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# CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Administrator  
Dan Lindheim  
City Administrator

(510) 238-3301

May 5, 2009

Oakland City Council  
Oakland, California

President Brunner and Members of the City Council:

**RE: Revision to the Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Three Million Three Hundred And Eleven Thousand Six Hundred And Eighty Dollars (\$3,311,680) From The U.S. Department Of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program, American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package") And Appropriate Said Funds To The Police Department**

## SUMMARY

At its meeting of April 28, 2009, the Public Safety Committee directed staff to amend the proposed resolution to accept and appropriate grant funds from the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program, which is part of the American Recovery and Reinvestment Act of 2009 (ARRA), to provide a spending plan on the proposed use of the funds for the Oakland Police Department. A revised resolution has been developed which provides the following spending plan for the \$3,311,680 formula grant: 1) Training for \$240,000; 2) Crime analysis including Compstat for \$783,130; 3) Special enforcement for \$1,206,150; 4) Tactical and operational equipment for \$582,400; 5) Technology for \$200,000; 6) the 911 Recorder for \$260,000; and 7) \$40,000 for Accountancy services. The entire spending plan funds essential programs in the FY 2009-11 OPD general fund budget. But for this funding, these existing programs would have to be cut. The spending categories and associated allocations are described in the amended resolution.

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Although the Public Safety Committee, on April 28, directed staff to allocate JAG formula funds towards the civilianization of OPD Internal Affairs Division (IAD), this is problematic for the following reasons:

1. There is no Council approved plan for the civilianization of IAD. There is no specificity as to the staffing resources required to support this function such as professional personnel (e.g., attorneys, investigators, etc.), administrative personnel, operations and maintenance, City Attorney support, or other details with regard to the deployment of resources.
2. Assuming the merits of the civilianization of IAD, the details are complex. The Committee directed staff to determine how to implement such a proposal. Without specific recommendations, it is difficult to develop a spending plan that would conform to the requirements of the granting agency.
3. There are substantial Negotiated Settlement Agreement (NSA) implications that need to be analyzed.
4. While it is argued that the civilianization may lessen expenditures, unless sworn personnel are eliminated, we will be adding personnel to the budget. This increase in City employees will negate the deficit-reducing benefits of the grant. Additionally, we will be committing ourselves to future expenses for which we have no foreseeable budget resources.

## RECOMMENDATION

It is recommended that the Council adopt the attached resolution to accept and appropriate the JAG grant in the amount of \$3,311,680.

Respectfully submitted,



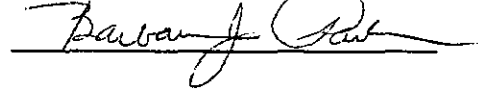
Dan Lindheim  
City Administrator

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REVISED - APRIL 30, 2009

APPROVED AS TO FORM AND LEGALITY



## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED THREE MILLION THREE HUNDRED AND ELEVEN THOUSAND SIX HUNDRED AND EIGHTY DOLLARS (\$3,311,680) FROM THE U.S. DEPARTMENT OF JUSTICE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (FEDERAL GOVERNMENT'S "STIMULUS PACKAGE") AND APPROPRIATE SAID FUNDS TO THE POLICE DEPARTMENT**

**WHEREAS**, it is anticipated that grant funds totaling up to \$3,311,680 will be received from the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program, for a broad range of activities to prevent and control crime through the Police Department; and

**WHEREAS**, the U.S. Department of Justice, Bureau of Justice Assistance, provides funding through the Edward Byrne Memorial Justice Assistance Grant program to units of local government for the purpose of reducing crime and improving public safety; and

**WHEREAS**, the proposed program period for the initiative is July 1, 2009 through June 30, 2013; and

**WHEREAS**, the Government Code requires that the Chief of Police request the local jurisdiction's legislative body to appropriate said funds solely for front line law enforcement services in accordance with the Chiefs spending plan; and

**WHEREAS**, Government Code Section 30062(d) defines front-line law enforcement services to include community crime prevention programs; and

**WHEREAS**, the proposed spending plan will facilitate the City Council's goal of crime reduction through City-wide community policing and other strategies; and

**WHEREAS**, the sum of up to \$3,311,680 in FY 2009 Justice Assistance grant funds must be allocated in accordance with the JAG spending plan; and

**WHEREAS**, the City Council previously authorized acceptance of similar grant funds by Resolution No. 81581 C.M.S. dated October 7, 2008, Resolution No. 80873 C.M.S. dated October 2, 2007, Resolution No. 80128 C.M.S. dated September 19, 2006, Resolution No. 79764 C.M.S. dated March 7, 2006, and Resolution No. 79378 C.M.S. dated July 19, 2005; now, therefore be it

**RESOLVED**: That the City Council does hereby implement the provisions of the California Government Code by accepting and increasing estimated revenues and appropriations to the Police Department by up to \$3,311,680 over four years in Justice Assistance Grant funds, plus accrued interest earnings, in accordance with the following spending plan: 1) Training for \$240,000; 2) Crime analysis including Compstat for \$783,130; 3) Special enforcement for \$1,206,150; 4) Tactical and operational equipment for \$582,400; 5) Technology for \$200,000; 6) the 911 Recorder for \$260,000; and 7) \$40,000 for accountancy services; and be it

**FURTHER RESOLVED**: That the City Council hereby authorizes the City Administrator or his designee to accept and appropriate a grant in an amount not to exceed \$3,311,680 from the U.S. Department of Justice, Edward Byrne Memorial Justice Assistant Grant (JAG) Formula Program, to be allocated to the Federal Grant Fund (2112); Office of the Chief of Police - Administration Division Org. (101110); Project Account (G378910); and be it

**FURTHER RESOLVED**: That the City Council hereby appoints the City Administrator as agent of the City to conduct all negotiations, applications, agreements, and related actions which may be necessary for the completion of the aforementioned grant.

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

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