



TOWN OF FAIRFAX

STAFF REPORT

April 7, 2021

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Authorize the Town Manager to increase the agreement with OLAS Performance by \$22,707 to provide additional facilitation services for the Racial Equity and Social Justice Committee and Police Practices and Public Safety Alternatives Subcommittee

RECOMMENDATION

Authorize the Town Manager to increase the agreement with OLAS Performance by \$22,707 to provide additional facilitation services for the Racial Equity and Social Justice Committee and Police Practices and Public Safety Alternatives Subcommittee. The overall contract will increase by \$22,707 from \$40,000 to a revised not-to-exceed amount of \$62,707.

BACKGROUND

At the Council's October 7th meeting, then Vice Mayor Ackerman and Councilmember Hellman discussed their selection of Lisa Jimenez, with OLAS Performance, (OLAS) as the facilitator for the Racial Equity and Social Justice Committee (RESJ). Staff reported that we would work with Ms. Jimenez, as well as Vice-Mayor Ackerman and Councilmember Hellman, to develop a more refined scope of work and costs. This scope of work, along with a recommended contractual not-to-exceed amount, would be brought to the Council for consideration at the November 4th meeting.

The Council approved an agreement with OLAS Performance at its November 4, 2020 meeting. The staff report indicated that the proposal from OLAS is based on time and materials, but the fee was reduced from \$425/hour to \$350/hour. Also, responses to email and texts are billed at \$175/hr. Based on a total not-to-exceed amount of \$40,000, this equated to approximately 114 total hours. The monthly work is wholly dependent on the services requested by the RESJ. Presumably, more work by Ms. Jimenez would be required in the beginning as the RESJ begins its work. However, based on an average of 20 hours of OLAS services per month, the contract would last for approximately 6 months. The contract did include some prep work for the rescheduled October 2020 RESJ meeting. While the agreement indicates services of up to 12 months, Ms. Jimenez's stated objective is to help the RESJ build its own capacity to conduct its own work in the future without the help of a facilitator.

DISCUSSION

With the services rendered in March for the RESJ and the Police Practices and Public Safety Alternatives (PPPSA) Subcommittee, we are significantly over budget. Attached is a summary of the costs to date for the facilitation. The total cost to date is approximately \$52,707. The primary reason for the overage is the added facilitation for the PPPSA (6 meetings- approx. \$8,700) and the level of follow-up required with RESJ members in the months of February and March (approx. \$5,250 based on 15 hours) to address issues raised by RESJ members. Ms.

Jimenez estimates she has contributed 26-40 hours of pro bono services to the RESJ. Her budget summary also includes recommendations to mitigate costs in the future

In hindsight, we should have come to the Council sooner for a budget adjustment. However, these types of overages can happen from time to time for projects, based on the timing and review of invoices. In terms of monitoring expenses, with new procedures for COVID-19 and the change over to a new financial software system, the new tracking system is not in place yet and access to the old financial system is limited. In addition, staff is not integrally involved in the discussions among the facilitator, Councilmembers, and RESJ members and did not understand the level of follow-up hours required to address issues. All these factors combined to have this contract “fall through the cracks” with regard to monitoring expenses. Moving forward this will no longer be the case as OLAS billing summary will include the remaining balance under the contract and staff has implemented internal controls, but that doesn’t address the current situation.

The RESJ discussed the matter at its April 1st meeting and recommends that the RESJ be allowed to continue with Ms. Jimenez as the facilitator. The RESJ did not discuss for how long or a budgetary amount. Subsequent to the RESJ meeting, the RESJ Chair indicated she would like the RESJ to discuss at its next meeting the budget cap for the facilitator. To accommodate this request, staff believes an additional \$10,000 would be needed to allow Ms. Jimenez to facilitate the RESJ and 2 PPPSA meetings for another 1-2 months. As a result, the Council would need to further discuss this matter in May after it has received the RESJ recommendation.

The two options available to the Council are as follows:

- 1) Authorize payment for services rendered to date and terminate services. This would increase the contract from \$40,000 to a not-to-exceed amount of \$52,707. The Council would need discuss if it wanted to continue facilitation services for the RESJ but using a different facilitator.
- 2) Authorize an increase in the not-to-exceed amount to cover the additional costs to date (approx. \$12,707) and allocate an additional \$10,000 or other amount, to continue to provide facilitation services to the RESJ and PPPSA. This will require increasing the contract from \$40,000 to a not-to-exceed amount of \$62,707. As stated above, the RESJ would prefer to retain Ms. Jimenez as the facilitator.

Mayor Ackerman and Vice-Mayor Hellman are the Council representatives to the RESJ and will provide their comments on this request to the Council at the meeting.

FISCAL IMPACT

The FY20-21 budget has \$100,000 allocated for RESJ activities.

ATTACHMENTS

OLAS Budget summary

**OLAS Performance
Final Budget Summary
Revised 4.2.21**

Overview

Month	Total Hours	RESJ	PPPSA	Pro-bono	Cost	Notes
October	16.5	16.5	NA	0	5687.00	
November	10.5	10.5	NA	0	3500	
December	39.5	39.5	NA	0	13,562.50	Full day Retreat
January	18	12.5	5.5	5-10	6125	PPSA 2 mtg month
February	32	23	9	11-15 est	10,937.50	PPSA 2 mtg month
March/April	37.25	27	10.25	17+ est	12,894.75	PPSA 2 mtg month
	153.75	129	24.75	26-40 est	52,706.25	

Background

- Contractor fee was reduced from \$450 per hour to \$350 per hour. Cost for email time was further reduced to \$175 per hour.
- Contractor has given pro-bono hours to accommodate group needs and changes and remain within the original budget.
- Contract was for total amount of \$40,000 for an estimated time of one year.
- The average estimated time per month listed on the contract was 15-18 hours a month for RESJ agenda preparation, co-planning, content development, meeting facilitation, and follow-up. There was a separate contract item for the retreat hours.

Main Time Expenditures

- Post meeting follow-up and future planning for RESJ meetings that were harmful to members of color in particular and other members in general.
- Retreat planning, content development, and implementation.
- Meeting facilitation.

Cost Mitigation Recommendations

1. Continue to offer pro-bono hours and document with more accuracy on invoices for RESJ budget planning purposes.
2. Charge flat rate for retreats to reduce hourly costs from changes, adjustments, and follow-up.
3. Implement systems and structures to reduce hourly work with individual people and increase efficiency of time to meet group needs and promote learning and dialogue.
 - Engage in in-depth “learning” outside of RESJ meeting time with more efficiency.
 - Hold monthly affinity groups and Circle Way dialogue sessions in the days immediately following RESJ meetings.
 - Enlist county and Bay Area resources to support Racial Equity and Social Justice learning, so that consultant time is used with greater efficiency.
 - Consultant to seek pro-bono partnership from colleagues.