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OFFICE OF THE CITY CLERK  
OAKLAND

2014 DEC 30 PM 1:54

## AGENDA REPORT

**TO:** HENRY L. GARDNER  
INTERIM CITY ADMINISTRATOR

**FROM:** Sean Whent

**SUBJECT:** Abandoned Watercraft Abatement Fund  
Public Safety Grant

**DATE:** December 12, 2014

City Administrator  
Approval

Date 12-30-14

**COUNCIL DISTRICT:** City-Wide

### **RECOMMENDATION**

Staff recommends that the City Council approve a Resolution authorizing the City Administrator, or designee, to accept and appropriate grant funds from the State of California Department of Parks and Recreation, Division of Boating and Waterways in an amount not to exceed fifty-two thousand three hundred dollars (\$52,300) to fund the Oakland Police Department Marine Enforcement Unit in the abatement, removal, storage, and/or disposal of eligible water hazards from October 1, 2014 through October 1, 2016, and authorize a 10% match of five thousand two hundred thirty dollars (\$5,230), as required by the terms of the grant.

### **OUTCOME**

Adoption of this resolution will assist the Oakland Police Department Marine Enforcement Unit with abatement of abandoned derelict vessels. The Marine Enforcement Detail will award the derelict vessel removal project to the salvage company that provides the lowest bid for removal. Removal of the vessels will begin at the earliest possible date, as the vessels pose a hazard to navigation as well as the environment.

### **BACKGROUND/LEGISLATIVE HISTORY**

For the past 20 years, the Oakland Police Department Marine Enforcement Unit has patrolled the City of Oakland waterfront and the Port of Oakland. The Marine Detail currently consists of four officers operating four law enforcement vessels.

It has been estimated that there are more than 3,000 vessels berthed in Oakland. This figure does not include the large number of trailer-able pleasure craft that launch and use the waterways each day. The Department has primary law enforcement responsibilities for the waterways within the

Item: \_\_\_\_\_  
Public Safety Committee Meeting  
January 13, 2015

City's boundaries. These waterways include the Estuary and portions of the San Francisco Bay. Responsibilities include patrolling the Bay Bridge and the Port of Oakland terminals, conducting investigations of maritime and small boat collisions, and enforcing various laws related to safe recreational boat operation around the numerous commercial vessels that use the same waterways.

City Council has previously authorized acceptance of similar grant funds by Resolution No. 79374 C.M.S., dated July 9, 2005, Resolution No. 79641 C.M.S., dated December 20, 2005, and Resolution No. 83246 C.M.S., dated February 17, 2011.

### **ANALYSIS**

Abandoned or derelict vessels have historically been a problem in the Oakland-Alameda Estuary. These vessels pose a hazard to navigation as well as the environment. OPD's Marine Enforcement Detail previously spearheaded a multimillion dollar cleanup project within the Oakland Estuary, partnering with other local law enforcement agencies as well as Cal Recycle, California State Lands Commission, the U.S. Environmental Protection Agency (EPA), and the U.S. Coast Guard to remove 73 abandoned, derelict, or sunken vessels. The project took two years and over seven million dollars to complete. The funds utilized for the cleanup were obtained through grants received from the State of California, U.S. Coast Guard, and EPA.

Since OPD engaged in this large scale cleanup operation, the Department adopted a submerged navigational hazard abatement plan that provides for the control or abatement of water hazards, including, but not limited to abandoned watercraft, wrecked watercraft, hazardous floating debris, submerged vessels, objects, and abandoned piers and pilings. The Department is working toward partnering with the Alameda Police Department, the Alameda County Sheriff's Office, and the Port of Oakland on this plan.

### **PUBLIC OUTREACH/INTEREST**

This item did not require any additional public outreach other than the required posting on the City's website.

### **COORDINATION**

The City Attorney's Office and the Controller's Office were consulted in preparation of this report.

### **COST SUMMARY/IMPLICATIONS**

#### **SOURCE OF FUNDING:**

Funding will be appropriated to the City of Oakland's State of California Grant Fund (2159), Special Operations Division (107710), Special Operations Program (PS13), and project to be

Item: \_\_\_\_\_  
Public Safety Committee  
December 16, 2014

determined. The appropriation is solely an addition to City funds and cannot be used to supplant City funding from any other fund. A ten percent (\$5,230) in-kind match is required by the grant. Any funding used for this in-kind match will be drawn from General Purpose Fund (1010); Special Operations Division (107710); Special Operations Program (PS13); and Non-Project (0000000).

**FISCAL IMPACT:**

Approval of this resolution will authorize the City Administrator to accept grant funds in the amount of \$52,300 from the State of California Department of Parks and Recreation, Division of Boating and Waterways Abandoned Watercraft Abatement Fund Grant to the Oakland Police Department for use by the Marine Enforcement Detail.

**SUSTAINABLE OPPORTUNITIES**

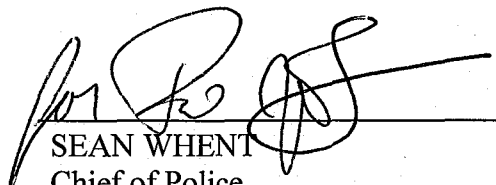
**Economic:** Acceptance of the grant will help the City maintain clean waterways and improve the vitality of the Oakland Estuary. If possible, the OPD Marine Enforcement Detail will work with locally based professional salvage companies via the bid process.

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

**Social Equity:** The services provided through this initiative will assist the community through improved police services and enhanced police-community relations.

For questions regarding this report, please contact D. Nell Taylor, Fiscal Manager at (510) 238-3288.

Respectfully submitted,



SEAN WHENT  
Chief of Police  
Oakland Police Department

Prepared by:  
Andrea Van Peteghem, Acting Grants Coordinator  
Fiscal Services, Oakland Police Department

Item: \_\_\_\_\_  
Public Safety Committee  
December 16, 2014

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# OAKLAND CITY COUNCIL

*Arnold S. Sotol*  
City Attorney

2014 DEC 30 PM 1:54 RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS IN AN AMOUNT NOT TO EXCEED FIFTY-TWO THOUSAND THREE HUNDRED DOLLARS (\$52,300) TO FUND THE OAKLAND POLICE DEPARTMENT MARINE ENFORCEMENT UNIT IN THE ABATEMENT, REMOVAL, STORAGE, AND/OR DISPOSAL OF ELIGIBLE WATER HAZARDS FROM OCTOBER 1, 2014 THROUGH OCTOBER 1, 2016 AND AUTHORIZE A TEN PERCENT MATCH OF FIVE THOUSAND TWO HUNDRED THIRTY DOLLARS (\$5,230) AS REQUIRED BY THE GRANT TERMS.**

**WHEREAS**, the Marine Enforcement Unit of OPD is the City's designated regulator of waterway security in and around the City of Oakland; and

**WHEREAS**, members of the Marine Enforcement Unit are tasked with security of the ports and waterways of the Estuary and Oakland International Airport waterside; and

**WHEREAS**, the State of California, Department of Parks and Recreation, Division of Boating and Waterways has awarded the City of Oakland a grant in the amount of \$52,300 for the use of the OPD Marine Enforcement Detail; and

**WHEREAS**, the State of California, Department of Parks and Recreation, Division of Boating and Waterways requires a ten percent local match of \$5,230; and

**WHEREAS**, the grant funds will be used funds for OPD to use for the abatement, removal, storage, and/or disposal of eligible water hazards; and

**WHEREAS**, the grant period of performance is October 1, 2014 - October 1, 2016; and

**WHEREAS**, the City Council previously authorized acceptance of similar grant funds by Resolution No. 79374 C.M.S., dated July 9, 2005, Resolution No. 79641 C.M.S., dated December 20, 2005, and Resolution No. 83246 C.M.S., dated February 17, 2011; now therefore be it

**RESOLVED:** That the City Council authorizes the City Administrator or his designee to accept and appropriate a State of California, Department of Parks and Recreation, Division of Boating and Waterways (AWAF) grant funds in the amount not to exceed \$52,300, for OPD; and be it

**FURTHER RESOLVED:** That the funding will be appropriated in the State of California Grant Fund (2159); Special Operations Division (107710); Special Operations Program (PS13); and Project Account to be determined; and

**FURTHER RESOLVED:** That OPD will contribute up to \$5,230 from the General Purpose Fund (1010); Special Operations Division (107710); Special Operations Program (PS13); and Non-Project (0000000) to meet the local match requirement; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator 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, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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