

OAKLAND CITY COUNCILRESOLUTION No. 81537 C.M.S.

City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 JUL 30 PM 4:24

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR A DESIGNEE, TO 1) ENTER INTO A MEMORANDUM OF UNDERSTANDING, FOR THE PERIOD OF SEPTEMBER 30, 2008 THROUGH OCTOBER 1, 2009 AND RENEWABLE ANNUALLY, WITH THE US DEPARTMENT OF JUSTICE, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF) AND THE OAKLAND POLICE DEPARTMENT (OPD) TO COOPERATE IN THE OPERATION OF A JOINT OAKLAND FIREARM AND GANG TASK FORCE (TASK FORCE), AND 2) ACCEPT AND APPROPRIATE REIMBURSEMENT FUNDS 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

WHEREAS, the Oakland Police Department (hereinafter "OPD") wishes to enhance its ability to investigate and prosecute firearms and gang-related crimes; and

WHEREAS, the US Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (herein after "ATF") has offered to enter into a Memorandum of Understanding with OPD to establish a joint Oakland Firearms and Gang Task Force (herein after "Task Force") from September 30, 2008 through October 1, 2009, renewable annually; and

WHEREAS, entering into a Memorandum of Understanding with the ATF benefits the City by providing additional investigative resources to address firearms and gang-related crimes at no cost to the City; and

WHEREAS, the ATF has agreed to deputize two OPD police officers assigned to participate in the Task Force as Special Deputy US Marshals; and

WHEREAS, deputizing OPD investigators as federal agents provides them access to federal search and arrest warrants, federal grand juries and ability to seek federal prosecution of select firearms and gang-related crimes; and

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

WHEREAS, the only costs associated with participation in this Task Force are the existing personnel costs associated with two (2) Police Officers being assigned fulltime to the Task Force; and

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

WHEREAS, Oakland City Charter section 504(l) empowers the City Administrator to represent the City in its “intergovernmental relations” and to negotiate contracts, which includes Memorandums of Understanding, 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 Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives from September 30, 2008 through October 1, 2009, renewable annually; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator, or a designee, to accept all funds disbursed to the City of Oakland from the US Department of Justice Asset Forfeiture Fund in support of the Oakland Firearm and Gang Task Force in accordance with the terms of the Federal Sharing Agreement; and be it

FURTHER RESOLVED: That 85% of funds received for Federal Asset Forfeiture shall be deposited into Federal Asset Forfeiture – City Share Fund: 2912, Org:101140, Account: 43219, Project H76010, Program: PS12 and 15% of funds received shall be deposited into Federal Asset Forfeiture 15% Set-Aside Fund: 2910, Org: 101140, Account, 43219, Project H76020, Program PS12; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to renew, modify, extend, or amend any necessary agreement or other documents entered into in furtherance of this resolution, provided that no additional funds shall be allocated without prior Council approval; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 16 2008, 20

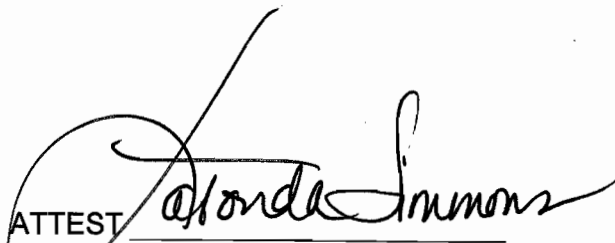
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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