

**APPROVED**  
**NCCC**  
**GOVERNING BOARD**  
**MINUTES**

**December 3, 2009**

The North Central Counties Consortium Governing Board met on the above date at 2:00 p.m. at Colusa Industrial Properties in Colusa.

**ROLL CALL**

**Governing Board Members Present**

Roger Abe  
Carol Huchingson

Tom Indrieri  
Larry Munger

Tracey Quarne

**Governing Board Members Absent**

None

**PUBLIC COMMENT**

There were no comments from the public.

**NORTH CENTRAL COUNTIES CONSORTIUM JOINT POWERS AGREEMENT  
MODIFICATION**

Chairman Larry Munger commented that NCCC's joint exercise of powers agreement was last amended in 1999. The amendment at that time was to change the composition of the five-member Governing Board to allow member county Boards of Supervisors to appoint a designee as their representative on the Governing Board. Mr. Munger said the Board has previously discussed having only county supervisors from each member county sit as members and alternate members of the Governing Board.

***Board Action:*** On a motion by Tom Indrieri and seconded by Tracey Quarne, the Governing Board agreed to amend the NCCC's 1999 Revised Joint Exercise of Powers Agreement to have member county Boards of Supervisors appoint a Supervisor, and not a representative, to serve as member and alternate member on NCCC Governing Board and directed staff to propose appropriate language to be considered by the Board at their December 10<sup>th</sup> meeting. *Motion Carried Unanimously.*

Under discussion, Carol Huchingson inquired if once the Governing Board approves the amended language would it then go before each county's Board of Supervisors for approval? NCCC's legal counsel was of the opinion that each county's Board of Supervisors authored the joint exercise of powers agreement but the NCCC Governing Board defines the agreement;

therefore, the Governing Board may approve changes to the joint powers agreement, and then the Boards of Supervisors agree whether or not to adopt the agreement. NCCC's legal counsel will confirm this information and will have a correct answer for the Board at their December 10<sup>th</sup> meeting.

**COUNTY OF LAKE'S LETTER OF INTENT TO WITHDRAW FROM THE NORTH CENTRAL COUNTIES CONSORTIUM JOINT POWERS AGREEMENT EFFECTIVE AT THE END OF FISCAL YEAR 2009/2010**

Chairman Larry Munger addressed Lake County's letter dated July 21, 2009, of their intent to withdraw from the Consortium effective June 30, 2010. The letter stated that Lake County has complied with NCCC Joint Exercise of Powers Agreement requirements for withdrawal in Section 13.a. "...by providing written notice of withdrawal to all remaining parties not less than one hundred and eighty (180) days prior to the end of the fiscal year." It was noted that the Governing Board's acceptance of the letter is to acknowledge Lake County's intent to withdraw from the Governing Board; the governance of the Lake County WIA program remains with the Consortium.

Greg Gibson, Northern California Regional Manager of EDD's Workforce Services Division, commented that he has not known of any instance that has occurred since WIA was enacted similar to what Lake County intends to do. Mr. Gibson mentioned there was the time when Nevada County moved from one local workforce investment area (LWIA) to another for which procedures were followed to redraw the boundaries of a LWIA. Mr. Gibson delineated some possible options:

- 1) Lake County seeks a LWIA that they wish to join. That local area would decide whether or not to adopt Lake County. The two local areas would then discuss the process for Lake to leave one area and join the other. The application for re-designation is then submitted to the California Workforce Investment Board for approval, followed by negotiations for the allocation of funds.
- 2) Lake County could also petition to become a stand alone local area; however, this may be a difficult process. The Governor could designate Lake County as a local area if Lake County presents a convincing case.

Mr. Gibson mentioned that the application process should be initiated before January for the State Board to make a decision by the end of June.

Tracey Quarne pointed out that if the Governing Board accepts Lake County's letter of intent effective June 30, 2010, then Lake County would cease to have representation on the Governing Board as of that date. However, the Governing Board may very well be the conduit of funds for Lake County after June 30, 2010. Given those circumstances, would the Governing Board be out of compliance with the joint powers agreement if NCCC were operating under a four-member board when the agreement calls for a five-member board.

Mr. Gibson responded that the State Board, not EDD, is the policy body that governs the local areas. Therefore, the joint powers agreement is part of NCCC's overall plan that is submitted to the State. So long as the State Board continues to see NCCC as a legal entity, EDD will continue to allocate funding accordingly.

Tracey Quarne raised the question if it would be more prudent for the Governing Board to accept Lake County's letter effective June 30, 2011 instead of June 30, 2010. Mr. Quarne felt that it would be a disservice to Lake County for the Governing Board to accept a letter effective June 30, 2010, and effectively denying Lake County a voice on the Board, which would have fiscal directive to program operations in Lake County. Carol Huchingson replied that it would equally be a disservice to presume that Lake County would not complete the application submission process by December 31<sup>st</sup>. Ms. Huchingson noted that per state directive, Lake County is required to submit an application within a certain time parameter, but the approval process takes place thereafter. She added that the Board would be overstepping its boundaries if they were to assume that Lake County does not have a plan in progress. Moreover, for the Governing Board to change the date of withdrawal would be beyond the Board's capacity as well.

Larry Munger referred to the Withdrawal clause in the joint powers agreement and noted that if the withdrawal occurs, the Governing Board would need to take action on amending the agreement to add that in the event of a withdrawal, remaining members will compose the Governing Board.

Carol Huchingson stated that the Lake County Board of Supervisors feels very strongly about withdrawing from the Consortium and they stand on their request to withdraw at the end of the current fiscal year. Tracey Quarne recommended that the Board comply with Lake County's request. He thought it would have only been prudent to notice Lake County that they may be in the position where Lake County has no representation on the Governing Board.

**Board Action:** On a motion by Tom Indrieri and seconded by Tracey Quarne, the Governing Board accepted Lake County's letter to withdraw from the North Central Counties Consortium Joint Powers Agreement effective June 30, 2010, the end of Fiscal Year 2009/2010. NCCC will continue to administer WIA as designated for all five counties until or if the State receives and approves an application for re-designation. Motion Carried.

Larry Munger stated that the Board needed to revisit action taken earlier on amending language in the joint powers agreement. Mr. Munger said additional language should be added stating, "in the event of a withdrawal, remaining members will compose the Governing Board." The Board also needed to decide if the action taken on requiring a Board of Supervisor member to serve as a Governing Board member and alternate was to become effective immediately, retroactively or effective upon Lake County's withdrawal.

**Board Action:** On a motion by Tracey Quarne and seconded by Tom Indrieri, the Governing Board directed that the language requiring a Board of Supervisor member to serve as a Governing Board member and alternate be drafted to be written so it reads that it is to become effective the day the amended language is accepted by the Governing Board. Motion Carried Unanimously.

**OTHER BUSINESS**

There were no other matters brought before the Governing Board.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:38 p.m.

**ATTEST:**

**APPROVED ON:**

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Larry Munger, Chairperson  
Governing Board

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