



OAKLAND WORKFORCE DEVELOPMENT BOARD

Thursday, May 05, 2016

Hearing Room 3

Oakland City Hall
One Frank H. Ogawa Plaza

8:30 a.m. – 10:30 a.m.

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OAKLAND WORKFORCE DEVELOPMENT BOARD (OWDB)

AGENDA

Hearing Room 3

City Hall, 1 Frank H. Ogawa Plaza

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8:30 a.m. – 10:30 a.m.

In Absence of a WDB-elected Chair, the facilitator is Jose Corona

ITEM	PAGE	ACTION
1. Call to Order and Roll Call	4	Informational
2. Welcome and Introductions	5	Informational
Welcome from Mayor Schaaf		Informational
3. Purpose, Bylaws and Roles	7	Informational
4. Conflict of Interest Training	19	Informational
5. Public Meetings Training	23	Informational
6. Deliverables	29	Informational
7. Open Forum		Informational
8. Announcements		Informational
9. Closing Remarks		
10. Adjourn		Action

Current Oakland Workforce Development Board Roster

#	Name	Title	Organization	Board Composition
1	Elena Anaya	Comm. Affairs Director	Turner Construction	Business
2	John Brauer	Exec. Dir. Workforce & Economic Development	California Labor Federation	Workforce
3	Kathleen Burris	Workforce Initiatives Manager	CVS	Business
4	Kori Chen	Small Business/ COO	Red Bay Coffee Co., LLC	Business
5	Rose Doss	Regional Dir., Recruitment	Kaiser Permanente	Business
6	Dan Ferreira	Labor Organization/ Executive Board	IATSE Local 107	Workforce
7	Herb Garrett	Director, HR	UPS	Business
8	Polly Guy	N. California Regional Store Manager	Starbucks	Business
9	Susan Hollingshead	Chief Administrative & People Officer	Sungevity	Business
10	Derreck Johnson	Small Business/ Owner	Chicken & Waffles	Business
11	Lisa Kershner	General Manager	Oakland Marriott	Business
12	Jowell C. Laguerre	Chancellor	Peralta Community College District	Education
13	Darien Louie	Economic & Community Dev/Executive Director	East Bay Economic Development Alliance	Economic Development
14	Michael McDonald	Senior Recruitment Director	Pandora	Business
15	Doreen Moreno	Mgr., Govt. Relations	UCSF Children's Hospital	Business
16	Chudy Nnebe	Employment Service / Cluster Manager	Employment Development Department	Economic Development
17	Gilbert Pete	Coord. Workforce & Econ. Dev.	Oakland Unified School District	Education
18	Ruben Rodriguez	Labor Organization/ President	AFSCME Local 444	Workforce
19	Brian Salem	Staff Services Mgr.	Dept. of Rehabilitation	Rehabilitation
20	Obray Van Buren	Registered Apprenticeship/ Special Representative	UA Local 342	Workforce

One-Minute Introduction Format

☐ Name

☐ Organization

☐ Time with Organization

☐ Current Role

☐ Why you're here – what is your passion for workforce development?

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Purpose, Bylaws and Roles

BYLAWS

OAKLAND WORKFORCE DEVELOPMENT BOARD

Adopted by Mayor of the City of Oakland
Executive Order No. 2016-01
Issued: March 31, 2016

ARTICLE I.

Name

The name of this organization is the “Oakland Workforce Development Board.”

ARTICLE II.

Purpose

It shall be the purpose of the Oakland Workforce Development Board, hereinafter referred to as the “Board,” to oversee the articulation and implementation of comprehensive workforce development strategies, policies and performance outcomes of the City of Oakland’s integrated service delivery system in partnership with the Mayor of the City of Oakland (the “Mayor”). The Board shall act as the local workforce development board for the Oakland area as authorized under the federal Workforce Innovation and Opportunity Act of 2014 and its implementing regulations (together “WIOA”).

ARTICLE III.

Functions

It shall be the responsibility of the Board to develop policy, provide guidance for, and exercise oversight with respect to activities under Oakland’s Local Plan as required under Section 108 of WIOA and such other plans developed by the City of Oakland with respect to workforce development. These responsibilities include, but are not limited to, the following:

- **Local Plan.** The Board, in partnership with the Mayor, shall develop and submit a comprehensive Local Plan to the Office of the Governor. The Board shall convene local workforce development system stakeholders to assist in development of the Local Plan.
- **Selection of One-Stop Operator.** The Board, with the agreement of the Mayor, shall designate the One-Stop Operator, and may terminate the eligibility of such One-Stop Operator.
- **Selection of providers of youth services, training services and career services.** The Board shall identify and approve eligible providers of youth services, training services and career services in Oakland. The Board shall ensure that there are sufficient numbers and types of providers of career services and training services serving Oakland that

provide services in a manner that maximizes consumer choice and provides opportunities for competitive integrated employment for persons with disabilities.

- **Career pathways.** The Board shall lead efforts with representatives of secondary and postsecondary education programs to develop and implement career pathways in Oakland. The Board shall otherwise coordinate its activities with education and training providers in Oakland.
- **Accessibility for persons with disabilities.** The Board shall annually assess the accessibility of all one-stop centers in Oakland.
- **Workforce research and analysis.** The Board shall carry out research and analysis with respect to economic conditions and workforce needs in the City of Oakland and the Oakland workforce as required by WIOA and as needed to assist in the development and implementation of the Local Plan.
- **Employer engagement.** The Board shall lead efforts to engage with a diverse range of employers in Oakland to promote business representation on the Board, to develop effective linkages to support employer use of the local workforce development system, to ensure that Oakland's workforce investment activities meet the needs of employers and supports economic growth in Oakland, and to develop and implement proven strategies for meeting the needs of Oakland workers and employers. This includes strategies for using technology to maximize the accessibility and effectiveness of the workforce development system.
- **Program oversight and accountability.** The Board, in partnership with the Mayor, shall conduct oversight over workforce investment activities in Oakland and ensure the appropriate use and management of funds provided to Oakland under WIOA and other workforce development programs. This includes negotiation of local performance accountability measures.
- **Budget.** The Board shall develop a budget for the purpose of carrying out its duties consistent with the Local Plan, subject to the approval of the Mayor.

The Board, through its members, officers and staff, shall be responsible for ensuring that its members actively participate in convening stakeholders in Oakland's workforce development system, brokering relationships with a diverse range of Oakland employers, and leveraging support for Oakland's workforce development activities.

ARTICLE IV. Membership

- A. Authorized membership.** The Board shall be composed of up to twenty-seven (27) members.
- B. Appointments.** Board members shall be appointed by the Mayor. The Mayor shall issue an appointment letter identifying the person appointed, the category for which the appointment is made, and the commencement and expiration date of the appointment term. The Executive Director shall be responsible for notifying the Mayor and the applicable nominating entities as set forth below as early as possible of a vacancy on the Board in order to ensure a prompt nomination and appointment.

C. Board composition. The Board shall be comprised of members from the following categories:

- 1. Business representation.** The Board shall include at least a majority of members who are representatives of businesses in Oakland. Such members shall be owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority. Said members shall represent businesses that provide employment opportunities that includes high-quality, work-relevant training and development in in-demand industry sectors or occupations in Oakland. Business representatives shall be appointed from persons nominated by the Oakland Metropolitan Chamber of Commerce in consultation with other local chambers and business trade associations pursuant to the nomination process set forth below. To the fullest degree possible, business representatives shall represent a cross section of Oakland's small and large business community, and reflect Oakland's geographical, ethnic and gender diversity. At least two (2) business representatives shall be representatives from small businesses in Oakland as defined by the U.S. Small Business Administration.
- 2. Workforce representation.** At least 20 percent of the Board shall consist of members who are representatives of the workforce in Oakland, including the following:
 - i. At least two (2) members shall be representatives of labor organizations in Oakland. Labor representatives shall be appointed from persons nominated by the Central Labor Council of Alameda County pursuant to the nomination process set forth below.
 - ii. At least one (1) member shall be a representative from a joint labor-management, or union affiliated, apprenticeship program in Oakland. Such representative must be a member of a labor organization or a training director.
 - iii. If and as needed to meet the 20 percent requirement, the Board shall include other workforce representatives, who may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of veterans, that provide or support competitive integrated employment for persons with disabilities, or that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including organizations that serve out-of-school youth.
- 3. Education and training representation.** The Board shall include up to two (2) members who are representatives of the workforce in Oakland, including the following:
 - i. At least one (1) member shall be a representative from a provider administering adult education and literacy activities under WIOA title II.
 - ii. At least one (1) member shall be a representative from an institution of higher education providing workforce investment activities, including community colleges.

Nominations for the above education and training members shall be solicited from entities providing those activities.

- 4. Government, economic development, and community development representation.** The Board shall include up to three (3) members who are representatives of governmental, economic and community development entities in Oakland, including the following:

- i. At least one (1) member shall be a representative from an economic and community development entity.
- ii. At least one (1) member shall be a representative from the California Economic Development Department.
- iii. At least one (1) member shall be a representative from a program providing vocational rehabilitation.

- 5. Additional representation.** The Board may include additional members as deemed appropriate by the Mayor and as allowed under WIOA.

D. Prohibitions. The Board may not include members who are either (1) elected public officials, or (2) employees or directors of grantees of Oakland WIOA funds except as required by WIOA.

E. Nomination process.

- 1. Business representatives.** The Mayor, City staff, Board members, local chambers of commerce or other business associations may recommend business representative candidates for the Board. Candidates considered for nomination shall submit their resumes and/or biographies to the Board's Executive Director, who will review the candidates for compliance with this policy and applicable law. The Executive Director shall forward candidates to the Oakland Metropolitan Chamber of Commerce, which shall have the exclusive role of nominating business representatives for the Board. The Oakland Metropolitan Chamber of Commerce shall forward its qualified nominations to the Mayor for his or her consideration for official appointment to the Board.
- 2. Labor representatives.** The Board Chair and City staff will request the Central Labor Council of Alameda County to submit nominees for consideration. The Board's Executive Director shall review the nominees for compliance with this policy and applicable law. Nominees who meet the nomination criteria will be asked to submit a resume or biography and cover letter expressing interest in serving on the Board. The Central Labor Council shall forward its qualified nominees to the Mayor for his or her consideration for official appointment to the Board.
- 3. Other representatives.** The Mayor, City staff, or Board members, may recommend persons for all other Board positions. The Board's Executive Director shall review nominees for compliance with this policy and applicable law. Appropriate nominees

shall then be asked to submit a resume or biography and cover letter expressing interest in serving on the Board. Nominees shall be forwarded to the Mayor for his or her consideration for official appointment to the Board.

- F. Term of office.** The term of office for Board members shall be two (2) years, except as specified below with respect to staggered terms. Terms shall start from the date of commencement of the term as set forth in the appointment letter issued by the Mayor. The term commencement date for the initial appointments to the Board shall be March 31, 2016.
- G. Staggered terms.** Half of the Board members appointed in 2016 shall serve one-year terms and half shall serve two-year terms, as determined by the Mayor.
- H. Mid-term vacancies.** If a member is appointed to fill a vacancy created by the termination of a member before the normal expiration of his or her term, the term of the successor shall be the remaining term of the member vacating the position.
- I. Term limits.** A Board member may serve no more than three consecutive terms; provided that the Mayor may make exceptions to these term limits on a case-by-case basis upon a determination by the Mayor that such an exception will be in the best interests of the City.
- J. Holdover.** In the event an appointment to fill a vacancy has not occurred by the conclusion of a Board member's term, that member may continue to serve as a Board member during the following term in a holdover capacity, for a period not to exceed one year, to allow for the appointment of a Board member to serve the remainder of said following term.
- K. Tenure on Board.** Board members shall remain on the Board until:
 - 1. Their term expires, subject to the holdover provisions of these Bylaws;
 - 2. They resign in writing;
 - 3. They no longer hold the status for membership on the Board under which they were appointed, as determined by the Executive Director; or
 - 4. They are removed from the Board for cause after a hearing before the Board and a majority vote in favor of removal, and are notified in writing of their removal.
Among other things, conviction of a felony, misconduct, incompetence, inattention to or inability to perform duties, or absence from three (3) consecutive regular meetings or four (4) regular or special meeting absences in any one-year period except on account of illness or by permission of the Board Chair, shall constitute cause for removal.

ARTICLE V. Officers

- A. Officers.** Officers of the Board shall be a Chair and a Vice Chair.
- B. Selection of officers.** The Chair and Vice Chair shall be elected from among members of the Board by a majority vote. In the event of a tie vote, a run-off of the two highest candidates shall determine who is elected. The Chair and the Vice Chair must be chosen from business representatives on the Board.

- C. Terms.** The term of office for Chair and Vice Chair shall be two years. If the office of the Chair becomes vacant during a term, the Board shall choose a new Chair for the remainder of the term, and the Vice Chair shall act as Chair pending election of the new Chair. If the office of the Vice Chair becomes vacant during a term, the Board shall choose a new Chair for the remainder of the term.
- D. Duties of the Chair.** The Chair shall preside at all meetings of the Board, represent the Board whenever the occasion demands, appoint committees and task forces, and call special meetings at any time necessary upon appropriate advance notification to all members.
- E. Duties of the Vice Chair.** The Vice Chair shall assist the Chair as directed and shall assume all the obligations and authority of the Chair in the absence of the Chair.

ARTICLE VI.

Meetings

- A. Regular meetings.** Regular meetings of the Board shall take place the first Thursdays in the months of February, May, August and November starting at 8:30 AM in Oakland City Hall.
- B. Special meetings.** Special meetings of the Board may be called at the discretion of the Chair, in accordance with the Ralph M. Brown Act and the Oakland Sunshine Ordinance.
- C. Quorum.** A quorum shall consist of at least 40 percent of the actual Board membership. A quorum shall be called for prior to any official business being conducted at the meeting. If there is no quorum at that time, no official action may be taken at that meeting.
- D. Voting.** All Board members shall have voting privileges. Each member of the Board shall have one vote. A motion shall be passed or defeated by a simple majority of those members present and voting at a meeting where a quorum has been established.
- E. Parliamentary procedure.** The Board may establish rules and procedures for the conduct of its business. All procedural questions not addressed herein shall be decided in accordance with Rosenberg's Rules of Order, newly revised.
- F. Conflicts of interest.** No member of the Board shall cast a vote on or participate in a decision-making capacity on the provision of services to be provided by that member or any organization which the member represents, on any matter which would provide a direct financial benefit to such member or a member of his or her immediate family, or on any other matter which would result in the member violating any governmental conflict of interest law or regulation. Any Board member with a conflict of interest on a matter shall recuse themselves from any vote of the Board on the matter, shall publicly announce such recusal, and shall refrain from discussing the matter formally or informally with other Board members, either in a meeting or outside a meeting.

- G. Open meetings.** All regular and special meetings of the Board and its standing committees shall be open to the public (other than closed sessions as authorized by law), shall be held in facilities accessible to people with disabilities, and shall be held in conformance with the provisions of the Ralph M. Brown Act and the Oakland Sunshine Ordinance as either law may be amended from time to time. The Board may use technology such as phone or web-based meetings only if such meetings conform to the teleconferencing rules set forth in the Ralph M. Brown Act.
- H. Transparency.** The Board shall conduct its business in an open manner as required by WIOA. This shall include making available to the public, on a regular basis through its website and open meetings, information about the activities of the Board, the Local Plan, the list and affiliation of members, the selection of one-stop operators, awards of grants or contracts to providers, minutes of Board meetings, and these Bylaws.

ARTICLE VII. Committees

- A. Standing committees.** The Board may form standing committees of the Board to provide information and assist the Board in carrying out its responsibilities. Standing committees must be chaired by a Board member, may include other members of the Board, and must include other persons appointed by the Board who are not Board members and have demonstrated experience and expertise as required by WIOA.
- B. Ad hoc committees.** The Board Chair may form ad hoc committees on an as-needed basis. An ad hoc committee shall be composed of at least one Board member, and may include other interested members of the community. The purpose of ad hoc committees will be to address specific issues of immediate concern, and report back to the Board with its recommendations.

ARTICLE VIII. Staff

The Board shall receive staff support from the City Administrator of the City of Oakland and his or her designees. The City Administrator shall designate a City employee to act as the Executive Director of the Board. The person selected as Executive Director must have the requisite knowledge, skills, and abilities to meet benchmarks identified by the Board and to assist the Board in carrying out Board functions.

ARTICLE IX. Definitions

All capitalized terms not otherwise defined in these Bylaws shall have the meaning set forth in WIOA.

ARTICLE X.
Amendments

These Bylaws may be amended by the Mayor through executive order.

Local Workforce Development Boards (LWDBs)

FIVE ROLES

(Source: California Workforce Development Board)

As community leader, there are five ways that LWDBs can carry out their role. The list is intended to be descriptive, rather than prescriptive - each LWDB in California will find that it incorporates most of these roles in varying degrees in all aspects of their work.

- **CONVENER** - Bringing together business, labor, education, and economic development to focus on community workforce issues.
- **WORKFORCE ANALYST** - Developing, disseminating and understanding current labor market and economic information and trends.
- **BROKER** - Bring together systems to solve common problems, or broker new relationships with businesses and workers.
- **COMMUNITY VOICE** - Advocating for the importance of workforce policy, providing perspective about the need for skilled workers.
- **CAPACITY BUILDER** - Enhancing the region's ability to meet the workforce needs of local employers.

THE LWDB AS CONVENER

LWDBs bring together business leaders to respond to local workforce needs with an understanding and focus only possible at the regional level.

- LWDBs are an important nexus of communication, facilitating dialogue about workforce issues among employers, policymakers, labor, education, economic development and the public.
- Regional economies have complex sets of workforce issues that span across business, community organizations, government, organized labor and residents. Workforce issues are about skilled workers, but they are also about the changing workplace, access to jobs for all populations, transportation and housing, and support for workers such as health care and childcare.
- As intermediary organizations with participation from business, labor, non-profits, government, and educational institutions, LWDBs can ensure that all of the right people are in the room for critical discussions about the region's economy and workforce needs.
- LWDBs bring together business leaders to respond to local workforce needs with an understanding and focus only possible at the regional level. Convening businesses within key industry sectors to better understand the needs of the industry provides valuable information for organizations providing education and job readiness services. LWDBs also convene around specific issues of critical importance to the community, such as low wage workers, the aging workforce, or school dropout rates.

THE LWDB AS WORKFORCE ANALYST

Information about jobs and career pathways, described in accessible ways, is a critical function of the LWDB.

- LWDBs play a key role in collecting and analyzing labor market data for their region. This entails not only finding and using statistical data to paint a picture of the local economy, but turning that data into useful information for educators, policy makers and the business community. Often, statistical information is several years old, so the LWDB also takes a proactive role in using its convening role to bring together employers through focus groups and other mechanisms to understand the current and future skill requirements and hiring needs of key industries. Understanding and disseminating information about trends in employment can be valuable to One-Stop Career Centers, community colleges, and schools.
- Mapping the gaps between the needs of the economy and the current delivery system is also a key function of the LWDB. Many LWDBs initiate asset mapping in their communities, to provide information about the services that are available. They also scan their region to learn about the potential mismatches between the skills required and the current workforce, or the education and training needed by residents and the actual offerings.
- Information about jobs and career pathways, described in accessible ways for students and job seekers is also a critical function of the LWDB. Often, employers can't see the career pathways within their industry, and the LWDB works with tools to map occupations and skill requirements in ways that can be used by both people who want to enter a field, and incumbent workers who want to progress in their careers.

THE LWDB AS BROKER

It is not always enough to get everyone in the same room.

- LWDBs play an important role in bringing people and groups together, providing them with access to the information that they need to make informed decisions, and brokering agreements between employers, government agencies, and various programs. A LWDB functioning as an intermediary provides a mechanism to connect organizations, institutions, businesses and people to each other and to the services and information they need.
- LWDBs have served an important role in bringing together the business community in a particular industry sector and educational agencies to help "translate" from one system to the other, and to help develop services that meet the needs of business. In other places, LWDBs have brokered training programs and services between employers and training providers.

THE LWDB AS COMMUNITY VOICE

LWDBs are an important nexus of communication, facilitating dialogue between employers, policymakers, and the public.

- An important function underlying these roles is that of communication. LWDBs serve as a community voice in a number of ways. By using the information gathered as a result of convening employers, LWDBs can help regions articulate their needs to policymakers at all levels of government. LWDBs can use information gathered as part of their workforce intelligence activities to communicate key skill shortages, skill gaps, and the need for labor and/or job opportunities.
- LWDBs also serve as the voice of the community, by articulating the needs of individuals looking for training and jobs. Returning Veterans, people being released from the correctional system, individuals with disabilities may have special needs or more intensive services.
- With its diverse membership, the LWDB is uniquely positioned to tell the whole story - not from the point of view of business, government, labor or community group - but from the whole. This voice can provide powerful messages to the Legislature, the Administration and other policy leaders.

THE LWDB AS CAPACITY BUILDER

For many programs, success is measured by the dozen, when actual demand is in the hundreds or thousands.

- As a capacity builder, the LWDB has a responsibility to scan the performance and effectiveness of One-Stop Career Centers, training programs and other community resources, and ensure that services are high quality. The LWDB can provide critical guidance to agencies in the form of technical assistance, well-articulated goals and performance measures, and insistence on excellence. Using their role as convener, the LWDB can bring together service providers and educators to inform them of current and future workforce needs, and to learn about best practices on the ground, and facilitate dialogue about the most effective way to serve businesses and job seekers.

Conflict of Interest Training

OAKLAND WORKFORCE DEVELOPMENT BOARD

CONFLICT OF INTEREST LAWS

A. The California Political Reform Act (PRA) conflict of interest rule

“No public official at any level of state or local government shall make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.”

(California Government Code Section 87100)

“A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

- (a) Any business entity in which the public official has a direct or indirect investment worth two thousand dollars (\$2,000) or more.**
- (b) Any real property in which the public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more.**
- (c) Any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made.**
- (d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.**
- (e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made...**

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.” (California Government Code Section 87103.)

[Note: The regulations of the Fair Political Practices Commission (FPPC) implementing the PRA conflict rule can be found at 2 California Code of Regulations Section 18700, et seq. Those regulations address among other things (1) who is a covered “public official”, (2) what kinds of “decisionmaking” could trigger a conflict, (3) what “economic interests” of the official could trigger a conflict, (4) what constitutes a “material financial effect” on

an official's economic interest, (5) which financial effect are considered "effects on the public generally" that do not trigger a conflict, and (6) how an official who has a conflict of interest should recuse themselves from decisionmaking.]

B. The California public contracting conflict of interest rule ("Section 1090")

"[C]ity officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members." (California Government Code Section 1090.)

"Section 1090 shall not apply to any contract or grant made by local workforce investment boards created pursuant to the federal Workforce Investment Act of 1998 except where both of the following conditions are met:

- (a) The contract or grant directly relates to services to be provided by any member of a local workforce investment board or the entity the member represents or financially benefits the member or the entity he or she represents.**
- (b) The member fails to recuse himself or herself from making, participating in making, or in any way attempting to use his or her official position to influence a decision on the grant or grants." (California Government Code Section 1091.2.)**

C. The federal WIOA conflict of interest statute

"A member of a local board [i.e. WDB] may not...vote on a matter under consideration by the local board –

- (A) regarding the provision of services by such member (or by an entity that such member represents); or**
- (B) that would provide direct financial benefit to such member or the immediate family of such member..." (WIOA Section 107(h).)**

D. The federal Department of Labor WIA conflict of interest regulation

"[A]... Local Board member, or Board standing committee member must neither cast a vote on, nor participate in any decision-making capacity, on the provision of services by such member (or any organization which the member directly represents), nor on any matter which would provide any direct financial benefit to that member or a member of his immediate family. ... Neither membership on ... the Local Board, or a Board standing committee, nor the receipt of WIOA funds to

provide training and related services, by itself, violates these conflict of interest provisions.” (20 CFR Section 683.200(c)(5).)

E. The federal procurement conflict of interest regulation for federal grants

“No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- (i) The employee, officer or agent,**
- (ii) Any member of his immediate family,**
- (iii) His or her partner, or**
- (iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.” (29 CFR Section 97.36(b)(3).)**

Public Meetings Training

PUBLIC MEETINGS

Practically all of Oakland's boards and commissions are required to conduct their meetings in public. Most of the work and all of the decisions you will be making will take place at these public meetings. It is therefore important that you understand how "open meeting" laws work, and how to prepare for meetings so you may participate effectively.

There are two laws that help ensure that public meetings are properly announced and conducted. The Ralph M. Brown Act is a state law that applies to all public bodies in the State of California. The Oakland Sunshine Ordinance is a local law that supplements the Brown Act and provides even greater public access to the workings of Oakland government. Both laws address the important topics of: 1) What constitutes a public meeting; 2) What kinds of public meetings there are; 3) How meetings are announced (or "noticed") to the public; and, 4) How meetings are conducted.

What Constitutes a Public Meeting:

Under the Oakland Sunshine Ordinance, a "meeting" for which public notice must first be given, is defined as "any congregation of a majority of the members of a local body at the same time and location. . . to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the local body."

A majority of the members of a local body are not permitted to use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the local body. A **"meal gathering"** conducted before, during or after a public meeting is considered a part of the public meeting and must be properly noticed and made open to the public. Under the above definition, a "meeting" can occur if a staff or member of a public body calls, faxes or emails other members to develop a consensus regarding an item of business, even if the members never communicate to each other directly. The Sunshine Ordinance does *not* include in its definition of a "meeting" individual conversations between members of a public body and a constituent; attending community meetings or conferences; or attending purely social, recreational, or ceremonial occasions (just so long as you do not discuss business items within the jurisdiction of your board or commission). It is very important that you restrict your communications with fellow commission members or City staff to avoid reaching a consensus outside of a noticed public meeting! It is not uncommon for members of a public body to meet socially or as friends. Care must be taken whenever a majority of members gather to avoid discussing any specific item or topic that may be within the jurisdiction of the public board, commission, or committee.

The attendance of a majority of the members of a public body at one of its standing committee meetings could become an improper meeting if those members who are not on the committee speak, deliberate or vote at the committee meeting.

Kinds of Public Meetings

There are two types of public meetings you should be familiar with: **Regular Meetings** and **Special Meetings**. Each has its own unique notice requirements, which are discussed below:

Regular Meetings

All boards and commissions must take formal action (by a motion and vote) to establish a regular time and place for holding regular meetings. (For example: "7:00 p.m. on the first Monday of every month at City Hall") The Sunshine Ordinance states that "whenever possible" such regular meetings shall be conducted on weekday evenings.

Special Meetings

A special meeting may be called by the presiding officer or by a majority of the public body at a date, time, or place that deviates from the regular meeting schedule.

Besides the meeting date, location and time, the biggest difference between a regular meeting and a special meeting is the kind of business that can be conducted at each meeting. To know what can and cannot be considered at a regular meeting and a special meeting, you need to know something about meeting "agendas," the next topic below.

Providing Notice for a Public Meeting (Agendas)

Under the Sunshine Ordinance and Brown Act, a meeting agenda must be posted and distributed within certain time limits before a public meeting occurs. The amount of time depends on whether it is a regular meeting or a special meeting:

Notice for a Regular Meeting

The agenda for all regular meetings must be posted by City staff at least 72 hours before the meeting in a location that is freely accessible to the public 24 hours a day. The Sunshine Ordinance also requires that copies of the agenda and all agenda materials be filed with the City Clerk's office 72 hours before a regular meeting.

Notice for a Special Meeting

Under the Sunshine Ordinance, agendas for a special meeting must be delivered by City staff to each member of the public body, news media, and any person who has previously requested notice in writing *at least 48 hours* (excluding weekends and holidays) before the time of such meeting.

If the special meeting is held in a location other than the regular meeting place, then the agenda must be posted and filed with the City Clerk *at least ten (10) days* prior to the meeting date. Special meetings are subject to more extensive noticing requirements than regular meetings because of the short amount of time involved in providing public notice and the fact that the meeting may entail a change in the meeting time or location.

Agenda Requirements

Meeting agendas serve as the official "guide" for every public meeting. They must specify the date, time, and location of the meeting and give a brief general description of each item of business to be transacted or discussed. Usually, City staff works with the Chairperson and members of a public body to determine what items will be placed on future meeting agendas.

If an item is not on the agenda for a **regular** meeting, there may be no action or discussion about it at the meeting unless two-thirds of the members present at the meeting (or if less than two-thirds of the members are present, then **all** of the members) vote that there is a need to take immediate action which came to the attention of the local body after the agenda was posted; and the action

1. is required to avoid a substantial adverse impact if the meeting were continued;
2. relates to federal or state legislation; or,
3. relates to a purely ceremonial or commendatory action.

If an item is not on the agenda for a **special** meeting, there may be no action or discussion on the item, period.

Conduct of a Public Meeting

The Brown Act and Sunshine Ordinance do not expressly provide how a public meeting must be conducted. There are many issues that can arise before or during a public meeting that you are likely to encounter. The following is a brief summary of those issues:

Agenda Packages

An agenda or “meeting” package is usually assembled by City staff and sent to all board and commission members before the meeting. It typically contains the agenda, reports, and any other material which provides background information or recommendations concerning the subject matter of any item on the agenda. The agenda package may also include any other material that is forwarded to the local body before the posting of the meeting agenda.

Perhaps the most important thing to know about agenda packages is to **read them before the meeting**. Board and commission members are encouraged to contact City staff prior to the meeting if you have questions or need clarification about any item.

Presence of a Quorum

Unless otherwise provided in the city ordinance or resolution creating the public body, a majority of the members typically constitutes the quorum. A quorum is necessary before a local body can take any formal action; a majority of a quorum is required to take action on behalf of the local body. Any member who recuses himself or herself due to a conflict of interest on an item should not be counted in establishing a quorum. For example, on a seven member commission or task force in which two members are absent and two other members recuse themselves on a vote because of a conflict, the item cannot be acted upon due to lack of a quorum.

No Barriers to Attendance

No local body shall conduct a meeting, conference, or other function in any facility that is inaccessible to persons with physical disabilities or where members of the public must pay or purchase something to gain entrance.

Meetings Must Be Tape Recorded

All local bodies in Oakland must tape record their regular and special meetings. All tape or video recordings are public records that must be available for inspection during regular business hours. Any person may tape record, photograph, or videotape any meeting as long as such recording does not disrupt the proceedings.

Right to Public Comment at a Meeting

Every regular or special meeting *at which action is proposed to be taken* shall provide an opportunity for members of the public to directly address the public body *before* action is taken. Every regular and special meeting agenda must also provide an opportunity for members of the public to directly comment on an item of interest to the public that is within the body's subject matter jurisdiction. This is usually accomplished by providing an "Open Forum" as a standing item on every regular and special meeting agenda. While the local body may adopt reasonable rules regulating the order and decorum of public testimony, the local body may not prohibit criticism of its policies, procedures, programs, or services, or of its acts or omissions. This generally applies to criticisms offered by a member of the local body as well. Any time constraints that are imposed on public testimony must be adopted at the outset and uniformly applied.

Cancellation or Continuation of an Agenda Item

An item on the agenda may be cancelled or continued by a vote of the local body at the meeting, or by issuing formal notice of the cancellation or continuance if known far enough in advance of the meeting. Any continued item must specify the time and place of the meeting at which the item will be heard, and should be placed on the next meeting agenda. During open forum, member of a public body may ask a question for clarification, make a brief report or announcement, refer a matter to City staff, or direct City staff to place on a future agenda any item or matter brought up during a meeting that is not listed on the agenda. If there is any indication prior to the meeting that an item may be cancelled or continued (e.g., withdrawal of the item by the party seeking a hearing, illness of staff, absence of an essential party), good meeting practice suggests that as much prior notice as possible be given to members of the public. This should at least include an announcement and action at the beginning of the meeting to withdraw or continue those items that will not be heard.

Conditions on the Right to Attend or to Speak at a Public Meeting

A public body may request that members of the public wishing to speak provide their names on a speaker's card to facilitate staff responses or for inclusion in the minutes of the meeting. However, the public cannot be required to give names or sign a register as a condition to attend a public meeting.

Taking and Keeping Minutes

All local bodies must take and keep minutes of its meetings. Meeting minutes are essential for creating an "official" public record of the actions taken at a public meeting. Minutes should contain at least the following information:

- ☐ The time the meeting was called to order
- ☐ The names of the members attending the meeting
- ☐ A one sentence summary of the action taken on each item and the roll call vote (Note the names of each member who voted "Aye", "No," or "Abstained" if the vote is not unanimous.)
- ☐ The names of those people who spoke on each item
- ☐ The time the meeting was adjourned

A draft of the minutes of each meeting should be available for public inspection and copying no later than ten (10) business days after the meeting. The officially adopted minutes should be available for public inspection and copying no later than five (10) business days after the public

meeting at which the minutes were adopted. If your board or commission does not typically take or keep minutes, you should bring it to the attention of the Chairperson or City staff member.

Deliverables

Deliverables

Fiscal Year 2015-16

Q4

(Apr – Jun)

1. FY 2015-16 State Performance Assessment
2. Award FY 2016-17 Contracts with Defined Budget
3. Board Recertification Response to CWDB, if required (6/20/16)
4. Memorandum of Understanding Partner Agreements (6/30/16)
5. American's Job Center of California Common Identifier (07/01/16)

Fiscal Year 2016-17

Q1

(Jul – Sep)

1. New FY 2016-17 Services Begin
2. FY 2015-16 Post Mortem Review
3. Review and Assess FY 2016-17 Q1 Goals