



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** John Aitken

**SUBJECT:** SEE BELOW

**DATE:** October 24, 2018

Approved

Date

10/25/18

**SUBJECT: TRANSPORTATION SECURITY ADMINISTRATION LAW  
ENFORCEMENT OFFICER REIMBURSEMENT PROGRAM OTHER  
TRANSACTION AGREEMENT**

## RECOMMENDATION

- (a) Adopt a resolution authorizing the City Manager to extend Other Transaction Agreement Award Number HSTS02-16-H-SLR664 with the Transportation Security Administration (TSA) to fund eligible costs for deployment of law enforcement officers at each airport passenger-screening location at the Norman Y. Mineta San José International Airport (Airport) from January 1, 2019 to December 31, 2019 in the amount of approximately \$1,425,000.
- (b) Adopt a resolution authorizing the City Manager to apply for federal funding, negotiate, and execute an Other Transaction Agreement with the TSA to fund eligible costs for deployment of law enforcement officers at each airport passenger-screening location at the Airport in the estimated amount of \$4,536,000 for the period from January 1, 2020 to December 31, 2022.

## OUTCOME

Approval of these recommendations will allow the City to receive federal funding to partially fund the Airport's cost of providing the required security mandated by the 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 is to require each airport operator to provide a law enforcement presence and capability at the Airport 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 the law enforcement officer costs at the passenger-screening locations. 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 and was later extended through January 31, 2016. In April 2016, the City executed a new Other Transaction Agreement for a three-year period from February 1, 2016 through December 31, 2018.

### **ANALYSIS**

The TSA has informed staff that the current Other Transaction Agreement, which expires on December 31, 2018, has the potential to be extended to December 31, 2019.

During the extension period of the current Other Transaction Agreement, the TSA anticipates beginning the application process for a new agreement, which is expected to take effect on January 1, 2020.

The TSA reimburses the Airport for actual direct costs of law enforcement support, not to exceed the current hourly rate of \$20. The average hourly overtime rate of police officers assigned at the airport security passenger-screening locations is approximately \$96, while the average regular hourly rate is about \$64.

Contingent upon supplemental funding being available, additional consideration may be given to airports with costs in excess of the not to exceed hourly rate of \$20. For this reason, staff intends to submit an application based on the actual average overtime pay of police officers assigned at the Airport in order to maximize funding. Currently, the Airport is providing approximately 1,200 hours per month of law enforcement officers time to support the security passenger-screening locations, and these are all done on overtime hours. The estimated cost of this mandated measure is approximately \$1,425,000 from January 1, 2019 to December 31, 2019, and approximately \$4,536,000 for the period from January 1, 2020 to December 31, 2022. Any level of federal funding for this mandated security measure contributes to reducing the Airport's security costs.

### **EVALUATION AND FOLLOW-UP**

No subsequent 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 offset the cost of providing mandated security at the security passenger-screening locations at the Airport.

## **POLICY ALTERNATIVES**

### ***Alternative #1: Do not approve the recommendation***

**Pros:** None

**Cons:** If the recommendation is not approved, the City will not apply for funding and will miss the opportunity to obtain funds for the City.

**Reason for not recommending:** Airport does not wish to miss an opportunity to apply for funding.

## **PUBLIC OUTREACH**

This Council memo will be posted on the City's website for items on the November 6, 2018 Council agenda.

## **COORDINATION**

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

## **COMMISSION RECOMMENDATION**

No commission recommendation is associated with this action.

## **BUDGET IMPLICATIONS**

The program funding, if awarded, will be used to offset the cost of providing mandated security at the passenger security screening locations at the Airport. The estimated maximum annual reimbursement of \$1,490,000 will reduce Airport operating and maintenance costs. The reimbursement has already been budgeted in Fund 521 for FY2018-2019.

HONORABLE MAYOR AND CITY COUNCIL

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**Subject: TSA Law Enforcement Officers Reimbursement Program**

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**CEQA**

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

/s/

JOHN AITKEN, A.A.E.

Director of Aviation

For questions, please contact John Aiken, Director of Aviation, at (408) 392-3610.