

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2010 JUN 10 PM 1:34

To: Office of the City Administrator
Attn: Dan Lindheim
From: Police Department
Date: June 22, 2010

Re: A Report and Proposed Resolution Authorizing the City Administrator, Or His Designee, On Behalf of the City of Oakland, to Accept and Appropriate Grant Funds in an Amount Not to Exceed One Hundred Thousand Dollars (\$100,000) from the State of California, Department of Alcoholic Beverage Control (ABC), Grant Assistance Program (GAP), For a One-Year Alcohol Control Enforcement Project Within the Police Department

SUMMARY

A resolution has been prepared authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate grant funds in an amount not to exceed \$100,000 from the State of California, Department of Alcoholic Beverage Control (ABC), Grant Assistance Program (GAP), for a one-year alcohol control enforcement project in the Police Department. The proposed program period is July 1, 2010 through June 30, 2011.

The Alcoholic Beverage Control grant program is specifically designated to provide financial resources to law enforcement agencies throughout the State of California to expand their efforts in addressing alcohol-related problems through a comprehensive alcohol beverage control program. The primary goal of the Police Department's initiative is to increase the Department's ability to identify and prevent the unlawful sale of alcoholic beverages, including illegal alcohol sales to minors.

FISCAL IMPACT

Approval of this resolution will authorize the Police Department to accept and appropriate grant funds in an amount not to exceed \$100,000 for the enactment of its 2010/2011 Alcohol Control Enforcement Project. Revenues and appropriations will be allocated in the State of California Grant Fund: 2159; Alcoholic Beverage Action Team (ABAT) Organization (107710), Special Operations Program (PS13), in a Project Account to be determined. The funds will be allocated in keeping with the following spending plan:

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Description and Use of Funds	Amount
Personnel Charges (Sworn and Civilian Overtime)	\$95,296
Buy Monies	\$2,000
Equipment	\$2,204
Travel	\$500
TOTAL	\$100,000

Central Services Overhead (CSO) charges associated with the \$95,296 in charges for salary and wages equals \$12,998, based on a 13.64% calculation rate. However, the granting agency specifically disallows indirect costs (CSO). Therefore, the Department requests a waiver for applicable Central Services Overhead charges.

BACKGROUND

Alcoholic Beverage Action Team

The Oakland Police Department's Alcoholic Beverage Action Team focuses on the regulation of alcohol licensees and falls under the Special Operations Division within the Bureau of Field Operations. In August 1993, the Oakland City Council adopted a "Deemed Approved" program (Ordinance No. 11624 C.M.S.) designed to improve enforcement against problem alcoholic beverage sale establishments through the cooperative efforts of the OPD, the Office of Planning and Building and the State of California - Department of Alcoholic Beverage Control. The program levies an annual fee on alcohol outlets, which offsets a portion of the expenses incurred by the ABAT team, as well as costs associated with a full-time Attorney.

The Deemed Approved program not only subjects alcoholic beverage establishments within Oakland to specific performance standards, it also provides education, monitoring and enforcement to licensees and is designed to work as an administrative abatement mechanism.

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KEY ISSUES AND IMPACTS

The City of Oakland has implemented a practical system for tracking and documenting actions taken on nuisance alcohol establishments. However, ABAT's shortfall has been the lack of resources to implement expanded, citywide alcohol enforcement operations. In order to address the problems associated with disruptive and disorderly retail liquor outlets in Oakland, and to direct personnel and other resources in a more efficient and effective way, the ABAT Unit has identified the following goals and objectives:

Goals:

1. Reduce the degree of illegal alcohol sales to minors by 20% from the 2009 base year percentage of 25%;
2. Increase the number of narcotics enforcement operations conducted by the ABAT Unit by 75% from the 2009 base year total of 25%;
3. Identify and target ABC licensed establishments dealing in stolen property and target underserved high-crime neighborhoods as defined by crime statistics;
4. Reduce the number of incidents of loitering and nuisance in and around liquor; store outlets by 20% from the 2009 base year percentage of 25%; and
5. Reduce the percentage of crimes, inclusive of narcotic sales related to liquor outlets, by 20% from the 2009 base year percentage of 50%.

Objectives:

1. Identify, target, and abate problematic ABC licensed establishments;
2. Identify, target and abate narcotics sales and stolen goods type activities in "hot zones" throughout the City;
3. Expand collaborative efforts with the California Urban Cities Collaborative (CUCC) and its related alignment with ABC and other public safety agencies to ensure increased enforcement against problem alcohol outlets;
4. Expand collaborative efforts with Oakland's ABC office, ACD Environmental Health, and the Alameda County Public Health Department to ensure liquor outlet compliance with ABC compliance codes; and
5. Expand trainings for OPD officers in ABC's enforcement procedures, including conducting IMPACT inspections, minor decoy and shoulder tap operations, as well as fortifying outreach, education, and other resources offered to community and merchant organizations.

To accomplish these goals/objectives, the ABAT Unit shall enact the following actions by June 30, 2011:

1. Conduct no less than 1 Warrant Sweep by June 30, 2011.

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2. Conduct no less than 1 License Education on Alcohol and Drugs (LEAD) Training by June 30, 2011.
3. Conduct no less than 2 Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) Retail Operating Standards Task Force inspections by June 30, 2011.
4. Conduct no less than 26 Minor Decoy Shoulder Tap Operations by June 30, 2011.
5. Conduct no less than 5 Bar Check inspections by June 30, 2011.
6. Conduct no less than 6 Shoulder Tap operations by June 30, 2011.
7. Conduct no less than 5 Anti-Loitering operations by June 30, 2011.
8. Conduct no less than 5 Stolen Property Sting Operations by June 30, 2011.
9. Conduct no less than 5 Narcotics Buy Bust Operations by June 30, 2011.

PROGRAM DESCRIPTION

The primary goal of the OPD's Alcohol Control Enforcement Project is to enhance and expand the Police Department's Alcohol Beverage Action Team's (ABAT) ability to identify disruptive and disorderly retail liquor outlets and focus Oakland's limited resources to implement fast-track enforcement actions to remedy or eliminate problematic operations.

SUSTAINABLE OPPORTUNITIES

Economic

Supplies and reprographic needs will be purchased locally. The possible reduction in the amount of sales tax collected from alcohol products is offset by the improved opportunities for economic growth in areas where liquor stores are known as "problem" stores.

Environmental

ABAT inspections lead to reduced amounts of litter around liquor store locations.

Social Equity

Grant funds and other resources contributed to the initiative are directed toward achieving increased service levels and long-term benefits for communities throughout the City of Oakland.

DISABILITY AND SENIOR CITIZEN ACCESS

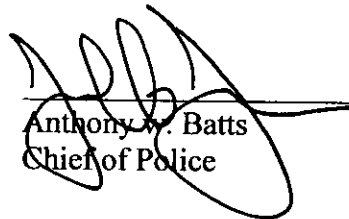
There are no ADA or senior citizen access issues contained in this report

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RECOMMENDATION / ACTION REQUESTED OF THE CITY COUNCIL

The Oakland Police Department recommends that the City Council adopt the resolution authorizing the City Administrator to accept grant funds in an amount not to exceed \$100,000 from the State of California, Department of Alcoholic Beverage Control, and appropriate said funds to the Police Department for alcohol control enforcement activities.

Respectfully submitted,

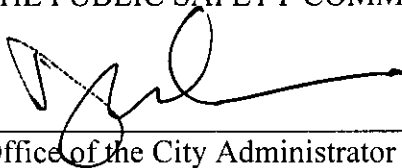


Anthony W. Batts
Chief of Police

Prepared by:

Sgt. Leroy Johnson
Alcohol Beverage Action Team (ABAT) Unit
Bureau of Field Operations

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:



Office of the City Administrator

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A. McCann
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2010 JUN 10 PM 1:34 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000) FROM THE STATE OF CALIFORNIA, DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC), GRANT ASSISTANCE PROGRAM (GAP), FOR A ONE-YEAR (2010-2011) ALCOHOL CONTROL ENFORCEMENT PROJECT WITHIN THE POLICE DEPARTMENT

WHEREAS, it anticipated that grant funds in an amount not to exceed \$100,000 will be received from the State of California, Department of Alcoholic Beverage Control (ABC), Grant Assistance Program (GAP), for a one-year Alcohol Control Enforcement Project within the Police Department; and

WHEREAS, these State of California Grant funds are to be used to expand law enforcement efforts to address alcohol-related problems through a comprehensive alcohol beverage control program within the City of Oakland; and

WHEREAS, the Police Department's primary goal through the ABC Enforcement Project is to identify and prevent the unlawful sale of alcoholic beverages and the illegal sale of alcohol to minors; and

WHEREAS, the proposed grant does not allow for any indirect costs (Central Services Overhead) charges in the amount of \$12,998, and the Department has requested a waiver of said charges; and

WHEREAS, the City Council previously authorized the acceptance of similar grant funds by Resolution No. 78554 C.M.S. dated May 18, 2004, and Resolution No. 82212 C.M.S. dated July 21, 2009; now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator or his designee to accept up to \$100,000 in grant funds from the State of California, Department of Alcoholic Beverage Control and appropriate said funds to the Police Department; and be it

FURTHER RESOLVED: That the funds shall be maintained in the State of California Grant Fund: 2159; Alcoholic Beverage Action Team (ABAT) Organization (107710), Special Operations Program (PS13), in a Project Account to be determined; and be it

FURTHER RESOLVED: That Central Services Overhead costs of \$12,998 (13.64%) are hereby waived; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator as agent of the City, or his designee, to execute all agreements and other documents necessary in connection with the grant and complete any negotiations, certifications, and documentation required to accept, modify, extend, or amend the grant award provided no additional funds will be allocated without prior City Council approval.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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