



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 88304 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO AN AGREEMENT (MOU) WITH THE CONTRA COSTA OFFICE OF THE SHERIFF (CCOF) TO DEFINE THE TERMS FOR USE OF THE CCOF FIREARMS RANGE BY THE OAKLAND POLICE DEPARTMENT (OPD), FOR THE PERIOD OF JULY 1, 2020 THROUGH JUNE 30, 2023.

WHEREAS, the California Commission on Peace Officer Standards and Testing (POST) requires that police officers train in the use of firearms each year to maintain otherwise-perishable firearms skills; and

WHEREAS, OPD does not own its own firearms range and thus must find other law enforcement firearms ranges to supply facilities for all required training purposes; and

WHEREAS, OPD presently uses both the Concord Police Officer Association (POA) Range and the CCOF firearms range, but OPD has found increasing difficulty in scheduling dates for use of the Concord POA range, and has moved all Patrol Rifle Officer training to the CCOF range several years ago; and

WHEREAS, the CCOF firearms range is unique in that it offers a combination of large range size, supply storage secured by the CCOF range master, and flexible scheduling system for arranging tactical and firearms practices; and

WHEREAS, OPD officers assigned to OPD's Special Operations Division (SOD) require additional tactical training which can only be accomplished in facilities that offer the space for the safe use of firearms and tactical scenarios in a controlled environment, and SOD tactical teams must train twice a month to maintain the necessary tactical skills; and

WHEREAS, OPD also needs access to safe law enforcement firearms ranges for the following general OPD trainings: Patrol Rifle Officer school, Patrol Rifle Officer quarterly training, Ceasefire firearms training, Undercover Officer school, Reserve Officer firearms training, SWAT school (both Entry and Sniper); and

WHEREAS, OPD already relies on the Concord POA Range for police officer trainee academy and other ongoing required annual firearms training, there is virtually no capacity remaining for required tactical or rifle training; and

WHEREAS, OPD can also utilize the Alameda County Sheriff's Office range occasionally, but this range only has limited scheduling capacity, offers the least versatility in terms of range use, and does not allow OPD to use any storage facilities; and

WHEREAS, OPD signed an agreement with CCOF in March 2017 which allowed OPD to use the CCOF range for the period of July 1, 2017 through June 30, 2020; and

WHEREAS, OPD's use of the CCOF range cost \$24,240 during the Fiscal 2019-20 year; and

WHEREAS, Article V, Section 504(l) of the Oakland City Charter requires that the City Council approve all intergovernmental relationships and contracts; now, therefore be it

RESOLVED: That the City Administrator or designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend and/or amend an agreement with CCOF for the use of their firing range by OPD personnel; and be it

FURTHER RESOLVED: that this agreement between Oakland and CCOF will stipulate use costs of the following terms: \$370 for range use for a full day and \$195 for a half day; range classroom use at \$150 for a full day and \$100 for a half-day; and be it

FURTHER RESOLVED: that CCOF may revoke this agreement at any time; the agreement does not provide the ability for the City of Oakland to terminate this agreement; however, the City of Oakland is not required to use the CCOF range according to this agreement when not desired; and be it

FURTHER RESOLVED: through this agreement, the City of Oakland agrees to be responsible for the use and reasonable care to maintain CCOF firearms range property in a reasonable and satisfactory condition during the time it is being utilized by OPD personnel; and be it

FURTHER RESOLVED: through this agreement to the extent permitted by law, the City of Oakland agrees to accept CCOF's indemnity provisions; and be it

FURTHER RESOLVED: funds paid by OPD to CCOF for the use of the firearms range shall be paid through Project: 1000008, Task: 1010.PS09, Expense: 53211 (Rental-Land and Building), and Org: 103430; and be it

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FURTHER RESOLVED: That in accordance with Article IV, Section 401(6) of the City Charter, the MOU authorized by this resolution shall be approved by as to form and legality before execution, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 06 2020

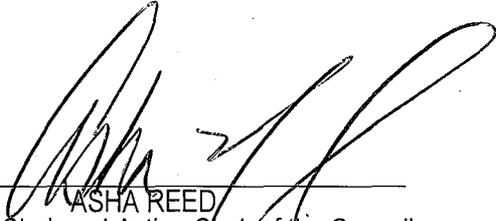
PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO-BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO, AND PRESIDENT KAPLAN → 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
ASHA REED
Acting City Clerk and Acting Clerk of the Council
of the City of Oakland, California