

APPROVED
NCCC
GOVERNING BOARD
MINUTES

January 27, 2010

The North Central Counties Consortium Governing Board met on the above date at 2:30 p.m. at Louis Cairo's Restaurant in Williams.

ROLL CALL

Governing Board Members Present

Roger Abe
Tom Indrieri

Larry Munger
Tracey Quarne

Governing Board Members Absent

Carol Huchingson

PUBLIC COMMENT

Nick Summerfield, Lake One Stop Inc. board member addressed the Governing Board. Mr. Summerfield stated that in light of the resignation last month of the One Stop's Director, he has stepped in as Transitional Director. Mr. Summerfield assured board members that the One Stop is operating fine and WIA services continue to be provided to Lake County residents. A new office opened today in Clearlake. Mr. Summerfield stated that if board members should have questions or wish information about the One Stop to please contact him.

There were no further comments from the public.

APPROVAL OF MINUTES

December 10, 2009 Meeting: On a motion by Tracey Quarne and seconded by Roger Abe, the Governing Board approved the minutes of the December 10, 2009 meeting as submitted.

Motion Carried.

LAKE COUNTY UPDATE

Larry Munger reported on the status of the issues surrounding Lake County's request to withdraw from the consortium. Mr. Munger stated that as of the first of this week, the California Workforce Investment Board (CWIB) had received no application from another LWIA requesting Lake County's re-designation. Until there is a re-designation, it has been stressed that NCCC is the designee for WIA services in Lake County regardless of the local government's position. It was the choice of the Lake County Board of Supervisors to withdraw

from the JPA and the decision of the JPA Governing Board to accept their letter of withdrawal and also to accept that the letter modifies the local governance only and not State designation. The State emphasizes that NCCC continues to be responsible for WIA services in Lake County until otherwise designated. NCCC's position is that we focus on the delivery of services to Lake County at this time. The Lake One Stop Inc. is the current operator and contractually responsible to NCCC as an administrative entity. NCCC's Governing Board and administrative office remains involved and active with these developments and will look to the process to determine any additional actions and discussions.

The application process and estimated timeline for re-designation was discussed. The fact that the State received a letter from Carol Huchingson on behalf of the Lake County Board of Supervisors saying they are looking for a local area does not formalize the process.

Francene Kennedy introduced NCCC's EDD Regional Advisor Linda Beattie who commented on the application process as delineated in EDD's Directive. However, she said, any application deadlines or decisions are the discretion of the State Board. Tracey Quarne inquired should Lake County move to another local area would a reasonable extrapolation be that the effective date would be July 1, 2011? Linda Beattie said a possible effective date could not be determined until the State receives a formal application and the review process begins. Additionally, there is no established timeline for the State to render a decision.

Nick Summerfield acknowledged, based on his opinion, that if the State decides to re-designate Lake County a more realistic date would be 2011. Mr. Summerfield added that he had offered to help Lake County with their application to re-designate if that's what they wanted to do, but they declined his assistance. Francene Kennedy stated that an open dialogue must continue between Lake County, Lake One Stop and NCCC, especially if the One Stop operator, who is contractually obligated to NCCC, had offered to assist the Lake County Board of Supervisors with the re-designation process. NCCC released a full RFP today for all member counties including Lake that will be awarded for fiscal year beginning July 1, 2010. NCCC will work with the successful bidder who is awarded the contract in the delivery of WIA services in Lake County. However, per action by the Lake County Board of Supervisors and the NCCC Governing Board, effective July 1, 2010, Lake County will no longer have a representative on the Governing Board and Lake's WIA program will be governed by the four remaining member county representatives. It was noted that Lake County One Stop and NCCC have partnered very well and if there is a re-designation it will be for the right reasons.

JOINT POWERS AGREEMENT AMENDMENTS AND BYLAWS

Larry Munger read the minute order from yesterday's Lake County Board of Supervisors meeting delineating unanimous action on *Item A.15. Discussion/Consideration of proposed Amendment to NCCC Joint Powers Agreement* to disapprove the proposed amendment. NCCC legal counsel Andrew Compoginis recalled the Governing Board's action at their last meeting to carry forward the modified language to the NCCC Joint Powers Agreement regarding the eligibility of Governing Board members to their respective county's Board of Supervisors for approval and ratification. With Lake County having completed that task and rejecting the amendment, Mr. Compoginis recommended that the Governing Board move the proposed

amendment and the modification on the makeup of the Board to the July 1st Governing Board meeting. Mr. Compoginis said this Board does not have a recognized set of separate Governing Board bylaws from which these forms of business could be transacted; as such, unanimity will be the standard. When bylaws for this body are drafted rules for majority, super majority or unanimity should be considered. A unanimous vote to amend the JPA is not possible at this time but may be as of July 1st with the Lake County withdrawal from the Governing Board. Tom Indrieri asked what it Lake County should rescind their action to withdraw and request acceptance back into the Consortium. Mr. Compoginis said since they came to a withdrawal with a unanimous vote, it would seem that it would take a unanimous vote to accept them back in.

Board Action: On a motion by Tracey Quarne and seconded by Roger Abe, the Governing Board accepted the fax communiqué from Lake County dated January 26, 2010 indicating they have rejected the amendment to the JPA redefining membership on this board, and further suspended prior board action of December 10th to move forward on this matter. *Motion Carried.*

DISCUSSION AND APPROVAL OF POST RETIREMENT HEALTH BENEFITS

Andrew Compoginis handed out the most current draft of NCCC's employee handbook. The most important provision of these policies appears to be post retirement healthcare benefits. A resolution was passed by the Governing Board in 2002 that was never incorporated into the personnel policies. Revisions to the handbook include that no policy will be effective unless enacted and included in the employee handbook, and the handbook would be applicable to all NCCC employees. Mr. Compoginis read the board action of September 23, 2002 which promises full health coverage continuation benefits for eligible NCCC retirees to be paid for by NCCC. Eligibility is any employee that has at least 55 years of age, worked at NCCC for 15 years and is retiring according to a retirement system. It was noted that there are some employees who are currently eligible, apart from the retirement, and a former NCCC executive director are governed by this resolution.

Tracey Quarne asked if his understanding was correct in that all current NCCC employees who meet those eligibility conditions qualify for post retirement healthcare benefits and any action taken today would affect only employees hired from this point forward. Mr. Compoginis answered that would be his recommendation. Public employees in most circumstances have a property right to 1) Their employment; cannot be terminated, demoted or experience a negative employment action without some due process; and 2) Benefits they have been vested with: NCCC employees who meet the eligibility requirements have been vested to benefit as provided by this resolution. Those employees that do not yet meet the eligibility requirements might still be vested because they may have foregone other employment on the basis that they would soon achieve eligibility under this benefit and accept post retirement healthcare benefits.

It was noted that healthcare benefits for the retiree would end when the retiree became eligible for Medicare – not necessarily at the age of 65. Mr. Compoginis emphasized that the policy should envelope everyone as they meet that requirement. In the interest of NCCC's resources and the proposed solvency of the organization, to honor this benefit for as many employees that it may need to cover could become costly. Francene Kennedy said NCCC needs a fiscal plan for

the future of the organization. When the resolution was passed in 2002, there was no fiscal plan or contingency fund assessment in place. NCCC desires to be fair to its employees but it also needs to make sure that this organization can meet its obligations. Discussion was held among the members.

The consensus of the Governing Board was that NCCC uphold the requirements set forth in the Board's action of September 23, 2002 regarding post retirement healthcare benefits for current NCCC employees and rescind the policy for post retirement healthcare benefits for any future employees hired by NCCC.

DISCUSSION AND APPROVAL OF EMPLOYEE HANDBOOK/PERSONNEL POLICY

Francene Kennedy said the Board needs to move forward with the employee handbook, which would include the provisions relative to post retirement health benefits. NCCC must honor the Board's policy but also move forward in the most efficient manner. Ms. Kennedy commented that CalPERS is NCCC's provider for retirement benefits but would like to pursue CalPERS as a full service provider for retirement and healthcare benefits.

The Chair directed NCCC's Fiscal Officer to obtain information on the most current retirement plans. The Chair directed the Executive Director to look into further negotiations with CalPERS and its systems to learn what plans would be most efficient.

Members discussed whether to accept the employee handbook as it reads and subsequently approve any necessary modifications to the document or to wait until the handbook is finalized.

Andrew Compoginis stated that he and Jennifer Duggan would conduct an orientation and review all the policies with all NCCC employees. Employees will be given a 30-day notification period prior to the employee handbook/personnel policy becoming effective.

Board Action: On a motion by Tracey Quarne and seconded by Tom Indrieri, the Governing Board accepted the NCCC employee handbook as discussed and presented. *Motion Carried.*

OTHER BUSINESS

The RFP for all consortium programs was released today and is posted on NCCC's website. The RFP recommendations will be brought before the Board for consideration in April. The contract period is for one year and renewable up to three years based on performance. Board members were informed that their county's WIA service provider may contact them; if anyone should ask them questions regarding the RFP they should direct them to the RFP Question and Answer Forum on NCCC's website.

The WIB and Governing Board Strategic Planning Retreat will take place on February 24-25, 2010 in Colusa.

The next scheduled WIB and Governing Board meeting will be held on April 29th at the Yuba County Government Center in Marysville.

The Governing Board will meet on Thursday, July 1st at 9:00 am at Louis Cairo's in Williams.

Tracey Quarne requested the July 29th WIB and Governing Board meeting to be held at the Glenn County Board of Supervisors Chambers in Willows. Mr. Quarne announced that this would be his last year on the Governing Board and his last year on the Glenn County Board of Supervisors, as he will be running for the position of Glenn County Superintendent of Schools in the next election.

There were no other matters brought before the Governing Board.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:25 p.m.

ATTEST:

APPROVED ON:

Larry Munger, Chairperson
Governing Board