

MISSING EXECUTED LEGISLATION FORM

Resolution / Ordinance Number: 87988
City Council Meeting Date: JAN 21 2020
Agenda Item No.: S7.11
Recorded Vote: 8 Ayes

Status of Resolution/Ordinance:

- Filed without signature No signed version will be filed
 Council amended legislation No signed version will be filed

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Notes (if any)

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO REALLOCATE \$649,204 IN SALARY SAVINGS IN THE POLICE COMMISSION'S CIVILIAN OFFICE OF THE INSPECTOR GENERAL DURING FISCAL YEAR 2019-20 TO FUND PROFESSIONAL SERVICES AGREEMENTS FOR AN INVESTIGATION OF COMMUNITY POLICE REVIEW AGENCY (CPRA) CASES 07-0538, 13-1062, AND 16-0147 WITH KNOX & ROSS LAW GROUP, ENGAGE THE COMMUNITY ON A REVISED OAKLAND POLICE DEPARTMENT USE OF FORCE POLICY WITH RAHEEM, FACILITATION OF A POLICE COMMISSION RETREAT WITH WALKER AND ASSOCIATES, AN AUDIT OF CURRENT AND PREVIOUSLY ISSUED CPRA CASES WITH MASON INVESTIGATIVE GROUP, AND OTHER EXPENSES.

WHEREAS, the voters of the City of Oakland voted yes for Measure LL on November 8, 2016, which established the Oakland Police Commission; and

WHEREAS, Measure LL amended the Oakland City Charter to add section 604, entitled "Police Commission;" and

WHEREAS, the Oakland City Council adopted Ordinance No. 13498 C.M.S. adding Municipal Code Section 2.45.100 that established a civilian Office of Inspector General (OIG) with powers, functions, and duties assigned or authorized by the Commission, and shall include conducting any audit or review of the Department necessary to assess the Oakland Police Department's performance and adherence to constitutional policing practices, and shall also include conducting any audit or review of the Oakland Police Department's policies and procedures, including any pattern of non-compliance with the foregoing, as necessary or helpful for the Commission to fulfill its duties under City Charter section 604(b)(4), (5) and (6); and

WHEREAS, the Oakland City Council adopted Ordinance No. 13547 C.M.S. on July 9, 2019, amending Oakland Municipal Code Chapter 2.04 Purchasing System, to add section 2.04.022 to authorize the Police Commission to enter Professional Service Agreements necessary to fulfill its duties as defined in Measure LL, codified in section 604 of the Oakland City Charter; and

WHEREAS, all Police Commission contract approvals require an affirmative vote of four (4) or more members of the Commission who are designated to vote at the time the action is taken to approve a contract; and

WHEREAS, the Community Police Review Agency (CPRA) Executive Director is authorized on behalf of the City of Oakland to enter into Professional Services Agreements properly approved by the Commission and shall be the contract administrator; and

WHEREAS, all contracts approved by the Police Commission are subject to the competitive and other processes and procedures required under Oakland Municipal Code Chapter 2.04 Purchasing System; and

WHEREAS, on June 27, 2019, the Police Commission approved a motion to engage the Mason Investigative Group in a contract to perform an audit of CPRA cases for an amount not-to-exceed \$49,999; and

WHEREAS, on June 27, 2019, the Police Commission approved a motion to accept a proposal from Walker and Associates to conduct a half-day retreat for the Police Commission, the cost of which would not exceed \$15,000, which includes the cost of a venue rental; and

WHEREAS, on October 24, 2019, the Police Commission approved Resolution 19-01 authorizing the CPRA Executive Director to enter into a Professional Services Agreement with Knox & Ross Law Group for investigation and review of CPRA cases 07-0538, 13-1062, and 16-0147 for an amount not-to-exceed \$49,999; and

WHEREAS, on October 24, 2019, the Police Commission approved a motion to seek City Council approval to redirect all funding for vacant Inspector General positions towards the above contract expenses, \$75,000 for training of Commissioners and CPRA staff, \$28,000 for community outreach, and remaining discretionary expenses as needed in this fiscal year; and

WHEREAS, on November 14, 2019, the Police Commission approved Resolution 19-02 authorizing the CPRA Executive Director to (1) enter into a Professional Services Agreement with Raheem to gather community feedback to inform a revised Oakland Police Department Use of Force policy for an amount not-to-exceed \$40,000 and (2) request on behalf of the Police Commission that the City Administrator waive the competitive solicitation process; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to reallocate one-time salary savings in an amount of \$450,000 from vacant Office of the Inspector General positions to fund Professional Services Agreements for an investigation of CPRA cases 07-0538, 13-1062, and 16-0147 with Knox & Ross Law Group, engage the community on a revised Oakland Police Department Use of Force policy with Raheem, facilitation of a Police Commission retreat with Walker and Associates, an audit of current and previously issued CPRA cases with Mason Investigative Group, and further contract services as identified by the Commission in the remainder of the fiscal year; and be it

FURTHER RESOLVED: That the Police Commission is authorized to enter into professional service agreements with said vendors consistent with the provisions of Municipal Code Section 2.04.022, that the funds reallocated from the vacant Inspector

General positions in the prior paragraph serve as the Commission's budget for contracts as described in Oakland Municipal Code section 2.04.022(d), and that any unspent funds can be utilized by the Police Commission to fulfill its duties under City Charter section 604(b)(4), (5) and (6); and be it

FURTHER RESOLVED: That the services provided pursuant to the contracts authorized hereunder are for a professional, scientific, or technical nature and will not result in the loss of employment or loss of salary by any person having permanent employment status in the competitive service; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to reallocate the remaining one-time salary savings in the amount of \$199,204 from vacant Office of the Inspector General positions to fund \$75,000 in training expenses, \$28,000 in outreach expenses, and other discretionary expenses as identified by the Commission in the remainder of the fiscal year; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to take any other action necessary consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, 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