

Priscia Nynes
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2018 NOV 27 AM 9:54

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (ATF) AND THE OAKLAND POLICE DEPARTMENT (OPD) FOR THE PURPOSE OF REIMBURSEMENT OF OVERTIME SALARY AND OTHER COSTS RELATED TO OPD PARTICIPATION IN THE ATF TASKFORCE, FOR THE PERIOD OF JULY 27, 2016 THROUGH SEPTEMBER 30, 2021

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 2017:

- 72 homicides;
- 2,807 aggravated assaults (including 277 shootings with injuries and 192 shooting related to an occupied home or vehicle); and
- 2,585 robberies (including 980 with firearms);
- 151 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; therefore, be it

RESOLVED: That the City Administrator or designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend and/or amend the MOU with the ATF without returning to the City Council; and be it

FURTHER RESOLVED: that any reimbursements for overtime expenses made by the ATF to OPD shall be deposited into Fund 2999, Org 102310, Account 46129, Project TBD, 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 July 1, 2016 through September 30, 2021, unless either party wishes to nullify this MOA with 60 days' written notice; 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 and/or amend the 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 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:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN,
GIBSON MCELHANEY AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California