

CITY OF OAKLAND
AGENDA REPORT

To: 2010 Office of the City Administrator
Attn: Dan Lindheim
From: Police Department
Date: December 14, 2010

Re: A Report And Proposed Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Funds In An Amount Not To Exceed Fifteen Thousand Dollars (\$15,000) Annually For Three Years From The Port Of Oakland, Board Of Port Commissioners, To Reimburse The Police Department For Fuel And Maintenance Costs Associated With Use Of Marine Patrol Vessels By The Marine Unit For Law Enforcement And Port Security Of Oakland Waterways, And Authorizing The Department To Enter Into A Memorandum Of Understanding With The Port Of Oakland From January 1, 2011 To December, 31 2013 For Implementation Of This Agreement

SUMMARY

Staff has prepared a resolution authorizing the City Administrator, on the behalf of the City of Oakland, to accept and appropriate funds in the amount of \$15,000 annually for three years from the Port of Oakland, Board of Port Commissioners, to reimburse the Oakland Police Department for fuel and maintenance costs associated with use of the marine patrol vessels by the Marine Unit for law enforcement and Port security of Oakland waterways, and authorizing the Department to enter into a Memorandum of Understanding (MOU) with the Port of Oakland for the period January 1, 2011 through December 31, 2013, for implementation of this agreement.

FISCAL IMPACT

The Port of Oakland will compensate fuel and maintenance costs for two OPD marine vessels up to \$15,000 per year for the duration of the MOU. There are no match requirements associated with this grant, and all funds shall be managed by the Commander of the Special Operations Division. Funds associated with this project shall be maintained in the State of California Grant Fund: 2999; Special Operations Division Org.: 105610; Marine Unit Program: PS13; in a Project Account to be determined.

BACKGROUND

For the past 16 years, the Oakland Police Department has patrolled the City of Oakland waterfront and the Port of Oakland with vessels from private donations to the Department. In 2007, the Department purchased two new vessels from a state grant (Resolution No. 79859. C.M.S., dated April 20, 2006). The agenda report associated with the above referenced resolution outlines the Port's agreement to reimburse the City \$15,000 annually for the cost of fuel. The past MOU has since expired and this year the Port has agreed to continue to reimburse

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the City under a new MOU, up to \$15,000 annually for the cost of fuel, and additionally allow for the use of these funds to provide for maintenance.

KEY ISSUES AND IMPACTS

Primary law enforcement responsibilities for the waterways within the City of Oakland boundaries, including the Estuary and portions of the San Francisco Bay, rest with the Oakland Police Department. Responsibilities include the investigation of maritime and small boat collisions, as well as the enforcement of various laws relating to the safe operation of recreational boats in and around numerous commercial vessels that use the same waterways. Additionally, the Department is responsible for the overall homeland security of the waters surrounding the maritime operations of the Port of Oakland.

The Police Department has shared obligations with the United States Coast Guard to maintain security in the exclusionary zone in the aforesaid water (in particular the shallow waters adjacent to the Oakland International Airport), as adopted in Ordinance No. 12068 C.M.S., dated June 15, 2004. The Oakland Police Department is the primary emergency response agency for waterborne incidents at the airport.

Over the past 3 years two major incidents have caused harm to the San Francisco Bay waters:

- In November of 2007, 53000 gallons of heavy fuel oil spilled from the ship Cosco Busan.
- In October of 2009 the ship *Dubai Star* suffered a rupture in one of its fuel lines, spilling 400-800 gallons of intermediate fuel oil into the waters of southern San Francisco Bay.

Under each of these circumstances, the Oakland Marine Unit deployed the security response boats to provide immediate assistance in mitigating the spread of the spills. During the Dubai Star incident, the OPD Marine Unit was first on scene and began containing the spill before other responders arrived.

PROJECT DESCRIPTION

In cooperation with the Port, OPD received two new boats in February 2007. Acceptance of the money for fuel and maintenance from the Port will allow the Police Department to operate the boats for purposes outlined in an MOU between the City and the Port.

SUSTAINABLE OPPORTUNITIES

The marine vessels support the City of Oakland's efforts to protect the Port of Oakland. While conducting the patrols, personnel may be able to also identify navigational hazards, pollution violations, and criminal activity on the water and waterfront.

Economic: The proposed funds will help the City maintain the safety and security of two vital economic entities – the Port of Oakland and the Oakland International Airport. Whenever

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possible the fuel and maintenance will be purchased locally. A more secure Port will more readily invite additional investments.

Environmental: The continued ability to identify pollution incidents such as the Dubai Star and Cosco Busan, and enforce laws relating to the pollution of the City's waterway will help to improve the quality of the Oakland Estuary and the San Francisco Bay.

Social Equity: Services provided will assist the community through improved police services.

DISABILITY AND SENIOR CITIZEN ACCESS

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

RECOMMENDATION


Staff recommends acceptance of this report and resolution authorizing the City Administrator, on the behalf of the City of Oakland, to accept and appropriate funds in the amount of \$15,000 annually for three years from the Port of Oakland, Board of Port Commissioners, to reimburse the Oakland Police Department for fuel and maintenance costs associated with use of the marine patrol vessels by the Marine Unit for law enforcement and Port security of Oakland waterways, and authorizing the Department to enter into a Memorandum of Understanding (MOU) with the Port of Oakland for the period January 1, 2011 through December 31, 2013, for implementation of this agreement.

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:



Office of the City Administrator

Respectfully submitted,



FOR Anthony W. Batts
Chief of Police

Prepared by:
Officer James K. Gordon
Special Operation Division
Marine Patrol Unit

Reviewed by:
Ms. Cynthia Perkins
Legislative Analyst
Oakland Police Department

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FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

A. MacFarland
City Attorney

2010 DEC -2 PM 12:57 **RESOLUTION NO. _____ C.M.S.**

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT AND APPROPRIATE FUNDS IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000) ANNUALLY FOR THREE YEARS FROM THE PORT OF OAKLAND, BOARD OF PORT COMMISSIONERS, TO REIMBURSE THE POLICE DEPARTMENT FOR FUEL AND MAINTENANCE COSTS ASSOCIATED WITH USE OF MARINE PATROL VESSELS BY THE MARINE UNIT FOR LAW ENFORCEMENT AND PORT SECURITY OF OAKLAND WATERWAYS, AND AUTHORIZING THE DEPARTMENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE PORT OF OAKLAND FROM JANUARY 1, 2011 TO DECEMBER, 31 2013 FOR IMPLEMENTATION OF THIS AGREEMENT

WHEREAS, the Marine Unit of the Oakland Police Department is the City's designated regulator of waterway security in and around the City of Oakland including the Estuary and Oakland International Airport waterside; and

WHEREAS, members of the Marine Unit currently patrol City of Oakland waterways with two small boats that require maintenance of both vessels and engines; and

WHEREAS, the Port of Oakland will reimburse the City of Oakland up to \$15,000 annually throughout the term of the agreement for the cost of fuel and maintenance; and

WHEREAS, the City Council previously authorized acceptance of similar funds by Resolution No. 79374 C.M.S., dated July 19, 2005; now, therefore be it

RESOLVED: That the City Council does hereby authorize the City Administrator or his designee to accept and appropriate funds in the amount of \$15,000 annually for three years from the Port of Oakland, Board of Port Commissioners, to reimburse the Oakland Police Department for fuel and maintenance costs associated with use of the marine patrol vessels by the Marine Unit for law enforcement and Port security of Oakland waterways: and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator, on behalf of the City of Oakland, to enter into a Memorandum of Understanding (MOU) with the Port of Oakland for the period January 1, 2011 through December 31, 2013, for implementation of this agreement; and be it

FUTHER RESOLVED: That said funds associated with this project shall be maintained in the State of California Grant Fund: 2999; Special Operations Division Org.: 105610; Marine Unit Program: PS13; in a Project Account to be determined; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator or his designee as agent of the City to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the fuel, and maintenance reimbursement memorandum of understanding.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DELAFUENTE, 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