

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 OCT 21 PM 4:45

CITY OF OAKLAND
AGENDA REPORT

To: Office of the City Administrator
Attn: Dan Lindheim
From: Oakland Police Department
Date: October 27, 2009

Re: Supplemental Information to A Report and Proposed Ordinance Amending Ordinance No. 12948 C.M.S. (Master Fee Schedule) To Reflect New Fees Associated with Applying For a Special Events Permit From the Oakland Police Department

SUMMARY

As requested by the Finance and Management Committee on October 13, 2009, staff has prepared supplemental information concerning its request to amend the Master Fee Schedule to reflect new fees associated with applying for a special event permit from the Oakland Police Department.

FISCAL IMPACT

The proposed new fees are as follows:

Special Event Fees (As already authorized by OMC section 9.52.050.F¹)

1.	Encroachment Permits	35.00 Permit	New
2.	Special Event		
	a. Small Event (50 to 100 people)	35.00 Event	New
	b. Medium Event (101 to 300 people)	100.00 Event	New
	c. Large Event (301 or more people)	150.00 Event	New
	d. Parade/Festival Permit	300.00 Event	New

The proposed fees were calculated based on labor costs associated with the minimum staff time needed to process, research, and review each application.

The amount of staff time needed to complete an application review process ranges in complexity based on the event location, type, and size. Historical data searches of known problematic venues, event organizers, or performing artists or disk jockeys may be required, as well as other critical analysis of documents, including insurance forms and required licenses. Staff may also be required to review police reports associated with similar events held at specific venues, or

¹ The Special Events Permit Fee ordinance was enacted in 1999 (Ord. # 12132 §1 C.M.S.). Section 9.52.050.F requires that "the applicant shall pay a fee as established by the city master fee schedule." This proposed amendment to the Master Fee Schedule does not change the types of events to which the fees apply.

Item: _____
Finance & Management Comte.
October 27, 2009

specific event organizers, performing artists, or disk jockeys that could potentially be reason to deny the issuance of a special event permit. The level of additional review and investigation needed for more complex applications is not included in the fees proposed by this ordinance amendment.

KEY ISSUES AND IMPACTS

Event Permit Requirement and Application Fee

As defined by Oakland Municipal Code Chapter 9.52, Special Event Permits, a special event is an event sponsored by any person, entity, business or group including but not limited to the Oakland Unified School District, Port of Oakland, the Oakland Coliseum Complex, the Paramount Theatre, and at any event venue within the City and open to the public:

- A. Which is held in any public park and/or facility or on any property and/or facility which is open to the public, and
- B. At which fifty (50) or more participants (including sponsors and guests) are present, and
- C. At which entertainment is provided by or for any person, and/or made available to any person, and/or
- D. For-profit entertainment activities of persons, entities and businesses who or which are currently licensed to regularly provide specified entertainment activities at fixed locations in the city but which holds an event that will foreseeably result in impacts on public safety, health, welfare, and police resources.

Exclusions: "Special Event," as defined in this section, shall not include:

- A. An event held in a private residence where no admission is charged, the event is not open or advertised to the public, and no extraordinary police services are required;
- B. An event held in a members-only facility at which the only participants are the members (and their invited nonpaying guests) and no extraordinary police services are required;
- C. Events sponsored by religious entities held in the religious entity's facility which only members by permission attend and no extraordinary police services are required;
- D. For-profit entertainment activities of persons, entities and businesses such as cabarets who or which are currently licensed to regularly provide specified entertainment activities at fixed locations in the city and no extraordinary police services are required;
- E. Any entertainment for which other special permits have previously been obtained, such as, but not limited to, parade permits, dance permits,

Item: _____

Finance & Management Comte.
October 27, 2009

short-term encroachment permits and city sponsored events otherwise permitted when the Chief of Police determines such other permits are more appropriate for the particular event.

F. Any event, series of events and/or specific type of event may be exempted at the discretion of the Chief of Police, based upon evidence that the event or events will not impact police services and will not affect public health, safety and welfare.

G. An event held at an East Bay Regional Park facility which is subject to existing permit application procedures adopted by the East Bay regional park district, provided the East Bay regional park district notifies all applicants that any person or entity issued a permit for an event at an East Bay regional park facility is liable for the provision by the Oakland Police Department of extraordinary police services that may be required as a result of the event.

Additionally, OMC section 9.50.050 F. provides that “Upon application, the applicant shall pay a fee as established by the City Master Fee schedule. The Chief of Police shall have the discretion to waive this fee for nonprofit organizations.” Although Oakland Municipal Code chapter 9.52 has long allowed for collection of a fee for processing an application, no fee has ever been set in the Master Fee Schedule until now. This ordinance amendment does not change the existing requirement that applications must be accompanied by payment of a fee.

It should be noted that staff will not charge an additional administrative fee for event permits processed for venues owned or operated by the Office of Parks and Recreation (OPRM), if fees have already been assessed by the OPRM agency.

PROJECT DESCRIPTION

Permitting Process

Small Event (50 – 100)

A small event will usually require one officer or sergeant a minimum of one half hour to process. If a disc jockey or other form of live entertainment is listed, staff requests from the applicant two other locations where they last performed, and contacts the venues or the local police agencies to better assess and/or confirm any incidents (or lack thereof) during the events. Sometimes staff is successful in making contact with these establishments in a timely manner; however, this is not always the case, and more time is needed to conduct follow-up phone calls or face-to-face contact.

Item: _____
Finance & Management Comte.
October 27, 2009

Medium Event (101 – 300)

A medium size event will usually require one officer or sergeant a minimum of one half to one hour to process. With medium size events, promoters or event planners are often used; if this is the case the last three locations where the disc jockeys or other event entertainment previously performed are requested, and the same process is followed.

Large Event (301 or more)

A large event will usually require one officer or sergeant a minimum of one to three hours to process. The same process is followed; however, staff requests three or more locations where the live entertainment has previously performed. Large events usually involve event promoters or event planners, and staff requests three or more locations where they have previously held special events.

During the approval process (small, medium or large event permit), if an event requires private security, staff must verify that the security company being used possesses a valid license in the State of California and confirms registration with the City of Oakland. (Note: the Office of Parks and Recreation requires that all youth events held at their facilities have security.) Additionally, staff evaluates the need for police services, as well as conducts media checks to see how the event has been advertised.

Many of the large events held in Oakland involve motorcycle groups and/or dances that may also require a traffic plan, in which case staff must meet with the organizer to ensure the event will not negatively impact the surrounding area.

Once the permit is approved, staff is required to send a signed copy of the permit to the applicant; this must be done by sworn staff as the Special Events Unit is currently not assigned clerical staff.

Parades/Festivals

Most parade/festival organizers begin meeting with staff a minimum of three months ahead of the event (motivated promoters begin meeting with staff six months prior to the event). These events require the involvement of other agencies, including Public Works, Oakland Fire, Alameda County Health Department, AC Transit, BART, etc.

In planning for parades, staff must establish a route, which helps determine the amount of police resources that will be needed; this also helps identify any businesses that may need to be contacted to make sure that construction will not be occurring during the event (i.e., EBMUD, PG&E, CalTrans, etc.).

Item: _____
Finance & Management Comte.
October 27, 2009

In planning for festivals, staff must obtain a blueprint of the event (drawing of locations for vendor booths, stages, first aid station, lost & found, portable restrooms, etc.), analyze and provide recommendations as needed. Festivals may also require involvement from other agencies, as mentioned above.

Additionally, parades and festivals require street closures, which means staff must verify that the organizer has properly notified the impacted community (local businesses and residents), as well as notifying the Oakland Fire Department, American Medical Response, Alameda County Sheriff Department, and AC Transit of the street closures so they can plan their routes in the area of the event during the set up, time of the event, and clean up period. Festivals and parades require many staff hours to coordinate, plan, and permit.

Encroachment Permits

Encroachment permits usually require one officer or sergeant at a minimum of one half to one hour process.

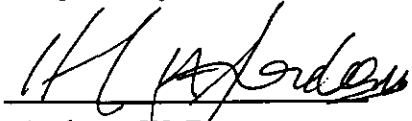
These permits are for street closures and require staff to verify that the organizer has properly notified the impacted community (local businesses and residents). As part of the application process, organizers are required to obtain signatures from members of the community. Staff uses this information to confirm with members of the community that they have been made aware of the event and that the planner or promoter is in compliance with the notification requirement. As with parades and festivals, other emergency response agencies must be notified of street closures so they can plan their routes accordingly.

Once all the procedures for an event have been verified by staff, i.e., checking, licenses and notifications, staff issues a special event permit.

RECOMMENDATION / ACTION REQUESTED OF THE COUNCIL

Staff recommends that the City Council accept this report and adopt the ordinance amending Ordinance No. 12948 C.M.S. (Master Fee Schedule) to reflect the new administrative fees associated with obtaining a special event permit from the Oakland Police Department.

Respectfully submitted,


For Anthony W. Batts
Chief of Police

Prepared by:
Mr. Gilbert Garcia
Fiscal Services Manager
Oakland Police Department

Reviewed by:
Ms. Cynthia Perkins
Legislative Analyst
Oakland Police Department

APPROVED AND FORWARDED TO
THE FINANCE & MANAGEMENT
COMMITTEE:


Office of the City Administrator

Item: _____
Finance & Management Comte.
October 27, 2009