

2023 OCT 16 AM 10:29

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89818 C.M.S.

INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) THROUGH SEPTEMBER 30, 2026 WITH THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF) AND THE OAKLAND POLICE DEPARTMENT (OPD) FOR OPD PARTICIPATION IN THE ATF TASKFORCE AND FOR THE PURPOSE OF REIMBURSEMENT OF OVERTIME SALARY AND OTHER COSTS RELATED TO OPD PARTICIPATION IN THE ATF TASKFORCE.

WHEREAS, the mission of ATF is to protect communities from violent criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, acts of arson and bombings, acts of terrorism, and the illegal diversion of alcohol and tobacco products; and

WHEREAS, Oakland continues to suffer from some of the highest per-capita crime rates of any large U.S. city, with the following levels of crime for the year 2022:

- 118 homicides;
- 3,177 aggravated assaults (including 456 shootings with injuries and 192 shooting related to an occupied home or vehicle); and
- 2,653 robberies (including 1,095 with firearms);
- 164 cases of arson; and

WHEREAS, ATF has resources that can help OPD investigate violent crimes involving firearms as well as suspected criminals who use stolen firearms and or traffic in firearms used for violent crime; and

WHEREAS, OPD has limited resources to investigate crimes of suspected criminals involving the use of firearms; and

WHEREAS, ATF is prepared to support OPD by investigating local firearm-involved violent crimes; and

WHEREAS, ATF and OPD can best solve violent firearm-related crimes in Oakland through collaborations that combine resources and knowledge; and

WHEREAS, OPD officers assigned to the ATF Taskforce shall adhere to Taskforce policies and procedures, as well as OPD policies and procedures failure to adhere to the most restrictive policies and procedures shall be grounds for dismissal from the Taskforce, and shall subject the OPD officers to administrative action by OPD; and

WHEREAS, ATF and OPD previously signed an MOU in July 27, 2016 executing the MOU through September 30, 2021; 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; and

WHEREAS, the City Council ultimately adopted Resolution No. 87474 C.M.S. on December 1, 2018, which authorized the specific ATF OPD MOU for the period of July 27, 2016 through September 30, 2021; therefore, be it

RESOLVED: That any reimbursements for overtime expenses made by the ATF to OPD shall be deposited into Fund to be determined, Org 102310, Account 46129, 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 the MOU authorizing participation between the ATF and OPD shall have a duration period of the date the MOU is signed through September 30, 2026, unless either party wishes to nullify this MOU with 90 days' written notice; and be it

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

JUL 18 2023

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, ~~WILLIAMS~~, 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

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