



City Attorney

2023 JUL -6 AM 11:22

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

89819

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) THROUGH DECEMBER 31, 2023 WITH THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA) AND THE OAKLAND POLICE DEPARTMENT (OPD) DEA TASK FORCE GROUP (TASK FORCE) TO COLLABORATE ON INFORMATION SHARING AND FOCUSED OPERATIONS TO DISRUPT ILLEGAL DRUG ACTIVITY OCCURRING IN THE CITY OF OAKLAND.

WHEREAS, there are many types of drugs and narcotics listed as illegal to possess, use, manufacture, or sell anywhere in the United States (US) under the 1970 US Controlled Substances Act (CSA); and

WHEREAS, there is an established nexus between the use, manufacture, and sale of illegal narcotics and violent crime in Oakland; and

WHEREAS, the mission of the DEA is to “enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets;” and

WHEREAS, OPD officers assigned to the DEA Task Force shall adhere to Taskforce policies and procedures, as well as OPD policies and procedures; and

WHEREAS, Article V, Section 504(l) of the City Charter requires that the City Council authorize the City Administrator or designee to enter into an agreement between the City and other agency or organization; and

WHEREAS, Ordinance 13457 C.M.S. passed June 29, 2017, created Oakland Municipal Code No. 9.72.010, “City Participation in Federal Law Enforcement Activities,” which requires that OPD submit a “proposed MOU and any orders, policies, and procedures relevant to the subject matter of the MOU for discussion and public comment at an open meeting of the Privacy Advisory Commission” before execution of said agreement. Therefore be it,

RESOLVED: That the City Administrator or designee is authorized to execute the MOU attached to the accompanying report without returning to the City Council; and be it

FURTHER RESOLVED: that the duration period of the MOU between OPD and the DEA shall be through December 31, 2023; and be it

FURTHER RESOLVED: funds paid by the DEA to OPD will be deposited into Fund to be determined, Org 102310, Account 46319, Project to be determined, and Program PS03; and be it

FURTHER RESOLVED: that the City Administrator is authorized to accept and appropriate any reimbursements for overtime expenses without returning to the City Council; and be it

FURTHER RESOLVED: that City of Oakland shall comply with all relevant federal laws, such as Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and rules related to lobbying, debarment, suspension, and a drug-free workspace; and be it

FURTHER RESOLVED: That in accordance with Article IV, Section 401(6) of the City Charter, the MOU 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,

PASSED BY THE FOLLOWING VOTE:

JUL 18 2023

AYES - FIFE, GALLO, ~~WILSON~~, KALB, KAPLAN, RAMACHANDRAN, REID,
AND PRESIDENT FORTUNATO BAS - 7

NOES -
ABSENT -
ABSTENTION -

1 Excused - Jenkins

ATTEST:

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