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Pgs. 8
Filed: 10-16-18

Sponsored by: Fisk

First Reading: _____

Second Reading: _____

COUNCIL BILL 2018-258

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an Intergovernmental
2 Agreement with the United States Department of Homeland Security,
3 Homeland Security Investigations for the reimbursement of overtime
4 expenses for Springfield Police Department officers participating in
5 joint operations.
6 _____
7

8 WHEREAS, Springfield Police Department (“SPD”) and the United States
9 Department of Homeland Security, Homeland Security Investigations (“HSI”) currently
10 participate in the Southwest Missouri Cyber Crimes Task Force (“SWMCCTF”); and
11

12 WHEREAS, the primary focus of SMCCTF is the detection, investigation,
13 apprehension, and prosecution of sexual predators who exploit children through the use
14 of the internet; and
15

16 WHEREAS, HSI is a participant in the Treasury Forfeiture Fund (“TFF”) and may
17 access TFF funds to reimburse local law enforcement agencies for overtime expenses
18 arising from participation in joint operations; and
19

20 WHEREAS, subject to the availability of funds, HSI agrees to reimburse SPD for
21 any overtime expenses incurred by the SPD officer assigned to SMCCTF, up to
22 \$15,000 in a fiscal year for each officer participating; and
23

24 WHEREAS, SPD currently has one officer assigned to SMCCTF.
25

26 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
27 SPRINGFIELD, MISSOURI, as follows, that:
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29 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
30 an Intergovernmental Agreement with the United States Department of Homeland
31 Security, Homeland Security Investigations for the reimbursement of overtime expenses
32 relating to joint operations; said agreement to be substantially in form and content as
33 that document attached hereto and incorporated herein by reference as “Exhibit A.”

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Section 2 – The budget of the Springfield Police Department for Fiscal year 2018-2019 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 0015, a copy of which is attached hereto and incorporated herein by reference as “Exhibit B.”

Section 3 – City Council hereby finds that the budget adjustment made above has been recommended by the City Manager.

Section 4 – The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City.

Section 5 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Ca H, Assistant City Attorney

Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2018-258

FILED: 10-16-18

ORIGINATING DEPARTMENT: Police

PURPOSE: Authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with the United States Department of Homeland Security, for the reimbursement of overtime expenses for Springfield Police Department officers participating in joint operations with Homeland Security Investigations.

BACKGROUND: Currently, the Springfield Police Department (“SPD”) participates in the Southwest Missouri Cyber Crimes Task Force (“SMCCTF”), which is a joint operation with the United States Department of Homeland Security, Homeland Security Investigations (“HSI”). The primary focus of SMCCTF is the detection, investigation, apprehension, and prosecution of sexual predators who exploit children through the use of the internet. HSI is a participant in the Treasury Forfeiture Fund (“TFF”) and may access TFF funds to reimburse local law enforcement agencies for overtime expenses up to \$15,000 per officer, subject to the availability of funds, for participation in joint operations with HSI. The proposed MOU sets forth the procedure for SPD to receive such reimbursement from HSI. There is currently one SPD officer assigned to SMCCTF; included with this Ordinance is a budget adjustment reflecting overtime reimbursements for that officer.

REMARKS: As funding allocations permit, HSI will reimburse SPD for overtime hours worked by the assigned SPD officer in connection with investigations related to the Southwest Missouri Cyber Crimes Task Force. The overtime reimbursement will not create any employment relationship between HSI and the assigned SPD officer. This agreement may also provide the framework for reimbursement of overtime expenses for future joint operations between SPD and HSI.

Submitted by:

Approved by:



Paul Williams, Chief of Police



Jason Gage, City Manager

Exhibit A

AGREEMENT BETWEEN FEDERAL LAW ENFORCEMENT AGENCY PARTICIPATING IN THE TREASURY FORFEITURE FUND AND STATE OR LOCAL LAW ENFORCEMENT AGENCY FOR THE REIMBURSEMENT OF EXPENSES IN JOINT OPERATIONS

This agreement is entered into by the Springfield, Missouri Police Department (hereinafter referred to as "State/Local LEA") and Homeland Security Investigations (HSI), Chicago, a participant in the Treasury Forfeiture Fund (TFF) (hereinafter referred to as "TFF Agency"), for the purpose of receiving reimbursable costs incurred by the State/Local LEA in providing resources to joint operations.

Reimbursements may be made to the extent they are included in the TFF Agency's Fiscal Year Financial Plan, and the funds are available within the TFF to satisfy the requests for reimbursement.

I. EXECUTION AND TERMINATION OF THIS AGREEMENT

This agreement is effective on the date it is signed by both parties to this agreement and terminates when explicitly terminated by either the TFF Agency or the State/Local LEA.

II. AUTHORITY

This agreement is established pursuant to the provisions of 31 U.S.C. 9703 and the Treasury Forfeiture Fund Act of 1992 which provide for the reimbursement of certain expenses of state and local law enforcement agencies (LEAs) incurred as participants in joint operations with federal LEAs participating in the TFF.

III. PURPOSE OF THIS AGREEMENT

This agreement establishes the procedures and responsibilities of both the State/Local LEA and the TFF Agency for the reimbursement of certain overtime and other expenses pursuant to 31 U.S.C. § 9703.

IV. NAME OF TASK FORCE (if applicable)

The name of this task force is: N/A.

The projected dates of operation are: N/A to N/A.

V. CONDITIONS AND PROCEDURES

A. Compliance with Federal Statutes and Regulations

Compliance with 31 U.S.C. § 9703, the Treasury Forfeiture Fund Act of 1992 and TEOAF Directive 18, "Policy for Reimbursements to State and Local Law Enforcement Agencies Involved in Joint Operations with Federal Agencies Participating in the Treasury Forfeiture Fund," is a requirement for this agreement.

B. Assignment of State/Local LEA Officers

1. To the maximum extent possible, the State/Local LEA shall assign dedicated officers to the joint operation.

2. Within 10 days of the effective date of this agreement, the State/Local LEA shall provide the TFF Agency with the following information for each officer assigned to the joint operation:

- a. Name;
- b. Title, grade, or rank;
- c. Badge or ID number; and
- d. Hourly overtime wage rate.

C. Requests for Reimbursement of Joint Operation Expenses

1. The State/Local LEA may request reimbursement for payment of overtime expenses directly related to work performed by its officers assigned as members of a joint operation with the TFF Agency for the purpose of conducting official investigations. The State/Local LEA may also request reimbursement of other non-overtime expenses directly related to the joint operation.

2. Within 10 days of the effective date of this agreement, the State/Local LEA shall provide the TFF Agency with the following information for the designated point of contact:

- a. Name;
- b. Title;
- c. Telephone number; and
- d. Email address.

3. Requests for reimbursement for the payment of overtime and non-overtime expenses to the State/Local LEA must be submitted on the agency's letterhead or the TEOAF form, *State or Local Law Enforcement Agency Request for Reimbursement of Joint Operations Expenses* (also referred to as the "Request for Reimbursement Form"), along with copies of supporting documents (i.e., payroll records, receipts, invoices, etc.). If on agency letterhead, the request must contain the same information contained in the Request for Reimbursement Form.

(See Attachment C of TEOAF Directive 18, "Policy for Reimbursements to State and Local Law Enforcement Agencies Involved in Joint Operations with Federal Agencies Participating in the Treasury Forfeiture Fund," for a copy of the Request for Reimbursement Form.)

4. An authorized representative of the State/Local LEA must sign and certify that the request is for overtime and/or other non-overtime expenses incurred by the agency for participation with the joint operation under this agreement. The State/Local LEA shall also certify that the request has not been made to any other federal LEA that may also be participating with the joint operation.

5. The State/Local LEA acknowledges that the agency remains fully responsible for its obligations as the employer of the officers assigned to the joint operation and is responsible for the payment of overtime earnings, withholdings, insurance coverage, and all other requirements by law, regulation, ordinance, or contract regardless of the reimbursable overtime charges incurred.

6. The State/Local LEA shall submit all Request for Reimbursement Forms, together with the required supporting documentation, to the TFF Agency, Attention: SA Cyndi Johnson, One Tower Lane, Suite 1600, Oakbrook Terrace, IL 60018, 630-574-3495, Cyndi.R.Johnson@ice.dhs.gov.

7. All requests for reimbursement of costs incurred by the State/Local LEA must be approved and certified by the TFF Agency. The TFF Agency shall countersign the Request for Reimbursement Forms.

8. The maximum reimbursement for overtime worked on behalf of the joint operation under this agreement is set at \$15,000 per officer per fiscal year.

D. Program Audit

This agreement and its procedures are subject to audit by the Treasury Executive Office for Asset Forfeiture (TEOAF), the TFF Agency, the Department of the Treasury Office of Inspector General, the General Accounting Office, and any other government-designated auditing organization. The State/Local LEA agrees to permit such audits and agrees to maintain all records relating to these transactions for a period of not less than three years; and in the event of an on- going audit, until the audit is completed.

These audits may include reviews of any and all records, documents, reports, accounts, invoices, receipts or expenditures relating to this agreement; as well as the interview of any and all personnel involved in these transactions.

E. Revisions

The terms of this agreement may be amended upon the written approval of both the State/Local LEA and the TFF Agency. The revision becomes effective upon the date of approval.

F. No Private Right Created

This is an agreement between a federal LEA and a state or local LEA and is not intended to confer any right or benefit to any private person or party.

Paul F. Williams
Chief of Police
Springfield Police Department
Springfield, Missouri

Date: _____

James M. Gibbons
Special Agent in Charge
Homeland Security Investigations
Chicago, Illinois

Date: _____

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

BA Number
0015

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
25060	18	97510	414110			\$15,000.00	Reimbursements
Net Revenue Adjustment						15,000.00	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
25060	18	97510	500120			15,000.00	Overtime
Net Expenditure Adjustment						15,000.00	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation:

Allocate funding for FY18-19 for overtime reimbursement from Homeland Security Investigations (HIS) for joint investigations with Springfield Police Department.

Requested By:

Paul P. Williams 10/16/18
Department Head Date

Approved By:

DD Hill 10/16/18
Director of Finance Date

Authorization:

Council Bill No. 2018-258
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date