

RESOLUTION NO. 115-24

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND,
CALIFORNIA, TO AMEND 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, on November 3, 2015, the City Council affirmed the name of the City of Richmond Workforce Development Board ("WDB") pursuant to the terms and provisions of WIOA, with members appointed by the Council consistent with the new WIOA requirements, and approved and adopted the proposed City of Richmond Workforce Development Board Bylaws;

WHEREAS, the City Council desires to amend the WDB 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 Richmond City Council hereby approves and adopts the Richmond Workforce Development Board Bylaws, as amended, attached hereto as Exhibit "A" and incorporated herein by this reference ("Bylaws").
3. This Resolution shall take effect immediately upon its adoption by the Richmond City Council.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held October 15, 2024, by the following vote:

AYES: Councilmembers McLaughlin, Robinson, Willis, Zepeda, Vice Mayor Jimenez, and Mayor Martinez.
NOES: None.
ABSTENTIONS: None.
ABSENT: Councilmember Bana.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

EDUARDO MARTINEZ
Mayor

Approved as to form:

DAVE ALESHIRE
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. 115-24**, finally passed and adopted by the Council of the City of Richmond at a regular meeting held on October 15, 2024.



Pamela Christian, Clerk of the City of Richmond

EXHIBIT A
(Adopted by City Council 10/15/2024)
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 (WDB) (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 WDB to serve in accordance with the provisions of the WIOA and adopted bylaws for the WDB; 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 Richmond WDB 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:

In accordance with section 212 of the Workforce Innovations & Opportunity Act (42 U.S.C. 17532), amended by striking “the local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832),” and inserting “the local Workforce Development Board established under section 107 of the Workforce Innovation and Opportunity Act,”

The City of Richmond Workforce Development Board, hereinafter referred to as the WDB, 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 Local Elected Official (CLEO), policy guidance for the employment and training program of the City of Richmond. Further, the WDB 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 WDB prior to submission to the City Council. The WDB 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.

ARTICLE II - DUTIES AND RESPONSIBILITIES

The duties and responsibilities shall be as follows: (Reference Article I, Section C)

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. Incorporate the use of technology, such as telephone and Web-based meetings, that will be used to promote Workforce Development Board member participation.
5. 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.
6. 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.
7. Work with the City of Richmond and workforce development system stakeholders in the development of the local workforce strategic plan and identify resources to leverage support for workforce development activities in the Richmond local area.

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 nineteen (19) members, the majority of which will be business members. The membership composition will be as follows:
 - a) (10) Business Representatives (51%), including the Chair
 - b) (4) Labor Representatives (20%)
 - c) Vocational Rehabilitation Representative
 - d) Wagner-Peyser Representative
 - e) Economic Development Representative

* Individuals will be nominated by local education and training providers or institutions, if there are multiple eligible providers in the local area.

 - 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 Paragraph 2:
 - a) Business members will be targeted as follows:
 - i. Candidates must be nominated by the Chamber of Commerce.
 - 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.

- c) Labor members will be selected from candidates nominated by local labor federations.
 - i. Community-Based Organization (CBO) members will be selected based on the following:
 - Representatives from CBO's that are required One-Stop partners will also be counted as CBO members.
 - Representatives of CBO's will be selected from CBO's that have expertise related to or provide services to employers, employees or job seekers in the Richmond area or that provide services that fill identified voids in the service delivery system.
- d) Economic development agency members will be selected based on the following:
 - i. Representatives from economic development agencies that are required One-Stop partners will also be counted as economic development agency members.
- e) Required One-Stop partner members are nominated by their organization.

4. All WDB members may volunteer or be appointed to serve on a WDB standing committee.

Section B - Meetings:

In accordance with WIOA, section 107(e)-(SUNSHINE PROVISION), the WDB 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 WDB. 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 WDB. 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.
 - a) A quorum shall be defined as:
 - i. A simple majority (51%) of members, excluding vacancies AND
 - ii. Of those members in attendance, no fewer than 51% are a combination of business and workforce representatives.
- 2. Special or emergency meetings of the WDB may be called at any time by the Chairperson, the Executive Committee, or upon written request of a majority of WDB 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.
- 3. All meetings of the WDB 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 WDB meetings.
- 4. A mailing list shall be maintained and notice of regularly scheduled meetings

sent to those who so request.

5. Robert's Rules of Order, new revised, shall guide the WDB 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 two years and may serve until their successors are appointed. Term appointments will be staggered to ensure only a portion of board membership expire in a given year. Members may be reappointed by the City 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 WDB, serving a specific business/industry/agency/commission, or duly constituted organization; that entity may nominate a replacement representative, subject to approval by the WDB and Richmond City Council. Those representing constituencies from the populace at large must be replaced through a process of applying for WDB membership, being interviewed and recommended for selection by the City Council, and being appointed by same

Section C - Alternates

WDB members may nominate his/her own alternate who is similarly representative, subject to approval by WDB. 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 WDB 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 WDB, or failure to attend three consecutively scheduled full Board and/or committee meetings shall be grounds for termination of WDB membership.

Section G - Resignation of Members

1. Resignation of WDB Members should be affected by a written letter of resignation submitted to the Chairperson of the WDB 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 WDB, 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

The number of officers shall be determined by the WDB. 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 WDB 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 WDB. 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 WDB 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 WDB. The final decision shall be determined by the majority of two-thirds vote of the full WDB 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 WDB 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 - Officer in charge of minutes and works with staff to insure proper documentation of agenda, minutes, and meeting notice requirements.
4. Treasurer- Officer in charge of budget information and works with staff to provide budget reports to WDB.
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 WDB proper in gathering information, hearing testimony or drafting recommendations for action. However, all official action shall be taken by the membership of the WDB proper, unless the authority for decisions is delegated on an issue-by-issue basis. All standing committees must be chaired by a full WDB member.

The WDB 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 WDB Officers, Chairs and Co-Chairs of Standing Committees. The Executive Committee will provide recommendations and advice to the Chairperson and the WDB 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 WDB's behalf on issues requiring immediate action prior to the standing WDB 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 WDB.
4. Annual Meeting - The annual meeting of the WDB 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 WDB, and the general public and for conducting such other business as may come before the WDB.
5. In addition to the Executive Committee, and in accordance with Article 6, Section B: there shall be three standing committees of the WDB: Youth Services, One-Stop, 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 WDB in serving the Richmond community.

Section B - Required WDB 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 Council, 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 WDB's policy authority. The WDB will decide the Youth Services Standing Committee's policy and decision-making role. The Youth Standing Committee includes WDB and non-WDB members.
2. One-Stop Delivery System Standing Committee - will provide a link to the WDB for community partners representing the current RichmondWORKS site. They will support the WDB goal of maintaining positive private, public and government relations through development of a marketing agenda that can be carried out by WDB 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 WDB members and non-WDB 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 - 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.

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 WDB 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 Richmond WDB. 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 WDB.
 - c. Prepare administrative reports required by the Board.
 - d. Attend WDB meetings, take minutes, and prepare and maintain records of all proceedings.
 - e. Orient and train new WDB members.