

AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT
REGIONAL HUMAN RIGHTS/FAIR HOUSING COMMISSION

This Joint Exercise of Powers Agreement (“Agreement”), creating the Regional Human Rights/Fair Housing Commission, is made and entered into this 22 day of July, 2014, by and between the City of Sacramento, a municipal corporation, hereinafter called “City” and the County of Sacramento, a political subdivision of the State of California hereinafter called “County.” Each of the public entities shall also be referred to individually as “Party” and collectively as “Parties” or “Members.”

Background

- A. The City and County created the Human Rights Commission in 1975, which became the Regional Human Rights/Fair Housing Commission in 1981. Over the years, the Commission’s focus has been on housing discrimination, with services provided limited to training, counseling, mediation, and dispute resolution.
- B. In 2008, the members of the Commission expanded to include the cities of Elk Grove, Rancho Cordova and Citrus Heights. These cities receive federal Community Development Block Grant (CDBG) funds and there is a requirement to affirmatively further fair housing as a condition of receiving these federal funds.
- C. Between FY 2008-09 and FY 2011-2012, all the member agencies provided funding to support the Commission. Due to revenue shortfalls and other reasons, after July 1, 2013 only the County was willing to provide continued funding support for the Commission.
- D. Based on the Analysis of Impediments to Fair Housing Choice reports in 2004 and 2011, numerous deficiencies with the Commission operations were noted, including problems with its complaint processing, investigative methodology, diminishing enforcement referrals, and failure to track results. Over time, the Commission’s delivery of services to address housing discrimination has diminished.
- E. In 2014, the cities of Elk Grove, Rancho Cordova and Citrus Heights withdrew as members of the Commission, and effective July 1, 2014 the Commission no longer provides services to the general public. The City and County as the remaining Members have decided to wind down the affairs of the Commission.
- F. Currently the City and County, along with the other cities in this region, provide referrals to other public and private organizations that offer housing discrimination counseling, mediation, and dispute resolution services. Because entities such as Pacific McGeorge Housing Mediation Clinic, Legal Services of Northern California, Disability Rights of California, and the State Department of Fair Employment and Housing provide assistance for housing discrimination matters, the Commission does not need to remain in existence to meet the requirement to affirmatively further fair housing.

2014-0727

Title: Regional Human Rights Fair Housing
Commission
Other Party: County of Sacramento

- G. Although the liabilities of the Commission are not the liabilities of the City and County, the Parties have agreed to remain as Members to participate in funding the Commission's outstanding debt to the Public Employees Retirement System (PERS) over time to avoid or minimize the impact on the PERS benefits for the prior Commission employees if the Commission was dissolved because it has no assets.
- H. With the amendment of this Agreement, the City and County have approved the Commission Governing Board's appointment of the City Treasurer to serve as the caretaker of the Commission as it winds down its affairs and to make the annual PERS debt payments.

Agreement

In consideration of the mutual promises contained herein, the Parties hereby agree to amend and restate the Joint Exercise of Powers Agreement as of August 1, 2014 as follows:

1. ESTABLISHMENT OF A REGIONAL HUMAN RIGHTS/FAIR HOUSING COMMISSION

In exercise of the authority conferred upon the Parties hereto by Article XI, Section 7 of the California Constitution, and pursuant to the provisions of Article 1, Chapter 5, Division 7, Title I of the Government Code, Section 6500 et seq. ("The Joint Exercise of Powers Act"), there is hereby established a joint powers authority that shall be known as the "Regional Human Rights/Fair Housing Commission" (hereafter "Commission"). The Commission shall be a public entity separate from the Parties hereto, and its debts, liabilities and obligations shall not be or become debts, liabilities or obligations of any Party to this Agreement.

2. PURPOSE

The purpose for creation of the Commission was to promote the public health, safety, peace and tranquility within the County of Sacramento through eradication of housing discrimination.

3. GOVERNING BOARD OF THE COMMISSION

- a. Directors. The Governing Board of the Commission shall consist of a Board of Directors. Each director shall have one vote. Appointments to the Commission will be as follows:
 - i. The Sacramento County Board of Supervisors shall appoint two Directors from among its members; and
 - ii. The Sacramento City Council shall appoint two Directors from among its members.
- b. Qualifications. Each Director shall be an elected official of the Member's governing body, and shall serve at the pleasure of the Member's governing body.

- c. Compensation. The Executive Director shall not be entitled to receive any pay or benefits to serve as the Executive Director of the Commission.

5. APPROVAL OF COMMISSION BUDGET.

Prior to the commencement of Fiscal Year 2014-2015 and each fiscal year thereafter (defined as July 1 through June 30), the Governing Board shall adopt a budget for the Commission for the ensuing fiscal year. No member Party shall be obligated to allocate funds to the Commission until the governing board of that member Party shall also have acted to approve the Commission budget.

6. TREASURER AND AUDITOR.

- a. The Director of Finance of the County of Sacramento shall serve as the Treasurer and Auditor of the Commission.
- b. The Auditor shall cause to be made an independent audit of the accounts and records of the Commission by a certified public accountant in compliance with Government Code Section 6505 if requested by the Commission.

7. AMENDMENT OF FORMER AGREEMENT AND CONTINUATION OF COMMISSION.

This Agreement amends in its entirety that certain Joint Exercise of Powers Agreement between the City of Sacramento and the County of Sacramento creating the Human Rights/Fair Housing Commission of the City and County of Sacramento, dated January 22, 2008. Notwithstanding the foregoing, the joint powers authority established by that Agreement shall remain in existence and continue as the Commission under this Agreement and the amendment of that Agreement shall not be deemed to alter any rights obligations of the Commission. The original agreement was adopted May 19, 1981 and amended on August 6, 1991, December 14, 1993, July 26, 1994, November 26, 1996, January 14, 1997 and January 22, 2008.

8. TERMINATION OF AGREEMENT.

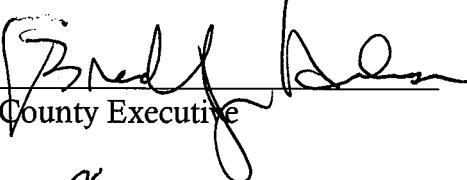
The Parties agree that once the liabilities of Commission for the Public Employees Retirement System (PERS) accrued benefits for the prior Commission employees has been fully paid, then this Agreement shall terminate and the Commission shall no longer be in existence as of the date that the final PERS payment is made.


9. COUNTERPARTS.

This Agreement may be executed in counterparts. All counterparts shall constitute a single Agreement.

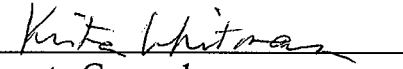
IN WITNESS WHEREOF, the Parties hereto have entered into this Agreement on the date first set forth above.

COUNTY OF SACRAMENTO, a political subdivision of the State of California

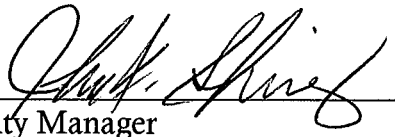
By 
County Executive

By 
Clerk of the Board of Supervisors


APPROVED AS TO FORM

By 
County Counsel


CITY of SACRAMENTO,
a municipal corporation

By 
City Manager

ATTEST

By 
Assistant City Clerk 8-11-14

APPROVED AS TO FORM

By 
Senior Deputy City Attorney