

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 OCT 11 PM 4:02

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL
RESOLUTION NO. 87402 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE OAKLAND POLICE DEPARTMENT (OPD) AND THE ALAMEDA COUNTY SHERIFF'S OFFICE (ACSO) REGARDING LAW ENFORCEMENT RESPONSIBILITIES ON PROPERTIES OWNED, OPERATED, CONTROLLED OR ADMINISTERED BY THE PERALTA COMMUNITY COLLEGE DISTRICT (PCCD) IN THE CITY OF OAKLAND

WHEREAS, the PCCD wishes to contract with the Alameda County Sheriff's Office for police services; and

WHEREAS, the California Education Code Section 67381 (Kristin Smart Campus Safety Act of 1998) requires that educational organization adopt rules and policies for the policing and investigation of Part 1 violent crimes (as defined by the Federal Bureau of Investigation (FBI)) of their respective campuses, including written agreements with local law enforcement agencies; and

WHEREAS, California Education Code Section 67381 requires: 1) that campus law enforcement agencies have the primary authority for providing police or security services, including the investigation of criminal activity on their campuses; 2) that community college districts adopt rules requiring each of their respective campuses to enter into written agreements with local law enforcement agencies that clarify operational responsibilities for investigations of Part 1 violent crimes occurring on each campus; and 3) that college campus law enforcement agreements shall be made with local law enforcement agencies; and

WHEREAS, the following PCCD properties are located within the City of Oakland:

- Laney College – 900 Fallon Street
- Merritt College – 12500 Campus Drive
- District Administrative Center Complex – 333 East Eighth Street

- District Warehouse – 501 Fifth Avenue; and

WHEREAS, ACSO deputies will be responsible for enforcing traffic regulations, infractions, misdemeanor offenses, and all felony offenses including deadly weapons or offenses which result in serious injury or death on PCCD property; and

WHEREAS, both OPD and ACSO wish to enter into a MOU to clarify roles and responsibilities for law enforcement services at PCCD facilities; and

WHEREAS, the MOU will enumerate the circumstances for which OPD and ACSO will each maintain policing services such as investigations and day and times of patrol; 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 enter into a MOU between OPD and ACSO to authorize, stipulate and facilitate law enforcement responsibilities on properties owned, operated, controlled or administered by PCCD in the City of Oakland; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend, renew and/or amend such an MOU 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 the City Attorney's Office 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, OCT 30 2018

PASSED BY THE FOLLOWING VOTE:

AYES - ~~0000~~ CAMPBELL WASHINGTON, GIBSON MCELHANEY, GALLO, GUILLEN, KALB, KAPLAN, and PRESIDENT REID - 7

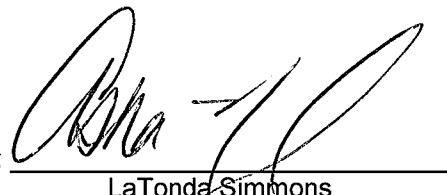
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

ATTEST:



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