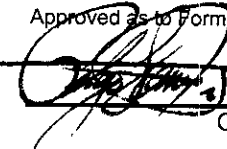


**OAKLAND CITY COUNCIL**


City Attorney

OFFICE OF THE CITY CLERK

RESOLUTION No. 80647 C.M.S.

2007 JUN -7 PM 3:12

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE ON BEHALF OF THE CITY OF OAKLAND, TO: 1) WAIVE THE COMPETITIVE BID PROCESS, 2) ENTER INTO A CONTRACT WITH MICHAEL PALMERTREE, MFT FOR BEHAVIORAL SCIENCE CONSULTING IN SUPPORT OF THE POLICE DEPARTMENT'S COMPLIANCE WITH THE NEGOTIATED SETTLEMENT AGREEMENT TASKS 40 AND 41 FOR THE FISCAL YEAR 2007-08 (JULY 1, 2007 THROUGH JUNE 30, 2008) AT A COST NOT-TO-EXCEED FORTY-NINE THOUSAND NINE HUNDRED AND NINETY-NINE DOLLARS (\$49,999.00), AND 3) APPROPRIATE FIFTEEN HUNDRED (\$1,500) TO COVER THE CITY MANDATED 3% CONTRACT ASSESSMENT FEE FOR THIS AGREEMENT**

**WHEREAS**, the Oakland Police Department (hereinafter "OPD") has been subject to the requirements established in the Negotiated Settlement Agreement (hereinafter NSA) arising from the case *Delphine Allen, et al. vs. City of Oakland, et al.*; and

**WHEREAS**, consultation with a behavioral science specialist is critical to the successful development and implementation of an early identification and intervention program as required by the NSA Tasks 40 and 41; and

**WHEREAS**, OPD has previously retained the consulting services of Michael Palmertree, MFT for the development of an early identification and intervention policy that has been accepted by the United States District Court as being compliant with the provisions of 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 intimately involved in the development, drafting and acceptance of OPD's early identification and intervention program, affording him a unique insight into OPD personnel; and

**WHEREAS**, Mr. Palmertree has been introduced to and made presentations before the IMT, Plaintiffs' Attorneys and the Federal Court responsible for the Departments' 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**, bringing another behavioral science consultant on to this project at this time would be seriously detrimental to the progress already made and hinder OPDs' ability to comply with the NSA; 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 or exceptional achievement; and

**WHEREAS**, the three percent (3%) City-mandated Contract Assessment Fee associated with the \$49,999 contractual provision totals \$1,500; and

**WHEREAS**, OPD is involved in an effort to obtain compliance certification from United States District Court for its early identification and intervention program; now, therefore be it

**RESOLVED:** That the City Council finds that it is in the best interest of the City and the Department to waive the competitive bid process and hereby authorizes the City Administrator to waive the competitive bid process and enter into a contract with Michael Palmertree, MFT for behavioral science consulting in support of OPD's NSA Tasks 40 and 41 compliance efforts in an amount not to exceed \$49,999.00; and be it

**FURTHER RESOLVED:** That funds to execute this agreement are included in the Department's FY 2007-09 baseline budget and shall be drawn from General Fund (1010), Police Personnel Organization (106210), Miscellaneous Contracts Account (54919), and Program (PS01); and be it

**FURTHER RESOLVED:** That the City Council hereby appropriates \$1,500 from General Fund (1010), Police Personnel Organization (106210), Miscellaneous Contracts Account (54919), and Program (PS01) to cover the three percent (3%) Contract Assessment Fee associated with this contract; and be it

**FURTHER RESOLVED:** That the City Administrator or her 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 agreement with Michael Palmertree, MFT 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, JUN 19 2007, 20    

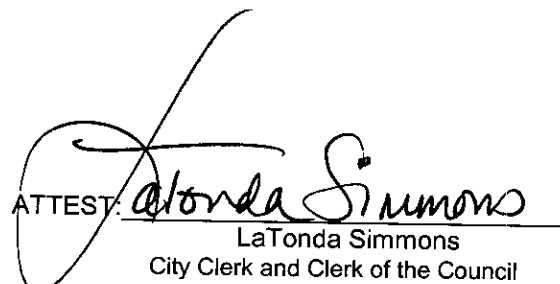
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California