



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C-7

For the meeting of: August 18, 2015

Date: July 16, 2015
To: Board of Supervisors
From: Phillip Smith-Hanes, County Administrative Officer *PSH*
Subject: Appointments to the Humboldt County Workforce Development Board (HC-WDB)

RECOMMENDATIONS:

That the Board of Supervisors appoints John Frahm, Harriet Lawlor, Alex Stillman, and Dave Wells to the HC-WDB for two year terms according to the HC-WDB Bylaws.

SOURCE OF FUNDING:

Workforce Innovation and Opportunity Act of 2014 administrative funds.

DISCUSSION:

The HC-WDB is a commission appointed by the Board of Supervisors, and required by the Workforce Innovation and Opportunity Act of 2014 (WIOA), to oversee the workforce system and WIOA funds that come into Humboldt County, the Local Workforce Development Area. The mission of the HC-WDB is to bring together resources to meet employer and employee needs and advance the prosperity of local communities. Like the Workforce Investment Act of 1998 before it, WIOA requires certain public agencies and labor unions to be members of the HC-WDB and for that membership to be balanced with an equal number, plus one, of private sector members, so that the private sector makes up at least fifty-one percent (51%) of the WDB membership. California law required fifteen percent (15%) labor union representation. WIOA now requires twenty percent (20%) labor union representation on all WDBs.

Prepared by Jacqueline Debets, HC-WDB Executive Director

CAO Approval *Cheryl Dillingham*

REVIEW:

Auditor _____ County Counsel _____ Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Lovelace* Seconded by Supervisor *Sundberg*

Ayes *Sundberg, Lovelace, Fennell, Bohni, Bass*

Nays _____

Abstain _____

Absent _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *Aug. 18, 2015*

By: *Kathy Hayes*

Kathy Hayes, Clerk of the Board

The following seats were required on the Workforce Investment Board (WIB) under the Workforce Investment Act (WIA) and are not required on the WDB under WIOA:

- Adult and Dislocated Workers Programs
- Veterans Workforce Investment Programs
- Indian and Native American Programs
- Trade Adjustment Assistance & NAFTA
- Veterans Employment Services
- Unemployment Insurance
- Labor Market Information Services
- Title V of the Older Americans Act
- Temporary Aid to Needy Families (TANF)
- Community Service Block Grants
- 2 Community-Based Organizations
- 2 Economic Development Agency
- 2 Labor Union Representatives
- A Youth Council, and specified membership of a Youth Council

Additionally, the following WIA-recommended seats on the WIB have been traditionally appointed in Humboldt:

- K-12 Education
- Child Care
- Regional Occupation Programs
- Chief Elected Official
- Post-Secondary Education
- State elected representative

Several members of the WIB represented multiple requirements. For the transition from WIB to WDB, staff discussed the changes with all affected WIB members. Most members chose to allow their seat and appointment to sunset; a few requested continuation of the seat. At their May 7 and June 4, 2015 meetings, the Executive Committee of the WIB discussed in-depth the seats that were no longer required by WIOA, the best interests of the Humboldt County Local Workforce Development Area, and considered the requests of WIB members to carry forward their traditional role on to the WDB. The WIB Executive Committee recommended a board composition that included all seats requested for continuation, as well as the Youth Council recommendation to sunset their service on June 30, 2015. The HC-WIB adopted those recommendations and the new bylaws to implement those changes (Attachment A), in order to meet the WIOA requirements as of July 1, 2015. In summary the new bylaws of the HC-WDB incorporate WIOA definition of the WDB role, and the following changes to board composition:

1. Include seats for representation as required by WIOA:
 - Fifty-one percent (51%) private sector with representatives from the Target industries in Humboldt County's Comprehensive Economic Development Strategy: *Diversified Health Care Specialty Food, Flowers & Beverages; Building & Systems Construction; Investment Support Services; Management & Innovation Services; Niche Manufacturing; Forest Products; and Tourism.*
 - Twenty percent (20%) labor unions
 - 1 for economic development
 - 1 for adult education
 - 1 for post-secondary vocational education
 - 1 for Wagner-Peyser Act of 1933
 - 1 for Title 1 of the Rehabilitation Act of 1973
2. Include seats for representation as important in Humboldt:
 - 3 for community-based organizations that provide any of the following services:
 - Native American employment development
 - Child care
 - Employs people with disabilities
 - Serves youth employment, training or education
 - Trains people with barriers

- 1 for K-12 education
 - 1 for federally funded programs and services for low income people
 - 1 for Chief Elected Official (Board of Supervisors)
 - 1 for state elected representative of Humboldt County (Senate or Assembly)
3. Dissolve the Youth Council as of June 30, 2015.
 4. Reserve a seat on the Executive Committee for youth program member (formerly Youth Council Chair).

The process for appointment of members to the WDB is essentially the same as it was for the WIB:

- 1) All regular vacancies are posted by the Clerk of the Board inviting nominations, according to the Maddy Act.
- 2) Public organizations nominate members of the community for appointment;
- 3) The Executive Committee, and then WDB as timing allows, reviews those nominations for consistency with the Bylaws and governing act and recommends appointment to the Board of Supervisors (BOS); and
- 4) Staff communicates that recommendation to the Board of Supervisors through a staff report, and the BOS appoints members in their regular meetings.

For most seats, individual people are appointed, not agencies. For one seat, the state elected representative, the WDB recommended a special appointment. Like the BOS representative on the WDB, the BOS appoints a primary member, plus an alternate, who can vote in place of the primary member in full WDB meetings. Given that there are two state representatives for Humboldt County, one to the California State Senate and one to the California State Assembly, the HC-WDB recommends that the BOS appoint one as the primary representative to the HC-WDB and one as the alternate, and that Senate and Assembly rotate primary and alternate seats annually. Staff has invited nominations and will return to your Board with recommendations for appointment.

The following nominees represent required representation on the HC-WDB, and their terms expired June 30, 2015. The HC-WDB Executive Committee reviewed the appointments at their meeting on June 4, 2015, and recommends, for transition continuity, that these former members of the WIB be appointed to the WDB as of July 1, 2015:

- John Frahm, United Food & Commercial Workers Union - Local 5 (labor union representative)
- Harriet Lawlor, Central Labor Council (labor union representative)
- Alex Stillman, Arcata Stay (private sector representative)
- Dave Wells, Wells Commercial Real Estate (private sector representative)

FINANCIAL IMPACT:

The requested action has no financial impact. The recommendation before the Board supports the Board Strategic Framework, Core Roles, by supporting business, workforce development and creation of private-sector jobs.

OTHER AGENCY INVOLVEMENT:

No other agency involvement.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board may choose not to reappoint these applicants and ask the HC-WDB to conduct a search for new applicants. This is not recommended as the recommended appointments are active, contributive members to the HC-WDB.

ATTACHMENTS:

Attachment A: WDB Bylaws (with changes tracked)

ATTACHMENT A

WDB Bylaws (with changes tracked)

ATTACHMENT A

WDB Bylaws (with changes tracked)

**BYLAWS
OF THE WORKFORCE DEVELOPMENT BOARD
OF HUMBOLDT COUNTY**

ARTICLE I. AUTHORIZATION AND PURPOSE

A. AUTHORIZATION: The Workforce Development Board (hereinafter WDB) of Humboldt County is established under Section 107 of the Workforce Innovation & Opportunity Act of 2014, Public Law 803-32, hereinafter referred to as the WIOA.

B. SCOPE: By its composition, the WDB represents organizations, agencies, and representatives of business. The WDB shall, in accordance with Section 107 of the WIOA, conduct oversight with respect to the one-stop career system. The WDB shall also set policy for the local workforce investment system.

C. PURPOSE: The purpose of the WDB shall be to provide oversight of Humboldt County's comprehensive workforce investment system consisting of workforce education and training, workforce preparation services, and economic development.

The WDB shall:

1. Set policy and provide oversight for WIOA programs and the workforce investment system in Humboldt County.
2. Approve WIOA budgets and direct the disbursement of WIOA funds.
3. Develop and coordinate employer linkages and seek participation among businesses, industries, agencies and related programs focused on WIOA activities.
4. Promote economic development and employment-generating activities that enhance the employment opportunities for Humboldt County residents.
5. Select operators and providers, with the agreement of the Humboldt County Board of Supervisors (BOS):
 - a. Select, through open competition, the operator(s) of the one-stop career center and system for adults and youth per WIOA, federal, state and local procurement policies;
 - b. Identify eligible providers of training and youth services in Humboldt County; and
6. Develop an annual budget to carry out the duties of the WDB.
7. Be responsible for and oversee the Employment Training Provider List (ETPL) system for Humboldt County and any other mandated lists.
8. Develop performance measures for Humboldt County's workforce investment system.
9. Assist the Governor in developing a statewide employment statistics system.
10. Comply with applicable federal and State laws and regulations.

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ARTICLE II. MEMBERSHIP

- A. The WDB shall consist of the membership as outlined in the WIOA.
- B. A majority of members (51%) on the WDB shall be business owners, chief executives and operating officers of businesses in the local area, particularly from the Target of Opportunity industries identified in the Humboldt County Comprehensive Economic Development Strategy (CEDS) and Local Strategic Plan. A minority of the business owners can be executives of non-profit organizations with employment opportunities that reflect the local area.
- C. Twenty percent (20%) shall be representatives of labor agencies.
- D. A representative of eligible providers of adult education and literacy services.
- E. A representative of higher education providing workforce investment activities in Humboldt County.
- F. A representative of local K-12 education.
- G. A representative of the state employment services under the Wagner-Peyser Act.
- H. A representative of an agency providing local services under Title I of the Rehabilitation Act of 1973.
- I. A representative of an economic and community development organization serving the local area.
- J. A representative of a state elected official (Assembly or Senate) representing Humboldt County.
- K. Up to three representatives of community-based organizations or businesses that provide the following:
- Native American employment development
 - Child care
 - Employment of people with disabilities
 - Serves youth employment, training or education
 - Trains people with barriers
- The term community-based organization is defined as a private nonprofit organization that is representative of a community or a significant segment of a community which has demonstrated expertise and effectiveness in the field of workforce investment.
- L. Regarding the size of the WDB, the Humboldt County Workforce Investment Board must meet the minimum WIOA membership requirements and reserves discretionary authority by the Board of Supervisors as local economic conditions indicate.
- M. Membership for the WDB shall be solicited through a publicized nomination process.
- N. Members shall be appointed by the Humboldt County Board of Supervisors, from a slate of qualified candidate(s) recommended by the WDB.
- Terms are for a two-year period (2), starting from date of appointment by the Board of Supervisors. Mid-term appointments run through the third June after appointment
 - At the conclusion of a member's term, the member's position shall be treated as a vacancy, with the current member having the option to request consideration for appointment to an additional term. Reappointment requests will be considered along with any other nominations received for that vacancy.
 - All vacancies are to be filled within 60 days of their occurrence, or as soon as possible.

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 <#>Are owners of businesses, chief executives or operating officers, and other high level managers with broad policymaking and/or hiring authority.

 <#>Represent a for-profit or non-profit organization with employment opportunities that reflect the local area.

 <#>Represent all geographical areas of the County, whenever possible.

 <#>Represent small business, including women- and/or minority-owned businesses, whenever possible.

 <#>Represent base industry and support clusters providing direct employment opportunities that reflect the make-up of the local workforce and economy; and

 <#>Are leaders in the community with a willingness and ability to work with a broad cross-section of their industry to further workforce development issues.

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O. Members may resign by signed written notice to the WDB Chair or Executive Director, who will notify the Executive Committee and the BOS.

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P. Members may be removed for any activity that interferes with or misrepresents the business of the WDB by a vote of two-thirds of the members present and voting at a WDB meeting in which a quorum has been established and where the action has been included on the agenda.

Q. Members shall automatically terminate their membership on the WDB for administrative reasons. The Executive Committee may reverse a termination of a member's term by a vote of two thirds of the Executive Committee members present and voting at an Executive Committee meeting in which a quorum has been established and where the action has been included on the agenda. The WDB membership will be notified at the next Full WDB meeting.

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Reasons for administrative termination may include:

1. When a member is unable to represent the categorical seat to which (s)he is appointed, *
2. Failure to attend three (3) consecutive WDB meetings;

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R. Membership is by person, not position, including the mandated partners. Each member shall have equal voting privileges, with each seat representing one vote. Proxy votes by representative or member are not allowed.

S. No member shall vote on any matter which:

1. Poses the appearance of a conflict of interest to that member or his/her business or organization; and/or
2. Would financially benefit such member or his/her business or organization.

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T. Procedures for Dealing with Conflicts of Interest

If a member believes (s)he is in a potential conflict situation, (s)he should so advise the Chair, refrain from any discussion on the matter involving the conflict, and register an abstention on any subsequent vote.

Should the member participate in the discussion and/or vote on the matter, and it is later determined that a conflict situation existed; any agreements resulting from this involvement may be considered invalid. The WDB Chair, whose decision shall then be presented to the WDB for further action, shall initially make consideration of validity. Such action might include ratification of the agreement under such conditions as would make the agreement valid.

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U. A member of the BOS shall have one vote at any WDB meeting using the designated BOS member or appointed BOS alternate. Annually, the BOS will specify the designated BOS WDB member and alternate. The BOS appointed alternate is authorized to vote in the absence of the appointed BOS WDB member.

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ARTICLE III. ELECTIONS of OFFICERS and EXECUTIVE COMMITTEE MEMBERS

A. Officers

The WDB shall elect a Chair and a Vice Chair, who shall be selected from among the business representative members. Only voting WDB members may serve as officers of the

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WDB. The terms of the officers shall be one year commencing on July 1st. Following the Chair's term of office, the Vice Chair shall assume, upon election, the role of Chair with the WDB electing a new Vice Chair.

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The Chair and Vice Chair may serve for no more than two (2) consecutive terms as Chair. The Chair elect and Vice Chair elect shall automatically have their membership extended, if necessary, to coincide with their term of office.

The Chair shall preside at all meetings of the full WDB and shall perform all duties incidental to the office of Chair.

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B. Executive Committee Members

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The Executive Committee shall consist of the Chair, the Vice Chair, the Board of Supervisor member of the WDB, and four (4) at-large members.

The Chair shall appoint a member of the WDB to serve on the Executive Committee in one at-large position.

The WDB shall also elect three (3) at-large members of the Executive Committee, at least one of whom shall be selected from among the private sector representative members, and one of whom shall be the liaison with the youth development program staff and operators. All elected at-large members shall serve for 2-year terms, commencing on July 1st. Terms will be staggered in order to support continuity on the Executive Committee.

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C. Nomination Process

The Nominations Committee shall be an ad-hoc committee appointed by the Executive Committee, including two general members of the WDB. The Committee shall solicit nominations from the entire WDB membership, beginning in the first quarter of the calendar year. The committee shall submit the nominees for office to the WDB Chair, WDB Vice Chair, Business At-Large Executive Committee member, General At-Large Executive Committee member, and Youth At-Large Executive Committee member. The nominees shall be presented to WDB members at least fifteen (15) days prior to voting and posted as part of the final agenda. Elections shall be held one meeting prior to the last WDB meeting of its fiscal year.

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At that meeting, after it is established that a quorum is present, nominees shall be presented to WDB members. Prior to voting the Chair shall take nominations from the floor. Voting shall be public according to the open meeting laws of the State of California. Officers are determined by a simple majority of the members present and voting at a WDB election meeting, and announced prior to close of the meeting.

D. Vacancies

In the event of a vacancy in the position of the Chair, the Vice Chair shall assume the duties of the Chair. In the event of a vacancy in the position of Vice Chair, the Business At-large member of the Executive Committee shall assume the role of Vice Chair for the remainder of the term.

The Vice-Chair shall preside in the absence or vacancy of the Chair, and perform such duties as delegated by the Chair.

In the event of a vacancy of both the Chair and Vice Chair, the Business At-Large elected member shall assume the duties of the Chair.

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In the event of a vacancy in a position of an at-large Executive Committee member, the Chair shall appoint a replacement to serve out the designated term of that position. The Chair has the option of appointing members for different term lengths in order to achieve or maintain staggering of terms.

ARTICLE IV. STAFF

- A. The WDB receives Executive Director and other staff support from the County of Humboldt.

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ARTICLE V. MEETINGS

- A. Regular meetings (at least semi-annually) will be scheduled and announced at the beginning of each fiscal year. Special meetings may be called at the discretion of the Chair, as needed.
- B. All meetings of the WDB and its committees shall be called and held pursuant to the provisions of the Ralph M. Brown Act (Gov. Code Section 54950 et seq.).
- C. Agendas and minutes of regular and special WDB meetings shall be provided to members and, upon request, the public in a timely fashion.
- D. A simple majority of the members of the WDB shall constitute a quorum.

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ARTICLE VI. COUNCILS AND COMMITTEES

- A. The WDB shall have an Executive Committee, the membership of which shall include the WDB Chair and Vice-Chair; the Board of Supervisors member as selected by the BOS; and four (4) at large members, per Article III.B. One at large member is appointed by the WDB Chair. The remaining three at large members are elected by the WDB membership, at least one coming from the private sector.
- B. The Executive Committee shall act on behalf of the full board on all matters of necessity between WDB meetings. That authority shall include:
- Analyzing information from standing and ad hoc committees, and coordinating their work.
 - Setting agendas for WDB meetings.
 - Authorizing the WDB Chair to sign time-sensitive documents when full WDB approval is not feasible.
 - Reversal of automatic termination of WDB member terms for administrative purposes set forth in Article II. Membership. H.
 - Participation on ad hoc committees and work-groups as needed.
- C. Work of the WDB as identified in the strategic plan shall engage WDB members through workgroups or ad-hoc committees, defined as follows:
- The WDB or Executive Committee designates a work-group by (1) defining a set of specific outcomes, (2) determining a specific timeframe for deliverables, and

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(3) designating an Executive Committee member to participate on the work-group.

b. Staff organizes and facilitates work-groups. WDB members may serve as chair should the work-group elect to have a chair to best accomplish the outcomes.

c. WDB members may Chair a work-group, as best serves accomplishing the charge of the work-group.

d. Work-groups do not have formal membership requirements, though at least one Executive Committee member participates on each work-group. WDB members participate on a volunteer basis.

e. A maximum of three (3) work-groups may operate at any one time.

f. Work-groups shall report their results and recommendations to the Executive Committee and/or the Full WDB via members or staff.

g. Work-groups may meet at the call of the WDB Chair or the committee Chair.

h. Work-group membership shall not constitute a majority of the membership of the WDB.

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Committees

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ARTICLE VII. ADOPTIONS AND AMENDMENTS

A. These bylaws are hereby adopted upon two-thirds (2/3) vote of the WDB membership present at a meeting at which this item has been noticed and a quorum has been established.

B. These bylaws may be amended, in part or in whole, by a two-thirds (2/3) vote of the members present and voting at a regularly scheduled WDB meeting, at which a quorum has been established. Proposed additions and/or deletions to the bylaws must be provided to members at least fifteen (15) days before the meeting at which they are subject to vote.

C. Adoptions or amendments of these bylaws may be proposed by any voting WDB member. Such adoptions or amendments must be presented in writing.

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ARTICLE VIII. GENERAL PROVISIONS

A. The WDB shall utilize Robert's Rules of Order as a framework to conduct its business.

B. Nothing in these bylaws shall be construed to take precedence over federal, state or local laws or regulations.

C. All WDB policies will be voted upon at a regularly scheduled WDB meeting.

D. For purposes of these bylaws, "fiscal year" shall be defined as July 1 through June 30.

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