

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 15-94**

**RESOLUTION 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**

Councilman Murphy offered the following resolution and moved its adoption:

**WHEREAS**, Federal law permits the Department of Defense to transfer to Federal and State 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**, the Borough's prior participation in this program has enabled the Borough to acquire valuable equipment that it could not otherwise afford, and to prepare for, respond to, and assist in recovery from events such as Superstorm Sandy during which equipment and vehicles that had been obtained from the program were immediately put into service; 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, a 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 membership of the Governing Body".

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Red Bank 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.

Seconded by Councilman DuPont and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Murphy	( x )	( )	( )	( )
Councilwoman Burnham	( x )	( )	( )	( )
Councilwoman Horgan	( x )	( )	( )	( )
Councilwoman Schwabenbauer	( x )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( x )
Councilman DuPont	( x )	( )	( )	( )

Dated: April 22, 2015