

CITY OF OAKLAND

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OAKLAND

2019 JAN 17 PM 1:22 **AGENDA REPORT**

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Anne E. Kirkpatrick  
Chief of Police

**SUBJECT:** OPD ACSO EBRCSA MOU

**DATE:** January 2, 2019

City Administrator  
Approval

Date

1/17/19

**RECOMMENDATION**

**Staff Recommends That The City Council Approve A 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) Establishing Clear Guidelines for ACSO Use Of OPD East Bay Regional Communications System Authority (EBRCSA) Frequencies To Facilitate Interagency Communication.**

**EXECUTIVE SUMMARY**

Staff is recommending that the City Council adopt a resolution authorizing the City Administrator or designee to enter into an MOU allowing ACSO to use OPD EBRCSA frequencies in order to work more closely with OPD. Approval of the resolution accompanying this report will allow ACSO to communicate directly with OPD using OPD's 700 MHz interoperability system EBRCSA channels.

**BACKGROUND AND LEGISLATIVE HISTORY**

At the July 8, 2014 Finance and Management Committee (Committee) meeting, staff presented a report on the P25 Radio Network selection (Legistar File No.13-0546) which included recommendations to either stay on an enhanced version of the City's existing P25 network or transition to EBRCSA.

On July 15, 2014, City Council approved Resolution No. 85113 C.M.S., allowing the City to meet federal interoperability requirements and ensure first responders have the ability to communicate with all neighboring jurisdictions. This resolution instructed the City Administrator to enter into an agreement with EBRCSA to join the EBRCSA network within three months. The resolution also provided instruction to migrate all users to EBRCSA within 24 months contingent on EBRCSA providing the City Administrator, in writing, the following:

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- EBRCSA secure MOUs from member organizations to reserve a minimum of three voting seats for City of Oakland representatives; as well as initiate a request to amend the EBRCSA joint powers agreement (JPA) to add an additional permanent seat for a City of Oakland representative;
- That EBRCSA present a plan to ensure effective interoperability between EBRCSA and Bay Area Rapid Transit (BART); and
- EBRCSA and the City Administration reach agreement about Oakland's termination rights.

On June 29, 2015, the City Administrator executed the EBRCSA Project Operating Agreement, which outlined Oakland's termination rights, and the Joint Powers Authority Side Letter, which outlined the BART interoperability plan.

On September 21, 2015, City Council approved Resolution No. 85870, which authorized the City Administrator or designee to enter into agreements with the Alameda County Fire Chiefs' Association, the Alameda County City Managers' Association, and the Alameda County Mayor's Conference, under which each association dedicated one of their voting seats on the Board of the East Bay Regional Communications System Authority (EBRCSA) to the City of Oakland.

#### **ANALYSIS AND POLICY ALTERNATIVES**

Article IV, Section 401(6) 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 agencies or organizations.

Approval of this agreement will allow improved radio communication between ACSO and OPD. This agreement will allow both agencies to work more closely together and better coordinate resources. This agreement will increase public and officer safety by helping to ensure that each jurisdiction is aware of the other's actions in and around the City of Oakland.

EBRCSA uses a Motorola Project 25 (P25) compliant digital communications system to provide interoperability for emergency responders and others on the system in Alameda and Contra Costa counties. Both OPD and ACSO are members of EBRCSA. The MOU provides clear guidelines between ACSO and OPD for the shared use of OPD's P25 system.

ACSO will use/obtain its own radios capable of operation on a Motorola P25 system with the most current operating version installed to access talk groups on OPD's 700 MHz Interoperability System. OPD may upgrade or decommission parts of the radio system in the future and will attempt to keep the changes compatible with the ACSO system, but there can be no guarantee that ACSO radios will continue to be supported. ACSO will submit any radios it will use in interoperability with OPD to authorized EBRCSA programming entities (e.g., Alameda County, Contra Costa, Motorola Radio Shops) to program and authorize them to be used on OPD's system. ACSO will provide a completed Radio Identification Sheet for each ACSO radio used under this agreement.

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ACSO personnel will limit use of the OPD talk groups or channels to joint operations or during disasters or emergencies (Priority 1 or Priority 2 circumstances as defined in the *California Law Enforcement Mutual Aid Radio System Plan*<sup>1</sup>). With prior permission from EBRCSA, ACSO may also use the EBRCSA/OPD talk groups and channels on joint trainings with OPD. ACSO will provide a list of all personnel who will be using the OPD system to OPD. No unauthorized personnel shall be allowed to use it.

### **PUBLIC OUTREACH / INTEREST**

No outreach was deemed necessary for this report beyond the standard City Council agenda noticing procedures.

### **COORDINATION**

OPD consulted with the Budget Bureau and the Office of the City Attorney in the development of this report and accompanying resolution.

### **FISCAL IMPACT**

There is no cost associated with this report.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** There are no economic opportunities associated with this report.

**Environmental:** There are no environmental opportunities associated with this report.

**Social Equity:** Permitting ACSO access to OPD EBRCSA channels greatly increases public safety resources. The collaboration promotes greater public safety in Oakland, benefiting all Oakland residents and visitors.

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<sup>1</sup> The Law Enforcement Mutual Aid System, established in 1961, provides that within the operational area, adjacent or neighboring law enforcement agencies will assist each other. *California Law Enforcement Mutual Aid Radio System Plan* provides the following definitions:

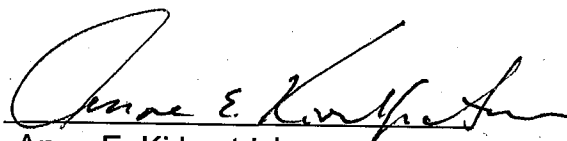
- Priority 1: Disaster and extreme emergency operations for mutual aid and interagency communications.
- Priority 2: Emergency or urgent operations involving imminent safety of life or protection of property.

**ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE**

Staff Recommends That The City Council Approve A 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) Establishing Clear Guidelines for ACSO Use Of OPD East Bay Regional Communications System Authority (EBRCSA) Frequencies, Facilitating Interagency Communication.

For questions regarding this report, please contact Manager Gina Oliver, Communications Division, Bureau of Service, at (510) 777-8897.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Reviewed by:  
Gina Oliver, Communications Manager  
OPD, Bureau of Services, Communications

Prepared by:  
Timothy Birch, Police Services Manager I  
OPD, Training Division, Research and Planning

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City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**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) ESTABLISHING CLEAR GUIDELINES FOR ACSO USE OF OPD EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY (EBRCSA) FREQUENCIES TO FACILITATE INTERAGENCY COMMUNICATION**

**WHEREAS**, OPD seeks Council approval to enter into an agreement with ACSO for the purpose of radio interoperability in the field between ACSO and OPD; and

**WHEREAS**, Enhanced interagency communications will strengthen joint OPD-ACSO operations; and

**WHEREAS**, Article V, Section 504(I) of the Oakland City Charter requires that the City Council approve all intergovernmental relationships and contracts; now, therefore be it

**RESOLVED:** ACSO personnel shall use the OPD EBRCSA system during:

- (1) Joint operations or when working with members of OPD,
- (2) Priority 1 circumstances as defined in the California Law Enforcement Mutual Aid Radio System Plan system priority guidelines – disaster and extreme emergency operations for mutual aid and interagency communications, or
- (3) Priority 2 circumstances – emergency or urgent operations involving imminent safety of life or protection of property; and 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 agreements necessary for ACSO personnel to use the OPD EBRCSA channels to communicate with OPD; and be it

**FURTHER RESOLVED:** That in accordance with Article IV, Section 401(6) of the City Charter, the agreements 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 agreements shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – BAS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, TAYLOR, THAO, AND  
PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

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