

CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK
100

To: Office of the City Administrator
Attn: Deborah Edgerly
From: Police Department
Date: April 24, 2007

2007 APR 12 PM 5:29

Re: A Report and Proposed Resolution Authorizing The City Administrator or Her Designee, on Behalf of the City Of Oakland to 1) Accept and Appropriate Reimbursement Funds of Up To Fifteen Thousand Dollars (\$15,000) Annually, From the Port of Oakland to the Oakland Police Department Marine Unit for the Cost of Fuel for Marine Vessels Used to Patrol the Waterways in and Around the City of Oakland as Described in the Memorandum of Understanding with the Port of Oakland and, 2) Deposit all Funds Received From the Sale of Two Older Police Boats, and Other Donated Monies in a Separate Project to be Determined, to Off-Set the Maintenance and Equipment Costs of New Police Marine Vessels

SUMMARY

In April 2006, City Council approved Resolution No. 79589 C.M.S., authorizing the City Administrator to accept and appropriate \$177,600 from the Port of Oakland, Board of Port Commissioners, to the Oakland Police Department Marine Unit, for the purchase of marine patrol vessels, and security communications equipment. Additionally, the Port agreed to reimburse the Department \$15,000 annually for the cost of fuel, throughout the term of the agreement, which was not specified in Resolution No. 79589.

Staff has prepared a resolution which authorizes the City Administrator to 1) accept and appropriate reimbursement funds up to \$15,000 from the Port of Oakland to the Oakland Police Department Marine Unit for the cost of fuel and, 2) deposit all funds received from the sale of two older police boats, and other donated monies in a separate account (project to be determined), to off-set the maintenance and equipment costs of new marine vessels.

FISCAL IMPACT

Authorizing this resolution will allow the City to accept and appropriate funds, up to \$15,000 annually, from the Port of Oakland to the Oakland Police Department (OPD), for the cost of fuel for two OPD marine vessels per the Memorandum of Understanding and throughout the term of said agreement (November 1, 2005 to October 31, 2008). Appropriations will be allocated to the newly created Marine Vessel Fuel Project in the Police Department General Fund (1010), Special Operations Division Organization (101343), Program (PS13), Project (to be determined). This agreement does not require any matching funds and there are no other fees associated with this agreement. The Special Operations Section Marine Unit will be responsible for ensuring the terms set forth in the MOU are met.

Now that the Department has the new police marine vessel, one or both of the small police boats currently used by the Department will be sold for a total estimated price of \$30,000 - \$60,000. The revenues received from the sale of the two older boats, along any future donations funds,

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will be used to offset maintenance and equipment costs associated with the new boats. These funds will also be deposited in the newly created Marine Vessel Maintenance Project in the Police Department General Fund (1010), Special Operations Division Organization (101343), Program (PS13), Project (to be determined).

BACKGROUND

For the past 12 years, the Oakland Police Department has patrolled the City of Oakland waterfront and the Port of Oakland with vessels from private donations to the Department. Recently, the Department was able to purchase two new vessels from funds provided by a state grant (Resolution No. 79859 C.M.S.). The Port of Oakland agreed to reimburse the City \$15,000 annually, throughout the term of the agreement, for fuel costs; however this information was not included in the resolution language as required by City regulations, and is therefore being requested in the proposed resolution.

KEY ISSUES AND IMPACTS

Primary law enforcement responsibilities for the waterways within the City of Oakland boundaries, including the Estuary and portions of the San Francisco Bay, rest with the Oakland Police Department. Responsibilities include the investigation of maritime and small boat collisions, as well as the enforcement of various laws relating to the safe operation of recreational boats in and around numerous commercial vessels that use the same waterways. Additionally, the Department is responsible for the overall homeland security of the waters surrounding the maritime operations of the Port of Oakland.

The Police Department has shared obligations with the United States Coast Guard to maintain security in the exclusionary zone in the aforesaid water (in particular the shallow waters adjacent to the Oakland International Airport), as adopted in Ordinance No. 12068 C.M.S., dated June 15, 2004. The Oakland Police Department is the primary emergency response agency for waterborne incidents at the airport.

The Memorandum of Understanding with the Port of Oakland went into effect on November 1, 2005, and will expire on October 31, 2008. As a result of the missing language in Resolution No. 79859, the Department has not yet received any compensation from the Port of Oakland for fuel as agreed upon, and seeks to accept fuel reimbursement funds.

PROJECT DESCRIPTION

In cooperation with the Port of Oakland, OPD received two new boats in February 2007. By accepting a minimum of \$15,000 annually from the Port of Oakland for fuel costs associated with the new police boats, the Department can more effectively patrol waterways within the City of Oakland boundaries as outlined in the MOU with the Port of Oakland.

SUSTAINABLE OPPORTUNITIES

The marine vessels support the City of Oakland's efforts to protect the Port of Oakland. While conducting the patrols, personnel may be able to also identify navigational hazards, pollution violations and criminal activity on the water and waterfront.

Economic: Acceptance of these funds will help the City maintain the safety and security of two vital economic entities – the Port of Oakland and the Oakland International Airport; a more secure Port will more readily invite additional investments. Additionally, whenever possible, fuel for the boats will be purchased locally to support the local economy.

Environmental: The continued ability to identify pollution incidents and enforce laws relating to the pollution of the City's waterway will help to improve the quality of the Oakland Estuary and the San Francisco Bay.

Social Equity: Services provided by boat patrol will assist the community through improved police services.

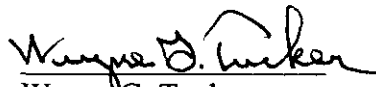
DISABILITY AND SENIOR CITIZEN ACCESS

There are no ADA or senior citizen access issues contained in this report.

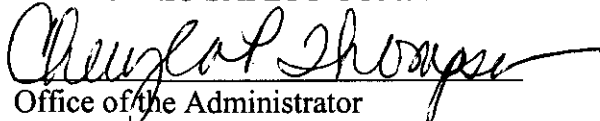
RECOMMENDATION

Staff recommends acceptance of this report and proposed resolution authorizing the City Administrator or her designee, on behalf of the City of Oakland, to 1) accept and appropriate reimbursement funds in the amount of fifteen thousand dollars (\$15,000) from the port of Oakland to the Oakland Police Department Marine Unit for the cost of fuel for marine vessels used to patrol the waterways in and around the City of Oakland as described in the Memorandum of Understanding with the Port of Oakland and, 2) deposit all funds received from the sale of two older police boats, and other donated monies in a separate project (to be determined), to off-set the maintenance and equipment costs of new police marine vessels.

Respectfully submitted,


Wayne G. Tucker
Chief of Police

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the Administrator

Prepared by: Sergeant Gary L. Tolleson
Special Operation Section
Strategic Area Command

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 City Attorney

OFFICE OF THE CITY CLERK

OAKLAND CITY COUNCIL

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RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE, ON BEHALF OF THE CITY OF OAKLAND TO 1) ACCEPT AND APPROPRIATE REIMBURSEMENT FUNDS OF UP TO FIFTEEN THOUSAND DOLLARS (\$15,000) ANNUALLY, FROM THE PORT OF OAKLAND TO THE OAKLAND POLICE DEPARTMENT MARINE UNIT FOR THE COST OF FUEL FOR MARINE VESSELS USED TO PATROL THE WATERWAYS IN AND AROUND THE CITY OF OAKLAND AS DESCRIBED IN THE MEMORANDUM OF UNDERSTANDING WITH THE PORT OF OAKLAND AND, 2) DEPOSIT ALL FUNDS RECEIVED FROM THE SALE OF TWO OLDER POLICE BOATS, AND OTHER DONATED MONIES IN A SEPARATE PROJECT TO BE DETERMINED, TO OFF-SET THE MAINTENANCE AND EQUIPMENT COSTS OF NEW POLICE MARINE VESSELS

WHEREAS, the Marine Unit of the Oakland Police Department is the City's designated regulator of waterway security in and around the City of Oakland including the Estuary and Oakland International Airport waterside; and

WHEREAS, the Port of Oakland provided funds in the amount of \$177,600 to the City of Oakland for the Oakland Police Department Marine Unit to purchase two new marine patrol vessels and communications equipment; and

WHEREAS, members of the Marine Unit currently patrol City of Oakland waterways with two small boats that are 20 years old and require extensive maintenance of both vessels and engines; and

WHEREAS, the Police Department has purchased a new police marine vessel, and believes that it is in the best interest of the City of Oakland for the Police Department Special Operations Section to sell the older police boat(s) currently used by the Department for an estimated total of \$30,000 - \$60,000 (fair market value to above); and

WHEREAS, the revenues received from the sale of the older police boat(s) shall be applied toward future maintenance and equipment expenses of the new marine vessel; and

WHEREAS, the Port of Oakland will also reimburse the City of Oakland up to \$15,000 annually for the cost of fuel to operate the new marine vessel throughout the term of the agreement (November 1, 2005 to October 31, 2008), as outlined in the Memorandum of Understanding between the Port of Oakland and the Oakland Police Department; and

WHEREAS, the Department shall submit to the Port of Oakland reasonable documentary evidence of the actual cost of such fuel as used by marine patrol vessels; and

WHEREAS, the City Council previously authorized acceptance of similar funds by Resolution No. 79374 C.M.S., dated July 19, 2005: Now, therefore be it

RESOLVED: That the City Council does hereby authorize the City Administrator or her designee on behalf of the City of Oakland to accept and appropriate up to \$15,000 annually from the Port of Oakland to the Oakland Police Department Special Operations Section for fuel used to operate marine vessels; and be it

FURTHER RESOLVED: That the funds received from the Port of Oakland for fuel reimbursement shall be maintained in Oakland Police Department’s newly created Marine Vessel Fuel Project of the Oakland Police Department General Fund (1010), Special Operations Section Organization (101343), Project (to be determined), and Program (PS13); and be it

FURTHER RESOLVED: That the City Council hereby finds that it is in the best interest of the City of Oakland for the Oakland Police Department Special Operations Section to sell the older police boat(s) at, or above fair market value; and be it

FURTHER RESOLVED: That revenues generated from the sale of the older police boat(s) not currently used by the Department, will be deposited into newly created Marine Vessel Maintenance Project in the Oakland Police Department General Fund (1010), Special Operations Section Organization (101343), Project (to be determined), Program (PS13); and be it

FURTHER RESOLVED: That revenues received through donations may also be accepted into the newly created Marine Vessel Maintenance Project in the Oakland Police Department General Fund (1010), Special Operations Section Organization (101343), Project (to be determined), Program (PS13), and may be used for marine vessel equipment, fuel, operations, and maintenance expenditures; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator or her designee as agent of the City to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the fuel reimbursement Memorandum of Understanding; and be it

FURTHER RESOLVED: That should additional funds be received for this project, the City Administrator or her designee, is hereby authorized to accept and appropriate the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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