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OFFICE OF THE CITY CLERK
OAKLAND

21 SEP 10 AM 9:38

Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 88816 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE CONCORD POLICE OFFICERS ASSOCIATION (CPA) TO DEFINE THE TERMS FOR USE OF THE CPA FIREARMS RANGE BY THE OAKLAND POLICE DEPARTMENT (OPD) IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY THOUSAND DOLLARS (\$260,000) PER YEAR FOR A THREE (3) YEAR TERM FOR THE PERIOD OF JANUARY 1, 2022 THROUGH DECEMBER 31, 2024, FOR A TOTAL NOT TO EXCEED AMOUNT OF SEVEN HUNDRED EIGHTY THOUSAND DOLLARS (\$780,000).

WHEREAS, the California Commission on Peace Officer Standards and Testing (POST) requires that police officers train in the use of firearms each year to maintain otherwise-perishable firearms skills; and

WHEREAS, police officer trainees in police training academies must also have access to firearms practice as part of POST requirements; and

WHEREAS, OPD does not own its own firearms range and thus must find other law enforcement firearms ranges to supply facilities for all required training purposes; and

WHEREAS, OPD presently uses both the Concord Police Officer Association (CPA) Range located at 5060 Avila Road in Concord and the Contra Costa Office of the Sheriff (CCOF) Fire Range to ensure that sworn personnel have access to the firearm, and

WHEREAS, OPD relies on the CPA Range in particular for police officer trainee academy and other ongoing required annual firearms training; and

WHEREAS, OPD has historically been able to use Cooperative Agreements established by local cities to contract with CPA for use of its gun range municipalities; and

WHEREAS, OPD has processed \$232,075 in invoices for the 2019-20 Fiscal Year (FY) and \$200,621 in invoices for FY 2020-21 via cooperative government

contracts; and

WHEREAS, Article V, Section 504(l) of the Oakland City Charter requires that the City Council approve all intergovernmental relationships and contracts; now, therefore be it

RESOLVED: That the City Administrator or designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend and/or amend an agreement with the Concord Police Officer Association (CPA) for the use of their firing range and a separate agreement for the use of the CPA Live Fire Shoot House by OPD personnel; and be it

FURTHER RESOLVED: that this agreement between Oakland and CPA will stipulate a use cost, currently at \$60.00 per hour, with a minimum two-hour use; and be it

FURTHER RESOLVED: that OPD's spending authority for use of the CPA gun range shall be for up to two hundred sixty thousand dollars per year as long as the agreement is in place; and be it

FURTHER RESOLVED: funds from Fund 1010 - General Fund: General Purpose, Organization 103430 - Training Unit, Account 53211 - Rental: Land and Building, Project 1000008 - DP1000 Administrative Project, PS09 - Police Training.; and be it

FURTHER RESOLVED: that the separate Live Fire Shoot House Agreement between CPA and the City of Oakland stipulates a use cost, currently at \$75.00 per hour, with a minimum two-hour use; and be it

FURTHER RESOLVED: that both the Range Use Agreement and the Live Fire Shoot House Agreement will require that OPD supply a qualified Range Master to control all live firing exercise; the OPD Range Master shall possess a California Board of Police Officer Standards and Training (POST) Certification; and be it

FURTHER RESOLVED: that through the Range Use Agreement, the City of Oakland will indemnify, defend, and hold harmless CPA and its officers, directors, members, agents and employees from and against any and all claims, damages and/or liabilities arising from, out of, or in connection with the negligent use of or willful misconduct of OPD personnel, agents, invitees, or guests of the CPA range facilities; and be it

FURTHER RESOLVED: that the Range Use Agreement stipulates that both parties reserve the right and authority to terminate the agreement with or without cause; either party may immediately terminate the agreement for cause following the other party's breach of any term or condition, or without cause by providing the other party ten (10) days' notice prior to such termination taking effect; and be it

FURTHER RESOLVED: That in accordance with Article IV, Section 401(6) of the City Charter, the agreements 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, SEP 21 2021


PASSED BY THE FOLLOWING VOTE:

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

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