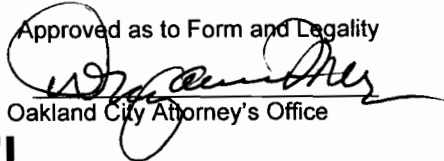


2011 APR 18 PM 12:00

Approved as to Form and Legality  
  
Oakland City Attorney's Office

# OAKLAND CITY COUNCIL

Resolution No. 83305 C.M.S.

**RESOLUTION WAIVING ADVERTISING AND THE REQUEST FOR PROPOSALS/QUALIFICATIONS AND AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR THE PERIOD JULY 1, 2011 TO JUNE 30, 2012, WITH MICHAEL PALMERTREE TO PROVIDE BEHAVIORAL SCIENCE CONSULTATION AND TRAINING SERVICES TO THE OAKLAND POLICE DEPARTMENT AT A COST NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00)**

**WHEREAS**, the Oakland Police Department ("OPD") is required to provide services of a behavioral science specialist to develop and implement an early identification and intervention program pursuant to Tasks 40 and 41 of the Negotiated Settlement Agreement ("NSA") in the Delphine Allen, et al. vs. City of Oakland, et al. case; and

**WHEREAS**, consultation with a licensed behavioral science specialist is critical to the successful development and implementation of the program, and Michael Palmertree, Marriage Family Therapist ("MFT"), was retained in 2008 to work on the program and was intimately involved in the development, drafting and acceptance of OPD's early identification and intervention program that was approved by the United States Federal Court as being compliant with the NSA; and

**WHEREAS**, Mr. Palmertree has over twenty-five years experience counseling OPD personnel in areas of at-risk behavior and substandard performance, and

**WHEREAS**, Mr. Palmertree has been introduced to and made presentations before the Independent Monitoring Team, plaintiffs' attorneys and the Federal Court responsible for OPD's compliance with the NSA; and

**WHEREAS**, Mr. Palmertree has been introduced to the same as OPD's resident mental health expert and behavioral science consultant working on its early identification and intervention program; and

**WHEREAS**, OPD policy requires the participation of a behavioral science consultant in the conduct of the review process to identify officers and employees engaged in at-risk behavior, substandard performance and exceptional achievement; and

**WHEREAS**, Oakland Municipal Code section 2.04.051.B permits the Council to waive advertising and the request for proposal/qualifications ("RFP/Q") requirements upon a finding that it is in the best interest of the City to do so, and staff recommends that the Council waive

advertising and RFP/Q requirements for the purchase of behavioral science and consultation services necessary for compliance with the NSA; 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; now, therefore be it

**RESOLVED**: That for the reasons stated above and in the City Administrator's report accompanying this item and pursuant to Oakland Municipal Code section 2.04.051.B , the Council finds that it is in the best interests of the City to waive advertising and the request for proposal/qualifications requirements for the purchase of services from a behavioral science specialist for continued implementation of the early identification and intervention program required by the Negotiated Settlement Agreement in the case Delphine Allen, et al. vs. City of Oakland, et al., and so waives the requirements; and be it

**FURTHER RESOLVED**: The contract for behavioral sciences consulting in support of OPD's NSA Tasks 40 and 41 compliance efforts is awarded to Michael Palmertree, MFT, for the term July 1, 2011 through June 30, 2012, in an amount not to exceed \$50,000; and be it

**FURTHER RESOLVED**: That funds are available in the Department's FY11-12 budget appropriation and will be drawn from General Fund (1010), Personnel Section Organization (106210), Miscellaneous Contracts Account (54919), Project 0000000, and Program (PS01); and be it

**FURTHER RESOLVED**: That the City Administrator or his designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this agreement for services, except for any increase in the contract amount without returning to the City Council; and be it

**FURTHER RESOLVED**: That the City Attorney shall review and approve said contract with Michael Palmertree as to form and legality, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,           MAY 3 2011          

**PASSED BY THE FOLLOWING VOTE:**


AYES - BROOKS, BRUNNER, DE LA FUENTE, ~~WILLIAMS~~; KERNIGHAN, NADEL, ~~WILLIAMS~~, SCHAAF, AND PRESIDENT REID -7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused- Kaplan - 1

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