

Saddle Creek Community Services District

Regular Meeting of August 15, 2017

AGENDA SUPPORTING DATA

7. DISCUSSION AND ACTION ITEMS

- c. Adoption of a resolution approving agreement with Human Resources Practitioners for human resources consulting services

Recommended Motion

I move to adopt a resolution approving agreement with Human Resources Practitioners for human resources consulting services.

Background

The Board of Directors has set a priority of organizing the District records, with the most urgent priority being the update of District personnel policies. The District has never adopted a complete set of personnel policies, which has created some difficulty in establishment of employee rules and requirements, enforcement of personnel standards of conduct, etc. We have therefore received a proposal from a professional firm, Human Resources Practitioners, specializing in preparation of personnel policies (employee handbooks).

Our management and supervisory staff has also been struggling with the interpretation of laws and regulations related to human resources management, development of appropriate documentation of personnel issues, conducting effective personnel investigations and related actions. Engaging the services of a legal firm specializing in public agency employment law would be very helpful, but no efficient and very expensive for all the work required. Our CSD does not have an HR department, and hiring such staff would not be cost effective for a small district such as ours. We need intermittent access to HR expertise. Therefore, we asked Human Resources Practitioners to include such ongoing, intermittent work in a proposal for Board consideration.

Approval of the attached proposal through adoption of the draft resolution will achieve the necessary update to our personnel handbook, and provide the ongoing guidance on general HR matters to ensure the efficient operation of the District. Staff proposes a one year contract term and the associated cost is included in the final 2017/18 budget.

AGREEMENT
FOR CONSULTANT SERVICES BETWEEN
SADDLE CREEK COMMUNITY SERVICES DISTRICT
AND
HUMAN RESOURCES PRACTITIONERS (HRP)

This Agreement between Saddle Creek Community Services District, hereinafter referred to as "District", is entered into with Human Resources Practitioners, hereinafter referred to as "HRP", as of September 1, 2017, with reference to the following facts:

HRP desires to provide the District, human resources and related services, specifically [review of District's draft employee handbook; consult with District staff on human resources policies, including performance measures, guidance on disciplinary actions, FMLA, and general human resources issues. It is the intent of the parties to perform such work over a period of time that takes advantage of the monthly HRP retainer specified n 2. Below.](#)

NOW THEREFORE, the undersigned parties hereby agree as follows:

1. TERM & TERMINATION: This Agreement shall commence upon execution by the District's General Manager, and shall continue unless terminated in writing by either party at any time.
2. COMPENSATION: As compensation for HRP's Advisory Services, the District agrees to pay HRP a retainer of \$500.00 per month beginning September 1, 2017, and the first day of each month thereafter, for up to four (4) hours of HRP services per month. HRP services in excess of four (4) hours per month shall be paid at the hourly rate of one-hundred dollars (\$100.00) per hour for such services. ["Task orders" such as investigations or special projects will require mutual agreement on a specified "not to exceed budget" to accomplish such tasks.](#)
3. District shall pay HRP one-half (1/2) of the hourly rate for travel time on a porthole-to-porthole basis, while on District business.
4. GOVERNING LAW: This agreement is executed in and intended to be performed in the State of California and the laws of that State shall govern its interpretation and effect.
5. TIME OF PERFORMANCE: HRP shall commence the work to be performed pursuant to this Agreement upon signing of both parties and shall satisfactorily complete all activities to be performed thereunder.
6. STATUS OF RELATIONSHIP: It is the intent of both parties under this Agreement, that HRP, its agents and employees shall be an independent contractor(s) and not employee(s) of the District. This agreement absolutely excludes any employer-employee relationship between the parties to this Agreement.

7. SEVERABILITY: If any term, provision, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the Agreement shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

8. ENTIRE AGREEMENT: This Agreement contains the entire agreement between the parties regarding the rights granted and the obligations assumed in the instrument and supersede any and all prior negotiations. Any oral representations or modifications to this agreement shall be of no force or effect unless contained in a subsequent written modification of this agreement.

In Witness Whereof, the undersigned parties have executed this Agreement as provided for herein.

Date: _____
_____ David A. Mackowiak
Human Resources Practitioners (HRP)

Date: _____
_____ Pete Kampa, General Manager
Saddle Creek Community Services District

RESOLUTION NO. 2017-

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SADDLE CREEK COMMUNITY SERVICES DISTRICT APPROVING
AGREEMENT WITH HUMAN RESOURCES PRACTICIONERS FOR ASSISTANCE WITH
HUMAN RESOURCES RELATED POLICIES, PROCEDURES AND GUIDANCE**

WHEREAS, the Saddle Creek Community Services District (herein referred to as District) is a local government agency formed and operating in accordance with Section §61000 et seq. of the California Government Code; and

WHEREAS, the District is a government agency subject to compliance with many onerous laws and regulations including the Family Medical Leave Act, California Medical Leave Act, Americans with Disabilities Act, California sick leave laws, Skelly and many other laws requiring current knowledge of human resources practices, extensive documentation and time to avoid legal issues and treat employees fairly in accordance with law; and

WHEREAS, Human Resources Practitioners is in the business of providing Human Resources services to special districts, bringing the required knowledge, expertise and time required for compliance with the myriad of laws and requirements; and

WHEREAS, the District is in need of an updated and complete employee handbook and will receive credit incentive discounts from its insurance for doing so; and

WHEREAS, Human Resources Practitioners has submitted a consulting proposal meeting the needs of the District, which is attached hereto as Exhibit A.

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE SADDLE CREEK COMMUNITY SERVICES DISTRICT DOES HEREBY approve the attached proposal from Human Resources Practitioners and authorize the General Manager to enter into contract for said work for the 2017/18 fiscal year; which shall be effective immediately.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Saddle Creek Community Services District on August 15, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CERTIFICATE OF SECRETARY

I, Peter Kampa, the duly appointed and acting Secretary of the Board of Directors of the Saddle Creek Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Saddle Creek Community Services District, duly called and held on August 15, 2017.

DATED: _____.
