



SPECIAL GOVERNING BOARD MEETING AGENDA

**Thursday, March 5, 2020
9:00 AM**

Lake: Lake County Courthouse, Conference Room B, 255 N. Forbes Street, Lakeport, CA

Marin: Marin County Civic Center, Terrace Room #326
3501 Civic Center Drive, San Rafael, CA

Mendocino: Mendocino County Office, Room 1010, 501 Low Gap Rd., Ukiah, CA

San Francisco: Bay Area Metro Center, Ohlone Conference Room, 375 Beale St., San Francisco, CA

Santa Cruz: 250 Estrella Dr, Scotts Valley, CA

Solano: Dan Foley Cultural Center, Arbor Room, 1499 N. Camino Alto, Vallejo, CA

CALL TO ORDER	
I.	<ul style="list-style-type: none"> A. Welcome, Introductions B. Public Comment
CONSENT CALENDAR	
<p style="text-align: center;">These matters typically include routine financial or administrative action items requiring a vote. Any item will be discussed separately at the request of any person. Items are approved with one single motion.</p>	
II.	<ul style="list-style-type: none"> A. Approve Meeting Minutes, December 20, 2019 [Attachment II.A]
REGULAR CALENDAR	
III.	<ul style="list-style-type: none"> A. Approve Fire Grant in the amount of \$560,000 [Board Letter III.A] (Action) B. Ratify approval of WANB Agreements [Board Letter III.B] (Action) C. WANB Transition - Discussion and approval to move forward with actions necessary to transition the WANB to be an employer of record for future staff [Board Letter III.C] [Attachment III.C] (Action)
MEMBER REPORTS	
V.	<ul style="list-style-type: none"> A. Members B. Director
ADJOURN	
VI.	<ul style="list-style-type: none"> A. Next Meeting and Agenda Items



GOVERNING BOARD MEETING Minutes

Friday, December 20, 2019
9:00 AM

Mendocino: Mendocino County Planning and Building Office, Conference Room, 120 West Fir Street, Fort Bragg, CA
Mendocino County Office, Room 1010, 501 Low Gap Rd., Ukiah, CA

Napa: Workforce Alliance of the North Bay Office, Second Floor, 1546 First Street, Napa, CA

CALL TO ORDER

- I. A. Welcome, Introductions, Agenda Review
Supervisor Connolly called the meeting to order at 9:06 AM.

Members Present: Supervisor Damon Connolly, Supervisor Dennis Rodoni, Supervisor Alfredo Pedroza, Supervisor Brad Wagenknecht, Supervisor Moke Simon, Supervisor Eddie Crandell (arrived during item III.C), Supervisor John Haschak, Supervisor Dan Gjerde.

Workforce Alliance Staff Present: Executive Director Bruce Wilson, Fiscal Officer Taylor Swain, Chief Strategist Racy Ming, Workforce Development Analyst Sylwia Palczewska, Operations Analyst Tamara Ochoa, Operations Officer Laura Davis, Legal Counsel Jack Govi, Business Outreach Stacey Caico.

Guests: CareerPoint Napa Teresa Brown, CareerPoint Marin Shery Parr, Maureen Mulheren, David Tam, Bryan Avila.

B. Public Comment
Sherry Parr of CareerPoint Marin thanked Supervisor Rodoni for his support in West Marin. She announced that CareerPoint Marin will be convening a West Marin Business Forum on 1/30/20.

C. Chair's Update – Damon Connolly
 - a) Conflict of Interest Code
As a government agency Workforce Alliance is required to have a Conflict of Interest Code. Last updates include clarification of what positions are responsible for making decisions with federal money, also Mendocino County Service provider was added to the list.
 - b) Ethics training reminder
Every Board Member is required to take an ethics training course to educate themselves on the ethical standards required of any individual who works in local government.
- D. Executive Director's Update – Bruce Wilson
 - a) Regional Conference February 4, 2020
Executive Director Wilson invited all board members to attend the conference.
 - b) Prison to Employment Grant update
Executive Director Wilson reported out on progress with Prison to Employment Grant contracts in each county.
 - c) Grant applications update
Executive Director Wilson updated Board Members on recent Additional Assistance Grant application.
 - d) Regional Workforce Board Meeting update
Executive Director Wilson reported out on Regional Workforce Board meeting that took place on December 12 in Santa Rosa.

CONSENT CALENDAR

These matters typically include routine financial or administrative **action items** requiring a vote.
Any item will be discussed separately at the request of any person. Items are approved with one single motion.

- II. A. Approve Meeting Minutes, September 20, 2019 [Attachment II.A]
Motion made to approve September 20, 2019 meeting minutes.
M/S: Alfredo Pedroza / Moke Simon
Motion carried: 6-0
Yea: 6
Nay: 0
Abstentions: Brad Wagenknecht
Absent: Eddie Crandell

REGULAR CALENDAR

- III. A. Approve Agreement with MPIC, Inc [Board Letter III.A]
Motion made as requested.
M/S: Brad Wagenknecht / Alfredo Pedroza
Motion carried: 7-0
Yea: 7
Nay: 0
Abstentions: 0
Absent: Eddie Crandell
- B. Approve Agreement with Ms. Sylwia Palczewska [Board Letter III.B]
Motion made as requested.
M/S: Dennis Rodoni / Brad Wagenknecht
Motion carried: 7-0
Yea: 7
Nay: 0
Abstentions: 0
Absent: Eddie Crandell
- C. Accept 2019/20 1st Quarter CareerPoint Dashboard Reports [Board Letter III.C] [Attachment III.C]
Motion made as requested.
M/S: Alfredo Pedroza / Moke Simon
Motion carried: 7-0
Yea: 7
Nay: 0
Abstentions: Eddie Crandell
Absent: 0
- D. Approve reserves development strategy [Board Letter III.D]
Motion made as requested.
M/S: Eddie Crandell / Brad Wagenknecht
Motion carried: 8-0
Yea: 8
Nay: 0
Abstentions: 0
- E. Approve 2020 Meeting Schedule [Attachment III.E]
Motion made as requested.
M/S: Dennis Rodoni / Alfredo Pedroza
Motion carried: 8-0

Yea: 8
Nay: 0
Abstentions: 0

- F. Accept termination letter for convenience of Napa County and provide direction to staff [Board Letter III.F] [Attachment III.F]

Motion made to accept termination letter for convenience of Napa County and request staff to explore the organizational staffing options for the Board to consider at its March meeting, and to engage with counsel to develop the necessary personnel policies and documents for the WANB to become the Employer of Record.

M/S: Brad Wagenknecht /Dennis Rodoni

Motion carried: 8-0

Yea: 8

Nay: 0

Abstentions: 0

INFORMATION / DISCUSSION ITEMS

- IV. A. Rapid Response Activities [Board Letter IV.A]

WANB Staff provided an update on Rapid Response activities in WANB region.

- B. New WANB Policies Update [Board Letter IV.B]

WANB Staff provided an update on new WANB policies reviewed and approved by the Regional Workforce Development Board.

MEMBER REPORTS

- V. A. Members

- a) California Economic Conference (Connolly/Rodoni)

Supervisor Connolly and Supervisor Rodoni reported out on California Economic Conference they attended in November.

- b) Other

There was no other reports.

ADJOURN

- VI. A. Next Meeting and Agenda Items

Next meeting is on March 20, 2020. Chair Damon Connolly adjourned the meeting at 10:24 AM.



TO: GOVERNING BOARD
FROM: STAFF
SUBJECT: BOARD LETTER III.A – NORTH BAY FIRE RESPONSE ADDITIONAL ASSISTANCE GRANT
DATE: MARCH 5, 2020
CC: FILE

The Workforce Alliance of the North Bay (WANB) has received a new fire related grant through the Governor's Discretionary 25 percent Additional Assistance fund to service individuals and businesses affected by the multiple wildfires that devastated the North Bay region beginning in 2017.

WANB plans to continue training dislocated workers, providing rapid response and layoff aversion services to businesses, and provide reemployment assistance and training for workers.

The grant is for \$560,000 and the term dates of this grant are from December 1, 2019 through June 30, 2021.

STAFF RECOMMENDATION

Accept the North Bay Fire Response Grant AA011018 in the amount of \$560,000 and begin grant implementation activities.

BOARD LETTER III.B



TO: GOVERNING BOARD
FROM: STAFF
SUBJECT: BOARD LETTER III.B – RATIFY APPROVAL OF WORKFORCE ALLIANCE AGREEMENTS
DATE: MARCH 5, 2020
CC: FILE

JPA staff solicits Workforce Alliance Governing Board ratification for the following agreements and amendments enacted by the Executive Committee:

CONTRACTOR	NEW/ AMENDMENT	AMOUNT	COMMENTS
County of Marin Treasurer/Auditor Controller	New	\$18,000 per year	Provide services as the Fiscal Agent of the Workforce Alliance JPA.
CliftonLarsonAllen LLP	Amendment	\$15,300	Required annual single audit services.
Marin County Health and Human Services	Amendment	\$24,043	Increasing the agreement amount for the provision of WIOA Adult and Dislocated Services in Marin County.
MPIC, Inc.	Amendment	\$48,600	Increasing the agreement amount for the provision of service to Justice Involved individuals through the Prison to Employment grant.
Cassio & Associates	New	\$75,000	Provide consulting services on behalf of WIOA/Additional Assistance grant from State of California.
Marin County Probation	New	\$55,800	Provide services to Justice Involved individuals through the Prison to Employment grant.

Paragraph 10 - Powers/ Responsibilities of the Agency exercised by the Governing Board of the JPA, states that the “Agency shall have the power to exercise any power common to all Member Counties authorized by Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (commencing with section 6500) and is hereby authorized to do all acts necessary for the exercise of these common powers, including...:

- (3) Employ agents, employees, consultants, advisors, independent contractors and other staff;
- (4) Make and enter into contracts, including contracts with public and private organizations and individuals;”

STAFF RECOMMENDATION:

Ratify agreements with the above noted contractors and partners and authorize board chair and/or executive director to sign final negotiated agreements.

BOARD LETTER III.C



TO: GOVERNING BOARD
FROM: STAFF
SUBJECT: BOARD LETTER III.C – DISCUSSION AND APPROVAL TO MOVE FORWARD WITH ACTIONS NECESSARY TO TRANSITION THE WANB TO SERVE AS EMPLOYER OF RECORD FOR FUTURE STAFF
DATE: MARCH 5, 2020
CC: FILE

In May of 2016, the Boards of Supervisors of Marin, Napa and Lake counties established a Joint Powers Agency (JPA), which was to be formally known as the Workforce Alliance of the North Bay (WANB). One year later, Mendocino County was added as a member county.

Paragraph 10, Powers/ Responsibilities of the Agency exercised by the Governing Board states the following:

.....“Agency shall have the power to exercise any power common to all Member Counties authorized by Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (commencing with section 6500) and is hereby authorized to do all acts necessary for the exercise of these common powers, including...:

- (3) Employ agents, employees, consultants, advisors, independent contractors and other staff;*
- (4) Make and enter into contracts, including contracts with public and private organizations and individuals;*

Furthermore, Paragraph 11, Powers/Responsibilities of the Agency as the Local Chief Elected Official states:

- (a) The Agency, through its Governing Board, shall serve as the Chief Elected Official for the Workforce Alliance of the North Bay LWDA.*
- (b) The Agency will serve as the **grant recipient, fiscal agent and administrative entity** for the Workforce Alliance of the North Bay LWDA as those terms are defined under WIOA and its implementing regulations.*

And; Paragraph 16, Staffing of the Agency states:

- (1) The Governing Board of the Agency shall appoint an Executive Director who shall be responsible for the administration of the Agency. The Executive Director shall have the ability to hire/or contract other necessary staff in consultation with the WDB and with the approval of the Agency’s governing Board. The Director shall be the*

BOARD LETTER III.C

designated officer who shall file an official bond pursuant to Government Code Section 6505.1.

- (2) ***Initially the Agency will designate Napa County to provide staffing for the Agency's Executive Director and will enter into a contract with Napa County Health and Human Services Agency, which will set forth the job responsibilities and duties of the Executive Director.***
- (3) A Majority of the Governing Board can remove the Executive Director for any reasoning.

Thus, in accordance with the language noted in the Joint Powers Agency agreement, the WANB and the County of Napa entered into a separate staffing agreement for Executive Director/Administrative services in June 2016. The agreement specifically noted that the Executive Director of the Agency ***will report solely to the Agency's Governing Board during the term of this Agreement.***

On December 10th, 2019 the Workforce Alliance of the North Bay, received a letter (Attachment III.C) from the County of Napa Board of Supervisors notifying the Agency that they have chosen ***"to terminate for convenience the Agreement pursuant to Section 10 [Agreement] effective June 30, 2020"***. The letter further notes that ***"Napa County is committed to working with the Agency and other member counties toward a smooth transition,*** and looks forward to a continued partnership as a member of WANB and its efforts to bring career pathways, upward mobility and economic self-sufficiency to all the communities it serves".

On December 20th, 2019, your Board voted to accept the Napa letter terminating the Agreement, and directed staff to explore the organizational staffing options for the Board to consider at its March meeting, and to engage with counsel to develop the necessary personnel policies and documents for the WANB to become the Employer of Record. On January 21, 2020, however, County Counsel recommended that the transition to full-time permanent WANB employees involve a competitive hiring process. This recommendation is based upon the fact that the Board should exercise transparency in government decision-making and to prevent any allegations of favoritism to the on-loan employees. Because of this conflict of interest issue raised by counsel, Executive Director Bruce Wilson has asked Racy Ming, Chief Strategist, to serve as staff to/of the board on this issue.

STAFF RECOMMENDATION:

Direct the Chief Strategist to:

- 1) Develop a contract with a qualified consultant from the California Workforce Association's list of approved vendors. The consultant would be tasked with the following deliverables:
 - a. Determine possible options for the Governing Board regarding filling the role of Executive Director, and timeline for filling the position
 - b. Develop a recommendation for a pay range and list of qualifications and job description for the Executive Director
 - c. Determine possible options for the Governing Board regarding filling other staff roles, recruitment plan and timeline
 - d. Recommendations for operating structure of the WANB, including personnel policies, the benefits package, and recommendations for insurance and other benefits
 - e. For the Executive Director recruitment, a list of potential recruitment firms, estimated cost, and timeline for completion
- 2) Report all findings and options to the Governing Board for consideration and possible adoption.

FISCAL IMPACT:

Staff are currently researching the estimated cost for retaining the consultant.



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Board of Supervisors

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Ryan Gregory
Chair

December 10, 2019

Mr. Damon Connolly,
Chair, Workforce Alliance of the North Bay
Mr. Bruce Wilson, Executive Director
120 N. Redwood Road
San Rafael, CA 94903

Dear Mr. Connolly and Mr. Wilson:

On June 21, 2016, Napa County entered into Agreement No. 170400B (the Agreement) with the Workforce Alliance of the North Bay to provide staff services to the Joint Powers Agency (Agency). This service included an Executive Director as well as support staff. The Agreement contemplated the County having employer responsibility for the Executive Director and support staff; while the Executive Director serves at the pleasure of the Agency. This inherent conflict has presented concerns for the County and is difficult to consistently and fairly manage. Agreement No. 8473 creating the Agency, stated that staffing would "initially" be provided by Napa County. Over the course of the past three years, the County and the Agency have been diligently attempting to reconcile the concerns.

After discussions with other similarly organized joint powers agencies, staff has recommended and the Board of Supervisors has agreed to terminate for convenience the Agreement pursuant to Section 10 effective June 30, 2020. It is our understanding that during the next six months the Agency will work to become the employer of record for purposes of hiring staff to continue operations of the Agency. Napa County is committed to working with the Agency and other member counties toward a smooth transition, and looks forward to a continued partnership as a member of WANB and its efforts to bring career pathways, upward mobility and economic self-sufficiency to all the communities it serves.

Regards,

Ryan Gregory
Chair

Cc: Workforce Alliance of the North Bay Governing Board

Brad Wagenknecht
District 1

Ryan Gregory
District 2

Diane Dillon
District 3

Alfredo Pedroza
District 4

Belia Ramos
District 5