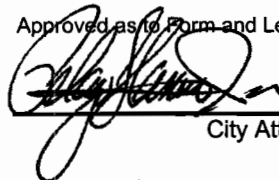


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

2008 MAY 15 PM 6:44

RESOLUTION No. 81364 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH THE ADULT AND JUVENILE DIVISIONS OF THE ALAMEDA COUNTY PROBATION DEPARTMENT FOR THE LOAN, AT NO COST TO THE COUNTY, OF THE CITY'S GLOBAL POSITIONING SYSTEM (GPS) MONITORING BRACELETS AND TRACKING SERVICES FOR THE PURPOSE OF MONITORING PERSONS ON PROBATION LIVING IN THE CITY OF OAKLAND

WHEREAS, the Oakland Police Department (hereinafter "OPD") wishes to have the ability to receive up-to-the minute data about the location of probationers who reside in the City of Oakland; and

WHEREAS, as State law authorizes a county, and not a city, to administer a GPS program for monitoring probationers, to be carried out by the county's probation department, therefore, OPD must rely on the Alameda County Probation Department to implement and carry out a GPS program for Oakland; and

WHEREAS, the Alameda County Probation Department does not have sufficient GPS devices to dedicate to probationers that reside in the City of Oakland and the OPD wishes to supplement the Alameda County Probation Department's ability to track and monitor the location of probationers living in the City of Oakland; and

WHEREAS, providing GPS tracking equipment to the Alameda County Probation Department for use exclusively on probationers residing in the City of Oakland will greatly increase the County's ability to monitor Oakland probationers and should reduce crime committed by probationers in our City; and

WHEREAS, Vice Mayor Larry Reid provided funds to OPD for the lease of approximately 42 GPS bracelets to make the equipment available, at no cost, to the Alameda County Probation Department for use on probationers living in Oakland; and

WHEREAS, Oakland City Charter section 504(I) reserves to the Council the authority to enter into contracts involving "intergovernmental actions" and

WHEREAS, Oakland City Charter section 504(I) empowers the City Administrator to represent the City in its "intergovernmental actions" and to negotiate contracts, which includes Memorandums of Understanding, with other government entities subject to approval by the Council; and

WHEREAS, the OPD has negotiated, and hereby seeks authority to enter into, Memorandums of Understanding with Alameda County Adult and Juvenile Probation Departments, pursuant to Penal Code sections 1203.16(j)(1) and 1210.16(a), to lend GPS tracking equipment to those agencies, at no charge to the Alameda County Probation Department, exclusively for use in tracking probationers residing in the City of Oakland; now, therefore, be it

RESOLVED: That, pursuant to Oakland City Charter section 504(1), the City Council authorizes the City Administrator to enter into Memorandums of Understanding with the Adult and Juvenile Divisions of the Alameda County Probation Department for the loan (at no cost to the County of Alameda) of the City’s GPS monitoring equipment and tracking services for the purpose of tracking and monitoring adult and juvenile probationers living in the City of Oakland; and be it

FURTHER RESOLVED: That all Memorandums of Understanding authorized hereunder shall be approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 17, 2008, 20

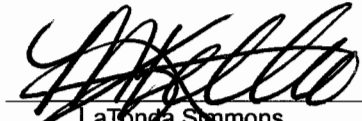
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST 
LaTonda Simmons
City Clerk and Clerk of the Council,
City of Oakland, California