



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL PALMERTREE TO PROVIDE BEHAVIORAL SCIENCE CONSULTATION AND TRAINING SERVICES TO THE OAKLAND POLICE DEPARTMENT FOR THE PERIOD OF JULY 1, 2020 TO JUNE 30, 2023, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$375,000) WITH TWO ONE-YEAR OPTIONS TO EXTEND FOR AN ADDITIONAL TWO YEARS, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000) PER YEAR, WITH A TOTAL CONTRACT IN AN AMOUNT NOT TO EXCEED SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$625,000).

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, Marriage Family Therapist ("MFT"), 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 or designee 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 it must offer additional resources in the form of a wellness program that brings professional resources such as Peer Support, the Chaplain's Unit, Critical Incident Response Team, OPD Medical Unit, and the Employee Assistance Program (EAP); and

WHEREAS, OPD's wellness program is committed to immediately respond to issues and incidents encountered by employees from job-related and personal issues or incidents 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 who participate 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 Palmertree for the term of July 1, 2019 TO June 30, 2020 for the amount of \$100,000; and

WHEREAS, Michael Palmertree, MFT, 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 that 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 that 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; now, therefore be it

RESOLVED: The City Council instructed OPD to conduct a new RFP/Q for behavior science consultation and training services before June 30, 2020 to choose a vendor for the next contract which would begin after the expiration of this proposed contract (duration of July 1, 2019 to June 30, 2020); and be it

FURTHER RESOLVED: That OPD advertised an RFP/Q on February 21, 2020 as instructed by the City Council to choose a vendor for the next contract, and be it,

FURTHER RESOLVED: Michael Palmertree provided the only response to OPD's advertised an RFP/Q who has demonstrated he has the necessary qualifications, certifications, and experience who can provide OPD with the requested services; Michael Palmertree is a licensed therapist in the State of California who specializes in marriage and family therapy, and be it,

FURTHER RESOLVED: The contract for behavioral sciences consultation and training services in support of the OPOA MOU, is awarded to Michael Palmertree, MFT, for the term July 1, 2020 to June 30, 2023, followed by an option to extend for an additional two years (two one-year options), to June 30, 2025, in an amount not to exceed \$125,000 per year, for a total contract in an amount not to exceed \$625,000; and be it

FURTHER RESOLVED: That funds are 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 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 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 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,

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