

  
Jady Lovell (May 8, 2025 13:50 PDT)

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

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**RESOLUTION 1) AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL PALMERTREE, MARRIAGE FAMILY THERAPIST, TO PROVIDE BEHAVIORAL SCIENCE CONSULTATION AND TRAINING SERVICES TO THE OAKLAND POLICE DEPARTMENT FROM JULY 1, 2025, TO JUNE 30, 2030, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED EIGHTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$687,500); AND 2) WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATIONS (RFP/Q) , AND THE LOCAL/SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS**

**WHEREAS**, the Negotiated Settlement Agreement (NSA) Tasks 40 and 41, and the Oakland Police Officers' Association (OPOA) Memorandum of Understanding (MOU) with the City of Oakland, require that the Police Department develop and implement an early identification and intervention program to address police personnel engaged in at- risk behavior or who display substandard work performance; and

**WHEREAS**, on June 19, 2007, in Resolution No. 80647 C.M.S., the City Council awarded a contract for Fiscal Year 2007-08 to Michael Palmertree, a licensed therapist in the State of California who specializes in marriage and family therapy ("Mr. Palmertree"), for behavioral science consultation and training services as part of the requirements established in the NSA arising from the case *Delphine Allen, et al vs. City of Oakland, et al.*; and

**WHEREAS**, following a Request for Proposal/Qualifications (RFP/Q) process in 2008, in which Mr. Palmertree was the only vendor to submit a proposal, the City Council renewed and extended the contract with Mr. Palmertree in Resolution No. 82835 C.M.S. on June 15, 2010, for the period of July 1, 2010 through June 30, 2011; and

**WHEREAS**, the City Council approved Resolution No. 83305 C.M.S. on May 3, 2011, which authorized the City Administrator to enter into a contract with Mr. Palmertree from July 1, 2011 through June 30, 2012, for \$50,000.00 for continued mental health services; and

**WHEREAS**, the City Council approved Resolution No. 85036 C.M.S. on June 3, 2014, which authorized the City Administrator to enter into an agreement with Mr. Palmertree from July 1, 2014 through June 30, 2017, with a two- year extension option, for

an increased amount of \$75,000.00 per year; and

**WHEREAS**, OPD has historically suffered tragic losses due to on-the-job deaths and suicide as a result of work-related stressful conditions; and

**WHEREAS**, OPD recognizes that it is no longer sufficient to only train its officers to physically survive each day, but rather must offer additional resources in the form of a wellness program that provides professional resources such as Peer Support, the Chaplain's Unit, the Critical Incident Response Team, the OPD Medical Unit, and the Employee Assistance Program (EAP); and

**WHEREAS**, OPD's wellness program is committed to immediately responding to issues and incidents encountered by employees arising from job-related or personal matters, and will maintain strict confidentiality as mandated by law; and

**WHEREAS**, the Health and Wellness Unit requires the participation of a behavioral science consultant to provide confidential mental health services to employees participating in the wellness program; and

**WHEREAS**, the Public Safety Committee, on October 13, 2015, received an informational report about the creation of OPD's Health and Wellness Unit, which aligns with OPD's overall commitment to supporting officer mental health and well-being; and

**WHEREAS**, on March 18, 2014, City Council approved Resolution No. 84897 C.M.S., which authorized \$200,000 in ongoing funding for the Health and Wellness program; and

**WHEREAS**, the City Council adopted Resolution No. 87596 C.M.S. on April 2, 2019, which authorized a contract between the City and Mr. Palmertree for the term of July 1, 2019 to June 30, 2020 for the amount of \$100,000; and

**WHEREAS**, Mr. Palmertree has over thirty (30) years of experience counseling personnel in areas of at-risk behavior and substandard performance, and has been closely associated with the design, development, implementation, and ongoing improvement to OPD's early identification and intervention program, which was approved by the United States Federal Court as being compliant with the NSA; and

**WHEREAS**, OPD will require additional behavioral health and counseling support services to staff the Health and Wellness Unit, which exceed the service level provided for in the current contract authorized by Resolution No. 85036 C.M.S.; and

**WHEREAS**, the services to be provided under said contract are of a professional, scientific or technical and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, the City of Oakland has an interest in evaluating the contracted services to ensure that members of OPD are being well served by Mr. Palmertree;

**WHEREAS**, the City Council instructed OPD to conduct a new RFP/Q for behavior science consultation and training services before June 30, 2020, to select a vendor for the next contract, which would begin after the expiration of the then-proposed contract (duration of July 1, 2019 to June 30, 2020); and

**WHEREAS**: OPD advertised an RFP/Q on February 21, 2020, as instructed by the City Council to choose a vendor for the next contract, and

**WHEREAS**, Mr. Palmertree provided the only response to OPD's RFP/Q and has demonstrated he has the necessary qualifications, certifications, and experience and can provide OPD with the requested services; and

**WHEREAS**, the City Council passed Resolution No. 88131 C.M.S., awarding a contract to Mr. Palmertree for a three-year term from July 1, 2020 to June 30, 2023 with two one-year options to extend through June 30, 2025, in an amount not to exceed \$125,000 per year, for a total contract amount not to exceed \$625,000; and

**WHEREAS**, Section 2.04.051(B) of the Oakland Municipal Code (OMC), authorizes the City Council to waive the competitive RFP/Q selection requirements of OMC section 2.04.051(A) upon a finding that it is in the best interest of the City to do so, and

**WHEREAS**, the City Council may waive the City's Local and Small Local Business Enterprise program requirements pursuant to Part I of Oakland's (L/SLBE) Program guidelines (Ordinance No. 13647 C.M.S.); and

**WHEREAS**, it is in the best interests of the City to waive the L/SLBE and RFP/Q requirements because Mr. Palmertree has been the only provider to respond in all previous submissions for RFP; Mr. Palmertree has established relationships with hundreds of OPD personnel and is uniquely qualified to provide counseling; and Mr. Palmertree has a practice based in San Francisco, but his counseling sessions take place in Oakland at the Oakland Police Officers' Association building; and

**WHEREAS**, Mr. Palmertree has built rapport and trust with officers and has been a consistent source of mental health consulting for OPD sworn and professional personnel, by counseling hundreds of officers each year; and

**WHEREAS**, OPD is in need of Mr. Palmertree's continued services as it no longer has Mental Health Network (MHN) services nor a wellness coordinator due to recent layoffs; and

**WHEREAS**, funding for this contract is available in the Department's budget appropriation and will be drawn from General Fund (1010), Bureau of Services Personnel Section Organization (106210), Miscellaneous Contracts Account (54919),

Project (1000008) and Agency-Wide Program (PS01); and now, therefore, be it

**RESOLVED:** The the City Administrator is authorized to negotiate and enter into a professional services agreement with Michael Palmertree, MFT to provide behavioral science consultation and training services to OPD for the five-year term from July 1, 2025 to June 30, 2030 in an amount not to exceed \$137,500 per year for a total contract value not to exceed \$687,500; and be it

**FURTHER RESOLVED:** That OPD will conduct an evaluation of the services provided by Mr. Palmertree at least annually; and be it

**FURTHER RESOLVED:** That for the reasons stated herein and in the report that accompanies this Resolution, the City Council hereby finds and determines that it is in the best interests of the City to waive the L/SLBE and RFP/Q requirements, pursuant to OMC section 2.04.051(B) and Part I of Oakland's Local and Small Local Business guidelines adopted by Ordinance No. 13647 C.M.S.; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to modify, extend and/or amend this agreement for services, except for any increase in the contract amount without returning to the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, WANG  
AND

PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

3417670 / JL