

NORTHERN RURAL TRAINING AND EMPLOYMENT CONSORTIUM (NoRTEC)
WORKFORCE DEVELOPMENT BOARD
AND
GOVERNING BOARD AGREEMENT
PURSUANT TO
THE WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2014

Effective Date: June 1, 2000
Last Modified: August 25, 2016

SECTION ONE: PARTIES

The parties to this agreement are the NoRTEC Workforce Development Board (WDB) and the Governing Board (Governing Board) of the Northern Rural Training and Employment Consortium, formed by a Joint Exercise of Powers Agreement (1999, and revised in 2000, 2006 and 2007) covering Butte, Del Norte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity Counties.

SECTION TWO: TERM

This agreement is effective when approved and executed by the WDB and Governing Board. It shall remain in full force and effect for the lifetime of NoRTEC, or until such time as a change in law or NoRTEC policy makes it no longer relevant or current. Such change affecting one or more sections of the agreement will not affect the remaining sections of this agreement.

SECTION THREE: WORKFORCE DEVELOPMENT BOARD (WDB) DUTIES

- A. The WDB shall elect a chairperson and vice chairperson from among those WDB members representing the private industry sector.
- B. The WDB shall take the lead in policy and decision making in the following areas:
 - 1. Development of the local and regional workforce development plan, and other Area workforce and related plans;
 - 2. Conducting workforce research and regional labor market analysis;
 - 3. Convening local workforce development system stakeholders;
 - 4. Engaging employers;
 - 5. Developing Career Pathways;
 - 6. Promoting proven and promising practices;
 - 7. Negotiating local performance accountability measures;
 - 8. Selection of operators and providers;
 - 9. Coordination with education providers;
 - 10. Assessing the accessibility for individuals with disabilities;
 - 11. Conducting oversight and evaluation of the workforce system;
 - 12. Determining the NoRTEC annual budget;

13. Securing an annual audit of NoRTEC received funds; and
14. Conducting other duties as assigned by the WIOA, successor legislation or amendments thereto, the State of California, or the Governing Board.

SECTION FOUR: GOVERNING BOARD DUTIES

The Governing Board shall:

- A. Appoint the members to the NoRTEC WDB; and
- B. Either approve or reject WDB decisions under Section Three above.

In the event the Governing Board does not approve a WDB decision, the WDB may either accede to the wishes of the Governing Board or may invoke the dispute resolution procedure in Section Six below.

SECTION FIVE: WORKFORCE DEVELOPMENT BOARD (WDB) TERMS OF APPOINTMENT

WDB members shall serve for fixed and staggered terms. Half the WDB member terms shall begin upon appointment and shall end June 30, 2020. The other half shall have terms running from appointment and ending on June 30, 2022.

Term lengths for initial WDB members shall be designated by lottery separately conducted for each sector represented on the WDB. Reappointments to the WDB or new appointments to the WDB after July 1, 2016, shall be for four years from the July 1, immediately preceding the appointment date. All WDB terms shall expire on June 30, except that members may continue to serve after the end of their term until a successor appointed or their position is declared vacant, or they are reappointed by the Governing Board.

WDB members may be reappointed by the Governing Board to serve consecutive terms.

WDB members may be removed by the Governing Board for non-attendance or arrest or conviction for a criminal activity at any regularly scheduled meeting where the intent to remove a WDB member is on the agenda. WDB members who miss three consecutive meetings without consent of the Workforce Development Board Chair will be automatically removed.

SECTION SIX: DISPUTE RESOLUTION

It is the joint authority and responsibility of both partners to ensure an effective workforce delivery system which provides the most beneficial mix of program services to the residents and employers of the NoRTEC Area. It is further the shared responsibility and authority of both partners to stimulate the active, effective participation of all sectors of the community in the provision of workforce development services through the local One Stops. To these ends, the Workforce Development Board (WDB) and Governing Board agree to operate NoRTEC as partners, with the same goals and commitments to the Area.

Should a disagreement arise between the WDB and Governing Board, all reasonable efforts shall be taken to informally resolve the issue, including discussion of the item at a joint meeting of the NoRTEC WDB and Governing Board. Issues which cannot be informally resolved shall be submitted in writing, by either party, to a five member panel consisting of two representatives selected by the WDB, two representatives selected by the Governing Board, and a fifth, impartial representative selected by the NoRTEC Executive Director.

The five member panel so selected, shall meet as soon as possible after the fifth member is selected and shall, by majority vote, resolve the disagreement. The resolution so reached shall be consistent with the then current law, regulations, and related rules, and with NoRTEC Policy, and shall be binding upon the parties.

SECTION SEVEN: STAFF SUPPORT

The NoRTEC Consortium, as established through the NoRTEC Joint Exercise of Powers Agreement, shall be the grant recipient and administrative entity for the area, and shall provide staff support to both the Workforce Development Board (WDB) and the Governing Board.

The WDB and Governing Board will jointly decide on the hiring, compensation, and discharge of an Executive Director for the administration of NoRTEC. The Executive Director will be responsible for the hiring, compensation, and discharge of additional NoRTEC administrative staff, consistent with NoRTEC Policy and the annually approved NoRTEC budget.

SECTION EIGHT: JOINT WORKFORCE DEVELOPMENT BOARD/GOVERNING BOARD EXECUTIVE COMMITTEE

In order to discharge its joint responsibilities for the Executive Director, as well as to conduct necessary business between Workforce Development Board/Governing Board (WDB/GB) meetings, the WDB and Governing Board will establish a Joint WDB/GB Executive Committee consisting of seven members. Those members shall be the Chair and Vice Chair of the Governing Board, the Chair and Vice Chair of the WDB, and three additional WDB members selected by a vote of the WDB members.

1. All decisions of the Joint WDB/GB Executive Committee must be ratified by the full WDB and Governing Board.
2. The Joint WDB/GB Executive Committee will be responsible for making recommendations to the WDB and Governing Board regarding the hiring, compensation, evaluation, and discharge of the Executive Director.
3. The Joint WDB/GB Executive Committee shall have the full authority of the WDB and Governing Board to act on decisions that need to be made between meetings of the WDB and Governing Board.
4. Joint WDB/GB Executive Committee members shall serve a two year term on the committee, the cycle matching the two year term of the officer election for the WDB and Governing Board.

SECTION NINE: MEETINGS

A. Joint Meetings

To the extent practicable, the Governing Board and the Workforce Development Board (WDB) shall meet jointly at regularly scheduled meetings, sharing an agenda for the conduct of NoRTEC business. Either the WDB or the Governing Board may, at their discretion, schedule additional, separate meetings, or additional joint meetings, of all or a portion of their members, and may delegate any of their authority to such meetings.

B. Quorum

1. A quorum of the WDB is necessary for the conduct of business by the WDB. A quorum of the Governing Board is necessary for the conduct of business by the Governing Board.
2. At any regular or special meeting of the full Governing Board and the full WDB, a quorum will consist of a majority of the eleven member Governing Board, and a majority of those members then currently appointed to serve on the WDB.
3. A quorum of a subgroup of the full membership of the Governing Board and/or the WDB, that has been delegated the authority to act on behalf of the Governing Board and/or the WDB, will consist of a majority of those so appointed.
4. A quorum of a subgroup appointed by the Governing Board and/or the WDB to serve in an advisory only capacity, shall consist of those members present at the meeting(s) of this group.

C. Agenda Items

NoRTEC administrative staff will routinely prepare the agendas.

1. Committee agenda items may be added by the committee chairs or by a majority vote of the members.
2. WDB and Governing Board agenda items may be added by either the WDB or Governing Board Chair or by a majority vote of the members.

D. Voting

Unless otherwise determined by law or NoRTEC Policy, a majority vote of those present is needed to pass or reject an agenda action item.

E. Workforce Development Board (WDB) Subcommittees

1. The WDB may establish one or more standing or ad hoc committees of the full WDB, assign voting and/or non-voting members, and delegate decision making and/or advisory authority to these committees, subject to the requirements of Section Four above.
2. The WDB will establish a Business Service Plan Committee comprised of its private sector members.
 - a. The Business Service Plan Committee shall provide oversight for NoRTEC's Business Services, and shall develop and make recommendations for the NoRTEC Business Service Plan.
 - b. The Business Service Plan Committee shall take the lead on strategic planning for the WDB.

- c. The Business Service Plan Committee will be advisory to the NoRTEC WDB and Governing Board.
3. The WDB will establish a Finance Committee from among its members, to be appointed by the WDB Chair. To the extent practicable, the committee shall contain at least one WDB member representative from each NoRTEC member county.
 - a. The Finance Committee will oversee the NoRTEC financial systems and procedures, and assist staff with the provision of routine financial reports to the WDB and Governing Board.
 - b. The Finance Committee will be advisory to the NoRTEC WDB and Governing Board.
4. The WDB will establish a Program Committee from among its members, to be appointed by the WDB Chair. To the extent practicable, the committee shall contain at least one WDB member representative from each NoRTEC member county.
 - a. The Program Committee will oversee the NoRTEC One Stop system and youth activities, and assist staff with the provision of routine program reports to the WDB and Governing Board.
 - b. The Program Committee will be advisory to the NoRTEC WDB and Governing Board.

F. Majority

A majority is defined as 50% plus one.

SECTION TEN: INDEPENDENCE OF TERMS

If any terms or provision of this agreement or the application thereof to any person or circumstances shall to any extent be held invalid or unenforceable, the remainder of this agreement, or the application of such term or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and every other term and provision of this agreement shall be valid and enforced to the fullest extent permitted by law.