

# OAKLAND CITY COUNCIL

RESOLUTION NO. 83493 = C.M.S.

City Attorney

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

**A RESOLUTION REQUESTING AUTHORITY TO:**

**(1) JOIN THE BAY AREA REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM JOINT POWERS AUTHORITY (“BAYRICS JPA”;OR “JPA”) BY EXECUTING THE PROPOSED JPA AGREEMENT (“AGREEMENT”), INCLUDING AN ANNUAL MEMBERSHIP FEE IN AN AMOUNT NOT-TO-EXCEED TWENTY FOUR THOUSAND FIVE HUNDRED DOLLARS (\$24,500.00), AND**

**(2) SUBLEASE, ASSIGN OR TRANSFER TO THE JPA PART OR ALL OF OAKLAND’S SPECTRUM WAIVER AND/OR LEASE RIGHTS AS MAY BE GRANTED BY THE FEDERAL COMMUNICATIONS COMMISSION (the “FCC”) PURSUANT TO THE PETITION FILED BY OAKLAND, SAN FRANCISCO AND SAN JOSE WITH THE FCC, AND**

**(3) TO TAKE SUCH STEPS NECESSARY TO EFFECTUATE THESE AGREEMENTS ON BEHALF OF THE CITY OF OAKLAND, WITHOUT RETURN TO COUNCIL**

**WHEREAS**, the City of Oakland (“City”) desires to join the Bay Area Regional Interoperable Communications System Joint Powers Authority (“BayRICS JPA”; or “JPA”) by executing the proposed Agreement, and

**WHEREAS**, the BayRICS JPA was developed and established through the cooperative work of the City of Oakland, City of San Francisco, and City of Jose, and 10 counties; consisting of Alameda, Contra Costa, Marin, Napa, San Francisco, Santa Clara, Santa Cruz, San Mateo, Solano, and Sonoma (collectively, the “Bay Area”; or “Members”); and,

**WHEREAS**, the BayRICS JPA creates a local governmental entity to exercise the powers shared in common by its Members to engage in regional, cooperative planning and coordination of governmental services, and to develop the technological systems, communications, and applications projects (the “Systems”) that promote interoperability in the Bay Area or are otherwise consistent with its goals; and,

**WHEREAS**, the Members seek to create a governance structure and process to resolve technical and operational issues in the development, operation and management of such Systems; identify funding mechanisms for the Systems; and, anticipate and address future advanced information and communications needs; and

**WHEREAS**, the inter-agency communication issues which occurred during the Oakland Hills fire, Loma Prieta earthquake, and other more recent man-made and natural disasters have made it abundantly clear that there is a need for coordinated public safety response as a major component of the Systems the Members decide to construct; and

**WHEREAS**, the deployment of such Systems will require a public safety broadband network infrastructure to allow interoperable communications among the Systems; and,

**WHEREAS**, the Members seek to construct and operate a regional broadband network to enable the public safety Systems to achieve interoperability; and,

**WHEREAS**, Article 5.06 of the Agreement states the JPA's intent to construct and operate a regional interoperable public safety broadband communications system on any radio spectrum that the FCC authorizes for public safety use now or in the future; and

**WHEREAS**, to enable the objectives of the JPA, the FCC granted the petition of the Bay Area Cities (the City of Oakland, San Jose and the City and County of San Francisco) to use the 700 Megahertz spectrum for early deployment of a Bay Area regional public safety broadband network; and

**WHEREAS**, as a member of the Bay Area Cities, the City of Oakland, along with the other members of the Bay Area Cities, are contemplating the transfer or assignment of their spectrum use rights to the BayRICS JPA to enable its objectives;

**WHEREAS**, Article V , subsection I of the Oakland City Charter provides that the City Council can direct the City Administrator to represent the City in its intergovernmental relations and to negotiate contracts for joint governmental actions, subject to Council approval.

**NOW THEREFORE, IT BE RESOLVED**, the City Council of the City of Oakland hereby finds, determines, declares and resolves as follows:

**RESOLVED:** That, pursuant to Article V, subsection I, of the Oakland City Charter the Council hereby authorizes and directs the City Administrator to represent the City with respect to the JPA and to negotiate and enter into an Agreement to join the JPA as permitted under the Joint Exercise of Powers Act, California Government Code Section 6500 et seq.; and

**FURTHER RESOLVED:** That the City Administrator is authorized to execute the Agreement and to take such other steps as are necessary to join and become a fully participating member of the JPA, including, but not limited to, taking all reasonable steps to ensure that the JPA adopt bylaws that have weighted voting that: (1) reflects Oakland's size, number of responders, and/or consider any other factors which the City Administrator deems reasonable for Oakland to: (A) join the JPA as a member and (B) sublease, assign or transfer to the JPA part or all of Oakland's spectrum waiver and/or lease rights as may be granted by the FCC pursuant to the petition filed by Oakland, San Francisco and San Jose with the FCC; and

**FURTHER RESOLVED:** That the payment by Oakland of the membership fee in an amount not to exceed twenty four thousand five hundred dollars (\$24,500.00) and the appointment of a Director to the Board to represent the City is hereby authorized; and

**FURTHER RESOLVED:** That the City Administrator is authorized to, on behalf of the City

of Oakland, take such steps as the FCC may require of the Bay Area Cities to sublease, assign or transfer to the JPA, part or all Oakland's spectrum waiver and/or lease rights as may be granted by the FCC pursuant to the Petition filed with the FCC; and to take all actions necessary to effectuate these agreements and to ensure that regional public safety projects managed and implemented by the JPA are successful, including appointing staff resources, assignment or transfer of spectrum waivers or lease rights, granting leases, subleases, or licenses, without returning to Council; and be it

**FURTHER RESOLVED:** That the agreement(s) and other actions authorized hereunder shall be reviewed and approved by the Office of the City Attorney for form and legality and filed with the Office of the City Clerk.

**JUL 19 2011**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2011

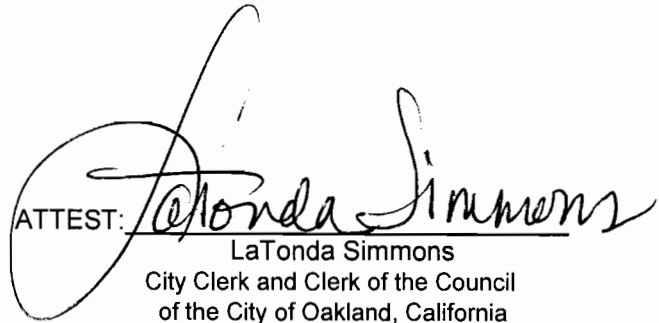
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAFF, and PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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