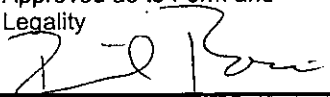


Approved as to Form and  
Legality  
  
Deputy City Attorney

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

2009 MAY 28 PM 6:10

Introduced by Council President Brunner

**RESOLUTION NOMINATING COUNCILMEMBER PATRICIA KERNIGHAN FOR APPOINTMENT BY THE MAYOR AS THE CITY COUNCIL REPRESENTATIVE TO THE WORKFORCE INVESTMENT BOARD FOR THE REMAINDER OF THE TWO (2) YEAR TERM BEGINNING ON NOVEMBER 2, 2008, AND ENDING ON NOVEMBER 1, 2010**

WHEREAS, the federal Workforce Investment Act of 1998 authorizes the Oakland Workforce Investment Board (WIB) as the local workforce investment board for the Oakland area; and

WHEREAS, according to Article II of the WIB Bylaws, the purpose of the WIB is to oversee the articulation and implementation of comprehensive workforce development strategies, polices and performance outcomes of the City of Oakland's integrated service delivery system; and

WHEREAS, according to Article III, Section 2.A. of the WIB Bylaws, the term of office for WIB members shall be two (2) years; and

WHEREAS, according to Article III, Section 1.B.2.f. of the WIB Bylaws, the WIB shall include a minimum of one (1) City Councilmember nominated by the Oakland City Council; and

WHEREAS, the previous term of the Council representative position on the WIB ended on November 1, 2008, and the current term started on November 2, 2008; and

WHEREAS, the position of Council representative on the WIB is currently vacant; and

WHEREAS, according to Article III, Section 3.C.3. of the WIB Bylaws, the City Council shall nominate a Councilmember for appointment by the Mayor in accordance with Council policy; now, therefore, be it

RESOLVED: That the City Council hereby nominates Patricia Kernighan as the City Council representative to the WIB for appointment by the Mayor for the remainder of the current two (2) year term beginning on November 2, 2008, and ending on November 1, 2010.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2009 MAY 28 PM 6:10



Workforce Investment Board

*Reaching Business*

**BYLAWS:**

**OAKLAND WORKFORCE INVESTMENT BOARD**

Revised and Adopted July 6, 2004

**ARTICLE I**

**NAME**

The name of this organization is the OAKLAND WORKFORCE INVESTMENT BOARD.

**ARTICLE II**

**PURPOSE**

It is the purpose of the Oakland Workforce Investment Board, hereinafter referred to as the "WIB," 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. The WIB shall act as the local workforce investment board for the Oakland area as authorized under the federal Workforce Investment Act of 1998 and its implementing regulations ("WIA"). The WIB shall oversee the establishment and implementation of services designed to enable the unemployed to obtain jobs and the underemployed to advance into career positions. In doing so, the WIB shall work closely with local and regional economic development organizations and with the local employer community to ensure that the services of the workforce development system are meeting the needs of Oakland's businesses.

**ARTICLE III**

**Functions**

It shall be the responsibility of the WIB to develop policy, provide guidance for, and exercise oversight with respect to activities under Oakland's Local Plan as required under Section 118 of WIA and such other plans developed by the City of Oakland or the WIB with respect to workforce development in partnership with the Mayor of the City of Oakland (the "Mayor") and the Oakland City Council through its designated representative on the WIB. These responsibilities include, but are not limited to, the following:

- A. **5-Year Strategic Plan (“Local Plan”)** --The WIB, in partnership with the Mayor, shall develop, update and submit a 5-Year Strategic Plan to the Office of the Governor.
  
- B. **Selection of Operators and Providers**
  - 1. Selection of One-Stop Operator – The WIB, with the agreement of the Mayor, shall designate the One-Stop Operator, and may terminate the eligibility of such One-Stop Operator.
  
  - 2. Selection of Youth Providers – The WIB shall identify eligible providers of youth activities in the Oakland workforce investment area by awarding contracts on a competitive basis, based on recommendations from the Youth Council.
  
  - 3. Identification of eligible providers of Intensive Services – The WIB shall identify and approve eligible providers of Intensive Services.
  
  - 4. Identification of eligible providers of Training Services – The WIB shall identify and approve eligible providers of Training Services for all other adult programs including the Individual Training Account providers.
  
- C. **Budget and Administration** -- The WIB shall develop a budget for the purpose of carrying out its duties, subject to the approval of the Mayor.

**ARTICLE III  
MEMBERSHIP**

**Section 1.** The WIB shall be composed of no fewer than thirty-eight (38) members and no more than fifty (50) members, the majority of whom shall be from the business sector. The actual number of members and WIB composition shall be determined by the Mayor in his or her discretion and governed by the terms of WIA.

- A. **Appointments** -- WIB members shall be appointed by the Mayor.

**B. The composition of the WIB**

1. Majority representation -- The majority of the membership of the WIB shall be representatives of businesses in Oakland who (i) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policy making or hiring authority; (ii) represent businesses with opportunities that reflect the employment opportunities of Oakland; and (iii) are nominated in accordance with WIA by the Oakland Metropolitan Chamber of Commerce in consultation with other local chambers. The Oakland Metropolitan Chamber of Commerce shall nominate business representatives from among individuals recommended by the Mayor, WIB members, the Oakland Metropolitan Chamber of Commerce, or other local chambers of commerce and business associations and approved in compliance with WIA. To the fullest degree possible, the members shall represent a cross section of Oakland's small and large business community, and reflect the City's geographical, ethnic and gender diversity.
2. Additional representation -- In addition, the WIB shall include:
  - a. a minimum of two (2) representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and post-secondary educational institutions or organizations representing such local educational entities;
  - b. a minimum of two (2) representatives of labor organizations nominated by the Central Labor Council of Alameda County;
  - c. a minimum of two (2) representatives of community-based organizations, including organizations representing individuals with disabilities and veterans;
  - d. a minimum of two (2) representatives of economic development agencies, including private sector economic development entities;
  - e. representatives to cumulatively represent each of the One-Stop Partners;
  - f. a minimum of one (1) City Councilmember nominated by the Oakland City Council; and
  - g. such other individuals or representatives of entities as the Mayor may determine to be appropriate.

- D. Authority** -- Members of the WIB that represent organizations, agencies, or other entities shall, to the extent possible, be individuals with optimum policy-making authority within their respective organizations, agencies, or entities.

- E. **Sector Designation** – The Mayor shall designate members to represent appropriate sectors of the business community and other segments of the community.

## **Section 2. Term of Office**

- A. **Terms** – The term of office for WIB and Youth Council members shall be two (2) years, except as specified below. The official date of commencement for the first wave of WIB members is November 9, 2000.
- B. **Staggered Terms** – Half of the WIB and Youth Council members appointed in 2000 shall serve two-year terms, and half shall serve three-year terms. The members to serve two-year terms shall be selected randomly, with a separate process for random selection for members representing the business sector and members representing other sectors.
- C. **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.
- D. **Term limits** -- A WIB or Youth Council member may serve no more than three consecutive terms; provided that the Mayor may make exceptions to this terms limitation 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.
- E. **Holdover** – In the event an appointment to fill a vacancy has not occurred by the conclusion of a WIB or Youth Council member's term, that member may continue to serve as a WIB member during the following term in a holdover capacity, for a period not to exceed one year, to allow for the appointment of a WIB member to serve the remainder of said following term.

## **Section 3. Procedures for Filling Membership Vacancies**

- A. **Nomination process for business sector representatives:**
  1. The Mayor, WIB members, local chambers of commerce or other business associations may recommend business sector candidates for the WIB.
  2. Candidates considered for nomination shall submit their resumes and/or biographies to the WIB Executive Director, who will review the candidates for compliance with this policy and applicable law.
  3. Staff will forward candidates to the Oakland Metropolitan Chamber of Commerce, which shall have the exclusive role of nominating business sector representatives for the WIB.

4. The Oakland Metropolitan Chamber of Commerce will forward its qualified nominations to the Mayor for his or her consideration for official appointment to the WIB.

**B. Nomination process for labor representatives:**

1. The WIB Chair and City staff will request the Central Labor Council of Alameda County to submit nominees for consideration.
2. City staff will review the nominees for compliance with this policy and applicable law.
3. Nominees who meet the nomination criteria will be asked to submit a resume or biography and cover letter expressing interest in serving on the WIB.
4. The Central Labor Council will forward its qualified nominees to the Mayor for his or her consideration of appointment to the WIB.

**C. Nomination process for all other positions:**

1. The WIB Chair and City staff will nominate all other WIB members, other than the City Council representative, in accordance with Section 117 of WIA.
2. City staff will review nominees for compliance with this policy and applicable law. Appropriate nominees will then be asked to submit a resume or biography and cover letter expressing interest in serving on the WIB. Nominees will be forwarded to the Mayor for consideration of official appointment.
3. The City Council shall nominate a Councilmember for appointment by the Mayor in accordance with Council policy.

**Section 4. Official tenure on the WIB.**

WIB Members shall remain on the Board until:

1. Their term expires, subject to the holdover provisions of Article III, Section 2.E of these bylaws;
2. They resign in writing;
3. They no longer hold the status for membership on the WIB under which they were appointed, as determined by the Executive Committee; or
4. They are removed from the WIB for cause after a hearing before the WIB and a majority vote in favor of removal by the Executive Committee, 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 WIB Executive Committee, shall constitute cause for removal.

#### **ARTICLES IV OFFICERS**

**Section 1.** Officers of the WIB shall be a Chair and a Vice Chair chosen from WIB members representing the business sector.

**Section 2.** The Chair shall preside at all meetings of the WIB, represent the WIB whenever the occasion demands, appoint committees and task forces, and call special meetings at any time necessary upon appropriate advance notification to all members.

**Section 3.** 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.

**Section 4.** The Chair and Vice Chair shall be elected from among members of the WIB by a majority vote and must be representatives of the business sector. In the event of a tie vote, a run-off of the two highest candidates shall determine who is elected.

**Section 5.** The term of office for Chair and Vice Chair shall be two years. If the office of the Chair becomes vacant, the Vice Chair shall become Chair.

**Section 6.** If the office of the Vice Chair becomes vacant for any reason, the WIB shall, by majority vote, elect a replacement from among private sector members.

#### **ARTICLE V MEETINGS**

**Section 1.** WIB meetings shall take place on a regular basis in accordance with the Ralph M. Brown Act and the Oakland Sunshine Ordinance. The WIB shall meet at least once per quarter.

**Section 2.** Special meetings of the WIB may be called at the discretion of the Chair, in accordance with the Ralph M. Brown Act and the Oakland Sunshine Ordinance.

**Section 3.** A quorum shall consist of at least 40% of the actual WIB 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, and any recommendations forwarded to the WIB by the Executive Committee for WIB action at that meeting shall be deemed approved.

**Section 4.** Each member of the WIB shall have one vote. A motion shall be passed or defeated by a simple majority of those members voting at a meeting where a quorum has been established. No member of the WIB 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 directly 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.

**Section 5.** All regular and special meetings of the WIB 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.

**Section 6. Attendance standards shall be met**

- A. In the event that a member misses 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 WIB Executive Committee, shall constitute cause for removal.
- B. The same attendance requirements apply to standing committee meetings. In addition, repeated absences shall be grounds for replacement of a member at the discretion of the Committee Chairperson.



## **ARTICLE VI EXECUTIVE COMMITTEE**

**Section 1.** The Executive Committee of the WIB shall be composed of the Chair and Vice Chair, the immediate past Chair, the chairs of the standing committees; the City Council representative; and such other WIB members appointed by the Chair as necessary to bring the membership to no fewer than ten (10).

**Section 2.** Executive Committee meetings shall take place on a regular basis in accordance with the Ralph M. Brown Act and the Oakland Sunshine Ordinance.

**Section 3.** A quorum for the Executive Committee shall consist of a simple majority of the members.

**Section 4.** A majority vote of those present at an Executive Committee meeting where a quorum has been established shall be required to take action. Any actions taken by the Executive Committee shall be reported to the WIB at its next regular meeting.

**Section 5.** The Executive Committee shall act on behalf of the WIB in cases of emergency or on time-sensitive matters or when a delay in acting on a matter would, in the opinion of the Executive Committee, be detrimental to the local workforce investment system. The Executive Committee shall also provide recommendations and advice to the full WIB on all matters within the jurisdiction of the WIB.

## **ARTICLE VII COMMITTEES**

**Section 1.** The WIB may establish standing committees as necessary to carry out its functions. The Chair shall appoint the chairs of all standing committees. Standing committees may function on behalf of the Board in gathering information, hearing testimony, or drafting recommendations to be submitted to the WIB; however, all official final action shall be taken at a properly noticed meeting of the WIB unless the WIB or these bylaws have specifically delegated authority for such action to the committee. Membership on standing committees, with the exception of the Executive and Quality Assurance Committees, may include voting and non-voting WIB members and non-WIB members, and efforts will be made to avoid conflict of interest situations. The WIB Chair shall appoint the committee members. The committees recognized by the WIB as standing committees are the Executive Committee, the Quality Assurance Committee, the Youth Council, the Business Services Committee and the One Stop Leadership Committee.

**Section 2.** The WIB Chair may form ad hoc committees on an as needed basis. An ad hoc committee shall be composed of at least one WIB member, and may include members of City staff and/or 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 originating body with its recommendations.

**Section 3.** The Youth Council shall be formed and function in accordance with the WIA. Youth Council members shall include WIB and non-WIB members appointed by the WIB and the Mayor.

**ARTICLE VIII  
STAFF**

The WIB shall receive staff support from the City Administrator of the City of Oakland and his or her designees.

**ARTICLE IX  
PARLIAMENTARY AUTHORITY**

The WIB may establish rules and procedures for the conduct of its business. All procedural questions not addressed herein shall be decided in accordance with Robert's Rules of Order, newly revised.

**ARTICLE X  
DEFINITIONS**

All capitalized terms not otherwise defined in these bylaws shall have the meaning set forth in WIA.

**ARTICLE XI  
AMENDMENT OF BYLAWS**

These Bylaws may be amended at any regular WIB meeting by majority vote as per [Article V, Section 4]. Prior notification of such proposed amendment must be made in writing to the full membership of the WIB not less than thirty (30) days prior to such meeting.

Revised as Amended (July 2004)