

2021 APR 22 PM 4:16

Amia Sharif

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 88623 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE OAKLAND POLICE DEPARTMENT (OPD) AND ALL PEACE OFFICER AGENCIES ALONG THE LENGTH OF GRIZZLY PEAK BOULEVARD IN ALAMEDA AND CONTRA COSTA COUNTIES TO WORK TOGETHER TO EFFICIENTLY AND EFFECTIVELY PROVIDE PUBLIC SAFETY SERVICES THROUGHOUT GRIZZLY PEAK BOULEVARD

WHEREAS, the City Administrator convened an Interdepartmental Wildfire Prevention Working Group (Working Group) in the spring of 2020 and an immediate concern about Grizzly Peak Blvd was brought to the forefront because large gatherings in the evenings, especially on weekends, were creating many hazards, especially with increased numbers of illegal fireworks being discharged leading up to the 4th of July Holiday; and

WHEREAS, the Oakland Fire Department (OFD) tracked six wildfires on Grizzly Peak in a short 6-week period, the majority of which were caused by fireworks; and

WHEREAS, as people gathered late into the evening to consume alcohol, traffic collisions were especially dangerous along this winding stretch of roadway and there have been incidents of violence and gun shootings occurring at the road turn-outs; and

WHEREAS, There are nine separate turn-outs where this activity occurs and while those locations are all accessed by the City of Oakland roadway, the underlying turn-outs are under the jurisdiction of UC Berkeley, the City of Berkeley, and the East Bay Regional Park District; and

WHEREAS, while the Working Group was successful in devising and implementing a number of measures to help prevent or forestall wildfires and deter illegal parking and other illegal activities, the Working Group collectively agreed that establishing a Memorandum of Understanding (MOU) would help provide clarity to each agency and to the public that the authority to take enforcement action in this area is shared; and

WHEREAS, the MOU authorizes all agencies to retain their authority to provide initial or supplementary public safety services and enforcement within the area regardless of primary jurisdiction and also clarifies that discovered or reported crimes requiring significant follow-up investigation should be turned over to the primary jurisdiction unless otherwise mutually agreed; and

WHEREAS, the MOU also clarifies that if representatives of any agency become aware of an incident at a location where their agencies have concurrent jurisdiction and are not able to determine which agency has primary jurisdiction, the agency which discovered or was first notified of the incident will retain the responsibility to provide any law enforcement and/or other necessary public safety services until such time that the jurisdiction issue is agreed upon; and

WHEREAS, by entering into an MOU, officers from any agency that are available can respond and assist in the region's wildfire prevention efforts; now, therefore be it

RESOLVED: That the City Administrator is authorized to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend and/or amend an MOU between the Oakland Police Department (OPD) and all peace officer agencies along the length of Grizzly Peak Boulevard in Alameda and Contra Costa Counties in order to provide seamless and effective peace officer and fire prevention services; and be it

FURTHER RESOLVED: That in accordance with Article IV, Section 401(6) of the City Charter, the MOU authorized by this resolution shall be approved by as to form and legality before execution, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 0 4 2021

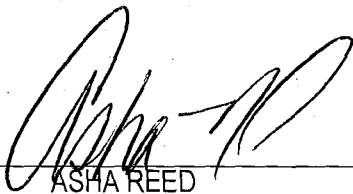
PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO, AND PRESIDENT FORTUNATO-BAS. -8

NOES -

ABSENT -

ABSTENTION

ATTEST: 
ASHA REED
City Clerk and Clerk of the Council
of the City of Oakland, California