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ORDINANCE NO. 5226

**ORDINANCE REPEALING CHAPTER 2.110
TO ELIMINATE WORKFORCE INVESTMENT BOARD
FOR WORKFORCE INVESTMENT ACT, AND
ADDING CHAPTER 2.111 TO THE SANTA CRUZ COUNTY CODE
RELATIVE TO THE WORKFORCE DEVELOPMENT BOARD**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Chapter 2.110 of the Santa Cruz County Code is hereby of the Santa Cruz County Code (Workforce Investment Board for Workforce Investment Act) is hereby repealed.

SECTION II

Title 2 of the Santa Cruz County Code is hereby amended by adding Chapter 2.111 thereto, said new Chapter to read:

Chapter 2.111

WORKFORCE DEVELOPMENT BOARD

Sections:

2.111.010	Purpose and Statutory Authority
2.111.020	Membership
2.111.030	Term of Office
2.111.040	Powers and Duties
2.111.050	Organization, Procedures and Bylaws

2.111.010 PURPOSE AND STATUTORY AUTHORITY

The local workforce development board for Santa Cruz County, hereinafter the Workforce Development Board or the WDB, is established pursuant to the authority of the federal the Workforce Innovation and Opportunity Act (WIOA) of 2014, Public Law 113-128 (hereinafter WIOA), as they may be amended from time to time, and in compliance with Chapter 2.38 of Santa Cruz County Code.

2.111.020 MEMBERSHIP

Appointments Members of the WDB shall be appointed by the Santa Cruz County Board of Supervisors (Board of Supervisors). Whenever possible, the appointment process shall consider the geographic, demographic and industrial makeup of the business community and workforce of the Workforce Development Area.

Number and Composition The number of members and composition of the WDB shall be determined by the Board of Supervisors, subject to the requirements set forth below.

A. The WDB membership must represent all geographical areas of the County, whenever possible. The WDB must include all representatives required by the Workforce Innovation and Opportunity Act (WIOA) of 2014, Public Law 113-128 (hereinafter WIOA), as amended from time to time. The WDB must include all representatives required by the Governor and the State of California Workforce Development Board and the California State Legislature, including, but not limited to, terms of the provisions of WIOA §107.

B. The WDB shall consist of up to twenty-five (25) at-large voting members, the majority of whom shall be residents of the County of Santa Cruz. In order to meet the federal and state criteria concerning membership, members of the WDB shall be appointed by the Board of Supervisors as follows:

1. Two (2) representatives of Local Educational Entities (including one (1) eligible provider administering adult education and literacy activities under WIOA title II and one (1) representative from an institution of higher education providing workforce investment activities, including community colleges.).

2. Three (3) representatives of Governmental and Economic and Community Development, with:

a. one (1) representative of economic and community development entities;

b. one (1) representative from the state Employment Service Office (EDD) under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the Local Area; and

c. one (1) representative from programs carried out under title I of the Rehabilitation Act of 1973, other than Section 112 or Part C of that title.

3. One (1) at-large WDB nominated individual.

4. One (1) representative of the Santa Cruz County Board of Supervisors or designee.

5. Four (4) Workforce Representatives: As per WIOA Section 107(b)(2)(B), not less than 20 percent of the members of each Local Board shall be representatives of the workforce within the Local Area, who— (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) other representatives of employees; (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, or if no such joint program exists in the area, such

a representative of an apprenticeship program in the area, if such a program exists; (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. As follows:

- a. Two (2) representatives of labor organizations, where such organizations exist in the Local Area. Where labor organizations do not exist, representatives must be selected from other employee representatives.
- b. One (1) representative of a joint labor- management, or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists.
- c. One (1) representative of Community-Based Organizations that serve displaced workers, youth, veterans or disabled.

California Unemployment Insurance Code (CUIC) Section 14202(c) further requires and specifies that at least 15 percent of Local Board members shall be representatives of labor organizations unless the local labor federation fails to nominate enough members. If this occurs, then at least 10 percent of the Local Board members shall be representatives of labor organizations.

- 6. A minimum of fifty-one percent (51%) of WDB membership must be representatives of business, nominated by local business organizations and business trade associations and shall include persons who:
 - a. are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;
 - b. represent businesses, including small businesses, or organizations representing businesses described in this clause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the Local Area; and

- c. are appointed from among individuals nominated by local business organizations and business trade associations.
- d. Must include two (2) or more members that represent small business as defined by the U.S. Small Business Administration.

Where appropriate, one person may represent more than one category of membership.

2.111.030 TERM OF OFFICE

Term of Office Each member shall serve for a term of four years. However, the terms of thirteen of the initial members of the board shall instead be two years, to be determined by lot. Thereafter the membership terms shall be for staggered four-year terms. There are no term limits. Members may serve as many terms as they are appointed by the Board of Supervisors.

Resignation Any WDB or WDB committee member may resign by submitting written or oral notice to the WDB Chairperson and WDB Director. The WDB Director shall provide written notice of all resignations to the Board of Supervisors and Clerk of the Board.

Removal of Members A WDB or WDB committee member's appointment may be terminated by resignation, death, incapacity, or removal.

Failure to Regularly Attend Meetings A WDB or WDB committee member may be terminated by the WDB Chairperson for failure to attend three (3) consecutive meetings without good cause entered into the meeting minutes.

2.111.040 POWERS AND DUTIES

Workforce Development Board The WDB shall have the powers and duties specified by Congress in the enabling act and further by the State of California through applicable statutes or regulations. Its goals relating to workforce development for Santa Cruz County and its role toward that end are more fully set out in the Strategic Local Plan and as follows:

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

- A. Develop the Local Plan – In partnership with the chief elected official for the local area involved, develop a comprehensive local plan to implement WIOA.
- B. Conduct workforce research and regional labor market analysis.
- C. Convene, broker, and leverage with local workforce development system stakeholders to assist in development of the local plan and in identifying non-Federal expertise and resources to leverage support for workforce development activities.

- D. Lead efforts to engage with a diverse range of employers and entities in the region to promote business representation; to develop effective linkages with employers to support utilization of the workforce system; to ensure that workforce investment activities meet the needs of employers and support economic growth in the region; and to implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as establishment of industry/sector partnerships).
- E. Provide program oversight, which includes developing Memorandums of Understanding (MOUs) with required one-stop partners.
- F. Negotiate local performance accountability measures.
- G. Designate and/or certify one-stop operators.
- H. Identify eligible training providers.
- I. Conduct oversight for local youth workforce investment activities, including identifying eligible providers of youth program elements in the local area by awarding grants or contracts on a competitive basis.
- J. Develop local WIOA Budget - local board shall develop a budget (in conjunction with the designated local grant recipient) for the activities in the local area, consistent with the local plan and duties of the local board.
- K. Develop career pathways – lead efforts, with representatives of secondary and postsecondary education programs, in the local area to develop and implement career pathways within the local area.
- L. Lead efforts in the local area to identify, promote, and disseminate proven and promising strategies and initiatives to meet the needs of employers and workers with disabilities.
- M. Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers and jobseekers.
- N. Coordinate with education providers - The local board shall coordinate activities with education and training providers in the local area, including workforce, adult education and literacy, career and technical education, and Vocational Rehabilitation activities. Specifically this includes reviewing applications to provide adult and literacy activities under title II for the local area to determine whether applications are consistent with the local plan, and implementing cooperative agreements with Vocational Rehabilitation agencies to enhance provision of services to individuals with disabilities.
- O. Assess one-stop accessibility for individuals with disabilities.

- P. Comply with applicable federal and State laws and regulations.
- Q. Have the authority to establish and sunset standing committees such as Business Services Committee, Executive Committee, Youth Council and others as needed, except those standing committees required by federal, state or local (Board of Supervisors) mandate. A maximum of four standing committees not mandated by Federal, State or local law may be convened at any time.
- R. Have the authority to establish and sunset other ad hoc committees as necessary, with a maximum of three (3) ad hoc committees convened at any one time.
- S. Allow the Chairperson and Vice-chairperson of each committee to establish its schedule of meetings, and require that each committee submit regular attendance and activity reports to the WDB.

2.111.050 ORGANIZATION, PROCEDURES AND BYLAWS

Certification The WDB shall be subject to certification by the Governor as set forth in the WIOA Sections 106 and 107.

WDB Membership. The WDB shall recommend candidates for the WDB to the Board of Supervisors.

WDB Officers The WDB shall elect as its officers a Chairperson and Vice-Chairperson from among the business representatives on the WDB. The Chairperson shall preside over all regular and special meetings except that in the Chairperson's absence the Vice-Chairperson shall preside. The officers of the WDB and committees are elected annually by the WDB at the last scheduled WDB meeting of the fiscal year.

WDB Executive Committee Officers The Chairperson and Vice-Chairperson of the WDB shall also function as the Chairperson and Vice-Chairperson of the Executive Committee. Vice-Chairpersons of WDB committees shall serve as alternates to their specific committee's Chairperson on the Executive Committee. They may attend meetings but only vote in the case where their specific committee Chairperson is absent.

WDB Executive Committee Composition The composition of the WDB Executive Committee shall include:

- A. The WDB Chairperson and Vice-Chairperson;
- B. The Chairpersons of each WDB standing committee; and
- C. A seat for the immediate-past Chairperson of the WDB providing that person remains a member of the WDB.

If the immediate past Chairperson is no longer a member of the WDB, then an at large member may be appointed.

WDB Executive Committee The Executive Committee shall:

- A. Analyze information from standing and ad hoc committees, and their work.
- B. Set agendas for WDB meetings.
- C. Participate on ad hoc committees and work-groups as needed.
- D. Guide and direct the activities of committees established by the WDB.

Comprehensive Economic Development Strategy (CEDS) Committee.

- A. In conjunction with representatives of the Cities of Capitola, Santa Cruz, Scotts Valley and Watsonville and County Economic Development, the WDB shall function as the Comprehensive Economic Development Strategy (CEDS) Committee pursuant to section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. § 3162) and EDA's regulations at 13 C.F.R. part 303.
- B. The Chairperson and Vice-Chairperson of the WDB shall also function as the Chairperson and Vice-Chairperson of the CEDS Committee.
- C. To meet Economic Development Administration (EDA) requirements for CEDS Committee membership, WDB members who also serve as members of the CEDS Committee, to the extent possible, should represent the main economic interests of the Region, including the private sector, public officials, community leaders, private individuals, institutions of higher education, minority and labor groups, and others who can contribute to and benefit from improved economic development in the Region. If the above CEDS Strategy Committee requirements are not met with WDB members who also sit on the CEDS Committee, the CEDS Committee must also contain non-WDB members who meet the requirements noted above.

Procedures Except as otherwise provided herein, the WDB shall comply with Chapter 2.38 of Santa Cruz County Code:

- A. Quorum. A quorum shall consist of a majority of those persons who have been appointed to the WDB. For WDB committees, a quorum shall be the number of members equal to 40% of the appointed voting members of the specific WDB committee provided that no fewer than three (3) members are present.
- B. Vacancies. A vacancy shall exist and be reported to the Board of Supervisors, Clerk of the Board, and the member vacating his or her seat when a WDB member fails to attend three regular meetings within a calendar year without good cause.
- C. Residence. Nonresidents of the County of Santa Cruz may be appointed as WDB members in the following circumstances: (1) Representing businesses: Nonresidents may be appointed who have a business located and headquartered in

Santa Cruz County; provided that a majority of business representatives are County residents. (2) Representing all other categories: Nonresidents may be appointed as WDB members when the WDB determines that residents are unavailable to represent specific required categories.

D. WDB Committee Structure. The WDB shall have the authority to:

1. Establish and sunset standing and ad hoc committees as provided at 2.111.040.
2. Establish and sunset other ad hoc committees as necessary, with a maximum of three (3) ad hoc committees convened at any one time.
3. Allow a standing committee to go on hiatus for not more than one (1) year and for good reason. During the hiatus the WDB may convene an additional time limited committee which must disband upon the end of the standing committee's hiatus.

E. Committee Service. WDB members are strongly encouraged to serve on WDB committees. They may also recommend a designee on their behalf to serve on a specific committee, except the Executive Committee. The WDB Chairperson may approve these designee recommendations on a case-by-case basis. Designees may vote on the committee to which they are assigned but will not be WDB members. The WDB, or acting on its behalf, the Chairperson, may also seat, as needed and as appropriate, other committee members who are not also seated WDB members as long as these members do not constitute more than half the specific committee membership. These non-WDB committee members may vote on the specific committee on which they are seated only.

F. WDB members are responsible for notifying the WDB and County of any changes in their status relative to the category of membership to which they were appointed. A member who no longer fills a position in the category to which he/she was appointed shall resign his/her membership, though, at the discretion of the WDB, may remain on the WDB for a period not to exceed 90 days pending reemployment in a similar position in the same membership category. For those members for whom the WDB extends the membership for 90 days but who did not obtain re-employment in the same category, the resignation will be effective at the end of the 90-day period. No more than two (2) members may be in this "pending" status at any one time.

If reemployed in another WDB membership category (not the one to which he/she was originally appointed), he or she may apply to fill a vacant seat in that category should there be one. If not reemployed within 90 days in the same category, or if reemployed in a category for which there is no vacant seat, the member's position will be automatically vacated.

G. Meetings of the WDB

1. Regular meetings of the WDB shall be held no fewer than three (3) times per year on a schedule adopted at the first calendar meeting of each year. Special meetings may be called by the Chairperson.
2. All meetings of the WDB shall be duly noticed and conducted in compliance with the Ralph M. Brown Act (California Government Code '54950 et seq.), including the following:
 - A. At least seventy-two (72) hours prior to each regular meeting, an agenda for the regular meeting shall be forwarded to each WDB member, and representatives of the news media and to each other person who has submitted a written request to the WDB for notification of meetings, and shall be posted at least seventy-two (72) hours prior to the regular meeting at a location that is freely accessible to the public. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting. No action or discussion shall be undertaken on any item not appearing on the posted agenda except that when statements are made or questions are posed by persons exercising their public testimony rights, WDB members may ask a question for clarification, refer the matter to staff or to other resources for factual information, or request staff to report back at a subsequent meeting concerning any matter. Notwithstanding the foregoing, action may be taken on an item of business not appearing on the posted agenda upon a determination by two-thirds vote of the membership of the WDB, or if less than two-thirds of the members are present, by unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the County subsequent to the agenda being posted.
 - B. At least twenty-four (24) hours prior to each special meeting, an agenda for the special meeting shall be forwarded to each WDB member and to representatives of the news media and to each other person who has submitted a written request to the WDB for notification of meetings; and shall be posted at least twenty-four (24) hours prior to the special meeting at a location that is freely accessible to members of the public. No business other than that listed on the agenda shall be considered at a special meeting.
 - C. Public participation in WDB meetings shall be allowed in keeping with the Standard Code of Parliamentary Procedure (Sturgis) and the Ralph M. Brown Act.

All committees shall comply with the notice and agenda requirements otherwise applicable to the WDB in these bylaws, except for committees composed solely of less than a quorum of the members of the WDB which are not standing committees of the WDB with either a continuing subject matter jurisdiction or a meeting schedule fixed by resolution or other formal action of the WDB.

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3. The Director of the Santa Cruz County Human Services Department shall designate staff of such Agency to serve as professional, technical and clerical staff to the WDB. The County Administrative Office shall designate Economic Development staff to serve as professional, technical and clerical staff to the CEDS Committee.
4. Meetings shall be conducted according to The Standard Code of Parliamentary Procedure (Sturgis).

H. Conflict of Interest

1. The WDB shall adopt a Conflict of Interest Code for WDB members pursuant to the Political Reform Act (California Government Code ' 81000 et seq.)
2. No member shall participate in a WDB decision in which he or she has a financial interest (California Government Code ' 87100). Members may consult the Fair Political Practices Commission concerning individual responsibilities and obligations arising under Paragraphs 4.1 and 4.2.
3. A WDB member shall be allowed to enter into a contract with the WDB where allowable by Government Code Section 1090.
4. A member may not:
 - A. Vote on a matter under consideration by the local WDB which
 1. Regards the provision of services by such member (or by an entity that such member represents); or
 2. Would provide direct financial benefit to such member or the immediate family of such member; or
 - B. Engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.
5. Concerning matters on which a member may not vote, the member shall not participate in discussions with other WDB members.

I. Use of Technology

5.1 To the extent possible, technology shall be used to improve board functions, broker relationships with stakeholders, and enhance and facilitate processes associated with the work of the board.

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SECTION II

This ordinance shall take effect on the 31st day after the date of final passage.

SECTION III

PASSED AND ADOPTED this 28th day of June, 2016, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:	SUPERVISORS	Leopold, Coonerty, Friend, Caput, McPherson
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

BRUCE MCPHERSON

Chairperson of the
Board of Supervisors

SUSAN GALLOWAY

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:

J. J. Stronck

DISTRIBUTION: County Counsel
Human Services Department

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 28th DAY OF June 2016

SUSAN M. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA

BY *Susan Muriello* DEPUTY