



CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 OCT 15 PM 6:43

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

Re: A Report and Proposed Resolution Authorizing The City Administrator To Enter Into A Security Agreement With the Oakland Coliseum Joint Venture, LLC (OCJV) For the Period of November 7, 2009 Until the June 30, 2011 Termination of the Current Arena Management Agreement, to Provide Security Services At The Oakland-Alameda County Coliseum Complex, and Parking Facility

SUMMARY

Staff has prepared a report and proposed resolution authorizing the City Administrator, on behalf of the City of Oakland, to enter into a security agreement with the Oakland Coliseum Joint Venture, LLC (OCJV) to provide security services at the Oakland-Alameda County Coliseum Complex and Parking facility for the period November 7, 2009 until the June 30, 2011 termination of the current Arena Management Agreement.

FISCAL IMPACT

Approval of this resolution will allow the Police Department to enter into a security agreement with OCJV to provide law enforcement security services at the Oakland-Alameda County Coliseum Complex, and Parking facility. In consideration of this agreement, all services provided by the Oakland Police Department (OPD) shall be paid for by the OCJV, including the actual costs of Police Department personnel pursuant to the City's Master Fee Schedule and in accordance with Memorandums of Understanding between the City, the Oakland Police Officers' Association, and Local 1021. Additionally OCJV shall pay the Central Services Overhead rate as defined by the City's Administrative Instruction 1303 at a rate of 13.64%.

All reimbursements shall be received in the General Purpose Fund (1010), Traffic Administration's Organization Code (107510), General Purpose Project (0000), Traffic Program to be determined.

BACKGROUND

The Oakland-Alameda County Coliseum Authority is a joint powers venture (Authority) between the City of Oakland, County of Alameda, and owner of the Oakland-Alameda County Coliseum Complex, located at 7000 Coliseum Way, Oakland, CA 94621. The Coliseum Complex consists of the Coliseum Stadium, Arena, Parking facility and other facilities or property owned or controlled by the City of Oakland and/or County of Alameda. Oakland-

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Alameda County Coliseum, Inc. is the administrator of the Complex for the Authority, and OCJV is the manager of the Complex (under an Arena Management Agreement dated January 1, 2001). The Complex is the site of various events, including, but not limited, to sporting, music, and entertainment events.

The Oakland Police Department has provided police security services in previous years for events held in the Complex. As such, OCJV seeks to enter into an agreement with the City to continue providing security services at the Complex for sporting and entertainment events occurring within its facilities.

KEY ISSUES AND IMPACTS

At times the two parties have disagreed about staffing levels required at an event and the enforcement of laws regulating the smoking of combustible materials (including, without limitation, tobacco and cannabis) in the Complex. OPD understands that the smoking of combustible materials anywhere in the Complex is prohibited and not tolerated by OCJV, and is committed to performing law enforcement duties associated with these unlawful acts when it is safe and prudent to proceed; however, it should be noted that *at no time* will OPD place the enforcement of these laws over the safety of its security personnel. OCJV is aware of the Department's policy concerning enforcement of the above stated regulations and understands OPD's position.

At all times, in performing security services, OPD personnel shall enforce the provisions of OMC Chapter 8.44 - Security for Events at the Oakland-Alameda Coliseum Complex, with respect to the Parking Facility (OMC 8.44.040) and the Stadium (OMC 8.44.030).

Another key concern with providing law enforcement security services to Coliseum Complex events has been City litigation costs and damages paid in settlements and judgments arising from police action at the Complex. The proposed agreement includes favorable terms for the City. Under the current arrangement (no written agreement), claims alleging personal injury arising from police use of force or arrest have been defended by the City, and any settlements or judgments have been paid the City. This proposed agreement requires the OCJV to name the City and its employees on its liability insurance policy to cover the costs of such claims and lawsuits. The proposed agreement also requires OCJV to defend and indemnify the City and its employees from all claims and lawsuits arising from the law enforcement security services furnished under this agreement. The noted exception is when the harm or damage is the result of the willful misconduct or illegal acts of a City employee; then the City will be financially responsible. The City will also be responsible for damage to the OCJV's own equipment and property when such damage is caused by a City employee.

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PROGRAM DESCRIPTION

The Oakland Police Department shall be the exclusive *law enforcement* agency to provide security services at the Complex, along with Civilian Security Services secured by OCJV, with the exception of events sponsored by the National Football League (NFL) or Oakland Raiders. During NFL or Oakland Raiders sponsored events, the Alameda County Sheriff's Department will provide security services in conjunction with OPD and Civilian Security Services secured by OCJV.

OCJV will be required to notify OPD at least 21 calendar days before the commencement of an event and provide a full description of the event including the:

- performance times;
- performers or participating teams;
- expected crowd size,
- number and type of civilian security staffing assigned to work the event;
- number of OPD personnel requested for the event; and
- scheduled times OPD security is needed.

All requests shall be made in writing to the OPD Special Events Coordinator and sent via fax or email. OPD will respond within five business days informing OCJV of the number of police personnel to be assigned and the hours they will work for the event. OCJV will be required to respond (in writing) within two days of the Department's notification to acknowledge receipt and confirm the agreement of security requirements.

It will be the responsibility of OCJV to determine the number of additional Civilian Security personnel needed to sufficiently staff each event and retain them.

Should challenges or issues arise, or additional information become known that requires the Department to assign additional police or request civilian security personnel, OPD will inform OCJV of the number of additional staff required. OCJV must then confirm within 24 hours that it will retain the additional police and/or civilian security personnel to meet the event security requirements. If OPD and OCJV disagree about the number of needed law enforcement security personnel recommended by the Oakland Police Department, OCJV may appeal the matter to the Oakland City Administrator no later than 14 calendar days before the event.

The security process outlined above shall also be used during Oakland Raiders and NFL sponsored events where OPD security is requested in conjunction with the Alameda County Sheriff's Department personnel, and Civilian Security Services hired by OCJV.

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DISABILITY AND SENIOR CITIZEN ACCESS

There are no Americans with Disabilities Act (ADA) or senior access issues or opportunities identified in this report.

SUSTAINABLE OPPORTUNITIES

Social Equity: The use of OPD security personnel for events conducted at the Oakland-Alameda County Coliseum will provide professional law enforcement security services for patrons attending the events, and help ensure a safe environment for residents of the Oakland.


Economic: By making events at the Coliseum safer, patrons will be more likely to attend functions conducted at the Oakland-Alameda County Coliseum; thereby creating a positive effect on the local economy. Furthermore, the insurance and indemnity provisions of the proposed agreement will shift the financial burden to the OCJV for most claims and lawsuits involving police force and arrest arising from security services provided to the Complex.

Environmental: There are no environmental concerns associated with this report.

RECOMMENDATION / ACTION REQUESTED OF THE COUNCIL

Staff recommends that the City Council accept this report and approve the proposed resolution authorizing the City Administrator, on behalf of the City of Oakland, to enter into a security agreement with the Oakland Coliseum Joint Venture, LLC (OCJV) to provide security services at the Oakland-Alameda County Coliseum Complex, and Parking facility for the period November 7, 2009 until the June 30, 2011 termination of the Arena Management Agreement.

Respectfully submitted,

 D. KOZICKI
for

Howard Jordan
Assistant Chief of Police

Prepared by:
Acting Captain Anthony Banks, Sr.
Support Operations Division
Oakland Police Department

Acting Lieutenant Pete Espinoza
Support Services Division
Oakland Police Department

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

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:



Office of the City Administrator

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Approved as to Form and Legality

DRAFT
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A SECURITY AGREEMENT WITH THE OAKLAND COLISEUM JOINT VENTURE, LLC (OCJV) FOR THE PERIOD OF NOVEMBER 7, 2009 UNTIL THE JUNE 30, 2011 TERMINATION OF THE CURRENT ARENA MANAGEMENT AGREEMENT, TO PROVIDE SECURITY SERVICES AT THE OAKLAND -ALAMENDA COUNTY COLISEUM COMPLEX AND PARKING FACILITY

WHEREAS, the Oakland-Alameda County Coliseum Authority is a joint powers venture (Authority) between the City of Oakland, County of Alameda, and owner of the Oakland-Alameda County Coliseum Complex, located at 7000 Coliseum Way, Oakland, CA 94621; and

WHEREAS, the Coliseum Complex consists of the Coliseum Stadium, Arena, Parking facility and other facilities or property owned or controlled by the City of Oakland and/or County of Alameda; and

WHEREAS, Oakland-Alameda County Coliseum, Inc. is the administrator of the Complex for the Authority, and Oakland Coliseum Joint Venture, LLC (OCJV) is the manager of the Complex (under an Arena Management Agreement dated January 1, 2001); and

WHEREAS, the Complex is the site of various events, including, but not limited, to, sporting, music, and entertainment events; and

WHEREAS, the Oakland Police Department has provided police security services in previous years for events held in the Complex. As such, OCJV seeks to enter into an agreement with the City to provide security services at the Complex for sporting and entertainment events occurring within its facilities; and

WHEREAS, the Oakland Police Department shall be the exclusive *law enforcement* agency to provide security services at the Complex along with Civilian Security Services secured by OCJV, with the exception of events sponsored by the National Football League (NFL) or Oakland Raiders; during NFL or Oakland Raiders sponsored events, the Alameda County Sheriff's Department will provide security services in conjunction with OPD and Civilian Security Services secured by OCJV; and

WHEREAS, all expenses will be charged to the General Purpose Fund (1010), Traffic Administration's Organization Code (107510), General Purpose Project (0000), Traffic Program (i), and each event will be given a different Program (i) to allow for tracking and billing purposes; now, therefore be it

RESOLVED: That the City Council does hereby authorize the City Administrator, on behalf of the City of Oakland's Police Department, to enter into a security agreement with Oakland Coliseum Joint Venture, LLC (OCJV) to provide security services at the Oakland-Alameda Coliseum Complex and Parking Facility for the period of November 7, 2009 until the termination of the January 1, 2001 Arena Management Agreement or any extension thereof, and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this agreement for services, except for any increase in the contract amount, without returning to the City Council; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve said agreement with Oakland Coliseum Joint Venture, LLC (OCJV), as to form and legality, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

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