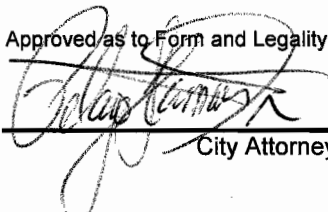


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality  
  
City Attorney

2009 FEB 11 PM 4:20 RESOLUTION No. 81814 C.M.S.

**Resolution Authorizing the City Administrator, or His Designee, to 1) Enter Into a Memorandum of Understanding with the US Department of Homeland Security, United States Secret Service (USSS) and the City of Oakland Through the Oakland Police Department (OPD) to Participate in the Bay Area Identity Theft Strike Force (BAIT SF), for the Period of October 1, 2008 Through September 30, 2009, Renewable Annually, and 2) Accept Reimbursement Funds in an Amount not to Exceed Twenty Five Thousand Dollars (\$25,000) From the US Department of the Treasury Asset Forfeiture Fund to the Oakland Police Department for Investigator Overtime and Other Asset Forfeiture Fund Authorized Reimbursements in Accordance with the Existing Federal Sharing Agreement**

**WHEREAS**, the City of Oakland wishes to enhance the Oakland Police Department's (hereinafter "OPD") its ability to investigate and prosecute identity theft related crimes; and

**WHEREAS**, the US Department of Homeland Security, United States Secret Service (hereinafter "USSS"), has offered to enter into a Memorandum of Understanding (herein after "MOU") with the City of Oakland through OPD to participate in the Bay Area Identity Theft Strike Force (herein after "BAIT SF"); and

**WHEREAS**, entering into an MOU with the USSS benefits the City by providing additional investigative resources to address identity theft related crimes at no cost to the City; and

**WHEREAS**, participating in BAIT SF provides access to federal search and arrest warrants, federal grand juries and the ability to seek federal prosecution of select identity theft related crimes; and

**WHEREAS**, federal law provides the advantage of more stringent bond rules and sentencing guidelines in federal court; and

**WHEREAS**, the only costs associated with participation in BAIT SF are the existing personnel costs associated with one (1) Sergeant of Police being assigned fulltime to BAIT SF; and

**WHEREAS**, the USSS may provide reimbursement for investigator overtime and other investigative expenses from the US Department of the Treasury Asset Forfeiture Fund; and

**WHEREAS**, Oakland Municipal Code section 2.04.010 reserves to the Council the authority to enter into contracts with another public entity; and

**WHEREAS**, Oakland City Charter section 504(1) empowers the City Administrator to represent the City in its intergovernmental relations and to negotiate contracts, which includes MOUs, with other

government entities subject to approval by the Council; now, therefore, be it

**RESOLVED:** That, pursuant to Oakland City Charter section 504(l), the City Council authorizes the City Administrator to enter into a Memorandum of Understanding with the US Department of Homeland Security, United States Secret Service; and be it

**FURTHER RESOLVED:** That the City Administrator, or his designee, is authorized to complete and execute all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this agreement, without return to the City Council, so long as additional funding by the City is not required; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to accept reimbursement funds in an amount not to exceed \$25,000 each year this MOU is in effect from the US Department of Justice Asset Forfeiture Fund to the Oakland Police Department for investigator overtime and other asset forfeiture fund authorized reimbursements in accordance with the existing federal sharing agreement; and be it

**FURTHER RESOLVED:** That said funds shall be deposited into General Fund (1010), Theft Section Organization (102340), Criminal Investigations Program (PS03), in a Project to be Determined; and be it

**FURTHER RESOLVED:** That all Memorandums of Understanding authorized hereunder shall be approved by the City Attorney as to form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,     MAR 3 2009    , 20    

**PASSED BY THE FOLLOWING VOTE:**


AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~REID~~, and PRESIDENT BRUNNER – 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - Reid - 1

ATTEST   
LaTonda Simmons  
City Clerk and Clerk of the Council,  
of the City of Oakland, California