

Resolution No. 2023-XXX N.C.S. of the City of Petaluma, California

AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH INTEGRASSURE FOR INDEPENDENT POLICE AUDITOR SERVICES

WHEREAS, following the May 25, 2020, murder of George Floyd in Minneapolis, community race relations, public safety and city government DEI policies and programs, including police use of force and other policies, have become a focus in communities across the country; and

WHEREAS, to address requests from community members and start these conversations locally, the City hosted a community engagement and listening forum followed by community-led listening sessions; and

WHEREAS, the City retained a professional facilitator, Tracey E. Webb of Tracey Elizabeth Webb Associates, and established an Ad Hoc Community Advisory Committee (AHCAC) to discuss race relations in Petaluma and make recommendations to the City Council to help unify the community and identify and pursue opportunities for meaningful, positive change and advancement of inclusion in Petaluma City government and throughout the community; and

WHEREAS, the AHCAC consisted of representatives from various groups, including many representing our black, indigenous, and people of color (BIPOC) communities; and

WHEREAS, the 28-member AHCAC began meeting in April 2021 and met monthly through October 2021; and

WHEREAS, over six sessions, the AHCAC identified issues and brainstormed ideas to make Petaluma a more inclusive and welcoming community; and,

WHEREAS, on December 13, 2021, the City Council reviewed and prioritized the AHCAC's recommendations and identified for staff specific items to analyze for budgetary, legal, and policy implications and to return to the Council with recommendations for consideration and City Council direction; and

WHEREAS, on April 4, 2022, the City Council provided direction for implementation of the City Council's priorities in response to the recommendations of the AHCAC; and

WHEREAS, on May 2, 2022, the City Council provided direction on top 10 Goals and Priorities which included the "Implementation of Hybrid Police Oversight Model and Citywide Diversity, Equity and Inclusion Efforts;" and

WHEREAS, the City Council has directed staff to prepare for City Council approval a hybrid model for civilian police oversight which includes the following three components:

1. Development of an RFP and execution of a Professional Services Agreement (PSA) with a professionally-trained and reputable Independent Police Auditor (IPA).
2. Design and implementation of a review-model- based Public Safety Advisory Group made up of community members to address police community relations and to work collaboratively with the IPA, City Manager, and Chief of Police.

3. Development of a Strategic Plan to resource and pursue accreditation by the Commission on Accreditation of Law Enforcement Agencies (CALEA) for the Petaluma Police Department; and

WHEREAS, the first project milestone related to civilian police oversight was development and issuance of an independent police auditor request for proposal (RFP) to be completed in Quarter 1 (July 1 to September 30) of FY 2023; and

WHEREAS, on September 19, 2022, City staff released an RFP inviting IPA services proposals; and

WHEREAS, the RFP required that respondents submit scopes of work including the following tasks:

1. Intake and review of community complaints and internal affairs investigations
2. Review of Department policies, procedures, and training
3. Assessment of the work of the Professional Standards Division
4. Community outreach and Public Safety Advisory Group (PSAG) engagement; and

WHEREAS, staff received and evaluated proposals, and the most qualified firms were interviewed; and

WHEREAS, multiple rounds of interviews were conducted by two different panels, one of which included both City staff and citizen stakeholders; and

WHEREAS, the two interview panels agreed that the most qualified applicant was IntegrAssure; and

WHEREAS, the City's IPA is intended to work collaboratively with the Public Safety Advisory Group when it is developed and seated; and

WHEREAS, once established, the Public Safety Advisory Group will, among other duties, receive and review the semi-annual IPA report and provide feedback and recommendations prior to the report being presented to City Council; and

WHEREAS, City staff have provided pertinent materials concerning the City Council's direction regarding civilian police oversight in Petaluma to representatives of Unit 6, the bargaining unit that represents the City's sworn police officers other than command staff, and such materials concerned the proposed PSAG and proposed IPA services agreement, Unit 6 members submitted questions concerning the proposed IPA agreement and PSAG, and the City provided detailed responses, and on April 5, 2023, City representatives met with representatives of the Petaluma Peace Officers Association (PPOA) to discuss the proposed IPA scope of work, the Unit 6 questions that had been submitted and the City's responses, discuss any further Unit 6 questions, and negotiate over potential impacts the PPOA identified regarding the proposed IPA services agreement and PSAG, in accordance with the City's obligations under the Meyers Milias Brown Act (MMBA); and

WHEREAS, City staff believe that all the Unit 6 questions regarding the IPA agreement have been answered and that any applicable impact bargaining obligations under the MMBA have been satisfied; Unit 6 representatives have not identified any changes to Unit 6 members' terms and conditions of employment resulting from the proposed IPA agreement and PSAG; and thus have identified no mandatory subjects of decision bargaining concerning the IPA agreement; and

WHEREAS, following the meeting between City and Unit 6 representatives to discuss Unit 6 questions concerning the IPA agreement and PSAG, City staff arranged a meeting with City staff, Unit 6 leadership and the IntegrAssure IPA leadership team to discuss the proposed IPA agreement, the IPA’s role and obligations, and commitment to and resources for providing training and making policy recommendations regarding Petaluma Police Department policy improvements in support of effective and transparent community policing in Petaluma for the benefit of the Petaluma Police Department and all community members; and

WHEREAS, the proposed action of awarding a professional services agreement for independent police auditor (IPA) services is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that authorizing the City Manager to execute a professional services agreement with IntegrAssure for IPA services does not meet CEQA's definition of a “project,” because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Petaluma as follows:

1. The above recitals are hereby declared to be true and correct and are incorporated into this resolution as findings of the City Council.
2. The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that authorizing the City Manager to execute a professional services agreement with IntegrAssure for independent police auditor services does not meet CEQA's definition of a “project,” because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.
3. The City Manager is authorized and directed to execute a professional services agreement with IntegrAssure for independent police auditor professional services substantially in accordance Exhibits A (Request for Proposals), B (IntegrAssure Proposal), and C (Professional Service Agreement) to this resolution.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the DD day of Month YYYY, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor