

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 JUL -2 AM 10:12

To: Office of the City Administrator
Attn: Dan Lindheim
From: Police Department
Date: July 14, 2009

Re: A Report and Proposed Resolution Authorizing the City Administrator, On Behalf of the City of Oakland, 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 (ABC), Grant Assistance Program (GAP), For a One-Year Alcohol Control Enforcement Project Within the Police Department

SUMMARY

A resolution has been prepared authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate grant funds in an amount not to exceed \$100,000 from the State of California, Department of Alcoholic Beverage Control (ABC), Grant Assistance Program (GAP), for a one-year alcohol control enforcement project in the Police Department. The proposed program period is July 1, 2009 through June 30, 2010.

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 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

Approval of this resolution will authorize the Police Department to apply for, accept and appropriate grant funds that have been awarded to the Department in an amount of \$100,000 for the enactment of its 2009/2010 Alcohol Control Enforcement Project. Revenues and appropriations will be allocated in the State of California Grant Fund: 2159; Alcoholic Beverage Action Team (ABAT) Organization (107710), Special Operations Program (PS13), in a Project Account to be determined. The funds will be allocated in keeping with the following spending plan:

Item: _____
Public Safety Committee
July 14, 2009

Description and Use of Funds	Amount
Personnel Charges (Sworn Overtime)	\$77,279
Minor Decoy Operations (Program Coordination, Buy Monies for Decoy and Shoulder Tap Operations ¹)	\$19,300
Equipment	\$1,197
Travel	\$2,224
TOTAL	\$100,000

Central Services Overhead (CSO) charges associated with the \$77,279 charges for salary and wages equals \$10,540, based on a 13.64% calculation rate. However, the granting agency specifically disallows indirect costs (CSO). 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 focuses on the regulation of alcohol licensees and 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.

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.

Item: _____
Public Safety Committee
July 14, 2009

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 help evaluate alcohol control enforcement efforts.

KEY ISSUES AND IMPACTS

The primary goal of the OPD's Alcohol Control Enforcement Project is to enhance and expand the Police Department's Alcohol Beverage Action Team's (ABAT) ability to identify disruptive and disorderly retail liquor outlets and focus Oakland's limited resources to implement fast-track enforcement actions to remedy or eliminate problematic operations. The City of Oakland has implemented a practical system for tracking and documenting actions taken on nuisance alcohol establishments. However, ABAT's shortfall has been the lack of resources to implement expanded, citywide alcohol enforcement operations. In order to address the problems associated with disruptive and disorderly retail liquor outlets in Oakland, and to direct personnel and other resources in a more efficient and effective way, the ABAT Unit has identified the following goals and objectives:

Goals:

1. Reduce the number of illegal alcohol sales to minors by 20% from the 2008 base year percentage of 30%.
2. Reduce the number of incidents of loitering and nuisance in and around liquor store outlets by 20% from the 2008 base year percentage of 30%.
3. Reduce the percentage of crimes, inclusive of narcotic sales, related to liquor outlets by 20% from the 2008 base year percentage of 50%.

Objectives:

1. Identify, target, and abate problematic ABC licensed establishments.
2. Further expand collaborative efforts with Oakland's ABC office, ACD Environmental Health, and the Alameda County Public Health Department to ensure liquor outlet compliance with ABC compliance codes.
3. Increase levels of alcohol enforcement training sessions offered to Police Officers, community-based organizations and other service groups (Training will not be charged to the grant).

Item: _____
Public Safety Committee
July 14, 2009

To accomplish these programmatic goals/objectives, the ABAT Unit shall enact the following actions by June 30, 2010:

1. Conduct a minimum of 10 IMPACT/ROSTF² inspections.
2. Conduct a minimum of 25 Minor Decoy Operations.
3. Conduct a minimum of 5 Bar Check inspections.
4. Conduct a minimum of 10 Shoulder Tap operations.
5. Conduct a minimum of 3 Anti-Loitering operations.
6. Conduct a minimum of 4 Liquor Store Operator Trainings.

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.

Social 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

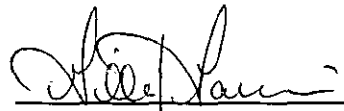
There are no ADA or senior citizen access issues contained in this report

² IMPACT is an acronym for Informed Merchants Preventing Alcohol-Related Crime Tendencies. ROSTF is an acronym for Retail Operating Standards Task Force. In essence, it's a pro-active strategy to address public nuisance problems at the point of sale on a community-wide scale.

ACTION REQUESTED OF THE CITY COUNCIL

The Oakland Police Department recommends that the City Council adopt the resolution authorizing 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 appropriate said funds to the Police Department for alcohol control enforcement activities.

Respectfully submitted,



Howard Jordan
Acting Chief of Police

Prepared by: Candice Jessie
Budget and Grants Administrator
Fiscal Services Division
Office of the Chief of Police

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:



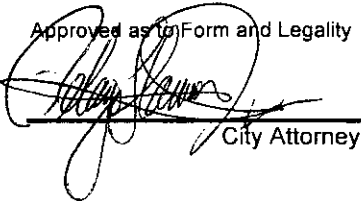
Office of the City Administrator

Item: _____
Public Safety Committee
July 14, 2009

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 JUL -2 AM 10: 12

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, 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 (ABC), GRANT ASSISTANCE PROGRAM (GAP), FOR A ONE-YEAR ALCOHOL CONTROL ENFORCEMENT PROJECT WITHIN THE POLICE DEPARTMENT

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 (ABC), Grant Assistance Program (GAP), 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 \$10,540, 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 his 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; Alcoholic Beverage Action Team (ABAT) Org.: 107710; Special Operations Division Program PS13; with a Project Number to be established; and be it

FURTHER RESOLVED: That Central Services Overhead costs of \$10,540 (13.64%) are hereby waived; 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 the grant award.

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