

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

  
City Attorney

RESOLUTION No. 77636 e.m.s.  
03 JAN 23 PM 12:14

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO PAY STATE-APPROVED MEDICAL PROVIDERS THEIR COSTS/FEEES FOR STATE-MANDATED FORENSIC EVIDENCE EXAMINATIONS FOR VICTIMS OF SEXUAL ASSAULT ON AN ONGOING BASIS WITHOUT RETURN TO COUNCIL, AND TO PAY TO CHILDREN'S HOSPITAL AN AMOUNT NOT TO EXCEED SIXTY FIVE THOUSAND DOLLARS (\$65,000) FOR FORENSIC EXAMS PROVIDED FROM DECEMBER 2000 TO JUNE 2002**

**WHEREAS**, California Penal Code Section 13823.95 requires that local law enforcement agencies pay for forensic evidence examinations of sexual assault victims when the offenses occur within their jurisdictions; and

**WHEREAS**, the examination and treatment of adolescent and adult sexual assault victims in Alameda County is provided by Alameda County Medical Center/Highland Hospital and the examination and treatment of child sexual assault victims in Alameda County is provided by Children's Hospital Oakland (CHO) pursuant to guidelines as set forth in the legislation and standards specified the protocol; and

**WHEREAS**, the Police Department currently has a contract with Highland Hospital for the provision of mandated services which expires on June 30, 2003; and

**WHEREAS**, the last Police Department contract with CHO expired on December 31, 1998; and

**WHEREAS**, CHO has continued in good faith to provide the forensic evidence examinations in conformance with guidelines as set forth in the legislation and standards specified in Alameda County's protocol; and

**WHEREAS**, the Police Department desires to pay Children's Hospital all outstanding invoices billed for services rendered from December 2000 to June 2002, and desires to continue to pay Children's Hospital for the required services and any other forensic evidence services provided by CHO which the City deems necessary for a particular case; and

**WHEREAS**, the Police Department desires to pay for services mandated under California Penal Code Section 13823.95 rendered by all state-approved providers as needed; and

**WHEREAS**, funds in the total amount of one hundred eighty thousand dollars (\$180,000) to pay for state mandated forensic examinations are budgeted in the Police Department's baseline budget in General Fund 1010, Organizations 102210 (\$70,000) and 102410 (\$110,000), Account 54311; now, therefore be it

**RESOLVED:** That the City Council hereby authorizes the City Manager, or his designee, to pay, by purchase order and/or on an invoice basis, for forensic evidence examinations for victims of sexual assault as mandated in California Penal Code Section 13823.95 and pursuant to requirements set forth therein; and, be it

**FURTHER RESOLVED:** That the services may be provided by Alameda County Medical Center/Highland Hospital, Children's Hospital Oakland, or any other state-approved provider of forensic exam services for victims of sexual abuse/assault crimes; and, be it

**FURTHER RESOLVED:** Said authorization includes the payment of sums owed to Children's Hospital Oakland for forensic exam services provided from December 2000 to June 2002; and, be it

**FURTHER RESOLVED:** The authorization set forth herein shall remain in effect for the same period as the California Penal Code Section 13823.95, or another provision of law, mandates that payments for forensic exams of sexual abuse/assault victims be made by the local law enforcement agencies.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 04 2003, 2003

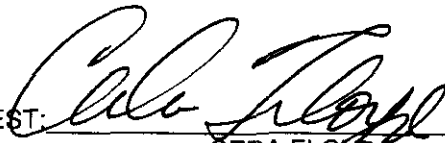
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN ~~and PRESIDENT DE LA FUENTE~~ - 7

NOES- ~~0~~

EXCUSED - DE LA FUENTE - 1  
ABSENT-

ABSTENTION- ~~0~~

ATTEST:   
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California