

RESOLUTION 2023-010
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
FORT COLLINS AND THE UNITED STATES DRUG ENFORCEMENT
ADMINISTRATION TO STAFF AN ANTI-NARCOTICS TRAFFICKING TASKFORCE

WHEREAS, the Denver office of the Drug Enforcement Administration of the United States Department of Justice (“DEA”) leads and hosts an anti-narcotics taskforce named the Organized Crime Drug Enforcement Task Force (“OCDETF”) Strike Force made up of federal special agents and federally deputized state and local law enforcement partners (the “Task Force”); and

WHEREAS, Fort Collins Police Services (“FCPS”) has staffed this Task Force with a fulltime officer for approximately 17 years; and

WHEREAS, the DEA has asked FCPS to execute a new agreement regarding the continuation of this partnership, a copy of which is attached as Exhibit “A” and incorporated herein by reference (the “Intergovernmental Agreement”); and

WHEREAS, the Task Force disrupts the illicit drug traffic in the Mountain West Region area by immobilizing targeted violators and trafficking organizations; gathers and reports intelligence data relating to trafficking in narcotics and dangerous drugs; conducts undercover operations where appropriate; and engages in other traditional methods of investigation so that its activities will result in effective prosecution before the courts of the United States and the State of Colorado; and

WHEREAS, under the proposed Intergovernmental Agreement, to assist the objectives of the Task Force, FCPS would continue to detail one experienced officer to the Task Force for a period of not less than four years; and

WHEREAS, during this period of assignment the FCPS officer would be under the direct supervision and control of DEA supervisory personnel assigned to the Task Force; and

WHEREAS, the FCPS officer assigned to the Task Force would be expected to adhere to DEA policies and procedures and be deputized as a Task Force Officer of DEA pursuant to 21 U.S.C. Section 878; and

WHEREAS, during the period of assignment to the Task Force, FCPS would remain responsible for establishing the salary and benefits, including overtime, of the officer assigned to the Task Force, and for making all payments due such officer; and

WHEREAS, the DEA would, subject to availability of funds, reimburse FCPS for overtime payments, with such annual overtime capped at the equivalent of 25% of a GS-12, Step 1, of the general payscale for the rest of United States; and

WHEREAS, reimbursement by the DEA for all types of qualified expenses would be contingent on availability of funds and the submission by FCPS of proper requests for reimbursement; and

WHEREAS, the City will also be required to have an authorized officer or employee execute and return to DEA OJP Form 4061/6, Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements, a copy of which is attached hereto as Exhibit "B" and incorporated herein by this reference (the "Certification Form"), as no Federal funds will be awarded to FCPS by the DEA until the completed certification is received; and

WHEREAS, this continuing annual agreement provides for a four-year commitment of a specific officer to account for the investigative training time required in the first year of an officer's assignment to the taskforce; and

WHEREAS, the Intergovernmental Agreement would be effective when signed and expire on September 30, 2026 but could be terminated by either party on thirty day's advance written notice.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follow:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the City hereby approves the Intergovernmental Agreement between the City of Fort Collins and the Drug Enforcement Administration.

Section 3. That the City Council authorizes the City Manager, or their designee, to execute on behalf of the City the Intergovernmental Agreement in substantially the form attached as Exhibit A, and the Certification Form in substantially the form attached as Exhibit B, with such additional or modified terms and conditions as the City Manager may, in consultation with the City Attorney, determine necessary and appropriate to protect the interest of the City to effectuate the purposes of this Resolution.

Section 4. That the City Council hereby reaffirms the Police Chief's authority to assign an officer to the Task Force.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 17th day of January, 2023.

Mayor

ATTEST:

City Clerk