

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 MAY 12 AM 11:50

To: Office of the City Administrator
Attn: Deborah Edgerly
From: Police Department
Date: May 24, 2005

Re: A Report and Proposed Resolution Authorizing the City Administrator 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, For a One-Year Alcohol Control Enforcement Project Within the Police Department and Authorizing the Department to Enter into a Contract for Services with the State of California for Implementation of Said Initiative

SUMMARY

A resolution has been prepared authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate a grant in an amount not to exceed \$100,000 from the State of California, Department of Alcoholic Beverage Control, 2005-2006 Alcoholic Beverage Control grant program. The proposed program period is July 1, 2005 through June 30, 2006. The resolution also reflects that, upon approval of the grant to the City, the State of California will issue a contract for services for implementation of the initiative.

Funding allocated through 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, through the Vice/Narcotics Section, 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

It is anticipated that the Department will receive State of California grant funds of up to \$100,000 for the Police Department's Alcohol Control Enforcement Project. Revenues and appropriations will be allocated in the State of California Grant Fund: 2159, Vice/Narcotics Org.: 105622; Alcoholic Beverage Action Team (ABAT) Program: PS12, in a Project Account to be determined. The funds will be allocated as follows:

Item: _____
Public Safety Committee
May 24, 2005

Description and Use of Funds	Amount
Police overtime charges	\$54,520
Civilian overtime charges	40,425
Buy Monies for Decoy and Shoulder Tap ¹	2,500
Equipment	710
Travel	1,845
TOTAL	\$100,000

The applicable costs of Central Services Overhead (CSO) charges associated with the \$94,945 charges for salary and wages equals \$16,872, based on a 17.77% calculation rate. However, the granting agency specifically disallows indirect (CSO) charges. 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 (ABAT), which focuses on the regulation of alcohol licensees, 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 part-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. A Deemed Approved Advisory Committee (DAAC), consisting of 6 licensees and 6 community members meets monthly. The DAAC, assisted by OPD staff, produces an anti-loitering manual and develops strategies to evaluate alcohol control enforcement efforts.

The City of Oakland is committed to abating nuisance liquor stores via the Deemed Approved program and the ABAT staff. The OPD has assigned one supervising Sergeant, two Police

¹ Shoulder tap operations are conducted using the services of youth decoy participants. Youths are positioned outside of alcohol outlets and subsequently petition the assistance of adult patrons to purchase alcoholic beverages on their behalf. Once the adult has purchased the alcohol and delivers it back to the youth decoy, the adult is cited for the offense by a police officer.

Officers, two Police Services Technicians, an Administrative Analyst II/Planner, and one part time Attorney to the Alcoholic Beverage Action Team. By meeting with licensees and their staff, the OPD, through ABAT, encourages alcohol licensees to make site improvements, i.e. increased lighting, a clean environment, discouragement of loitering and proper signage to encourage better behavior from patrons and potential loiters. Citations, arrests and the threat of Deemed Approved Hearings are additional enforcement tools.

2004 Enforcement Operations

The following is an overview of alcohol site inspections performed by ABAT over a 4-year period, inclusive of SMART and Minor Decoy Operations:

Operation Type	2001	2002	2003	2004
Site visits	655	781	818	801
Inspections	142	151	114	105
SMART Inspections	15	19	23	11
Re-inspections	29	10	22	11
Decoy Attempts	55	53	76	55
Decoy Sales (sale to minors)	16	22	13	7
Bar Checks	N/A	N/A	110	85
TOTAL	912	1,036	1,176	1,075

KEY ISSUES AND IMPACTS

The ABAT Unit, through enactment of the Alcohol Control Enforcement Project, expects to conduct a minimum of 300 liquor store inspections, 250 minor decoy operations, 100 bar checks, 100 shoulder tap operations, 30 anti-loitering operations, and 3 liquor store operator training classes throughout the City of Oakland. The grant funds will provide ABAT more resources to expand not only the number of alcohol enforcement operations conducted annually (focusing upon problem outlets), but also the geographic focus, to include establishments not previously reported and/or cited for violations.

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.

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.

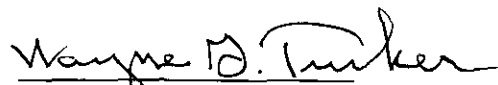
DISABILITY AND SENIOR CITIZEN ACCESS

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

RECOMMENDATION


The Oakland Police Department recommends that the City Council authorize 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 authorizes the Department to enter into a Contract for Services, to be issued by the State of California for implementation of the Alcohol Control Enforcement Program.

Respectfully submitted,


Wayne G. Tucker
Chief of Police

Prepared by: Candice Jessie
Fiscal Services Division
Bureau of Administration

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

Item: _____
Public Safety Committee
May 24, 2005

OAKLAND CITY COUNCIL

[Signature]
CITY ATTORNEY
OAKLAND, CALIFORNIA

RESOLUTION No. _____

C.M.S. 2005 MAY 12 AM 11:50

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR 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, FOR A ONE-YEAR ALCOHOL CONTROL ENFORCEMENT PROJECT WITHIN THE POLICE DEPARTMENT AND AUTHORIZING THE DEPARTMENT TO ENTER INTO A CONTRACT FOR SERVICES WITH THE STATE OF CALIFORNIA FOR IMPLEMENTATION OF SAID INITIATIVE

WHEREAS, it is anticipated that grant funds in an amount not to exceed one hundred thousand dollars (\$100,000) will be received from the State of California, Department of Alcoholic Beverage Control, 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 Alcohol Control 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 \$16,872, and the Department has requested a waiver of said charges; and

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

RESOLVED: That the City Council hereby authorizes the City Administrator or her 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; Vice/Narcotics Org.: 105622; Alcoholic Beverage Action Team Program PS12; with a Project Number to be established; and be it

FURTHER RESOLVED: That Central Services Overhead costs of \$16,872 (17.77%) are hereby waived; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the grant award; and be it

FURTHER RESOLVED: that upon approval of the grant to the City of Oakland, the State of California will issue a contract for services for implementation of the initiative, and that the City Administrator or her designee is hereby authorized to enter into said agreement in an amount not to exceed \$100,000 for the implementation of the Alcohol Control Enforcement Project.

FURTHER RESOLVED: That the City Attorney shall review and approve said agreement with the State of California 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, BRUNNER, CHANG, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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