

**CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 22
Series of 2019**

TITLE: A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN COLORADO STATE PATROL – BEAT AUTO THEFT THROUGH LAW ENFORCEMENT (BATTLE) AND THE CITY OF WHEAT RIDGE

WHEREAS, the City of Wheat Ridge, Colorado (the “City”), acting through its City Council (“Council”) is a home rule municipality with statutory and constitutional authority to enact ordinances and enter into agreements for protection of the public health, safety and welfare; and

WHEREAS, Part 2 of Article 1 of Title 29, C.R.S., authorizes the City to enter into agreements with other governmental entities to cooperate in the provision of any function, service, or facility each is authorized to provide; and

WHEREAS, the Colorado State Patrol (CSP) has formed the ELSAG Enterprise Operations Center (EOC) to facilitate the sharing of data and information collected by various area law enforcement agencies through the use of automated license plate readers (ALPR); and

WHEREAS, the multijurisdictional sharing of ALPR data and information has proven to be an effective tool against auto theft and, as such, the Wheat Ridge Police Department wishes to utilize the EOC; and

WHEREAS, due to the privacy and security requirements applicable to ALPR data, servers and systems used to store and share such data are typically more complex and expensive to obtain and maintain than other servers and databases; and

WHEREAS, in order to utilize the EOC and gain access to its existing server and database, the CSP requires the City to enter into a memorandum of understanding (MOU) establishing the roles and responsibilities of both parties; and

WHEREAS, the City Council finds that it is desirable and likely cost-effective to utilize the ALPR system and database already established and maintained by the EOC and, therefore, to enter into the proposed MOU; and

WHEREAS, Section 14.2 of the Wheat Ridge Home Rule Charter authorizes the Council, acting by resolution or ordinance, to approve agreements with other governmental agencies.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, as follows:

The attached memorandum of understanding between Colorado State Patrol – Beat Auto Theft Through Law Enforcement (BATTLE) and the City of Wheat Ridge is hereby approved.

DONE AND RESOLVED this 8th day of April, 2019.

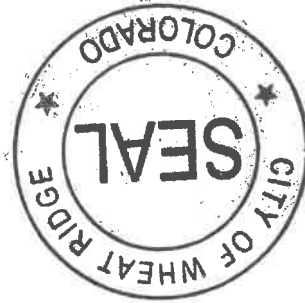
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Bud Starker, Mayor

ATTEST:

Janelle Shaver

Janelle Shaver, City Clerk



**Memorandum of Understanding
Between
Colorado State Patrol - Beat Auto Theft Through Law Enforcement
AND
The City of Wheat Ridge**

The Colorado ELSAG EOC is an initiative of the Colorado State Patrol – Beat Auto Theft Through Law Enforcement (BATTLE) to create an information sharing system designed to replicate, maintain, and share law enforcement license plate reader systems from all participating state and local public safety agencies within the State of Colorado.

CONCEPT

The goal of this project is to share license plate recognition data among all contributing agencies that have established this Memorandum of Understanding with the Colorado ELSAG EOC, managed by the Colorado State Patrol BATTLE. Participating agencies will share license plate reader (LPR) information for replication to the data warehouse or as part of a central querying system hosted by the Colorado ELSAG EOC and will have the capability to query all LPR based information from around the State of Colorado which is stored within the warehouse.

PURPOSE

This Memorandum of Understanding (MOU) sets forth an agreement between and defines the roles and responsibilities of BATTLE and the City of Wheat Ridge, in implementing connectivity to the Colorado ELSAG EOC.

RESPONSIBILITIES

Colorado State Patrol - BATTLE

The roles and responsibilities of BATTLE in this MOU are as follows:

- BATTLE will establish the Colorado ELSAG EOC as a shared information system to the benefit of all public safety agencies in the State of Colorado.
- BATTLE will appoint a project manager to oversee the Colorado ELSAG EOC and implement the terms and conditions of this MOU.
- BATTLE will direct the management of all obligations, responsibilities, and assets of the Colorado ELSAG EOC, including but not limited to:
 - Any and all contractual obligations for development, implementation, expansion, maintenance, and management of the Colorado ELSAG EOC,
 - Ownership of any and all equipment in the inventory of the Colorado ELSAG EOC, including but not limited to servers, workstations, communications devices, routers, firewalls or other hardware, and all software in use or under development in compliance with the requirements of the Colorado ELSAG EOC.

- Security and control of any data resident in the Colorado ELSAG EOC data warehouse, to exclusive Law Enforcement use as defined by the Colorado ELSAG EOC Security Policies and Procedures.
- BATTLE will design and implement a governance structure appropriate to the proper operational maintenance of the Colorado ELSAG EOC, and providing appropriate levels of input to all participating agencies.
- BATTLE will provide an Administrator for the Colorado ELSAG EOC to provide vetting and establishment for City of Wheat Ridge personnel, including authorization for the City of Wheat Ridge Administrator.
- BATTLE will adopt Security Policies and Procedures as may be consistent with appropriate security and maintenance of the system for all participating agencies. This document shall become the governing MOU for participation in the Colorado ELSAG EOC upon ratification of the participating agencies.
- BATTLE will ensure that appropriate personnel are made available as reasonably necessary to assist with development, implementation, and testing of any hardware/software solutions, as well as for any training required, for the purposes of this project.
- BATTLE will assist in obtaining the cooperation of any third party contractor or vendor approved by them to provide license plate reader systems in the State of Colorado and/or internal or external technology providers (e.g. Colorado CIO / Other participating agencies /State of Colorado information technology staff) as may be reasonably necessary for the purposes of this project.
- BATTLE will assist in creation of the lessons learned and final reporting and documentation of the project. The input provided by BATTLE will be utilized for future distributions and use of the system at other hosting agencies.

City of Wheat Ridge

The roles and responsibilities of the City of Wheat Ridge in this MOU are as follows:

- The City of Wheat Ridge agrees to share ALPR data with other law enforcement agencies utilizing the Colorado ELSAG EOC.
- The City of Wheat Ridge agrees to use the Colorado ELSAG EOC in compliance with federal, state and local laws, regulations and policies.
- The City of Wheat Ridge agrees to retain all ALPR records no longer than one year from the date of the read (§24-72-113 C.R.S.)
- The City of Wheat Ridge agrees to the ELSAG EOC Policies and agrees to be responsible for all authorized users identified by their agency, including vetting, training and monitoring of the users.
- The City of Wheat Ridge maintains sole authority and responsibility for determining the actions, if any, that are appropriate for the department's information technology environment, and for implementing any changes deemed to be appropriate to the purposes of this project.
- The Chief of Police of the City of Wheat Ridge, or an appropriate designee, will be available, as reasonably required, to give guidance and approval to technical and non-technical requirements of this assistance project.

- The City of Wheat Ridge will make reasonable accommodations for access by BATTLE staff to their facilities and license plate reader system as may be required in furtherance of this project.
- The City of Wheat Ridge will ensure that appropriate personnel are made available as reasonably necessary to assist with development, implementation, and testing of any hardware / software solutions, as well as for any training required, for the purposes of this project.
- The City of Wheat Ridge will assist in obtaining the assistance of any third party contractor or vendor associated with their license plate reader system and / or internal or external technology providers (e.g. county / municipal information technology staff) as may be reasonably necessary for the purposes of this project.
- The City of Wheat Ridge will assist in creation of the lessons learned and final report of the project.

Colorado State Patrol - BATTLE AND City of Wheat Ridge

The roles and responsibilities of both agencies in this MOU are as follows:

- All contributing agencies shall develop and maintain an LPR data usage policy that addresses privacy concerns. Such usage policy may be derived from the International Association of Chiefs of Police publications pertaining to license plate readers.
- The ownership of the data that is contributed in this system shall remain with the contributing agency. Therefore, all ownership rights are to the sole authority and responsibility of the contributing agency. The data in this system is shared by the contributing agency, for the communal use by other law enforcement and government agencies that have this signed agreement with CSP BATTLE, but shall adhere to the contributing agency's usage policy when using the contributing agency's data. All data use and handling shall comply with the current laws and statutes with respect to the data.
- BATTLE shall develop and maintain an ELSAG LPR data retention policy that can address privacy concerns in accordance with current federal and state legislation and statutes, and may be limited by system capability. All contributing agencies shall adhere to the ELSAG data retention policy until such time that the City of Wheat Ridge has developed their own policy. At that time, the City of Wheat Ridge may submit a memorandum to this MOU to address the retention of the ELSAG data owned by the City of Wheat Ridge. Such ELSAG data retention policy may be derived from the International Association of Chiefs of Police publications pertaining to license plate readers.

FUNDING

Any costs associated with maintenance, upgrade, or changes required directly to the contributing agency's LPR system or existing computer network in order to accommodate implementation of the Colorado ELSAG EOC interfaces and replication, or costs incurred on behalf of the Colorado ELSAG EOC as a result of changes to the agency system(s) which adversely affect the Colorado ELSAG EOC replication, may be the responsibility of the City of Wheat Ridge.

ACKNOWLEDGEMENT

BATTLE anticipates the duration of this implementation to be five years, but may be extended at the discretion of the Director of BATTLE if requested by the City of Wheat Ridge. Such extension must be documented through appropriate addendum to this MOU agreeable to both parties.

This Memorandum of Understanding will be effective upon signature of all parties.

Colorado State Patrol - BATTLE
700 Kipling Street
Lakewood, Colorado 80215

City of Wheat Ridge
7500 West 29th Avenue
Wheat Ridge, CO 80033

Signature _____

Signature WJ Starker

Printed Name _____

Printed Name Bud Starker, Mayor

Date _____

Date 4/8/19