



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Authorizing the Chief of Police to Enter Into an Agreement with the Department of Homeland Security Organized Crime Drug Enforcement Task Force

MEETING DATE: November 6, 2013

PREPARED BY: Mark Helms, Chief of Police

RECOMMENDED ACTION: Adopt Resolution Authorizing the Chief of Police to Enter Into an Agreement with the Department of Homeland Security Organized Crime Drug Enforcement Task Force

BACKGROUND INFORMATION: The Organized Crime Drug Enforcement Task Force (OCDETF) was developed and implemented in 1982. Since then, OCDETF has operated a program designed to reimburse State and Local law enforcement agencies for the overtime costs of sworn officers incurred while assisting in OCDETF Investigations or approved Strategic Initiatives.

This MOU outlines the reimbursement guidelines and funding requirements. This action is to formalize a long-standing agreement between Lodi Police Department and the United States Homeland Security Investigations.

FISCAL IMPACT: Revenues and appropriation are included in the FY 2013/14 budget.

FUNDING AVAILABLE: Not applicable

Handwritten signature of Jordan Ayers in black ink.

Jordan Ayers
Internal Services Director/Deputy City Manager

Handwritten signature of Mark Helms in black ink.

Mark Helms
Chief of Police

MH:po
cc: City Attorney

APPROVED:

Handwritten signature of Konradt Bartlam in black ink.

Konradt Bartlam, City Manager

ADDENDUM A
OCDETF Pacific Region

Definition of “Full-Time Participation”

The OCDETF State and Local Overtime Program is designed to only reimburse overtime costs incurred by officers working full-time on OCDETF cases. In order to comply with the requirement that an officer/agent work full-time, the officer/agent must:

1. Be assigned to work on OCDETF matters full-time and work forty (40) hours per week on a single OCDETF investigation or multiple OCDETF investigations. Overtime in excess of 40 hours will then be reimbursed.
2. If the officer/agent is not exclusively assigned to work full-time on OCDETF matters, then overtime can be reimbursed if the officer/agent worked eight (8) hours regular time in a given day on the OCDETF investigation before claiming any overtime. Overtime in excess of eight (8) hours will then be reimbursed.

Exceptions to the “Full-Time Participation Rule”

There are limited circumstances where OCDETF State and Local Overtime funding may be made available for use where investigations have emergency needs for overtime funding or where scarce resources preclude “full-time participation” by a participating local agency. These circumstances include the following:

1. Unforeseen Emergency Circumstances

Occasionally dedicated OCDETF resources cannot handle a particular enforcement action, such as an unexpected surveillance; or reaction to unforeseen circumstances requires additional non-federal resources and the investigation would suffer without those additional resources. In those circumstances incurred overtime may be reimbursed without the officer/agent having worked an eight (8) hour shift dedicated to the OCDETF investigation, provided that the OCDETF overtime is done at the request of a supervisor of a sponsoring federal agency in the district where the investigation is being conducted.

Under no circumstances will more than sixteen (16) hours of claimed overtime for any officer be reimbursed under this exemption provision without the prior approval of: (1) the supervising/sponsoring federal agency in the district where the investigation is being conducted; (2) the OCDETF Coordinator for the sponsoring federal agency; and (3) the Regional OCDETF Core City Coordinator (or his designee the Core City Executive Assistant).

Reimbursement under such circumstances will be limited to the overtime incurred in response to the unforeseen circumstances; *i.e.*, when the enforcement action is complete, no additional overtime will be reimbursed without compliance with #1 and #2 listed above. A memorandum of justification for a waiver of the "Full-Time Participation Rule" must be submitted with any claim for reimbursement.
Agreement (FY12), Page 7

2. Other Exceptions

Any other deviation from the above overtime reimbursement "full-time participation" policy, including situations where a state or local agency has insufficient personnel to allow the "full-time" commitment of officers/agents, requires a memorandum of justification for waiver or exemption. No overtime expenses will be paid under this exception without a waiver memorandum. This memorandum from the officer/agent's agency must be sent to the sponsoring federal agency Regional OCDETF Coordinator and the AUSA Core City Coordinator. It must be *APPROVED IN ADVANCE* of the performance of any overtime activity which does not comply with the "Full-Time Participation Rule".

Acknowledged: Alvin [Signature] Police Chief 10/25/13
Authorized State or Local Official Title Date
(Name and Signature)

Approved as to form [Signature]
City Attorney

RESOLUTION NO. 2013-191

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CHIEF OF POLICE TO ENTER
INTO AN AGREEMENT WITH THE DEPARTMENT OF
HOMELAND SECURITY ORGANIZED CRIME DRUG
ENFORCEMENT TASK FORCE

=====

WHEREAS, the Organized Crime Drug Enforcement Task Force (OCDETF) was developed and implemented in 1982; and

WHEREAS, OCDETF has operated a program designed to reimburse State and local law enforcement agencies for the overtime costs of sworn officers incurred while assisting in OCDETF investigations or approved strategic initiatives; and

WHEREAS, this agreement outlines the reimbursement guidelines and funding requirements; and

WHEREAS, this action is to formalize a long-standing agreement between Lodi Police Department and the United States Homeland Security Investigations.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the Chief of Police to enter into an agreement with the Department of Homeland Security Organized Crime Drug Enforcement Task force.

Date: November 6, 2013

=====

I hereby certify that Resolution No. 2013-191 was passed and adopted by the Lodi City Council in a regular meeting held November 6, 2013, by the following vote:

- AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, and Mayor Nakanishi
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – Mounce
- ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL-OLSON
City Clerk