REVISED 5/16/2022

AGENDA SPECIAL MEETING

GOVERNING BOARD OF DIRECTORS REGIONAL HUMAN RIGHTS/FAIR HOUSING COMMISSION 700 H STREET, HEARING ROOM 1 SACRAMENTO, CA 95814

(Members may participate via teleconference)

WEDNESDAY

MAY 18, 2022

2:00 PM

DIRECTORS: Patrick Kennedy, Don Nottoli (Vice-Chairperson) (County of Sacramento, Alternate – Sue Frost); Mai Vang (Chairperson) (City of

Sacramento)

CLERK: Alma Muñoz, Clerk

PUBLIC COMMENT PROCEDURES

The County fosters public engagement during the meeting and encourages public participation, civility and use of courteous language. The County does not condone the use of profanity, vulgar language, gestures or other inappropriate behavior including personal attacks or threats directed towards any meeting participant. In compliance with directives of the County, State, and Centers for Disease Control and Prevention (CDC), the meeting is open to public attendance pursuant to health and safety guidelines. The practice of social distancing and wearing of face coverings (mask or shield) is recommended for the health and safety of all persons participating in person during the meeting although it is not required.

IN-PERSON PUBLIC COMMENT

Speakers will be required to complete and submit a speaker request form to Clerk staff. The Chairperson will invite each individual to the podium to make a verbal comment.

Live meeting comment

Sign up to make a public comment during a live meeting. Registration opens when the agenda is posted 72-hours prior to the meeting date. Dial (916) 875-2501 to provide contact information. On the day of the meeting, callers will be contacted by phone and transferred to the meeting to make a comment on a specific agenda item or off-agenda item. Callers may sign up until public comments are closed for a specific item, respectively.

Written comment

 Send an email comment to <u>BoardClerk@saccounty.net</u>. Include meeting date and agenda item number or off-agenda item. Contact information is optional.

- Mail a comment to 700 H Street, Suite 2450, Sacramento, CA 95814. Include meeting date and agenda item number or off-agenda item. Contact information is optional.
- Written comments are distributed to members and filed in the record.

VIEW MEETING

The meeting will be streamed live through Zoom. Members of the public may watch and/or listen to the meeting as follows:

Join Zoom Meeting https://saccounty-net.zoomgov.com/j/1615758734?pwd=RFVsVVU4YIFKWUkwVVFDTFp2c25SZ z09

Webinar ID: **161 575 8734**

Passcode: **934231**

Dial by your location (669) 254-5252

Webinar ID: 161 575 8734

Passcode: **934231**

MEETING MATERIAL

The online version of the agenda and associated material is available at http://sccob.saccounty.net (click "Public Meetings" and "South Sacramento Conservation Agency - JPA"). Some documents may not be posted online because of size or format limitations. Contact the Clerk's Office at (916) 874-5411 for arrangements to obtain copies of documents.

ACCOMODATIONS

Requests for accommodations pursuant to the Americans with Disabilities Act (ADA) should be made with the Clerk's Office by telephone at (916) 874-5411 (voice) and CA Relay Services 711 (for the hearing impaired) or email at BoardClerk@saccounty.net prior to the meeting.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

SECTION I - ACTION / DISCUSSION MATTERS

- 1. Election Of Chairperson And Vice Chairperson For Fiscal Year 2022-2023
- 2. Approval Of May 25, 2021 Action Summary
- 3. Approval Of 2022-2023 Annual Budget
- 4. Approve A Resolution Providing For A Two-Year Audit For Fiscal Years 2020-2021 And 2021-2022
- 5. Discuss and Provide Direction to Staff Regarding Strategy for Paying Down and/or Merging the Net Pension Liability

SECTION II – STAFF COMMENTS

6. Staff Comments

SECTION III - MEMBER COMMENTS

7. Member Comments

SECTION IV - PUBLIC COMMENTS

8. Public Comments

SECTION V - ADJOURNMENT

No Material Memo

Date: Wednesday, May 18, 2022

Subject: Election Of Chairperson And Vice Chairperson For Fiscal

Year 2022-2023

MATERIAL NOT INCLUDED

ACTION SUMMARY

GOVERNING BOARD OF DIRECTORS REGIONAL HUMAN RIGHTS/FAIR HOUSING COMMISSION (Teleconference Video)

THURSDAY MAY 25, 2021 11:00 AM

DIRECTORS: Patrick Kennedy (Chairperson), Don Nottoli (County of Sacramento, Alternate – Sue Frost); Mai Vang (City of Sacramento)

(All Directors were present)

CLERK: Grazyna Dawlewicz, Clerk

PUBLIC COMMENT PRECEDURES

In compliance with directives of the County, State, and Centers for Disease Control and Prevention (CDC), this meeting is live stream and closed to public attendance. Meeting procedures are subject to change pursuant to guidelines related to social distancing and minimizing person-to-person contact.

Live meeting comment

Make a verbal public comment during a meeting. The public comment phone line will open 15-minutes prior to the start of the meeting. Refer to the agenda and listen to the live meeting to determine when is the best time to call to be placed in queue to make a public comment. Callers may be on hold for up to an extended period of time and should plan accordingly. Dial (916) 875-2500 and follow the prompts to be placed in queue for a specific agenda item or off-agenda matter. When the Chair opens public comment for a specific agenda item or off-agenda matter, callers will be transferred from the queue into the meeting to make a verbal comment. Each agenda item queue will remain open until the public comment period is closed for that specific item.

Written Comment

- Send an email comment to Boardclerk@saccounty.net Include meeting date and agenda item number or off-agenda item. Contact information is optional.
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- Video/Audio from a PC: https://primetime.bluejeans.com/a2m/live-event/txvcgksy
- Video/Audio from a mobile device: <u>https://primetime.bluejeans.com/a2m/live-event/txvcgksy</u> (Enter Event ID Code: txvcgksy)
- Teleconference (audio only) dial: (415) 466-7000 (Enter PIN Code: **5199316#**)

MEETING MATERIAL

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

SECTION I - ACTION / DISCUSSION MATTERS

1. Election Of Chairperson And Vice Chairperson For Fiscal Year 2021-2022

11:06 AM Board Action: Kennedy/Nottoli - Elected Director Mai Vang as Chairperson and Director Don Nottoli as Vice-Chairperson effective July 1, 2021.

AYES: Directors Patrick Kennedy, Don Nottoli, Mai Vang

NOES: (None) ABSTAIN: (None) ABSENT: (None) RECUSAL: (None)

(PER POLITICAL REFORM ACT (§ 18702.5.))

2. Approval Of May 14, 2020 Action Summary

11:10 AM Board Action: Nottoli/Vang – Approved as recommended.

AYES: Directors Patrick Kennedy, Don Nottoli, Mai Vang

NOES: (None)
ABSTAIN: (None)
ABSENT: (None)
RECUSAL: (None)

(PER POLITICAL REFORM ACT (§ 18702.5.))

3. Approval Of 2021-2022 Annual Budget

11:11 AM Board Action: Nottoli/Kennedy – Approved the Fiscal Year 2021-2022 Annual Budget by Resolution No. **2021-01**.

AYES: Directors Patrick Kennedy, Don Nottoli, Mai Vang

NOES: (None) ABSTAIN: (None) ABSENT: (None) RECUSAL: (None)

(PER POLITICAL REFORM ACT (§ 18702.5.))

4. Receive And File Two Year Audit For Fiscal Years 2018-2019 And 2019-2020; And Approve A Two Year Audit For Fiscal Years 2020-2021 And 2021-2022

11:12 AM Board Action: Kennedy/Vang – Received and filed the 2018-2019 and 2019-2020 audited financial statements and approved a two year audit for Fiscal Years 2020-2021 and 2021-2022.

AYES: Directors Patrick Kennedy, Don Nottoli, Mai Vang

NOES: (None) ABSTAIN: (None) ABSENT: (None) RECUSAL: (None)

(PER POLITICAL REFORM ACT (§ 18702.5.))

SECTION II - STAFF COMMENTS

5. Staff Comments

11:16 AM Board Action: No staff comments were made.

SECTION III – MEMBER COMMENTS

6. Member Comments

11:17 AM Board Action: Director Don Nottoli requested information regarding whether or not employee and employer contributions are fixed or increased over time and staff confirmed contributions are fixed.

SECTION IV - PUBLIC COMMENTS

7. Public Comments

11:19 AM Board Action: No public comments were made.

SECTION V - ADJOURNMENT

Adjourned at 11:20 am

Respectfully Submitted,

Grazyna Dawlewicz, Clerk

Governing Board Members

City of Sacramento

Councilmember Mai Vang Chair

County of Sacramento

Supervisor Don Nottoli Vice-Chair

Supervisor Patrick Kennedy

Supervisor Sue Frost, Alternate member

Executive Director

John Colville 915 I Street, 3rd Floor Sacramento, CA 95814 (916) 808-8297 Agenda Item: 3

For the Agenda of: May 18, 2022

Subject: Approval of 2022-23 Annual Budget

Report Type: Action

Contact: John Colville, Executive Director, (916) 808-8297

Overview: The Fiscal Year 2022-23 Annual Budget includes costs for the

Commission's outstanding retirement liability payments and

residual wind down expenses.

Recommendation: Adopt the attached Resolution approving the Fiscal Year (FY)

2022-23 Annual Budget (EXHIBIT 1)

Background: The FY 2022-23 Annual Budget includes \$120,183 in funding to

address anticipated expenditures. Specifically, the FY 2022-23 Annual Budget includes costs for the retirement liability payment required by CalPERS (\$112,183), costs associated with accounting functions to meet requirements resulting from continuing the organization in existence and pursue possible alternatives for retirement of the pension debt (\$8,000). This cost is higher than in prior years due to a potential increase in audit cost associated with required auditor rotation and the possible for additional professional service cost related to the pension liability. There is a fund balance of approximately \$600 held in the County Treasury that may offset some of the expenses. Therefore, the anticipated revenue from the County and City is \$60,092 from each, assuming both contribute the full

Attachments: RESOLUTION

EXHIBIT 1 – Fiscal Year 2022-23 Annual Budget

budgeted amount. No assurance is provided.

Adopted on

May 18, 2022

RESOLUTION ADOPTING THE FISCAL YEAR 2022-23 FINAL BUDGET OF THE REGIONAL HUMAN RIGHTS/FAIR HOUSING COMMISSION

WHEREAS, the Regional Human Rights/Fair Housing Commission discontinued providing services as of October 31, 2014 and Governing Board is overseeing the wind down of the organization and payment for retirement benefits for the prior Commission employees.

THEREFORE, IT IS HEREBY RESOLVED, the final budget for the Fiscal Year 2022-23 is hereby adopted in accordance with the following categories:

(1)	Salaries and Employees benefits	\$ 112,183
(2)	Services and Supplies	8,000
(3)	Other Charges	
(4)	Fixed Assets	
	(A) Land	
	(B) Structures and improvements	
	(C) Equipment	
(5)	Expenditure transfers	
(6)	Contingencies	
(7)	Provision for reserve increases	
	TOTAL BUDGET REQUIREMENTS	\$ 120,183

BE IT FURTHER RESOLVED that means for financing the expenditures will be by monies derived from Revenue and Fund Balance.

BE IT FURTHER RESOLVED that the budget is hereby adopted in accordance with the attachment that shows in detail the approved appropriations and revenues and methods of financing.

Resolution Adopting the Fiscal Year 2022-23 Final Budget of the Regional Human Rights/Fair Housing Commission
Page 2
On a motion by Member, seconded by Member, the foregoing Resolution was passed and adopted by the following
vote:
AYES:
NOES:
ABSENT:
ABSTAIN:
Ву:
Commission Chair
Attachments
Attachments: Exhibit 1 – FY 2022-23 Annual Budget

REGIONAL HUMAN RIGHTS/FAIR HOUSIN Special District 96; Fund 064A	 SET 2022-2023		
· ·	Sac City		TOTALS
FUND CENTER>	6266265	6266268	
SALARIES			
10111000 - Regular Employees	-	-	-
TAXES/BENEFITS			
10121000 - Retirement	56,092	56,092	112,183
SERVICES/SUPPLIES			
20250500 - Accounting	4,000	4,000	8,000
CONTINGENCY			
79790100 - Contingency Appropriation	-	-	-
Total Expenditures	60,092	60,092	120,183
REVENUE			
95953100 - Intergovernment Revenue	59,792	59,792	119,583
FUND BALANCE			
7400000-Fund Balance	300	300	600
Total Financing	60,092	60,092	120,183

Governing Board Members

Councilmember Mai Vang Chair

County of Sacramento

Supervisor Don Nottoli Vice-Chair

Supervisor Patrick Kennedy

Supervisor Sue Frost, Alternate member

Executive Director

John Colville 915 I Street, 3rd Floor Sacramento, CA 95814 (916) 808-8297

REGIONAL HUMAN RIGHTS/FAIR HOUSING COMMISSION

Agenda Item # 4.

For the Agenda of May 18, 2022

Subject: Approve a resolution providing for a two-year audit for fiscal years

2020-2021 and 2021-2022

Report Type: Action

Contact: John Colville, Executive Director, (916) 808-8297

Overview: The State Controller's Office has requested a formal resolution to

memorialize the Governing Board's approval of a two-year audit that

occurred at the May 25, 2021 meeting

Recommendation: Approve the attached resolution authorizing a two-year audit

Background: Government Code Section 6505 (b) requires and the Commission's

Joint Exercise of Powers Agreement provide for an annual audit of the Commission's accounts and records. Government Code Section 6505 (f) allows for a two-year rather than an annual audit with a unanimous vote of the Governing Board. Upon the recommendation of staff, the Governing Board unanimously approved a two-year audit for fiscal

years 2020-2021 and 2021-2022 at its meeting on May 25, 2021.

Discussion: The State Controller's Office performs an oversight function with

respect to audits of local government agencies within the State of California. After reviewing documentation of the Board's action at the May 25, 2021 Board meeting approving a two-year audit for fiscal years 2020-2021 and 2021-2022, a representative of the State Controller's Office requested a formal resolution documenting this approval. Consequently, staff has drafted the attached resolution to memorialize

the approval of the two-year audit that has already occurred.

RESOLUTION-2 YR. Audit 2020-2022

Adopted on

May 18, 2022

RESOLUTION APPROVING A TWO-YEAR FINANCIAL STATEMENT AUDIT FOR FISCAL YEARS 2020-2021 AND 2021-2022

WHEREAS, Government Code section 6505(b) requires and the Human Rights/Fair Housing Commission's Joint Exercise of Powers Agreement provide for an annual audit, and;

WHEREAS, Government Code section 6505(f) allows the annual audit to be replaced with an audit covering a two-year period with the unanimous vote of the Governing Board, and;

WHEREAS, the purpose of the Commission is now limited to the retirement of its pension obligations for past employees and the number of individual financial transactions processed each year is generally less than ten, and;

WHEREAS, at its meeting on May 25, 2021, the Governing Board approved a two-year audit for fiscal years 2020-2021 and 2021-2022 as a motion, but did not approve a formal resolution, and;

WHEREAS, the California State Controller's Office has requested a formal resolution to document the Governing Board's approval of a two-year audit.

THEREFORE, IT IS HEREBY RESOLVED, that an audit covering a two-year period is approved covering fiscal years 2020-2021 and 2021-2022.

On	а	motion	by	Member			,	seconde	d by	Member
		_, the for	egoi	ng Resolu	tion was	passed	and	adopted l	by the	following
vote:										

Resolution Approving a Two-Year Financial State And 2021-2022 Page 2	ement Audit for Fiscal Years 2020-2021
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
В	y:
	Commission Chair

Governing Board Members

City of Sacramento

Councilmember Mai Vang Chair

County of Sacramento

Supervisor Don Nottoli Vice-Chair

Supervisor Patrick Kennedy

Supervisor Sue Frost, Alternate member

Executive Director

John Colville 915 I Street, 3rd Floor Sacramento, CA 95814 (916) 808-8297 Agenda Item:

For the Agenda of: May 18, 2022

Subject: Discuss and Provide Direction to Staff Regarding Strategy for

Paying Down and/or Merging the Net Pension Liability

Report Type: Discussion and Possible Direction to Staff

Contact: John Colville, Executive Director, (916) 808-8297

Overview: Consider options for reducing or eliminating the net pension

liability early and provide direction to staff

Recommendation: Provide direction to staff on pursuing the following options:

1. Making additional contributions over and above what is legally required to reduce the liability early

 Merger of the Commission's inactive pension plan with the existing CalPERS pension plan of the City of Sacramento, with appropriate compensation from the County to be negotiated

3. Terminating the pension plan, which would require a current payment of approximately \$3.8 million assuming a risk-free rate of 2.5%.

Background:

As of June 30, 2020, the Commission's pension plan covered 18 retirees receiving pension benefits and 38 additional former employees who worked for the Commission at some point prior to October 31, 2014, when the last paid employees of the Commission were released. Since that time, the City and County have voluntarily provided funding to service the annual required contributions for the plan and the Commission is current on those contributions. Although the liability on the plan may be reduced over time, the Commission will continue to be exposed to the potential for a liability for additional payments until the last retiree passes away unless the plan is merged with another plan or terminated early. As some of the participants were born as recently as the 1980s, benefits to participants under the plan could continue for decades.

Discussion (cont):

Commission staff have identified three general options for reducing or eliminating the net pension liability early. As any of the options will require the commitment and cooperation of the City and County independently, staff feels it is appropriate that direction come from the Board as to which, if any, of the options the Board desires to pursue. A tabular summary comparing each option as well as the possibility of taking no action is presented below. The summary is followed by a discussion of each option.

	Take no action; pay only the annual required contribution as it comes due	Contribute additional amounts above the required contributions	Merge the Commission's plan with the City of Sacramento's existing CalPERS plan	Terminate the Commission pension plan and make a termination payment
Approximate pension payment to be made for the 2022-2023 fiscal year	\$111,483	\$111,483 plus additional amount determined at Commission's discretion	\$111,483	\$3,832,419 depending on date of termination, assuming 2.5% risk free discount rate
Approximate total payments to be made over the next 5 years, based on the most recently released CalPERS valuation report	\$554,714	\$554,714 plus additional amount determined at Commission's discretion	\$554,714	\$3,832,419 depending on date of termination, assuming 2.5% risk free discount rate
CalPERS projected length of time to reach full funding	12 years	Less than 12 years depending on additional amount contributed	12 years	Immediately upon making termination payment
Who retains investment risk and is obligated to pay benefits regardless of investment performance?	Commission	Commission	City of Sacramento	CalPERS

(continued from previous page)	Take no action; pay only the annual required contribution as it comes due	Contribute additional amounts above the required contributions	Merge the Commission's plan with the City of Sacramento's existing CalPERS plan	Terminate the Commission pension plan and make a termination payment
When does the Commission's separate CalPERS plan terminate?	After the last retiree passes away; potentially decades	After the last retiree passes away; potentially decades	Upon merger into the City of Sacramento's plan	Upon termination
Commission continues in existence; biennial audits required?	Yes, until after last retiree passes away.	Yes, until after last retiree passes away.	No, Commission could dissolve after the plan merger was completed.	No, Commission could dissolve upon termination of the plan.
Current investment return assumption	7%	Up to 7% depending on the type of additional contributions made	7%	2.5%

Making additional contributions over and above what is legally required to reduce the liability early

Although the Commission retains the risk of loss on its pension plan until the plan is merged or terminated (as discussed later in greater detail), the Commission does have the option of contributing more than the annual required contributions to take advantage of investment returns (should they materialize) with the goal of reducing the pension liability early. The current CalPERS projection is that paying the annual required contribution should reduce the liability to zero in about 12 years. CalPERS projects, however, that if the Commission were to contribute a little less than double the annual required contribution the liability could be reduced to zero as soon as 5 years. These

projections are based on a 7% long-term investment return assumption and, as you know, actual results could differ greatly based both on market conditions as well as plan participants living longer or shorter than expected. However, if the assumptions prove correct, making additional contributions would allow the Commission to reach full funding within the next 12 years and after that only very minimal or no additional contributions would be required. However, even after reaching full finding the plan would remain open and the Commission would still be responsible to make up any deficiencies in the plan that arise after reaching full funding, including deficiencies caused by investment returns that fall below expectations or those caused by retirees outliving projected life expectancies. The Commission would need to continue in existence until either the last retiree passed away or the Commission decided to terminate or merge the plan, as will be discussed later. If there were any residual assets in the plan after the last retiree passed away, these assets could be returned to the Commission.

Merger of the Commission's closed pension plan with the existing CalPERS pension plan of the City of Sacramento, with appropriate compensation from the County to be negotiated

Because the County of Sacramento does not have a pension plan with CalPERS but the City of Sacramento does, the Commission's separate pension plan could be merged into the City of Sacramento's CalPERS plan, assuming the City of Sacramento would agree to such a merger. This would eliminate the need for the ongoing existence of the Commission solely to service pension liabilities, but it would transfer the risk of the plan solely to the City, absent an agreement to share this risk between the City and County. Under the current arrangement, neither the City nor the County is legally liable for the pension debt, but both have voluntarily contributed toward it on an annual basis.

If the City were to agree to a plan merger, the City-County agreement to share cost/risk could be tailored to address each party's needs and desires. Two possible alternatives for the structure of this agreement are presented below:

- The County agrees to assume half of liability of the Commission's separate plan and reimburse the City on an annual basis. However, because CalPERS reporting on the separate Commission plan would cease after the merger, this may require the City and County to engage an actuarial firm to provide ongoing reports on the Commission's portion of the plan, if desired.
- 2. The City accepts the risk of the plan in exchange for a fixed upfront or annual payment from the County.

Agenda Item 5 - Discuss and Provide Direction to Staff Regarding Strategy for Paying Down and/or Merging the Net Pension Liability

Discussion (cont): Terminating the pension plan, which would require a current payment of approximately \$3.8 million assuming a risk-free rate of 2.5%

In order to terminate a pension plan before all of the benefits payable have been made, CalPERS requires an upfront payment of the plan's unfunded liability which is redetermined using a risk-free rate of return rather than the long-term investment rate of return which is currently assumed to be 7%. The redetermination uses the risk-free rate as of the date of termination, but assuming the rate would be 2.5%, that would require an upfront termination payment today of approximately \$3.8 million. If the plan were terminated, CalPERS would then assume the risk of paying out the remaining benefits to the plan and would move assets into a very low-risk investment portfolio to ensure they had sufficient funds to pay the projected benefits. Assuming the long-term investment rate of return does prove to be closer to 7%, this option would increase the Commission's pension cost substantially because it would forgo receiving those higher returns over a potentially very long period of time. However, it would allow the Commission to dissolve and would transfer any remaining risk on the plan to CalPERS.

No Material Memo

Date: Wednesday, May 18, 2022

Subject: Staff Comments

MATERIAL NOT INCLUDED

No Material Memo

Date: Wednesday, May 18, 2022

Subject: Member Comments

MATERIAL NOT INCLUDED