



COUNCIL AGENDA: 5/2/23  
FILE: 23-612  
ITEM: 2.7

## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** John Aitken

**SUBJECT:** SEE BELOW

**DATE:** April 10, 2023

Approved

Date

4/17/23

**SUBJECT: EXTENSION OF OTHER TRANSACTION AGREEMENT WITH  
TRANSPORTATION SECURITY ADMINISTRATION FOR LAW  
ENFORCEMENT OFFICERS AT THE AIRPORT**

### **RECOMMENDATION**

Adopt a resolution authorizing the City Manager to extend Other Transaction Agreement Award Number 70T02021T6114N108 with the Transportation Security Administration to reimburse the Airport Department for eligible costs of approximately \$900,000 for deployment of law enforcement officers at each airport passenger-screening location at the San José Mineta International Airport from January 1, 2023 to December 31, 2025.

### **SUMMARY AND OUTCOME**

Approval of this recommendation allows the City to receive federal funding to partially fund the San José Mineta International Airport's (Airport) cost of providing the required security mandated by the Transportation Security Administration (TSA) and to reduce Airport operating and maintenance costs.

### **BACKGROUND**

After the events of September 11, 2001, several security mandates were issued by the TSA in order to ensure the security of the traveling public and the nation's transportation system. One of these mandates requires each airport operator to provide law enforcement presence and capability that is adequate to ensure the safety of the passengers.

On June 12, 2007, the City Council authorized the City Manager to apply for grant funding and execute related agreements with the TSA for the reimbursement of law enforcement

officer costs at the passenger-screening locations within the Airport. City Council subsequently authorized the City Manager to apply for additional grant funding and execute related agreements with the TSA through December 31, 2022.

- In September 2007, the City executed a Cooperative Agreement with the TSA for a five-year period effective from October 1, 2007 to September 30, 2012.
- In September 2012, the City executed an Other Transaction Agreement from October 1, 2012 to September 30, 2015 that was later extended through January 31, 2016.
- In April 2016, the City executed an Other Transaction Agreement for a three-year period from February 1, 2016 through December 31, 2018 that was extended to December 31, 2020.
- In November 2020, the City executed an Other Transaction Agreement for a two-year period from January 1, 2021 to December 31, 2022 with an allowance for extensions up to a five-year period, through December 31, 2025.

## **ANALYSIS**

The TSA reimburses the Airport for direct costs of law enforcement support at the current not-to-exceed hourly rate of \$20. The average hourly overtime rate for San José police officers assigned at the Airport security passenger-screening locations is approximately \$111, while the average regular hourly rate for San José police officers assigned at the Airport is about \$74.

Currently, the Airport provides approximately 1,200 hours per month of law enforcement time to support the security passenger-screening locations staffed by police officers using overtime hours. The estimated cost to the Airport of this mandated measure is approximately \$5,266,000 for the period from January 1, 2023 to December 31, 2025. The anticipated TSA reimbursement for this same three-year period is approximately \$900,000. Despite the large variance in actual costs and TSA reimbursement amount, any level of federal funding for this mandated security measure contributes to reducing the Airport's security costs.

## **EVALUATION AND FOLLOW-UP**

No subsequent City Council action on this issue is necessary. Funding to pay for police overtime associated with the mandated requirement is currently budgeted in the Airport Maintenance and Operations Fund and the General Fund. The grant funding, if awarded, will be used to partially offset the cost of providing mandated security at the security passenger-screening locations at the Airport.

HONORABLE MAYOR AND CITY COUNCIL

April 10, 2023

**Subject: Extension of Other Transaction Agreement with Transportation Security Administration for Law Enforcement Officers at the Airport**

Page 3

### **COST SUMMARY/IMPLICATIONS**

The program funding will be used to partially offset the cost of providing mandated security at the security passenger-screening locations at the Airport. The maximum annual TSA reimbursement of \$284,700 will reduce Airport operating and maintenance costs. The reimbursement has already been budgeted in Fund 521 for fiscal year 2022-2023.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the May 2, 2023 City Council meeting.

### **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

### **CEQA**

Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

### **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/  
JOHN AITKEN, A.A.E.  
Director of Aviation

For questions, please contact Matthew Kazmierczak, Division Manager, [mkazmierczak@sjc.org](mailto:mkazmierczak@sjc.org), or (408) 392-3640.