

RESOLUTION NO. 38-2016
**AUTHORIZING PARTICIPATION IN SECTION 1033 PROGRAM FOR
PROCUREMENT OF FEDERAL SURPLUS PROPERTY FROM THE
DEPARTMENT OF DEFENSE AND DELEGATING AUTHORITY FOR
LOCAL ADMINISTRATION OF PARTICIPATION IN THE PROGRAM**

Councilmember Leckstein offered the following resolution and moved its adoption; seconded by Councilmember Lamia:

WHEREAS, federal law permits the Department of Defense to transfer to federal agencies personal property of the Department that it determines is suitable for use by agencies in law enforcement activities, including counterdrug and counterterrorism activities and is excess to the needs of the Department; and

WHEREAS, this program is generally known as the "1033 program," that allows local law enforcement agencies to obtain, at little or no cost surplus federal property; and

WHEREAS, on March 16, 2015, Governor Christie signed Senate Bill No. 2364 (P.L. 2015, c.23), which now establishes, in the absence of federal requirements, as system of local oversight over local law enforcement agencies that participate in and acquire equipment through the 1033 program ; and

WHEREAS, pursuant to N.J.S.A. 40A:5-30.2a, municipal governing bodies must now authorize participation in the 1033 program by a "resolution adopted by a majority of the full membership of the governing body of a local unit prior to transmittal of any such application to the State Coordinator of" the program; and

WHEREAS, pursuant to N.J.S.A. 40A:5-30.2b, the acquisition of any property by a local law enforcement agency shall be approved by a "resolution adopted by a majority of the full majority of the full membership of the governing body".

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Sea Bright in the County of Monmouth, State of New Jersey that:

1. Pursuant to N.J.S.A. 40A:5-30.2a, the governing body hereby authorizes and directs the Chief of Police to designate a qualified individual to file the necessary application materials for continued participation in the 1033 program.
2. Pursuant to N.J.S.A. 40A:5-30.2b, the governing body hereby authorizes and directs the Chief of Police to designate a qualified individual to maintain an inventory of surplus property obtained under the 1033, subject to the following conditions:
 - a. Within thirty (30) days of its acquisition, all property obtained under the program shall be subject to review by the governing body to determine whether any such property obtained should be rejected and removed from the Borough's inventory; and

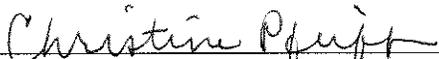
b. If after appropriate notice to the governing body, no action to reject the property obtained is taken within thirty (30) days of its acquisition, it shall hereby be deemed accepted by the governing body and put into service or otherwise disposed of as necessary.

Roll Call: Bills, Keeler, Kelly, Lamia, Leckstein, Rooney
Yes Yes Yes Yes Yes Yes

January 19, 2016

CERTIFICATION

I, Christine Pfeiffer, Municipal Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on January 19, 2016.



Christine Pfeiffer, RMC Borough Clerk