

REVISED IN CITY COUNCIL APRIL 21, 2015

OAKLAND CITY COUNCIL

 City Attorney

 FILED
 OFFICE OF THE CITY CLERK
 OAKLAND

15 APR 23 PM 2:01

RESOLUTION No. 85532 C.M.S.**RESOLUTION:**

- 1) AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO:
- A. ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR FISCAL YEAR 2014/2015 PORT SECURITY GRANT PROGRAM (PSGP) FUNDS IN AN AMOUNT UP TO FIVE HUNDRED SEVENTY-EIGHT THOUSAND, FIVE HUNDRED AND TWENTY-SEVEN DOLLARS (\$578,527); AND
 - B. ACCEPT, APPROPRIATE, AND ADMINISTER SAID FUNDS; AND
 - C. APPROVE THE PRELIMINARY SPENDING PLAN WHICH INCLUDES THE PURCHASE OF A VIDEO SECURITY SYSTEM FOR THE EMERGENCY OPERATIONS CENTER (EOC) AND THE FIRE DISPATCH CENTER (FDC) AND THE PURCHASE OF A LAW ENFORCEMENT AIR UNIT FLR FOR THE CITY AND PORT OF OAKLAND; AND SPECIFICALLY, THE FIRE DEPARTMENT'S PURCHASE OF A VIDEO SECURITY SYSTEM FOR THE EMERGENCY OPERATIONS CENTER (EOC); AND
 - D. EXPEND FUNDS IN ACCORDANCE WITH THE PRELIMINARY SPENDING PLAN INCLUDING PURCHASES OF EQUIPMENT AND SERVICES IN EXCESS OF THE CITY ADMINISTRATOR'S PURCHASING AUTHORITY; AND
 - E. AUTHORIZE THE USE OF EXISTING (BUDGETED) FUNDING IN THE AMOUNT OF ONE HUNDRED NINETY-TWO THOUSAND, EIGHT HUNDRED AND FORTY TWO DOLLARS (\$192,842) FROM GENERAL PURPOSE FUND FOR PERSONNEL AND OTHER ADMINISTRATIVE RESOURCES, TO SATISFY THE IN-KIND MATCH REQUIREMENT; AND
- 2) WAIVING THE CITY OF OAKLAND'S ADVERTISING AND BIDDING REQUIREMENTS FOR ITEMS REQUIRED TO BE PURCHASED FROM THE FEDERALLY AUTHORIZED EQUIPMENT LIST ("AEL")

WHEREAS, the U.S. Department of Homeland Security's Fiscal Year (FY) 2014/2015 Port Security Grant Program (PSGP) allocates grant funds to address ports considered of the highest risk status to assist ports in enhancing risk management capabilities and support a strategic, area-wide focus around ports providing funding for the development and implementation of port-wide risk management and mitigation activities, as well as continuity of operations by building capacity to prevent, protect against, respond to, and recover from acts of terrorism and terrorist threats against the Port; and

WHEREAS, the City of Oakland Port Security Grant Program ("PSGP") grant proposal was approved and the City of Oakland has been awarded a FY 2014/15 PSGP grant allocation of five hundred seventy-eight thousand, five hundred and twenty-seventy dollars (\$578,527) by the U.S. Department of Homeland Security; and

WHEREAS, the U.S. Department of Homeland Security awarded the City of Oakland \$578,527 in grant funds for the federal Fiscal Year 2014/15 to fund the Oakland Fire Department, Emergency Management Services Division for the grant performance period of September 1, 2014 through August 31, 2016; and

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WHEREAS, the grant designates the amount not to exceed \$578,527 be expended for the purchase of specified equipment, supplies and contracted services identified on the Federally Authorized Equipment List (“AEL”); and

WHEREAS, the City of Oakland Port Security Grant Program (“PSGP”) requires a match of in-kind/cash in an amount not to exceed one hundred ninety-two thousand, eight hundred and forty-two dollars (\$192,842); and

WHEREAS, the Oakland Police Department and the Oakland Fire Department will provide an in-kind match of up to one hundred ninety-two thousand, eight hundred and forty-two dollars (\$192,842) from General Purpose Fund for personnel and other administrative resources, to satisfy the in-kind/cash match requirement; and

WHEREAS, this resolution does not provide authority for the purchase of the Law Enforcement Air Unit FLIR; and

WHEREAS, the Oakland Fire Department, Office of Emergency Management Services Division and Homeland Security staff are also essential in managing and coordinating the FY 2014/15 PSGP which provides for \$28,927 or 5% funding for maintenance and administration of the total grant award; and

WHEREAS, the City of Oakland is committed to cooperating with our regional partners to detect, prevent, prepare for, respond to and recover from acts of terrorisms and threats of terrorism and effectively carry out the program of the FY 2014/15 PSGP grant; and

WHEREAS, the Oakland Municipal Code Section 2.04.030.A requires Council approval for any purchase of goods and/or services over \$100,000; and

WHEREAS, the City Administrator recommends that he or his designee be authorized to expend Fiscal Year 2014/15 Port Security Grant Program (PSGP) U.S. Department of Homeland Security grant funds for this grant in excess of \$100,000 and up to \$578,527; and

WHEREAS, funds will be appropriated to the Homeland Security Fund (2123), the Emergency Management Services Division Organization (20711), Emergency Management Services Program (PS 21) and project number to be determined; and

WHEREAS, the City Administrator has determined that any services that may be provided under contracts authorized hereunder would be of a professional, scientific or technical and temporary nature and not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, Oakland Municipal Code section 2.04.050.1.5 permits the Council to waive the advertising and bidding requirements upon a finding that it is in the best interest of the City to do so; and

WHEREAS, staff recommends that it is in the best interests of the city to waive advertising and bidding processes for items required by the grant terms to be purchased from the federally authorized equipment list (“AEL”); now, therefore be it

RESOLVED: That the City Administrator or his designee is authorized to enter into a grant agreement with the U.S. Department of Homeland Security to accept funds in an amount up to five hundred seventy-eight thousand, five hundred and twenty-seven dollars (\$578,527) from the Port Security Grant Program (PSGP); and he it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to accept, appropriate and administer said funds; and be it

FURTHER RESOLVED: That funds will be appropriated to the Homeland Security Fund (2123), the Emergency Management Services Division Organization (20711), Emergency Management Services Program (PS 21) and project number to be determined; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to approve the 2014/15 PSGP preliminary spending plan and that the spending plan includes the purchase of the Emergency Operations Center (EOC) and Fire Dispatch Center (FDC) Camera Security System for the Fire Department, Emergency Management Services Division and the purchase of the Law Enforcement Air Unit FLIR for the City and Port of Oakland and the purchase of the Law Enforcement Air Unit FLIR for the City and Port of Oakland; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized make all purchases of goods, material, equipment, services or combination thereof identified in the approved 2014/15 PSGP preliminary spending plan, including equipment on the Federal Authorized Equipment List (AEL) and services required by the grant, including purchases that exceed the City Administrator's purchasing authority under Oakland Municipal Code section 2.04.20; and be it

FURTHER RESOLVED: That the Council finds that pursuant to Oakland Municipal Code section 2.04.050.I.5, for the reason stated above and in the City Administrator's report accompanying this resolution, that it is in the best interest of the City to waive the advertising and bidding requirements for items to be purchased pursuant to grant terms that require such purchase(s) be made from the federally authorized equipment list ("AEL") and so waives such requirements; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to expend from existing appropriation of one hundred ninety-two thousand, eight hundred and forty-two dollars \$192,842 from General Purpose Fund 1010.20711.Project To Be Determined (TBD) and 1010.107410. Project To Be Determined (TBD) for personnel and other administrative resources, to satisfy the in-kind/cash match requirement; and be it

FURTHER RESOLVED: That the 2014/15 Port Security Grant Program (PSGP) grant allocation funds received by the City of Oakland ~~may only~~ be used specifically for project #1 ~~project #1~~ the purchase and allowable maintenance costs of the EOC and FDC Camera Security System; and for project #2, the purchase and allowable maintenance costs of the Law Enforcement Air Unit FLIR Camera that allows for Situational Awareness and Air patrol for the City and Port of Oakland; ~~and for project #2, the purchase and allowable maintenance costs of the Law Enforcement Air Unit FLIR Camera that allows for Situational Awareness and Air patrol for the City and Port of Oakland~~ and be it

FURTHER RESOLVED: That no information processed by the Law Enforcement Air Unit FLIR Camera will be collected, retained, stored, or disseminated by the Oakland Police Department and the Oakland Fire Department in their use of the Law Enforcement Air Unit FLIR Camera; and be it

FURTHER RESOLVER: That the DAC Ad Hoc Committee shall, before the City Council's 2015 summer recess, draft and present a Privacy and Data Retention Policy that specifies the allowable uses of, and governs the collection, retention, storage, and dissemination of information processed by, the Law Enforcement Air Unit FLIR Camera; and be it

FURTHER RESOLVED: That the prohibition on dissemination of information does not include the prohibition of the Oakland Police Department from communicating critical information obtained through the use of the FLIR, such as a fleeing suspect’s location, to outside agencies assisting in the immediate apprehension of a fleeing suspect who is not inside a private residence; and be it

FURTHER RESOLVED: That staff will return to council for contract authority for purchasing 2014/15 PSGP funded equipment not specified in this resolution, ~~such as the Law Enforcement Air Unit FLIR~~; and be it

FURTHER RESOLVED: That the 2014/15 PSGP grant allocation received by the City of Oakland may not be used for the purchase of any aerial drones, stingray, or facial recognition technology or facial recognition software; and be it

FURTHER RESOLVED: That ongoing costs, such as maintenance for equipment or goods purchased with 2014/15 PSGP grant will be absorbed in each of the respective City of Oakland agencies’ existing budget with no additional General Purpose fund appropriations; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to approve the preliminary spending plan; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, APR 21 2015, 20

PASSED BY THE FOLLOWING VOTE:

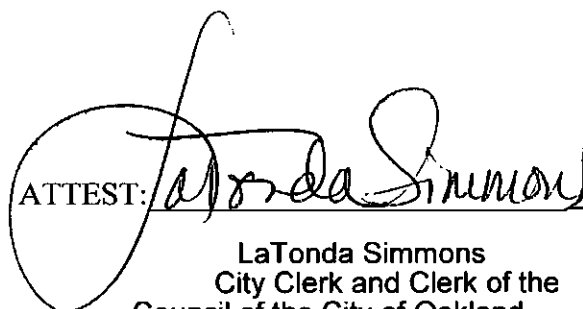
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, ~~ROBERTSON~~, ~~REID~~, and PRESIDENT GIBSON MCELHANEY - 6

NOES- 0

ABSENT- 0

ABSTENTION- Kaplan - 1

— Excused - Reid - 1

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

California