from receipt to distribution. These documents include but are not limited to the following: DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved ATF Form 10s, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC-Form 80501) and any pertinent paperwork through the LESO. The records maintained must also satisfy any and all pertinent requirements under its applicable State statutes and regulations for the program and this property.
- g. Enter into agreements with LEAs to assure they fully comply with the terms, conditions and limitations applicable to property transferred pursuant to this plan/program.
- h. Allow a maximum of four screeners, full-time and/or part-time, sworn and/or non-sworn officers, per LEA performing this duty. The screeners must be named in a "LESO Application" provided to the LESO, to be updated as changes occur or whenever LESO requests an update. A weapons point of contact (POC) fulltime officer must be included on the "letter of authorization/datasheet" for any LEAs that have received or are requesting weapons. NOTE: A maximum of two of the authorized screeners may physically screen at any DRMO at one time.
- i. Assure that all environmentally regulated property is handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.

- j. Assure that the following weapons are registered with the U.S. Treasury Department's ATF: M14, M16, M21 and M79. The State and each LEA must comply with all applicable firearm laws and regulations. Report all stolen or unaccounted for weapons to the DLA, LESO not later than seven working days after it is discovered. The State Coordinator must provide a weapon POC on all LEA data sheets. All weapon transfers between LEAs must be approved by the LESO before it is completed. Maintain an approved copy of the ATF Form 10 for all M14, M16, M21 and M79 rifles issued to State/LEA.
- k. Identify to LESO each request that will be used in counterdrug/counterterrorism activities.
- l. Ensure LEAs are aware of their responsibilities in accordance with the Single Audit Act of 1984, as amended (31 U.S.C. 7501-7). Assist LEAs by providing information, as required, for audit submission. Assist LEAs by identifying which property oversight agency the audit information must be submitted to.
- m. Review and update State Plan of Operation annually (calendar year) or when the Governor-appointed State Coordinator changes or Governor changes. If there are no changes to the State Plan of Operation send a signed letter/email to the LESO indicating that the plan has been reviewed and no changes were necessary.
- n. Ensure all LEAs enrolled in the State 1033 Program maintain a current copy of the State Plan of Operation or MOU.
- o. Conduct periodic reviews of each LEA enrolled in the program, to include physical inventory/spot checks, of property received and any related records. Additionally, ensure LEAs are in compliance with applicable Memorandum of Agreement (MOA)/MOU and/or the State Plan of Operation. These reviews must be documented and maintained by the State Coordinator for future LESO compliance reviews.
- p. Obtain reconciliation reports from the LESO website and conduct monthly, quarterly and annual reconciliations between the State/LEA and LESO.
- q. Ensure serial/tail numbers are provided to LESO on items such as Peacekeepers/armored personnel carriers (APCs), aircraft, night vision goggles (NVGs)/night vision sights (NVSS) and weapons.
- r. Validate and certify LEA inventory reconciliation results electronically and forward them to LESO within ten working days of the monthly, quarterly or annual reconciliation process. Maintain a signed copy of all property reconciliation documentation received through the 1033 Program.
- s. Submit requests for property returns (turn-ins to a DRMO) to LESO. NOTE: Costs of shipping or repossession of the property by the U.S. Government will be borne by the LEA.
- t. Submit disposal, transfer and inventory adjustment requests to LESO.
- u. Contact the LESO in writing not later than thirty calendar days prior, to a State Coordinator change.
- v. All property transfers will cease if no current Governor's letter is on file, the State has not signed the MOA with DLA, the State Coordinator or POC does not validate all property requests and there is no State Plan of Operation on file.

THE LEA WILL:

- a. Submit applications for participation in this program to the State Coordinator for approval. Upon request from the State Coordinator or LESO provide a mission statement.
- b. Submit requests for property (electronically). Provide justification for all requisitions to the State Coordinator.
- c. Agrees to maintain, at no expense to the U.S. Government, adequate liability and property damage insurance coverage and workmen's compensation insurance to cover any claims.
- d. Control and maintain accurate records on all property obtained under this plan. These records must provide an "audit trail" for individual items of property from receipt to distribution. These documents include but are not limited to the following: DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved ATF Form 10s, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC-Form 80501) and any pertinent paperwork through the LESO. The records maintained must also satisfy any and all pertinent requirements under its applicable State statutes and regulations for the program and this property.
- e. Comply with the terms, conditions and limitations applicable to property transferred pursuant to this plan/program.
- f. Allow a maximum of four screeners, full-time and/or part-time, sworn and/or non-sworn officers, per LEA performing this duty. The screeners must be named in a "application form" provided to the LESO, to be updated as changes occur or whenever LESO requests an update. A weapons POC fulltime officer must be included on the "letter of authorization/datasheet" for any LEAs that have received or are requesting weapons. NOTE: A maximum of two of the authorized screeners may physically screen at any DRMO at one time. Appoint a property accountable officer responsible for approving/disapproving all property requests and maintaining all accountable records for property received.
- g. Assure that all environmentally regulated property handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.
- h. Assure that the following weapons are registered with the U.S. Treasury Department's ATF: M14, M16, M21 and M79. Recipients must comply with all applicable firearm laws and regulations. Report all stolen or unaccounted for weapons to LESO through the State Coordinator not later than seven working days after the incident has occurred. The LEA must provide a weapon POC on all data sheets. All weapon transfers between LEAs must be approved by the LESO before it is completed. LEA must maintain an approved copy of the ATF Form 10 for all M14, M16, M21 and M79 rifles received.
- i. Identify to LESO each request that will be used in counterdrug/counterterrorism activities.
- j. LEAs enrolled in the State 1033 Program must maintain a copy of the State Plan of Operation or MOU.
- k. LEAs must be aware of their responsibilities under the Single Audit Act of 1984, as amended (31 U.S.C. 7501-7).
- l. Conduct periodic reviews to include physical inventory/spot checks of actual property and related records. Ensure compliance with applicable MOA/MOU and/or the State Plan of Operation.
- m. Obtain reconciliation reports from the State Coordinator and conduct monthly, quarterly and annual reconciliations, Provide results to State Coordinator
- n. Ensure serial/tail numbers are provided to the State Coordinator on items such as Peacekeepers/APCs, aircraft, NVGs/NVSs and weapons.

- o. Conduct inventory reconciliation and provide inventory results electronically to the State Coordinator within ten working days of the monthly, quarterly or annual reconciliation process. Maintain signed copy of all property reconciliation documentation received through the 1033 program.
- p. Submit requests for property returns (turn-ins to a DRMO) to the State Coordinator. NOTE: Costs of shipping or repossession of the property by the U.S. Government will be borne by the LEA.
- q. Submit disposal, transfer and inventory adjustment requests to the State Coordinator.
- r. Contact the State Coordinator, in writing, not later than thirty days prior, when property accountable officer changes.

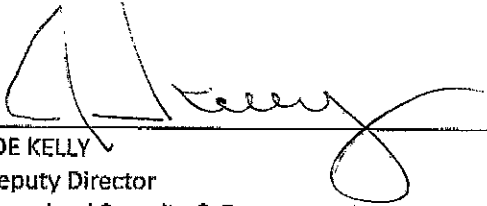
NOTICES:

The State Coordinator may propose modifications or amendments to the provisions of this MOA. In such cases, reasonable opportunity will, insofar as practicable, be afforded to the LEA to conform to changes affecting their operations. Violations of this MOA may result in the removal of the LEA in the 1033 Program.

TERMINATION:

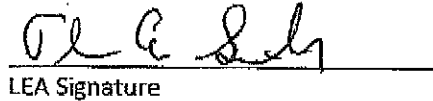
This Memorandum of Agreement is effective when signed by both parties and will remain in effect until rescinded by either party, or as otherwise stipulated by Public Law.

IN WITNESS THEREOF, the parties hereto have executed this agreement as of the last date written below.



JOE KELLY
Deputy Director
Homeland Security & Emergency Management
Minnesota Department of Public Safety
State Coordinator

Date 15 May 2013


LEA Signature

THOMAS E. SMITH
Type/Print Name and Title
Date 5/15/13 CHIEF OF POLICE

LAW ENFORCEMENT AGENCY (LEA)
APPLICATION FOR PARTICIPATION

CLEAR

*This application must be updated and resubmitted within 30 days of any changes or on an annual basis

NEW UPDATE SCREENER ID (Update Only): _____
AGENCY: City of Saint Paul Police Department, Saint Paul Minnesota
PHYSICAL ADDRESS (No P.O. Box): 367 Grove Street
MAILING ADDRESS (If different than above): _____
CITY: Saint Paul STATE: Minnesota
ZIP: 55101 EMAIL: tim.flynn@ci.stpaul.mn.us
PHONE: 651-775-8597 FAX: 651-266-5895

NUMBER OF COMPENSATED OFFICERS WITH ARREST AND APPREHENSION AUTHORITY
FULL-TIME: 610 PART-TIME: 0 RESERVE: 50

SCREENER(S) POC: MUST HAVE AT LEAST ONE

*MAIN POC: Designated POC for calls and emails on 1033 Program requests and property pickup

SCREENER/MAIN POC: Timothy S. Flynn
SCREENER/POC #2: _____
SCREENER/POC #3: _____
SCREENER/POC #4: _____
WEAPON POC (Optional): Timothy S. Flynn
AIRCRAFT POC (Optional): _____

INVENTORY CHECK

Does the Agency currently have any equipment from the 1208/1033 Program? YES NO
WEAPONS: YES NO AIRCRAFT: YES NO WATERCRAFT: YES NO
TACTICAL VEHICLES: YES NO OTHER CONTROLLED PROPERTY: YES NO DEMIL A: YES NO
(LESS THAN A YEAR OLD)

*By signing this application, the Chief Executive Official/Head of Agency (Local Field Office) is aware of 1208/1033 Property currently in the possession of their department.

*Upon acceptance into the 1033 Program, I understand that I have 30 days to familiarize myself with the State Plan of Operation and all 1033 Program guidance that is provided by the State Coordinator and that by signing, I certify that all information contained above is valid and accurate.

CHIEF EXECUTIVE OFFICIAL/
HEAD OF LOCAL AGENCY: Thomas E. Smith DATE: 5/15/13
PRINTED NAME
Thomas E. Smith
SIGNATURE

STATE COORDINATOR:
(NOT REQUIRED FOR FEDERAL) JOE KELLY, MICHSEM DATE: 15 May 13
PRINTED NAME
Joe Kelly
SIGNATURE