

MISSING ORIGINAL LEGISLATION

Resolution / Ordinance Number: 8 3 4 3 2

City Council Meeting Date 6-21-2011

Agenda Item No. 7.40

Recorded Vote 8 Ayes

Reason for Missing Legislation:

- Draft submitted in agenda packet, original never received
- Council amended legislation at the meeting

Responsible Contact Information

Department President Pro Tem De La Fuente

Contact Person/Ext. Claudia Burgos x 7051

Notes (if any)

11 MAY -5 PM 6:58

Approved as to Form and Legality

City Attorney's Office

OAKLAND CITY COUNCIL
RESOLUTION No. _____ C.M.S.

DRAFT

Introduced by Councilmember Ignacio De La Fuente

Resolution Supporting Assembly Bill 1389 (Allen) "Clarity On California DUI Checkpoints" Which Would Establish Uniformity In The Way That DUI Checkpoints And Vehicle Impoundments Are Conducted Across The State

WHEREAS, A 2010 report by the Investigative Reporting Program at UC Berkeley showed that local law enforcement agencies conducting checkpoints were towing the vehicles of unlicensed drivers at a rate of as much as 20 times the rate of arrests made for DUI's; and

WHEREAS, In recent years, checkpoints throughout the state of California are increasingly coming under scrutiny for their negative impact on drivers that are NOT driving under the influence; and

WHEREAS, This legislation will improve safety while providing protection for low-income communities and all drivers who are bearing the costs of unclear, unsafe, and non-standard policies regarding checkpoints, towing and vehicle impoundments; and

WHEREAS, This bill would authorize the Department of the California Highway Patrol, and a City, County, or City and County, by ordinance or resolution, to establish a sobriety checkpoint program on highways within their respective jurisdictions to identify drivers who are in violation of specified DUI offenses; and

WHEREAS, This bill would require that the program be conducted by the local governmental agency or department with the primary responsibility for traffic law enforcement; and

WHEREAS, The bill would require that the selection of the site of the checkpoint and the procedures for a checkpoint operation be determined by supervisory law enforcement personnel and that the law enforcement agency employ a neutral methodology for determining which vehicles to stop at the checkpoint or that all vehicles that drive through the checkpoint be stopped; now, therefore be it

RESOLVED: That the City of Oakland declares its support for AB 1389 (Allen); and be it

FURTHER RESOLVED: That the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for the above position in the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL,
SCHAFF, and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California