

CITY COUNCIL RESOLUTION NO. 107-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND TO RENAME THE EXISTING CITY OF RICHMOND WORKFORCE INVESTMENT BOARD AND ITS ASSOCIATED COMMITTEES ESTABLISHED PURSUANT TO THE WORKFORCE INVESTMENT ACT OF 1998; TO ESTABLISH THE CITY OF RICHMOND WORKFORCE DEVELOPMENT BOARD PURSUANT TO THE WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2014; AND AMENDING THE CITY OF RICHMOND WORKFORCE DEVELOPMENT BOARD BYLAWS

WHEREAS, the City of Richmond Workforce Investment Board ("WIB") was established pursuant to the Workforce Investment Act of 1998 ("Workforce Investment Act"); and

WHEREAS, the Workforce Innovation and Opportunity Act ("WIOA") of 2014, Public Law 113-128, signed into law on July 22, 2014, and effective July 1, 2015, supersedes the Workforce Investment Act, amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973; and

WHEREAS, the WIOA authorizes the expenditure of federal funds for workforce development programs in designated local areas; and

WHEREAS, the State of California has designated the City of Richmond as a Local Workforce Development Area ("LA") pursuant to the WIOA ; and

WHEREAS, pursuant to Section 107 of the WIOA, a local workforce development board shall be established in the LA to provide policy guidance and oversight of the workforce development system for the LA; and

WHEREAS, as a result of the WIOA superseding the existing Workforce Investment Act, the Richmond City Council ("Council") desires to rename the WIB and its associated committees established pursuant to the Workforce Investment Act; and

WHEREAS, to implement the WIOA, the Council also desires to affirm the name of the City of Richmond Workforce Development Board ("RWDB") pursuant to the terms and provisions of WIOA, with members appointed by the Council consistent with the new WIOA requirements, and approve and adopt the proposed City of Richmond Workforce Development Board Bylaws attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Richmond as follows:

1. The foregoing recitals are true and correct.
2. The City of Richmond Workforce Investment Board, including its associated committees established pursuant to the Workforce Investment Act of 1998, is hereby renamed.
3. The name City of Richmond Workforce Development Board ("RWDB") is hereby established pursuant to the terms and provisions of the Workforce Innovation and Opportunity Act ("WIOA") of 2014, Public Law 113-128, for all the purposes authorized therein.
4. The RWDB shall carry out the functions described in Section 107 (d) of the WIOA (and any functions specified for the local board under the WIOA or the provisions establishing a core program) for the designated local area, and any other applicable Federal or State law.

5. The Richmond City Council hereby approve and adopt the Richmond Workforce Development Board Bylaws attached hereto as Exhibit "A" and incorporated herein by this reference ("Bylaws").
6. The membership requirements and composition of the RWDB shall comply with the requirements set forth in Section 107 of the WIOA and the Bylaws. Consistent with these requirements the RWDB shall have at a minimum 19 members, all of whom shall be appointed by the Chief Elected Official in accordance with Section 107 of the WIOA and the Bylaws.
7. Members shall be appointed for four-year terms and serve at the pleasure of the Richmond City Council.
8. This Resolution shall take effect immediately upon its adoption by the Richmond City Council.

BE IT FURTHER RESOLVED that Resolution No. 32-00 is hereby repealed.

I CERTIFY that the foregoing resolution was adopted at a regular meeting of the City Council on November 3, 2015, by the following vote:

AYES: Councilmembers Bates, Martinez, McLaughlin, Pimplé, Vice Mayor Myrick, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Beckles.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

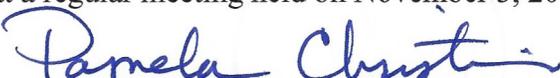
TOM BUTT
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 107-15**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 3, 2015.


Pamela Christian
Pamela Christian, City Clerk of the City of Richmond

EXHIBIT"A"

City of Richmond Workforce Development Board Bylaws

(Behind this page)

Reso. No. 107-15
Page 3 of 3



City of Richmond Workforce Development Board

Bylaws

WHEREAS, the Workforce Innovation and Opportunity Act (WIOA) of 2014, Public Law 113-128 (hereinafter WIOA), authorizes the expenditure of federal funds for workforce development programs in designated Local Areas (WIOA §3); and

WHEREAS, the State of California has designated the City of Richmond as a Local Area, hereinafter referred to as LA; and

WHEREAS, the WIOA required the establishment of a Richmond Workforce Development Board (RWDB) (WIOA §107) to provide policy guidance and oversight of the workforce development system for the LA; and

WHEREAS, the Richmond City Council and its designated Chief Local Elected Official (CEO), hereby affirms the RWDB to serve in accordance with the provisions of the WIOA and adopted bylaws for the RWDB; and

WHEREAS, it is the intent and desire of the Council to adopt these Bylaws.

NOW, THEREFORE, the Council hereby adopts Bylaws as follows herein. The Bylaws stated herein are the complete and exclusive statement of the RWDB Bylaws and supersede all previous versions of any existing bylaws. Any previous bylaws not contained herein shall not be binding and are of no force and effect:

ARTICLE I - NAME AND PURPOSE

Section A – Name:

The name of this organization shall be the Richmond Workforce Development Board of the City of Richmond, California.

Section B – Authorization:

The City of Richmond Workforce Development Board, hereinafter referred to as the RWDB, is established under Section 107 of the Workforce Innovations and Opportunity Act; section (B) subsection (d)(1)(B)(iii), Public Law No: 113-128 (07/22/2014), hereinafter called the WIOA.

Section C – Purpose:

The purpose of the Workforce Development Board is to provide, in conjunction with the Chief Elected Official (CEO), policy guidance for the employment and training program of the City of Richmond. Further, the RWDB will exercise oversight authority over all

activities funded under the Workforce Innovation and Opportunity Act. This will include planning and preparation of a Workforce Development Strategic Plan for the City, to be approved by the RWDB prior to submission to the City Council. The RWDB shall also take steps to stimulate interest and involvement of the business community in city-sponsored employment programs in order to increase economic opportunities for economically disadvantaged and/or unemployed persons.

Members of the RWDB that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within their organizations, agencies, or entities. The members of the RWDB shall represent diverse geographic areas within the local area.

ARTICLE II - FUNCTIONS AND RESPONSIBILITIES

In accordance with WIOA section 107(d); actions of the RWDB shall include the following functions and responsibilities. Consistent with WIOA section 108, the functions of the local board shall include:

1. Local Plan
2. Workforce Research and Regional Labor Market Analysis
3. Convening, Brokering, Leveraging
4. Employer Engagement
5. Career Pathways Development
6. Proven and Promising Practices
7. Technology
8. Program Oversight
9. Negotiation of Local Performance Accountability Measures
10. Selection of Operators and Providers
11. Coordination with Education Providers
12. Budget and Administration
13. Accessibility for Individuals with Disabilities

Responsibilities specific to the general operations of the RWDB include:

1. On an annual basis, but not limited to once annually, shall submit recommendations regarding program plans and basic goals, policies, and procedures for employment and training programs for the City of Richmond.
2. Monitor and make objective evaluations of employment programs conducted in the

Local Workforce Development Area.

3. Provide continuing analysis of need for employment, training, education and related services in such areas.
4. Serve as the business and industry contact point in the local employment and training effort, recommending programs which are responsive to local employment needs and which increase unsubsidized job placements.
5. Seek federal, state, and other funds for employment, training and economic development programs having the potential to impact unemployment in the greater Richmond area. This shall include working with the City in the development of the Local Workforce Development Board Recertification and Strategic Plan for submission to the State.

ARTICLE III - MEMBERSHIP AND MEETINGS

Section A - Membership and Appointment:

1. As authorized under WIOA section 107 (b) (1), membership of the Board is established with a minimum of (19) members, the majority of which will be business representatives. The membership composition will be as follows:
 - a) Ten (10) Business Representatives, including the Chair
 - b) Four (04) Labor Representatives
 - c) Two (02) Education and Training Representatives*
 - d) One (01) Vocational Rehabilitation Representative
 - e) One (01) Wagner-Peyser Representative
 - f) One (01) Economic Development Representative

*Education and Training representatives will be nominated by local education and training providers or institutions, if there are multiple eligible providers in the local area, and shall consist of one each as follows:

 - Adult Education/Literacy Representative
 - Higher Education Representative
2. Nominations will be received by the Workforce Development Board Executive Committee; reviewed for appropriateness and recommended for forwarding to the CEO for appointment to the Richmond Workforce Development Board.
3. The following criteria will be used for all membership appointments before members are appointed under Section A:
 - a) Business members will be targeted as follows:

- i. Candidates must be nominated by local business organizations and business trade associations.
 - ii. Candidates must be in positions with a high degree of policy-making and hiring authority within the business they represent.
- b) Education members will be selected from candidates nominated by regional or local education agencies, institutions, or organizations and
- i. shall include a representative of eligible providers administering adult education and literacy activities under title II;
 - ii. shall include a representative of institutions of higher education providing workforce investment activities (including community colleges); and
 - iii. may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.
- c) Labor members will be selected from candidates nominated by local labor federations.
- Labor, Community Based and Youth-Serving Organization nominations
- i. shall include representatives of labor organizations (for a local area in which employees are represented by labor organizations), who have been nominated by local labor federations, or for a local area in which no employees are represented by such organizations;
 - ii. shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program;
 - iii. may include representatives of community based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and
 - iv. may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.
- d) Representatives of Governmental and Economic and Community Development entities
- i. shall include a representative of Economic and Community Development entities;
 - ii. shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;
 - iii. shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;

- iv. may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and
 - v. may include representatives of philanthropic organizations serving the local area.
- e) Required One-Stop partner members are nominated by their organization.
4. All RWDB members may volunteer or be appointed to serve on a RWDB standing committee.

Section B – Meetings:

In accordance with WIOA, section 107(e) – (SUNSHINE PROVISION), the RWDB shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of the One-Stop career services, and the award of grants or contracts to eligible providers of youth workforce development activities, and on request, minutes of formal meetings of the local board.

1. Meetings shall be held a minimum of one per quarter from 11:30a.m. -1:30 p.m., at a place to be regularized by a vote of the RWDB. The Chairperson may exercise his/her discretion to cancel a regularly scheduled meeting, provided that consultation with the staff indicates that there is no pressing business before the RWDB. A majority of the membership shall constitute a quorum for conducting meetings, approving minutes of the prior month's meetings, and any other support deemed necessary for the conduct of its business.
2. A quorum shall be defined as:
 - a. A simple majority (10) of members, excluding vacancies AND
 - b. Of those members in attendance, no fewer than 51% are a combination of business and labor representatives.
3. Special or emergency meetings of the RWDB may be called at any time by the Chairperson, the Executive Committee, or upon written request of a majority of RWDB members. Notice of a special or emergency meeting will include the time, date, place, and purpose. The notice, time permitting, shall be delivered in writing to each member via United States Postal mail or e-mail not less than three working days before such meeting date.
4. All meetings of the RWDB shall be open, public, and noticed in conformance with the Ralph M. Brown Act, California Government Code 54960, et.seq., as amended. To the extent feasible, meeting materials shall be available for members of the public who attend RWDB meetings.

5. A mailing list shall be maintained and notice of regularly scheduled meetings sent to those who so request.
6. Robert's Rules of Order, new revised, shall guide the RWDB in all proceedings, except as otherwise provided for in these By-Laws.

Section C - Standard of Conduct:

1. Members of the Workforce Development Board will:
 - a) Avoid situations which give rise to a suggestion that any decision was influenced by prejudice, bias, special interest, or personal gain. Exercise due diligence to avoid situations which may give rise to an assertion that favorable treatment is being granted to friends and associations.
 - b) Not solicit or accept money or any other consideration from any person for the performance of an act reimbursed in whole or part with WIOA funds.
 - c) Not cast a vote in the provision of services by that member (or any organization which that member represents) or vote on any matter which would provide direct financial benefit to that member and/or any business or organization which the member directly represents.
 - d) Not cast a vote in the provision of services by that member or any member of his/her immediate family that has a financial or other interest in the firm selected for award or employed by the organization awarded.
 - e) Not engage in any other activity determined by the Governor or California Workforce Development Board to constitute a conflict of interest as specified in the State plan.

ARTICLE IV - CONDITIONS OF SERVICE

Section A - Length of Term:

Members shall be appointed for a fixed term of four years and may serve until their successors are appointed. Members may be reappointed by the CEO for successive terms.

Section B - Replacement Procedures:

Any vacancy in the membership of the Board shall be filled in the same manner as the original appointment. Once a representative has been appointed to the RWDB, serving a specific business/industry, agency, commission, or duly constituted organization; that entity may nominate a replacement representative, subject to approval by the RWDB and the CEO. Those representing constituencies from the populace at large must be replaced through a process of applying for RWDB membership, being interviewed and

recommended for selection by the RWDB, and being appointed by the CEO.

Section C – Alternates:

RWDB members may nominate his/her own alternate who is similarly representative, subject to approval by RWDB. The Alternate may vote only in the member's absence.

Section D – Absences:

Unexcused absences of any member or alternate from three (3) consecutive regular Board and/or committee meetings shall constitute resignation of that constituency from the Workforce Development Board. Staff shall record all unexcused absences and member's attendance record. Members shall be notified in writing after two consecutive absences within a given 12-month period.

Section E – Voting:

All members, including the Chairperson and Vice Chairperson, may make motions, second motions and vote. At every meeting of the RWDB each member shall be entitled to vote except as restricted by Article IV, Section C, of the By-Laws. All elections shall be held and all questions decided by a majority vote of the members present at a meeting in which there is a quorum, except as otherwise noted in the By-Laws. If conflicting issues and/or motions arise, the Chairperson will use parliamentary procedures to resolve same.

Minutes of the meetings shall record the abstentions of members who are prohibited from voting due to conflict of interest.

Section F – Termination:

Resignation, removal and/or conduct detrimental to the interests of the RWDB, or failure to attend three consecutively scheduled full Board and/or committee meetings shall be grounds for termination of RWDB membership.

Section G - Resignation of Members:

1. Resignation of RWDB Members should be effected by a written letter of resignation submitted to the Chairperson of the RWDB and the Mayor of the City of Richmond.
2. If a member is absent from three (3) consecutive regular board and/or committee meetings of the RWDB, without notification as specified in Article IV, Section D, and after a good faith effort by the Chairperson to contact member regarding the absences, the member shall be considered to have resigned.

ARTICLE V - OFFICERS

Section A – Number:

(7)

The number of officers shall be determined by the RWDB. At a minimum there shall be a Chairperson and Vice Chairperson. Any two offices, except those of the Chairperson and Vice Chairperson, may be held by the same person.

Section B - Election and Term of Chairperson and Vice Chairperson:

1. Procedure - The RWDB must elect a Chairperson who is from among the business representatives as required by WIOA section 107(b)(3). That body shall also elect the Vice-Chairperson. The Chairperson and Vice Chairperson shall be elected for a term of two years. In the event of a vacancy in either position, the vacancy shall be filled by election of the Board. Elections shall be held every other May.

Section C – Vacancy:

1. Absence By Chairperson - In the event of a vacancy occurring in the office of the Chairperson, the Vice Chairperson shall act as the Chairperson until the vacancy has been filled by the process outlined in Article IV, Section B. For any vacancy of other officer positions, the Chair will make an interim appointment to fill the remainder of the term of that office.
2. Removal Of Members Or Officers - Any member or officer may be removed from membership or from office by the majority affirmative vote of the Executive Board for conduct detrimental to the interests of the RWDB. Any member or officer proposed to be removed shall be entitled to not less than five days prior written notice and mailed return receipt requested. Every reasonable effort must be made to notify the affected party, including meeting date at which such removal is to be acted upon. These efforts shall be detailed by the RWDB Chairperson or Vice Chairperson prior to any casting of votes on the matter. Should the member or officer not wish to appear before the Executive Board, a vote will be taken on the matter in the person's absence.

If the member or officer wishes to appeal the decision of the Executive Board, an appeal can be made to the RWDB. The final decision shall be determined by the majority of two-thirds vote of the full RWDB membership.

Section D - Board Officer Positions:

1. Chair – Serves as Executive Officer of the Workforce Development Board. Chairs Board and Executive Committee Meetings. Has signatory authority for certain required WIOA and other program authorizing documents. May appoint Standing Committee Chairs and Ad Hoc committees (e.g., Nominating Committee). May represent board at local, regional, national meetings and conferences. Performs other functions deemed appropriate and as outlined in the RWDB By-Laws.
2. Vice Chair - Serves in Chair's absence at meetings and as appropriate, as signatory

authority. May serve as Chair of one standing committee or of any Ad Hoc committee.

3. Secretary – Serves as officer in charge of minutes and works with staff to insure proper documentation of agenda, minutes, and meeting notice requirements.
4. Treasurer – Serves as officer in charge of budget information and works with staff to provide budget reports to RWDB.
5. Standing Committee Chair - May be elected or appointed by the Executive Committee.
6. Standing Committee Vice Chairs - May be elected or appointed by the Executive Committee.

ARTICLE VI - COMMITTEES

All committees may function on behalf of the RWDB proper in gathering information, hearing testimony or drafting recommendations for action. However, all official action shall be taken by the membership of the RWDB proper, unless the authority for decisions is delegated on an issue-by-issue basis. All standing committees must be chaired by a full RWDB member.

The RWDB may establish such other standing committees with such functions, duties, responsibilities, and tenure as is deemed necessary.

Section A - Executive Committee:

1. Executive Committee - Executive Committee will consist of the RWDB Officers, Chairs and Co-Chairs of Standing Committees. The Executive Committee will provide recommendations and advice to the Chairperson and the RWDB on all matters within the jurisdiction of the By-Laws. A quorum of the majority of Executive Committee members is necessary to call a meeting.
2. Authority - The Executive Committee is authorized to act on the RWDB's behalf on issues requiring immediate action prior to the standing RWDB board meeting. All issues on which the Executive Committee takes action will be brought to the full Board at the next meeting for discussion, and if necessary, amendment.
3. Composition - The Executive Committee shall be comprised of four elected officers, as well as the Chairperson of any other committee which is authorized by the RWDB.
4. Annual Meeting - The annual meeting of the RWDB shall be held each year during the month of June following the election of officers during the month of May. The purpose of the meeting is to provide orientation for new members, officers of the

RWDB, and the general public and for conducting such other business as may come before the RWDB.

5. In addition to the Executive Committee, and in accordance with Article 6, Section B: there shall be three standing committees of the RWDB: Youth Services, One-Stop Delivery System and Services to Individuals with Disabilities. Members of these committees shall be appointed by the Executive Committee. The executive committee will be responsible for developing the standing committee structure, directing their activities within the design of WIOA and determining how they will most effectively assist the RWDB in serving the Richmond community.

Section B - Required RWDB Standing Committees:

1. Youth Services Standing Committee – is a requirement of the Workforce Innovation and Opportunity Act. The Act mandates the membership composition of the Youth Services Standing Committee, with allowances for “other” categories of membership beyond the required ones. The Act also gives local areas options as to the extent of authority of the Youth Services Standing Committee in relation to the RWDB’s policy authority. The RWDB will decide the Youth Services Standing Committee’s policy and decision-making role. The Youth Services Standing Committee includes RWDB and non-RWDB members.
2. One-Stop Delivery System Standing Committee - will provide a link to the RWDB for community partners representing the current RichmondWORKS site. They will support the RWDB goal of maintaining positive private, public and government relations through development of a marketing agenda that can be carried out by RWDB members through their daily interactions, and, when applicable, through special projects. Tasks include review and approval of the One-Stop Systems operations, service providers and training vendors. Further, the committee oversees program planning, all budgets and performance. Like the Youth Standing Committee, the One-Stop Delivery System Standing Committee will include RWDB members and non-RWDB members. The committee will not usurp the operational oversight functions of the Executive Committee. The committee will serve as a complement to the other committees and seed the future objective of sustainment of the community-based service operation.
3. Services to Individuals with Disabilities (SID) Standing Committee - will assist with operational and other issues for provision of services to individuals with disabilities, including programmatic and physical access to services, programs, and activities of One-Stop delivery system, appropriate training for staff on providing supports or accommodations and finding employment opportunities for individuals with disabilities. The SID Standing Committee includes RWDB and non-RWDB members.

These committees will also provide direction and oversight for the WIOA required

customer satisfaction survey process. The One-Stop Delivery System Standing Committee shall be responsible for inter-agency relations and outreach efforts, including regional collaborations with other local workforce development agencies or other like organizations and fund-raising for RWDB programs.

ARTICLE VII - STAFF SUPPORT

1. The local Workforce Development Area administrative entity (City of Richmond, Employment and Training Department) shall provide staff support for the RWDB. Staff shall:
 - a. Prepare and distribute agendas and other materials.
 - b. Provide for necessary staff, budgetary, legal and administrative services to carry out the programs, policies, and directives of the RWDB.
 - c. Prepare administrative reports required by the Board.
 - d. Attend RWDB meetings, take minutes, and prepare and maintain records of all proceedings.
 - e. Orient and train new RWDB members.