



## Travis County Commissioners Court Agenda Request

**Meeting Date:** December 31, 2013

**Prepared By/Phone Number:** Michael G Hemby 783, TCSO 

**Elected/Appointed Official/Dept. Head:** Sheriff Greg Hamilton 

**Commissioners Court Sponsor:** Judge Samuel Biscoe

**AGENDA LANGUAGE:** Consider and approve request from TCSO for renewal of agreement between Travis County and the Texas Department of Public Safety for participation in the Texas 1033 Surplus Property program.

### BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

The National defense Authorization Act authorizes the Secretary of Defense to transfer excess Department of Defense (DoD) personal property to Federal, state and local Law Enforcement Agencies (LEA) with special emphasis given to counter drug and counter terrorism. The 1033 Program (formerly the 1208 Program) allows LEAs to receive DoD excess property. This is a renewal of previous execution of the agreements between Travis County to allow TCSO to continue participation in this program.

### STAFF RECOMMENDATIONS:

TCSO staff request the approval and execution of the document to allow for continued participation in the program. These documents have been reviewed by the County Attorney and were recommended for execution.

### ISSUES AND OPPORTUNITIES:

### FISCAL IMPACT AND SOURCE OF FUNDING:

There are no costs to the county for participation and TCSO has been the recipient of various DOD surplus materials at a significant cost savings to Travis County taxpayers.

### REQUIRED AUTHORIZATIONS:

Sheriff - Approved

**AGENDA REQUEST DEADLINE:** All agenda requests and supporting materials must be submitted as a pdf to David Salazar in the County Judge's office, [David.Salazar@co.travis.tx.us](mailto:David.Salazar@co.travis.tx.us) by Tuesdays at 5:00 p.m. for the next week's meeting.



JIM SYLVESTER  
Chief Deputy

**GREG HAMILTON**  
TRAVIS COUNTY SHERIFF

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www.tcsheriff.org

DARREN LONG  
Major - Corrections

PHYLLIS CLAIR  
Major - Law Enforcement

MARK SAWA  
Major - Administration & Support

**December 12, 2013**

**MEMORANDUM**

**TO:** Honorable Sam Biscoe, County Judge  
Honorable Ron Davis, Commissioner, Precinct 1  
Honorable Bruce Todd, Commissioner, Precinct 2  
Honorable Gerald Daugherty, Commissioner, Precinct 3  
Honorable Margaret Gomez, Commissioner, Precinct 4

**FROM:** Michael G Hemby 783, Research and Planning 

**SUBJECT:** 2014 Texas 1033 Surplus Property Program

Attached you will find the agreement for the Texas 1033 Surplus Property program for 2014. This is a renewal of or previous held agreements which allows TCSO to gain access to surplus State and Department of Defense property for law enforcement use as listed below;

**1033 Program Overview:** The National defense Authorization Act authorizes the Secretary of Defense to transfer excess Department of Defense (DoD) personal property to Federal, state and local Law Enforcement Agencies (LEA) with special emphasis given to counter drug and counter terrorism. The 1033 Program (formerly the 1208 Program) allows LEAs to receive DoD excess property.

Over the years this program has supplied various quantities of equipment used by TCSO deputies in the course of their duties. The program costs nothing and saves our taxpayers tens of thousands of dollars.

TCSO serves as the responsible party for ensuring that the equipment is accounted for and maintained. Worn out equipment is returned to the state or disposed of as directed by the program.

**This request for formal approval of the agreements and signature by the County Judge as the Authorized Official and has been executed by the Sheriff as the chief law enforcement official.**

If I can be of any assistance in this matter, please feel free to contact me at 854-4924.

Cc: Co Atty.

## TEXAS 1033 SURPLUS PROPERTY PROGRAM APPLICATION LETTER

TO: Texas Department of Public Safety  
ATTN: Texas 1033 Program  
5805 N. Lamar Blvd.  
BLDG G  
Austin, TX 78752

AGENCY: Travis County Sheriffs Office

SUBJECT: Request Authorization for Screening and Receiving Surplus Property

1. Our Agency request that the personnel listed on the attached Law Enforcement Agency (LEA) Data Sheet be granted authorization to screen for and receive excess federal property as defined in the Defense Authorization Act, 1997, Public Law 104-181 Section 1033, Transfer of Excess Personal Property.
2. We, the undersigned, understand and agree that failure to comply with the terms of this application is in direct conflict with the intent of this program, and failure on our agency's part to abide by the terms and conditions of the Texas 1033 Program may result in termination from the program and other sanctions including civil or criminal prosecution.
3. We understand and agree that we are responsible for all transportation costs incident to the redistribution or collection of any transferred property. Transferred property must be removed from the Defense Reutilization and Marketing Offices (DRMO) within fourteen (14) days or sooner if so directed by the DRMO. Failure to claim and remove property may result in the redistribution of the property to another agency.
4. We understand and agree that this property is transferred from the Department of Defense (DoD). Transferred property must have a direct application to the LEA's street law enforcement, arrest and apprehension mission. Transferred property may not be disposed of, bartered or transferred without prior notification, written authorization and instructions from the Texas 1033 Program, including instances in which property is no longer serviceable for law enforcement use.
5. We understand and acknowledge that at no time can transferred aircraft or weapons be sold. Additionally, assigned aircraft or weapons cannot be disposed of, bartered or transferred without written consent from the Texas 1033 Program. Failure to comply will result in eternal termination from the program and possible civil or criminal prosecution.
6. We have read and understand, in its entirety, the Texas Military Surplus Property and Procurement Program booklet. We understand and agree to comply with the terms and conditions of the Texas 1033 Program and have signed the Release of Liability Statement.
7. We understand that the Federal Freedom of Information Act and the Texas Open Records Act apply to all property received under the Texas 1033 Program.

## **TEXAS 1033 SURPLUS PROPERTY PROGRAM RELEASE OF LIABILITY**

AGENCY: Travis County Sheriff's Office Travis County, Texas  
City / County

The Texas Law Enforcement Agency (LEA) designated above acknowledges receipt of excess property from the Department of Defense pursuant to Section 1033 of the National Defense Authorization Act for Federal Fiscal Year 1997 (the "Act"). Such excess property transferred pursuant to the Act may include small arms and ammunition (hereinafter referred collectively as the "Transferred Property").

The LEA acknowledges that the Transferred Property is considered excess to the needs of the Department of Defense and that the Transferred Property may be in any condition from new to unserviceable. The LEA acknowledges that there may be hazards associated with the use of the Transferred Property, which could cause damage to property and serious injury or death. The term "use" with respect to the Transferred Property is acknowledged to include, but is not limited to, active deployment, passive transportation, and mere possession. The LEA agrees to provide appropriate or adequate training to any person who may use the property. The LEA agrees that it IS NOT the responsibility of the Department of Defense, the State of Texas, or the Texas Department of Public Safety to provide appropriate or adequate training to any person using the Transferred Property.

The Department of Defense, the State of Texas nor the Texas Department of Public Safety assumes any liability for damages or injuries to any person or property arising from the use the Transferred Property. By signing this agreement, the LEA agrees, subject to the appropriation of sufficient funds, to be solely responsible for any and all suits, actions, demands or claims of any nature arising from its use of the Transferred Property. The LEA agrees to maintain, at its expense, adequate liability and property damage insurance and workman's compensation insurance to cover any such claims.

The LEA accepts Transferred Property "as is" with no warranty of any kind. The Department of Defense, the State of Texas nor the Texas Department of Public Safety make any claims or warranties, expressed or implied, concerning the Transferred Property, including but not limited to warranty of fitness for a particular purpose.

The LEA acknowledges that any item of the Transferred Property meeting the definition of "machine gun" found in 26 U.S. C. 584(b)\* must be registered with the Bureau of Alcohol, Tobacco, and Firearms (BATF) with an ATF Form-10 (Application for Registration of Firearm Acquired by Certain Governmental Entities). Upon receipt of a properly executed Form-10, ATF will accept the registration of the machine gun and notify the LEA. Any machine gun registered in this manner is restricted for law enforcement use only. The LEA agrees to provide the State Coordinator's Office a copy of an approved Form-10 for each machine gun that is part of any Transferred Property received. The LEA must execute a separate transfer agreement with the United States Army, through the 1033 Program, for any small arms/weapons.

The LEA acknowledges that it is solely responsible for any and all costs associated with the transferred Property, including but not limited to, packing, crating, handling, transportation, repossession, and disposal.

**LAW ENFORCEMENT AGENCY (LEA)  
APPLICATION FOR PARTICIPATION**

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

NEW  UPDATE  SCREENER ID (Update Only): EAM00229

AGENCY: Travis County Sheriff's Office

PHYSICAL ADDRESS (No P.O. Box): 5555 Airport Boulevard, Austin, TX, 78751

MAILING ADDRESS (If different than above): Same

CITY: Austin STATE: Texas

ZIP: 78751 EMAIL: bryan.woolery@co.travis.tx.us / aaron.marco@co.travis.tx.us

PHONE: 512-854-9769 FAX: \_\_\_\_\_

**NUMBER OF COMPENSATED OFFICERS WITH ARREST AND APPREHENSION AUTHORITY**

FULL-TIME: 600 PART-TIME: \_\_\_\_\_ RESERVE: 30

**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: Sgt. Bryan Woolery - bryan.woolery@co.travis.tx.us 512-854-9769

SCREENER/POC #2: Sr. Deputy Anthony Hostetler - anthony.hostetler@co.travis.tx.us 512-771-8041

SCREENER/POC #3: Sr. Deputy Aaron Marco - aaron.marco@co.travis.tx.us - 512-423-6531

SCREENER/POC #4: \_\_\_\_\_

WEAPON POC (Optional): \_\_\_\_\_

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: (LESS THAN A YEAR OLD) YES  NO

\*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/: Greg Hamilton, Sheriff DATE: 12/16/13  
HEAD OF LOCAL AGENCY PRINTED NAME

[Signature]  
SIGNATURE

STATE COORDINATOR: Skylor Hearn DATE: \_\_\_\_\_  
(NOT REQUIRED FOR FEDERAL) PRINTED NAME

\_\_\_\_\_  
SIGNATURE

## **STATE OF TEXAS 1033 PROGRAM PLANS, POLICIES AND PROCEDURES**

### **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:**

By authority of the State Governor, the Assistant Director over the Law Enforcement Support Division of the Texas Department of Public Safety is the Texas 1033 Program State Coordinator. The State Coordinator appoints the State Points of Contact (SPOCs) to administer the daily operation of the 1033 Program.

### **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 (this is referring to DLA Directive (DLAD) 4160.10 which will be superseded by the One Book) and whose compensated 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 packet to their State Coordinator. **NOTE:** Upon request of the Law Enforcement Support Office (LESO), a mission statement will need to be provided along with the datasheet. If the enrollment request is approved by the State Coordinator, it will be forwarded to the LESO. If approved by LESO, the State Coordinator will be contacted and provided with a LEA screener’s authorization memo (Authorization Letter for Property Screening and Receiving). Once enrolled, the LEA must acknowledge receipt of the memorandum of understanding (MOU) with the State Coordinator agreeing to the terms and conditions of the 1033 Program. As soon as an agency is properly enrolled, automations screening may be conducted through the Defense Reutilization and Marketing Office (DRMO) website. The State Coordinator’s office must provide the LEA with their login identification number for this application.
  
- **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 (4) screeners

transferred to another authorized agency, or returned to a DRMO. Property returns/turn-ins must be coordinated through the applicable State Coordinator and LESO.

- **State Compliance Reviews:** The State Points of Contact will inspect *at a minimum* 10% of the active agencies to ensure property accountability and proper use of equipment. All law enforcement agencies maintaining sensitive property will submit a written accountability statement detailing property type and serial numbers on the anniversary date of their Authorization Letter for the program.
- **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. For more information regarding these items, view the following links:

Defense Demilitarization and Trade Security Controls (TSC) Program  
[www.demil.osd.mil](http://www.demil.osd.mil)

Military Critical Technologies List  
[www.dtic.mil/mctl](http://www.dtic.mil/mctl)

Critical Federal Supply Class (FSC) and Buzz words  
[www.drms.dla.mil/drms/internal/demil/CriticalBuzzKeyPt.pdf](http://www.drms.dla.mil/drms/internal/demil/CriticalBuzzKeyPt.pdf)

Flight Safety Critical Aircraft Parts (FSCAP)  
[www.drms.dla.mil/drms/internal/demil/FSCAP.pdf](http://www.drms.dla.mil/drms/internal/demil/FSCAP.pdf)

- **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 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

- **Training:** The State Coordinator, State Points of Contact and LEAs should be trained/familiar with guidance on the following websites:

ABCs of DEMIL

[www.hr.dla.mil/dtc/coursecatalog/PD/abcdmil.htm](http://www.hr.dla.mil/dtc/coursecatalog/PD/abcdmil.htm) (knowledge of demilitarization codes)

DLA Operations

[www.dla.mil](http://www.dla.mil) (DLA handbook)

LESO Operations

[www.dla.mil/j-3/leso](http://www.dla.mil/j-3/leso) (1033 Program/Automation training guides)

DRMS Operations

[www.drms.dla.mil](http://www.drms.dla.mil) (automation requisitioning process/procedures)

## **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 DRMS automated requisitioning system, provide enrolled LEAs with their LEA ID number so they may request materials on-line.
- b. 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.
- c. Be responsible for the transfer and/or allocation of property to qualified LEAs.
- d. 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.
- e. 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: DRMS Form 103 with all justifications or printouts of automated requests, 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 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.
- f. 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.

- p. Ensure serial/tail numbers are provided to LESO on items such as peacekeepers/armored personnel carriers (APCs), aircraft, night vision goggles (NVGs)/sights and weapons.
- q. Validate and certify LEA inventory reconciliation results electronically and forward them to LESO within 10 working days of the monthly or annual reconciliation process. Maintain a signed copy of all property reconciliation documentation received through the 1033 Program.
- r. 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.
- s. Submit disposal, transfer and inventory adjustment requests to LESO.
- t. Contact the LESO in writing not later than 30 calendar days prior, to a State Coordinator change.
- u. 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 LAW ENFORCEMENT AGENCY 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: DRMS Form 103 with all justifications or printouts of automated requests, 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 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.
- e. Comply with the terms, conditions and limitations applicable to property transferred pursuant to this plan/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 30 days prior, when property accountable officer changes.

**TERMINATION CRITERIA:** An LEA may be terminated from the program *either temporarily or permanently* by the State Coordinator for failure to comply with any policy governing the program. A termination notice will be provided via certified mail from the State Coordinator's office.

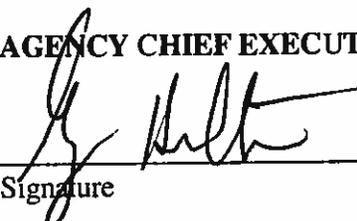
IN WITNESS THEREOF, the parties hereto have executed this agreement as of the last date written below.

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Skylor Hearn  
Assistant Director  
Texas Department of Public Safety  
Texas 1033 State Coordinator

**AGENCY NAME:**

**AGENCY CHIEF EXECUTIVE OFFICIAL:**



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Signature

Greg Hamilton, Travis County Sheriff

Name / Title

12/17/13

Date