

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB16

ORDINANCE NUMBER: 2021-16

TITLE: AN ORDINANCE APPROVING THE RECEIPT OF A GRANT FROM THE COLORADO AUTO THEFT PREVENTION AUTHORITY (CATPA) AND THE METROPOLITAN AUTO THEFT TASK FORCE (C-MATT) FOR AUTOMATED LICENSE PLATE READERS IN AN AMOUNT NOT TO EXCEED \$67,000.00

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. The City of Black Hawk hereby approves the receipt of a Grant from the Colorado Auto Theft Prevention Authority (CATPA) and the Metropolitan Auto Theft Task Force (C-MATT) for Automated License Plate Readers in an Amount not to Exceed \$67,000.00.

Section 2. Safety Clause. The Board of Aldermen hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Aldermen further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.


Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 9th day of June, 2021.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk





CATPA Metropolitan Auto Theft Task Force



CATPA
Colorado Auto Theft
Prevention Authority
Department of Public Safety

Chief Michelle Moriarty
Black Hawk Police Department
221 Church Street
Black Hawk, CO 80422

Mike Greenwell, Commander
445 S Allison Parkway
Lakewood, Co 80226
303-987-4920

May 7, 2021

Chief Moriarty,

The Colorado Auto Theft Prevention Authority (CATPA) Board approved some of the grant award to the CATPA-Metropolitan Auto Theft Task Force (C-MATT) be used to assist the Black Hawk Police Department in purchasing Automated License Plate Reader (ALPR) equipment. This letter is to inform you that C-MATT is offering to reimburse the Black Hawk Police Department \$67,000 to purchase a fixed ALPR system. These funds must be expended by June 30, 2021.

The Black Hawk Police Department would be responsible for the purchase and installation of the units, with C-MATT reimbursing Black Hawk Police Department for the amount expended, up to \$67,000.00. Since CATPA funds are used to purchase these devices, they will be an asset of CATPA for a minimum of five years. The Black Hawk Police Department will be required to submit a "Letter of Commitment" with CATPA agreeing to abide by CATPA's policy on the use of ALPR systems. The Black Hawk Police Department will also be required to share all ALPR data with law enforcement via Lexis-Nexis's Lumen police database. (C-MATT has already paid for the implementation of this data with Lexis-Nexis.) In addition, the Black Hawk Police Department will be required to provide quarterly data from this ALPR to C-MATT. An "Evaluation & Assessment" will be required for C-MATT to complete on the Black Hawk Police Department's ALPR policies. The grant funds are only available until June 30, 2021 and the equipment must be procured and installed prior to June 30, 2021. C-MATT will need the request for reimbursement from your agency by July 9, 2021.

C-MATT appreciates the partnership with the Black Hawk Police Department and the CATPA Board is pleased to have your agency as a participating agency. Should you have any questions regarding this award or any requirements, please let me know.

Best Regards,

ML Greenwell

Mike Greenwell, Commander



**Memorandum of Understanding
Between¹¹**

Colorado State Patrol - Beat Auto Theft Through Law Enforcement

AND

The Black Hawk Police Department

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 Black Hawk Police Department, 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:

¹¹ LPRD Handbook, License Plate Recognition Data, SPAWAR Systems Center, Atlantic, 2010

- 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 Black Hawk Police Department personnel, including authorization for the Black Hawk Police Department 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.

Black Hawk Police Department

The roles and responsibilities of the Black Hawk Police Department in this MOU are as follows:

- The Black Hawk Police Department agrees to share ALPR data with other law enforcement agencies utilizing the Colorado ELSAG EOC.
- The Black Hawk Police Department agrees to use the Colorado ELSAG EOC in compliance with federal, state and local laws, regulations and policies.
- The Black Hawk Police Department agrees to retain all ALPR records no longer than one year from the date of the read (§24-72-113 C.R.S.)
- The Black Hawk Police Department 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 Black Hawk Police Department 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 Black Hawk Police Department, 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 Chief of Police of the Black Hawk Police Department will adopt the BATTLE ELSAG EOC protocol manual, which is the governing MOU for participation in CSP BATTLE, and agrees to remain in compliance with the requirements, policies, and practices as outlined therein for the duration of the Black Hawk Police Department's participation in CSP BATTLE.
- The Chief of Police of the Black Hawk Police Department will appoint a representative as the agency's CSP BATTLE Project Manager who will be responsible for the overall coordination of the project on behalf of the department.
- The Black Hawk Police Department 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 Black Hawk Police Department 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 Black Hawk Police Department 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 Black Hawk Police Department will assist in creation of the lessons learned and final report of the project.

The roles and responsibilities of all 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 [Host Agency], 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 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 data retention policy until such time that the Black Hawk Police Department has developed their own policy. At that time, the Black Hawk Police Department may submit a memorandum to this MOU to address the retention of the data owned by the Black Hawk Police Department.

Such 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 Black Hawk Police Department.

ACKNOWLEDGEMENT

BATTLE anticipates the duration of this implementation to be from July 1, 2021 to June 30, 2024, but may be extended at the discretion of the of BATTLE if requested by the Black Hawk Police Department. 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

Black Hawk Police Department
221 Church Street, PO Box 68
Black Hawk, CO 80422



Signature

Signature

Lt. Colonel Barry Bratt
[Chief Executive Officer Printed Name]

Michelle Moriarty, Chief of Police
[Chief Executive Officer Printed Name]

06/27/2021
Date

6/9/2021
Date