



## CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

### **AGENDA ITEM**

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Report: Amendment to the Professional Services Agreement with The Counseling Team International to expand the scope of services to include psychological testing for applicants requesting the issuance of a license to carry a concealed firearm.

1. Motion authorizing the City Manager, or a designee, to execute an amendment to the Professional Services Agreement between the City and The Counseling Team International to expand the scope of services to include psychological testing for applicants seeking a license to carry a concealed firearm and add \$60,000 to the contract for a new not to exceed amount of \$730,000.

### **COUNCIL ACTION**

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**Item Type:** Consent Calendar

**Approved for** January 31, 2023 **calendar**

### **EXECUTIVE SUMMARY**

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On June 23, 2022, the United States Supreme Court declared unconstitutional a New York state law restricting who could obtain a permit to carry a concealed firearm in public. The court's ruling in *New York State Rifle Association, Inc. v. Bruen* ("Bruen") affected several states, including California. Under Bruen, licensing authorities may no longer consider good cause for the issuance of a Carry Concealed Weapon (CCW) license. However, the Glendale Police Department will continue to follow the statutory criteria and add a requirement, allowed by law, directing applicants to a licensed psychologist prior to the consideration or issuance of a CCW license. To be able to fulfil the new requirement, the Police Department requests approving a motion to amend the contract with The Counseling Team International expanding the scope of services to facilitate the processing of CCWs and increase the maximum cost of the agreement.

## **COUNCIL PRIORITIES**

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N/A

## **RECOMMENDATION**

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Authorize the City Manager to execute an amendment to the Professional Services Agreement between the City and The Counseling Team International to expand the scope of services to include psychological testing for applicants seeking a CCW license and add \$60,000 to the contract for a new not to exceed amount of \$730,000.

## **BACKGROUND**

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On June 18, 2019, the City Council authorized the execution of a Professional Services Agreement (PSA) with The Counseling Team International (TCTI). The agreement provided all police and fire personnel with confidential counseling services and the Police and Fire Departments with pre-employment psychological screening services. The term of the PSA was one year with an option to renew for four additional one-year terms. To date, the Police Department has exercised the renewal options of the contract. The cost of the PSA for psychological counseling services and pre-employment psychological screening services through fiscal year 2023-24 would not exceed \$625,000.

In 2019, the State Legislature recognized the need for a public safety peer support program under California Assembly Bill Nos. 1116 and 1117. These bills were signed by the Governor and became effective in January of 2020. As a result, on March 30, 2021, the City Council authorized the execution of an amendment to the PSA to develop a peer support program. The PSA was amended for the remaining four years of the agreement to add a cost of \$45,000, for an overall contract amount not to exceed \$670,000. The peer support program expanded counseling resources to safety department personnel and their families who prefer to talk with a trained peer.

Due to a recent United States Supreme Court decision in June of 2022, the Supreme Court declared unconstitutional a New York state law that restricted who could obtain a permit to carry a concealed firearm in public. The Supreme Court determined the New York statute, which required applicants for concealed carry licenses to show “proper cause”, conflicted with the Second Amendment right to bear arms.

The Court’s ruling Bruen affected several states, including California. Prior to the Bruen decision, California residents were required to show “good cause” to carry a concealed handgun in public. This change has resulted in additional psychological testing services being needed from The Counseling Team International.

## **ANALYSIS**

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Based on the Bruen decision, the Glendale Police Department (GPD) is no longer able to use “good cause” as a determining factor when evaluating applications for CCW licenses. However, licensing agencies may still utilize other California statutory requirements when reviewing applications for CCWs, as those requirements are not impacted by the Bruen decision. For example, fingerprinting applicants for criminal background checks is still required under California Penal Code section 26195.

In addition, pursuant to Penal Code sections 26150 and 26155, licensing agencies still require proof that the applicant: (1) is of good moral character; (2) resides in the county or city or has a business or employment in the county or city; and (3) has completed the required firearm safety and handling of a firearm per Penal Code section 16165. Also, pursuant to Penal Code section 26190, licensing authorities may require psychological testing of a new CCW applicant. Psychological testing for applicants seeking a license renewal is only permitted if there is compelling evidence to indicate that a test is necessary. The cost of psychological testing for a new applicant or a renewal, if there is a compelling reason to do so, shall not exceed \$150.

Prior to Bruen, many applicants applied for a CCW through the Los Angeles County Sheriff's Department (LASD) due to their liberal stance on CCW applications. As a result of the Bruen decision, each respective municipal police agency or county sheriff agency is now responsible for the processing of CCW applications within their jurisdictions. GPD has been notified by LASD that any pending CCW applications they have from City of Glendale residents will be directed to GPD for processing. As of November 29, 2022, LASD has approximately 150 pending CCW applications for Glendale residents.

Since the Bruen ruling, GPD has updated the department's License to Carry a Firearm Policy (Policy #208) to conform to the Supreme Court's decision by removing references to the "good cause" requirement. GPD will impose a requirement, as allowed by Penal Code 26190(f)(1), that applicants be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees, prior to consideration of the issuance of a CCW.

Per the Penal Code, the applicant may only be charged an amount not to exceed \$150 for the cost of the psychological screening. The Police Department currently uses The Counseling Team International for its pre-employment psychological exams, and the cost for a CCW psychological screening is \$300. Therefore, due to the Bruen decision, the department is respectfully requesting to amend the contract to include the services of psychological testing for applicants seeking a license to carry a concealed firearm. Also, as The Counseling Team International charges \$300 for the psychological exam associated with issuing a CCW, the Police Department is also seeking approval to increase the cost of the contract by \$60,000, as \$150 of the cost would be paid for by the applicant directly to the vendor and the remaining amount of \$150 will be paid for by the Police Department.

## **STAKEHOLDERS/OUTREACH**

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N/A

## **FISCAL IMPACT**

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The Counseling Team International contract amendment to expand the scope of services to include psychological testing for applicants seeking a license to carry a concealed firearm will cost \$60,000 for the remaining two years of the contract. The Police Department's budget can absorb the first year cost of \$30,000, therefore no new appropriation is being requested at this time. The second year contract cost of \$30,000

will be appropriated through the fiscal year 2023-24 annual budget process. The funding is outlined below:

<b>Existing Appropriation</b>		
<b>Amount</b>	<b>Account String</b>	<b>Funding Source</b>
\$30,000	43110-1010-GPD-7002-P6501	General Fund

### **ENVIRONMENTAL REVIEW (CEQA/NEPA)**

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This item is considered a ministerial activity and therefore, not subjected to CEQA/NEPA review. There is no possibility that the extension of this agreement may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3)).

### **CAMPAIGN DISCLOSURE**

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Attached as Exhibit A

### **ALTERNATIVES**

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Alternative 1: Adopt the motion approving the request of the GPD to amend the scope of services to be performed and increase the maximum cost of the PSA with TCTI to facilitate the processing of CCWs based on the Bruen decision.

Alternative 2: Deny the request of the GPD to amend the scope of services and increase the not to exceed cost of the PSA with TCTI. If the request is denied, the required psychological exam needed during the application review process for CCWs will not be listed within the scope of services within the contract with TCTI, therefore the department would be unable to refer applicants to TCTI for the psychological exam.

Alternative 3: Consider any other alternative not proposed by staff.

### **ADMINISTRATIVE ACTION**

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**Prepared by:**

Rafael Quintero, Police Lieutenant

**Approved by:**

Roubik R. Golanian, P.E., City Manager

### **EXHIBITS/ATTACHMENTS**

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Exhibit A – Campaign Disclosures.

## **EXHIBIT A**

**Contractor(s)\*:**

Name			Address		
Nancy K. Bohl., dba The Counseling Team International			1881 Business Center Drive, #11 San Bernardino, CA 92408		
Full Name	Title	Business Address	City	State	Zip
Stephen A. Odom, Ph.d	CEO	1881 Business Center Dr., #11	San Bernardino	CA	92408
Julie Casto Koot, CFO	CFO	1881 Business Center Dr., #11	San Bernardino	CA	92408

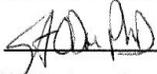
**CERTIFICATION**

On behalf of the above-named  Contractor  Subcontractor:

- I acknowledge that I have a continuing obligation to update this disclosure form if I substitute— or if I select additional— architects, design professionals, contractors, or subcontractors within ten (10) days of the selection or change; and
- I hereby certify that:
  - I have identified all persons for which the Ordinance requires disclosure;
  - The information in this disclosure form (and any attachment to this form) is true, accurate, correct, and complete; and
  - I have been legally authorized to submit this disclosure form.

In total, this disclosure form (including attachments) is \_\_\_\_\_ pages.

Executed on: December 30, \_\_\_\_\_, 2022, at: San Bernardino \_\_\_\_\_, California.

Signature:  Print Full Name: Stephen A. Odom, Ph.D.

Address: 1881 Business Center Drive, #11 San Bernardino, CA 92408

Phone Number: 909-884-0133

E-mail Address: saodom@thecounselingteam.com

Rev. 6/7/12

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