

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT

CONSENT AGENDA ITEM NO. 5-D

DATE: December 8, 2021

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

SUBJECT: Consider Approval: Authorize partial expenditure of the Commission's contingency fund in FY 21-22.

RECOMMENDATION: Authorize an expenditure from the Commission's contingency fund to support a contract for Human Resources Services with Sierra HR Partners

Proposal

On August 11 2021, the Commission authorized the executive officer to issue a request for proposals for human resource services. Staff issued requests for proposals to six HR firms with offices in the metropolitan area using a list developed by an internet search of such firms in the area and with the generous input from Fresno County HR staff.

Staff received one proposal from Sierra HR Partners and subsequently had a positive follow-up meeting with the executive director of this firm. Staff anticipated recommending that funding for a contract with Sierra HR Partners be included in the FY 22-23 budget, but given the changing state of LAFCo's staffing, staff is of the opinion that the Commission will benefit from the services provided by Sierra HR Partners in the second half of the current fiscal year.

The proposed contract with Sierra HR Partners initiates the HR Business Partner Package that entitles LAFCo with the following benefits: unlimited telephone support with HR professionals, free monthly seminars quarterly HR and legal bulletins with breaking employment news, and discounted consulting fees, among other benefits. Staff plans to include funding in the Commission's future annual budgets to continue these services.

As noted in LAFCo's *Financial and Accounting Procedures*, the Executive Officer is authorized to approve purchases for professional services required by LAFCo in the performance of daily operations up to \$5,000 per transaction, not to exceed \$5,000 per fiscal year for any one service provider or vendor.

The proposed expense for the HR consultant is not expected to exceed \$1,500 in the current fiscal year and can be funded from the existing \$3,000 contingency fund. Pursuant to the *Financial and Accounting Procedures*, LAFCo established a Contingency Fund to cover minor exigencies and other unforeseen costs not budgeted but deemed necessary for the continued operation of the Commission. Expenditure of contingency funds must receive prior approval of the Commission.

A copy of the contract is attached as Attachment "A" and qualification material provided by Sierra HR Partners Inc. is attached as Attachment "B."

ATTACHMENT A



HR Business Partner Package Contract

We are very pleased that, on behalf of _____ ("Company"), you have decided to participate in Sierra HR Partners' HR Business Partner Package. We look forward to serving your business and providing quality HR services.

As a client in the HR Business Partner Package, the Company will be entitled to the following benefits:

- Unlimited Telephone Support with our HR professionals
- Free monthly seminars for the Company's designated representative
- Quarterly HR and legal bulletins with breaking employment news
- Discounted consulting fees

Unlimited Telephone Support

The Company's designated representative has unlimited telephone access to our HR consultants from 8:00 am to 5:30 pm Monday through Friday. We encourage you to take advantage of this benefit and contact our HR consultants as needed. If your question cannot be answered during the telephone conversation, for a reduced hourly fee, the HR consultant will complete any additional work you authorize.

Monthly Training

In conjunction with Fishman, Larsen & Callister, Sierra HR Partners provides monthly seminars to its clients entitled, "Legal Beagle Bagel Breakfast." This is an ideal forum for discussion and inquiries among business owners, human resource professionals, our HR consultants and in-house employment law attorneys. Clients find the seminars to be very valuable and applicable to the daily operations of their business.

The Company's designated representative is entitled to attend any of the breakfasts from January through November free of charge. To ensure a spot at the

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seminars, the Company's designated representative should register for each seminar. Other Company employees may attend the seminars by registering and paying the registration fee.

If Sierra HR Partners has prepared the Company's handbook, we will review and modify the handbook at the end of the year. Sierra HR Partners charges an additional fee for this handbook service. We conduct an annual analysis of employment law and court decisions that affect personnel management. New policies are created and existing policies are modified to ensure our clients' handbooks are in compliance with current law, regulation and statute.

The Company's designated representative will be invited to the year-end seminar held in December at no cost. At this seminar, Sierra HR Partners and Fishman, Larsen & Callister will discuss changes made in the handbook and train you on implementing the changes in the workplace.

Periodic Bulletins

Sierra HR Partners will provide the Company with timely e-mail bulletins on employment and HR subjects. The Labor Law Release will include recent court opinions, legislation and other current issues or "hot" topics affecting HR and personnel management.

Discounted Consulting Fees

The Company will be entitled to a substantial discount from our consultants' regular billing rate. Our consultants' rates are currently \$90, \$100 and \$130 per hour. During the initial year of this Contract, the Company will be charged \$72, \$80 and \$105 for consulting services.

Sierra HR Partners is available to provide HR services at your discretion. Our consultants are available to assist the Company in developing office policies and procedures to ensure the business complies with the multitude of employment law requirements. Sierra HR Partners can assist the Company with the development of basic HR practices such as job descriptions and evaluations, as well as create custom forms to facilitate these processes. We are available to assist you with questions you may have relating to personnel management, wage and hour issues, and other employment matters. We cannot render a legal opinion. If a legal opinion is necessary, we will refer you to your attorney, if you have one. If you do not have an attorney, we will refer you to Fishman, Larsen & Callister. The law firm will bill you separately for work it performs.

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The Company's Responsibilities

The Company has agreed to pay a monthly fee based on the number of persons currently employed. The Company currently employs _____ persons. For the initial year of this Contract, the Company will pay Sierra HR Partners a monthly fee of \$ _____.

This Contract is effective and commences on the day it is executed by the Company. The Contract will remain in force for the remainder of the month in which it was executed plus an additional 12-month period. (The Company will be billed a prorated amount, based on the number of business days remaining in the month the Contract was executed.) The Contract will automatically renew for consecutive 12-month periods unless one of the parties provides at least 30 days written notice of its intent to terminate the Contract.

The cost for services under this Contract will be determined by multiplying the number of persons employed at the beginning of each 12-month period by the rate schedule then in effect at Sierra HR Partners. The cost of services will not change during each 12-month period unless the number of employees goes below or beyond the classification size established at execution or at the renewal of each 12-month period.

In the event billable consulting charges are incurred, general overhead costs of \$6.00 per hour will be charged to cover copier costs, facsimile charges, and computer aided research, postage and express mail. The Company will also be responsible for payment of all costs charged by third parties.

We will render periodic statements to you, usually on a monthly basis, indicating the current status of your account. The Company's account will be payable when billed. A late payment charge of 1 ½ percent per month from the billing date will be assessed on all amounts 30 days or more past due.

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Miscellaneous Provisions

The Company's designated representative is _____.
The Company may change or add to its designated representative(s), but must notify Sierra HR Partners in writing. An additional charge will be incurred for each representative designated.

This is the entire Contract between the parties and cannot be modified except in a writing signed by an authorized representative of both parties.

Company's Mailing Address:			

No.	Street	Suite	

City	State	Zip	

Telephone:	_____		
Fax:	_____		
E-Mail:	_____		

(Name of Company)

Sierra HR Partners, Inc.

Authorized Signatures

Date

Date

Title and name

Executive Director, Brenda Budke
Title and name



Fishman·Larsen·Callister
ATTORNEYS AT LAW



The future for Fishman, Larsen, & Callister and Sierra HR Partners is bright. We are privileged to work with fantastic clients on challenging projects. Our staff is dedicated, skilled and conscientious. Our professionals are recognized as experts in their fields. Together, we are committed to the following principles on which this firm was founded:

1. *We will find, create and implement solutions to the challenges facing our clients' business.* We will consider, evaluate and recommend non-legal, as well as legal, solutions. We will work as a team and seek input from our FLC colleagues and other experts as necessary.
2. *We will understand, respect and value our clients, their businesses and concerns.* We are committed to understanding our clients' operations and the industries in which they compete. We will become well acquainted with the principals and members of the management teams and staff.
3. *We understand that there is always a better way to do business and we will always strive to improve our services.* We won't be satisfied with what we did yesterday. We recognize that circumstances change and markets fluctuate. We will recognize those changes, anticipate future changes, and recommend action based on the most current information available.

We mean business!



October 1, 2021

David Fey, Executive Officer
Fresno Local Agency Formation Commission (LAFCo)
2607 Fresno Street, Suite B
Fresno, CA 93721

Dear Mr. Fey:

Sierra HR Partners would be honored to provide human resources support to Fresno LAFCo. Thank you for the opportunity to present our services and well-qualified team in response to your Request for Proposals for Contract Human Resources Services.

Sierra HR Partners has proven experience in a wide variety of HR functions, including policy development and regulatory compliance Audits and remedy plans, performance management, employee relations, leadership training, recruiting, background investigations, and more. We have partnered with many non-profit organizations who would attest to a strong working relationship built on trust, excellent service, and compliant results aligned with their business culture and goals.

Our team of HR professionals, (introduced in more detail on the following pages), are recognized experts in their field. Every member of our team is HR certified in federal and/or State law through SHRM/HRCI. We track legislative updates, produce current and compliant Employee Handbooks in partnership with our legal team of experts, and participate in on-going training and development to stay on top of the continuously changing legislation in California. In addition, our staff has diverse experience and expertise that allow us to make better informed recommendations on a wide range of HR functions.

We thank you again for the opportunity to be considered, and look forward to a follow-up meeting to further discuss how our services could meet your HR needs.

Sincerely,

Brenda Budke, SPHR
Executive Director
Sierra HR Partners, Inc.

Budke@SierraHR.com
559.431.8090

FIRM PROFILE

Sierra HR Partners, founded in 2001 and based in Fresno, California, specializes in providing HR consulting services to public- and private-sector employers. Our consulting firm is a separately incorporated C-corporation, founded by the shareholders of the law firm Fishman Larsen & Callister to work with clients specifically on human resources management, workplace compliance, recruiting, and training. We believe that this working partnership of HR best practices and legal expertise provides a value-added service to clients.

Our goal is always to strengthen your HR effectiveness and protect your organization from legal risk. We provide a variety of consulting and on-site support, including:

- Partnering with executives and board members on change management and organizational development, including performance evaluations, executive coaching, and performance improvement plans.
- Customized training for all staff levels on topics ranging from leadership development and performance management, to harassment and discrimination prevention.
- Job analysis and workforce planning.
- Policies, procedures, and Employee Handbooks.
- Job descriptions and interlinked performance evaluation systems.
- Wage and hour compliance, leaves of absence, effective hiring and onboarding, performance management and terminations.
- Full-cycle recruiting and placement.
- On-site HR department audits including wage and hour, timekeeping, safety, recruiting and onboarding, training, discipline and terminations, leaves of absence, personnel files, Form I-9 compliance, FLSA classifications, paid time off, and other employment compliance areas.

FEE STRUCTURE

Sierra HR Partners' consulting services are generally billed at a rate of \$90 per hour. Certain projects, such as our HR Audit service and Employee Handbook preparation, are billed at a flat rate. A lower hourly rate is available if the client opts to enroll in our HR Business Partner program (described below), which can provide significant value when ongoing consulting support is anticipated. The cost of the HR Business Partner program is based on the organization's number of employees, and is the best value for a small- to medium- sized organization.

Billing is invoiced in arrears at the end of the month.

HR BUSINESS PARTNER PROGRAM

Sierra HR Partners offers clients the opportunity to enroll in our HR Business Partner program for a monthly fee based on the number of employees. Benefits of being an HR Business Partner include:

- 20% discount on consulting and projects such as Job Descriptions (billed at \$72 per hour instead of \$90.)

- Unlimited telephone/e-mail support to answer questions and walk through employee issues.
- Human Resources Set-Up Audit for a reduced fee of \$500 – normally a \$850 value.
- Free monthly Legal Beagle seminars for the agency’s designated representative.
- “HR Headliner” monthly newsletter and additional updates as warranted by the ever-changing employment landscape.

With 7 or fewer employees at Fresno LAFCo, your monthly HR Business Partner fee would be \$70. The contract is an initial 12-month term, with just 30 days’ notice of cancelation after that time.

CONSULTATION SERVICE PLAN

Our technical approach to each project is consultative in nature; no two projects or clients are exactly alike. One of the best ways to begin our working relationship is to conduct an HR Audit meeting. This allows us to learn more about your organization, assess what is working well, and identify priorities for enhancing your HR policies and procedures.

The topics and documents covered in the HR Audit are:

- A review of personnel files to ensure compliance with guidelines for employee privacy and HR best-practices.
- A review of I-9 forms and verification procedures.
- Recruiting and hiring practices.
- New hire onboarding (required brochures and notices) and training.
- Salary/exempt and non-exempt classifications.
- Timekeeping and wage/hour procedures.
- Mandatory labor law posters and other notices.
- Job descriptions and performance evaluations.
- Policies for at-will employment, equal employment opportunity, and anti-harassment.
- Vacation and Sick Leave programs.
- Family and medical leaves of absence and other legally-protected leaves, including disability accommodations.
- Safety, tools/equipment, and travel.
- Disciplinary actions and termination procedures.

Based on an initial strategic planning meeting with LAFCo leadership, and subsequently reviewing the findings of our HR Audit, we can collaborate in determining next steps for supporting you and your team.

HR CONSULTING TEAM QUALIFICATIONS

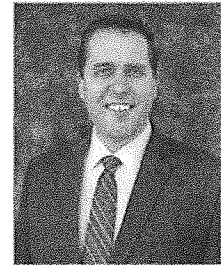
Brenda Budke, SPHR, Executive Director

Ms. Budke is a certified Senior Professional in Human Resources (SPHR) with over 30 years' experience in the human resources field. She holds a Bachelor of Science degree in Organizational Behavior with a concentration in Human Resource Management from the University of San Francisco. Prior to joining Sierra HR Partners, Ms. Budke served as Human Resources Manager for a California-based communications organization, overseeing employment, employee relations, and training.



Dan Larsen, PHR

Mr. Larsen is a certified Professional in Human Resources (PHR). He is a graduate of Brigham Young University with a degree in Business Management and emphasis in Human Resources and Organizational Behavior. He specializes in safety compliance, HR Audits for compliance with state and federal Law, and performance management curriculum development and training. Before joining SHR, Dan worked as an HR Generalist for an aerospace manufacturing company in Seattle, Washington.



Janet Keene, PHR

Ms. Keene is a certified Professional in Human Resources (PHR) with 22 years' experience in the HR field. Ms. Keene earned her Bachelor of Science degree in Business Administration from California State University, Fresno and worked for 12 years as an HR Manager for a retail business. She specializes in HR audits, policy development, job descriptions, and executive performance evaluations. She is a frequent conference presenter and workshop facilitator, focusing on effective hiring, setting performance expectations, taking corrective action, leaves of absence, and harassment prevention.



Diana Stuber, PHR-CA

Ms. Stuber is a certified Professional in Human Resources with a concentration in California regulations and legal mandates (PHR-CA). She is a Fresno State graduate with a Master's degree in Speech Communication and a Certificate in Human Resource Management. Diana has over ten years of HR management experience in a variety of industries, and is active in CCSHRM.



Nancy Vang, PHR-CA

Ms. Vang, bilingual in Hmong and English, is a certified Professional in Human Resources with a concentration in California regulations and legal mandates (PHR-CA). She graduated from California State University, Fresno with a Bachelor of Science degree in Business Administration with an emphasis in Human Resource Management and a certificate in Cross-Cultural Competency. Ms. Vang specializes in conducting thorough, compliant, efficient background investigations, including criminal history, employment and educational verifications.



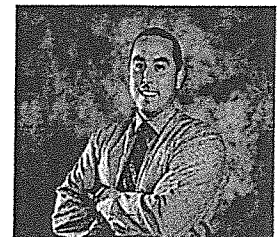
Teresa Gutierrez, PHR-CA

Ms. Gutierrez, bilingual in Spanish and English, is a certified Professional in Human Resources with a concentration in California regulations and legal mandates (PHR-CA). She graduated from San Jose State University with a Bachelor of Science in Business Administration, with a concentration in Management. Ms. Gutierrez's career background includes leadership, coaching, and retail management. She provides a variety of recruiting and background investigation services for Sierra HR Partners' clients.



Andres Magos

Mr. Magos attended California State University, Fresno for both undergraduate and graduate degrees with a focus on Organizational Communication. Prior to joining Sierra HR Partners, he supported HR communications and recruiting in the healthcare field and for a non-profit hospice organization. He is also a Communications instructor, having taught courses at Madera Community College and Fresno State. Mr. Magos supports Sierra HR clients with recruiting and background investigation services.



CLIENT REFERENCES

Sierra HR Partners is proud to support a wide variety of non-profit organizations in our community. Below are four references who may be contacted for information about the value and success of our services.

Michelle DiBudio, Executive Director
Valley Caregiver Resource Center
559-224-9154
mdibudio@valleycrc.org

Victor Salazar, Board Chairman
Poverello House
559-355-6540
voteman@sbcglobal.net

Blake Konczal, Executive Director
Fresno Regional Workforce Development Board
559-490-7102
bkonzal@workforce-connection.com

Nathan Lee, Executive Director
CASA of Kings County
559-587-9908
nlee@casakingsco.org

Sierra HR Partners would be available to begin scheduling desired HR support within five business days of the acceptance of this Proposal.