

RESOLUTION NO. 2008-041

Adopted by the Sacramento City Council

January 22, 2008

AMENDMENT NO. 6 TO THE HUMAN RIGHTS/FAIR HOUSING COMMISSION JOINT POWERS AUTHORITY AGREEMENT NO. 80-219

BACKGROUND

- A. The City and County of Sacramento established the Human Rights Fair Housing Commission of the City and County of Sacramento (Commission) in May 1981 as a Joint Powers Authority (JPA).
- B. The Commission has experienced an increase in contract services from the cities of Citrus Heights, Elk Grove, and Rancho Cordova, and a desire for these new jurisdictions to serve on the governing body.
- C. The amendments to the Commission's JPA create an independent agency, change the organizational structure and reporting lines of authority, and allow participation in governance by other jurisdictions.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Council approves, and authorizes the Mayor to execute, on behalf of the City of Sacramento, the amended Joint Powers Agreement for the Human Rights/Fair Housing Commission, attached as Exhibit A.

Adopted by the City of Sacramento City Council on January 22, 2008 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters.

Noes: None.

Abstain: None.

Absent: Mayor Fargo.


Steve Cohn, Vice-Mayor

Attest:

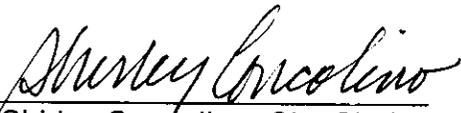

Shirley Concolino, City Clerk

EXHIBIT A

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

This Agreement, creating the Regional Human Rights/Fair Housing Commission, is made and entered into this _____ day of _____, 2008, by and between the City of Sacramento, the City of Citrus Heights, the City of Elk Grove, the City of Rancho Cordova, municipal corporations organized under the laws of the State of California, hereinafter called "Cities", 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."

In consideration of the mutual promises contained herein, the Parties hereby agree 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 of the Commission is to promote the public health, safety, peace and tranquility of the Region through the establishment and implementation of programs that identify and seek to eradicate discrimination and promote tolerance of the diverse cultures, mores, lifestyles, and beliefs of the peoples of this Region in order to achieve and maintain harmony and realize equal opportunity.

As used in this Agreement, the term "discrimination" means any and all forms of bias or prejudice on any basis made unlawful by Federal or California statutory or California common law, including, without limitation,

such bases as race, religion, gender, sexual orientation, familial status, age or disability occurring in the Region with respect to which action of the Commission or its Members is not preempted, including, without limitation, housing, employment, access to public or commercial goods and services, and admission to civic, social or cultural association or activities.

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 five

Directors from among its members;

ii. The Sacramento City Council shall appoint five Directors from among its members;

iii. All other members of the Commission shall appoint one Director 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. Meetings. The Governing Board shall meet at least semi-annually, and also at the request of the Chair of the Governing Board. Meetings shall be open to the public and shall be scheduled, called and conducted in compliance with Section 54950 et seq. of the Government Code (Ralph M. Brown Act).

d. Alternates. Each Member may appoint one or more alternates for each of its Directors, who shall serve when the Member's regular Director is absent or disqualified from voting. Each alternate will be an elected official.

e. Quorum. A quorum for transaction of business shall be a majority of duly appointed Directors or their respective alternates. No action by the Governing Board shall be effective unless it receives the affirmative vote of a majority of the duly appointed Directors or their respective

alternates. For purposes of this subsection, a Director or Alternate is deemed appointed when written notice of the appointment is received by the Commission's Executive Director.

f. Organization. The Governing Board shall elect a Chair and Vice Chair for a one-year term beginning on July 1 of each year. Other officers and ad hoc committees may be created by action of the Governing Board.

g. General Powers and Duties. The Governing Board shall have all of the powers and duties authorized by the Joint Exercise of Powers Agreement and which the Members share in common. Governing Board responsibilities shall include:

- i. Setting overall program and fiscal policy for the Commission.
- ii. Establishing goals, objectives, and priorities.
- iii. Adopting an annual budget, including the compensation and benefits of Commission employees.
- iv. Hiring, firing, annually evaluating, and disciplining the Executive Director.
- v. Setting the annual contribution to the Commission budget from each Member. This action shall require unanimous agreement of all Directors present.
- vi. Appointing the Commission's General Counsel.

h. Authority to Investigate, Enforce, and Litigate. The Commission shall have the authority to investigate, enforce, and litigate charges of discrimination using the following procedures:

- i. With the same power and authority and subject to the same limitations vested in and imposed upon a City under Government Code Sections 37104 et seq., the Commission may issue subpoenas in any action or proceeding pending before it. The Commission shall provide its own legal representation in the initiation and prosecution of any and all proceedings relating to the validity or enforcement thereof. The Advisory Board and the Executive Director of the Commission, respectively, shall be vested with the same

powers as a City Council and Mayor under the provisions of Government Code Sections 37104 et seq.

ii. With the consent of the Advisory Board, the Executive Director of the Commission may refer to and request the Commission's General Counsel to file and prosecute litigation for the purpose of alleviating discrimination within the Region, making the Commission a party plaintiff to such litigation. The provisions of this subparagraph shall not be construed to limit the discretion of the District Attorney or any other authorized person to file and prosecute any civil litigation in the name of the People of the State of California, whether or not requested by the Commission and whether or not the Commission is a party thereto.

iii. With the consent of the Advisory Board, the Executive Director of the Commission may file in the name of the Commission a verified complaint with the State Department of Fair Employment and Housing ("Department") alleging discrimination with the statutory jurisdiction of the Department. The Commission may bring suit on any verified complaint filed pursuant to this subparagraph.

i. Compensation. Each Director shall be entitled to a stipend of \$200.00 per meeting, if so requested

5. ADVISORY BOARD

a. Appointment of Advisory Board. The Governing Board shall appoint an Advisory Board that shall represent the Members of the Commission. The number of Advisory Board members shall be set, and revised from time to time, by the Governing Board pursuant to the following formula: each Member shall be represented by one Advisory Board member for every 50,000 in population living in the Member's jurisdictional boundaries, up to a maximum of five representatives on the Advisory Board for any single member. An Advisory Board member shall serve a term of three years. No member may serve more than two consecutive terms. Any Advisory

Board member absent for more than three consecutive Advisory Board meetings is automatically removed and a replacement shall be appointed. Advisory Board members shall serve at the pleasure of the Governing Board.

- b. Qualifications. Each Advisory Board member shall be appointed by the governing body of the Member he or she represents.
- c. Meetings. The Advisory Board shall establish an annual schedule of meetings, generally on a monthly basis. Meetings shall be open to the public and shall be scheduled, called and conducted in compliance with Government Code Section 54950 et seq. (Ralph M. Brown Act).
- d. Quorum. A quorum for transaction of business shall be one-third of duly appointed members. Advisory Board action may be taken by the affirmative vote of a majority of those members present and voting.
- e. Organization. The Advisory Board shall elect a Chair and Vice Chair for a one-year term beginning on July 1 of each year. Other officers and ad hoc committees may be created by action of the Advisory Board.
- f. Duties of Advisory Board. The Advisory Board shall be subordinate to the Governing Board. The Advisory Board shall provide direction to the Executive Director consistent with the policy, goals, objectives, and priorities established by the Governing Board. The Advisory Board shall forward an annual budget to the Governing Board for approval, after conducting a workshop planning session to discuss budgets, programs, service levels and other issues as directed by the Governing Board. Specific duties of Advisory Board members shall include:
 - i. Represent the Commission at community events.
 - ii. Participate in the development of media promoting the Commission.
 - iii. Attend joint meetings with other community advisory boards.
 - iv. Participate on a speakers' bureau, speaking to community organizations on issues and legislation relevant to the Commission.
 - v. Attend educational forums and events.
 - vi. Actively participate in events of non-profit organizations established to promote the purposes of the Commission.

- g. Compensation. Advisory Board members shall serve without compensation.

6. EXECUTIVE DIRECTOR

- a. Appointment of Executive Director. The Governing Board shall appoint the Executive Director of the Commission after a recommendation of the Advisory Board. The process for recruitment, selection and appointment of the Executive Director shall be prescribed by the Governing Board after a recommendation of the Advisory Board. No person who is a Governing Board or Advisory Board appointee shall be eligible for appointment to the position of Executive Director during his or her term of office on the Governing Board or Advisory Board. The Executive Director shall be engaged by an employment agreement let in the name of the Commission, which shall regulate compensation and all other terms and conditions of employment and shall be renewable at the discretion of the Governing Board. The Executive Director is vested with no tenure, job security, or employment entitlement except as provided by the employment agreement. The employment agreement shall be subject to mid-term cancellation at the pleasure of the Governing Board, any cancellation to become effective thirty days following notification to the Executive Director.
- b. General Duties and Responsibilities of Executive Director. The Executive Director shall perform duties and responsibilities prescribed by the Governing Board and Advisory Board, and shall:
 - i. Manage and administer the affairs of the Commission, pursuant to the direction of the Advisory Board and the policies established by the Governing Board.
 - ii. Appoint and remove, subject to adopted policies, all subordinate personnel.
 - iii. In cooperation with the Advisory Board, prepare an annual budget detailing line item expenditures, which shall not become effective until approved by the Governing Board. No expenditure of funds shall be made or authorized except in accordance with the approved budget.

iv. Act as the Secretary to the Governing Board and the Advisory Board
and cause all minutes and records of actions to be properly recorded
and maintained.

- c. Specific Duties of Executive Director. The Director of the Commission shall address, analyze, measure and develop recommendations to the Advisory Board and the Governing Board concerning, and take action affirmatively to eliminate, discrimination within the Region and the tensions that it causes through:
- i. Surveys and other research and education relating to the existence of discrimination and its causes.
 - ii. Development and implementation of programs of an educational, counseling and similar nature designed to prevent or alleviate discrimination.
 - iii. Public debate, utilizing public hearings by the Advisory Board and other strategies to focus public attention on the existence, causes, effects and elimination of discrimination.
 - iv. Conciliation and mediation of disputes.
 - v. Information and referral to resources offering assistance to victims of discrimination.
 - vi. Advice to and cooperation with civic, cultural and governmental organizations.
 - vii. Establishing and implementing of Memoranda of Understanding with other agencies.
 - viii. Entering into contracts providing funds to the Commission.
 - ix. Pursuing alternative funding sources for the Commission.
 - x. Investigating charges of discrimination and undertaking enforcement actions pursuant to the authority set forth in Section 4(h) of this Agreement.

And other duties as may be delegated by ordinance adopted by any Member of the Commission.

7. APPROVAL OF COMMISSION BUDGET.

Prior to the commencement of Fiscal Year 2008-2009 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.

8. TREASURER AND AUDITOR.

a. The Treasurer and Auditor of the County of Sacramento shall be the Treasurer and Auditor of the Commission.

b. Annually, the Auditor shall cause to be made an independent audit of the accounts and records of the Commission by a certified public accountant or a public accountant in compliance with Government Code Section 6505.

9. NON-PROFIT ORGANIZATIONS.

The Executive Director shall be authorized to establish and work with non-profit organization(s), associations or affiliations as permitted by law, for the purpose of enhancing supplemental funding sources and promoting the purposes of the Commission.

10. 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 14, 1997, as amended. 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 or obligations of the Commission, or terminate, alter or otherwise interrupt service by any appointees or employees. The original agreement was adopted May 5, 1981 and amended on January 14, 1997 and July 26, 1994.

11. ADMISSION OF NEW PARTIES.

a. Incorporation of New Cities: Upon incorporation, a new city in Sacramento County automatically shall have the right to become a Party to the Commission. The right shall be exercised by resolution of its City Council authorizing execution of this Agreement as it may

be amended.

- b. Existing Cities: Cities in Sacramento County other than newly incorporated cities may petition the Governing Board to become a Part to the Commission on such terms as the Governing Board may determine and the petitioning city may accept.

12. WITHDRAWAL.

Any Member may withdraw from the Commission upon service of written notice in the form of a resolution of the Member's governing body electing to withdraw and make payment of any obligations due to the Commission. Notice shall be addressed as set forth below, and shall be deemed served when received:

Sacramento Regional Human Rights/Fair Housing Commission
1112 "I" Street, Suite 250
Sacramento, CA 95814
Attn: Board Chair and Executive Director

Withdrawal shall take effect at the end of the Member's annual funding cycle.

13. COUNTERPARTS

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

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the dates set forth below.

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

By _____
Chairperson, Board of Supervisors

Clerk of the Board of Supervisors

APPROVED AS TO FORM _____
County Counsel

By _____
Mayor, City of Sacramento

City Clerk

APPROVED AS TO FORM _____
City Attorney

By _____
Mayor, City of Citrus Heights

City Clerk

APPROVED AS TO FORM _____
City Attorney

By _____
Mayor, City of Elk Grove

City Clerk

APPROVED AS TO FORM _____
City Attorney

By _____
Mayor, City of Rancho Cordova

City Clerk

APPROVED AS TO FORM _____
City Attorney