

AGENDA

Program and Business Services Committee

NOVEMBER 10, 2022 8:00 A.M.





AGENDA KERN, INYO AND MONO WORKFORCE DEVELOPMENT BOARD PROGRAM AND BUSINESS SERVICES COMMITTEE NOVEMBER 10, 2022

Location: Microsoft Teams
Dial In: (831) 296-3421
Access ID: 524 329 656#
Time: 8:00 a.m.

Committee Members:

Leo Bautista, ChairTeresa HitchcockAlissa ReedRichard ChapmanBrian HoltJeremy TobiasNick Hill IIILinda ParkerArleana Waller

Page No.

I. Introductions

1-4 II. Resolution Authorizing the Program and Business Services Committee to Conduct Remote Teleconference Meetings – Action Item

III. Public Comments

This portion of the meeting is reserved for persons to address the Committee on any matter not on this agenda but under the jurisdiction of the Committee. Committee members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information, or request staff to report back to the Committee at a later meeting. Also, the Committee may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO THREE MINUTES.

IV. New Business

- 5-8 A. Approval of the May 12, 2022, Meeting Minutes **Action Item**
- B. Proposed Kern, Inyo and Mono Workforce Development Board and Committees'
 Meeting Schedule for Calendar Year 2023 **Action Item**
- 10-11 C. Authorization To Issue Request For Proposals And Request For Refunding For Workforce Innovation And Opportunity Act Adult, Dislocated Worker, Combined And Farmworker Programs For Program Year 2023-2024 Action Item
 - D. Director's Report Oral Report
 - E. Marketing Presentation Oral Report
 - V. Committee Member Comments
 - VI. Miscellaneous Filings
- A. Program and Business Services Committee Attendance Report
- B. Kern, Inyo and Mono Workforce Development Board and Committees' Meeting Schedule for Calendar Year 2022

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November 10, 2022

Program and Business Services Committee Kern, Inyo and Mono Workforce Development Board 1600 E. Belle Terrace Bakersfield, CA 93307

RESOLUTION AUTHORIZING THE WORKFORCE DEVELOPMENT BOARD'S PROGRAM AND BUSINESS SERVICES COMMITTEE TO CONDUCT REMOTE TELECONFERENCE MEETINGS

Dear Committee Member:

As required by the Ralph M. Brown Act, the Kern, Inyo and Mono Workforce Development Board and its subcommittees' meetings must be open and public so that any member of the public may attend, participate, and view the legislative body conducting its business. As you know, the Governor of California declared a state of emergency on March 4, 2020 due to the COVID-19 pandemic. Subsequently, local legislative bodies or state bodies were authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public.

Although the state of emergency has not been fully lifted, in June of 2021, the Governor continued the waiver in a new order allowing local bodies to pass a resolution to continue the remote meetings until further notice.

Under State and Local codes, if officials have imposed or recommended measures that promote social (physical) distancing related to COVID-19 prevention, the Board may adopt a resolution that extends the time during which meetings may continue to be conducted via teleconference. The resolution must be addressed and, if still needed, be renewed every 30 days.

Therefore, IT IS RECOMMENDED that your Committee adopt the attached 30-day resolution from November 10, 2022 through December 9, 2022.

Sincerely.

Teresa Hitchcock

Assistant County Administrative Officer

Attachment

RESOLUTION NO. _____

A RESOLUTION OF THE KERN INYO AND MONO WORKFORCE DEVELOPMENT BOARD'S PROGRAM AND BUSINESS SERVICES COMMITTEE AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE PROGRAM AND BUSINESS SERVICES COMMITTEE FOR THE PERIOD NOVEMBER 10, 2022, THROUGH DECEMBER 9, 2022, PURSUANT TO THE RALPH M. BROWN ACT.

WHEREAS, all meetings of the Kern, Inyo and Mono Workforce Development Board, inclusive of the Standing Committees (i.e., Youth, Program and Business Services, and Executive), are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950 – 54963), so that any member of the public may attend, participate, and view the legislative body conducting its business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and requirements; and

WHEREAS, a required condition of Government Code section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558(b); and

WHEREAS, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, or the legislative body holds a meeting to determine or has determined by a majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California Emergency Services Act (Government Code section 8625); and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a

gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did not rescind the proclaimed state of emergency; and

WHEREAS, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020 and other Executive Orders but did not rescind the proclaimed state of emergency; and

WHEREAS, as of the date of this Resolution, neither the Governor nor the state Legislature have exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution of the state Legislature; and

WHEREAS, the California Department of Industrial Relations has issued regulations related to COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel more than six feet, especially indoors; and

WHEREAS, the Kern, Inyo and Mono Workforce Development Board's Program and Business Services Committee finds that state or local officials have imposed or recommended measures to promote social distancing, based on the California Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D); and

WHEREAS, as a consequence, the Kern, Inyo and Mono Workforce Development Board's Program and Business Services Committee hereby finds that it shall conduct its meetings by teleconferencing without compliance with Government Code section 54953 (b)(3), pursuant to Section 54953(e), and that the Kern, Inyo and Mono Workforce Development Board's Program and Business Services Committee shall comply with the requirements to provide the public with access to the meetings as prescribed by Government Code section 54953(e)(2).

NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED by the Kern, Inyo and Mono Workforce Development Board's Program and Business Services Committee, State of California, in session assembled on November 10, 2022, does hereby resolve as follows:

Section 1. Recitals. All of the above recitals are true and correct and are incorporated into this Resolution by this reference.

1	Section 2. State or Local Officials Have Imposed or Recommended Measures to Promote Social						
2	Distancing. The Kern, Inyo and Mono Workforce Development Board's Program and Business Services						
3	Committee hereby proclaims that state officials have imposed or recommended measures to promote social						
4	(physical) distancing based on the California Department of Industrial Relations' issuance of regulations						
5	related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D).						
6	Section 3. Remote Teleconference Meetings. The Kern, Inyo and Mono Workforce						
7	Development Board's Program and Business Services Committee is hereby authorized and directed to tak						
8	all actions necessary to carry out the intent and purpose of this Resolution including conducting open and						
9	public meetings in accordance with Government Code section 54953(e) and other applicable provisions o						
10	the Brown Act.						
11	Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption and						
12	shall be effective until the earlier of (i) December 9, 2022, or (ii) such time Kern, Inyo and Mono Workford						
13	Development Board's Program and Business Services Committee adopts a subsequent resolution in						
14	accordance with Government Code section 54953(e)(3) to extend the time during which it may continue to						
15	teleconference without compliance with Section 54953(b)(3).						
16	ADOPTED this tenth day of November 2022, by the Kern, Inyo and Mono Workforce Developmer						
17	Board's Program and Business Services Committee by the following vote:						
18							
19	YES:						
20	NO:						
21	ABSENT:						
22	ABSTAIN:						
23							
24							
25							
26	SECRETARY						
27	PL#25T1616-ASG						

KERN, INYO AND MONO WORKFORCE DEVELOPMENT BOARD PROGRAM AND BUSINESS SERVICES COMMITTEE DISCUSSION AND ACTION ITEMS MAY 12, 2022

Members Present: Richard Chapman, Nick Hill, Teresa Hitchcock, Linda Parker, Alissa Reed, Jeremy Tobias, and Arleana Waller.

Members Absent: Leo Bautista, Stacy Ferreira, and Brian Holt.

Staff Present: Elaine Basham, Marsha Manos, Aaron Ellis, Michael Saltz, Anne Meert, Jeremy Shumaker, Jana Webb, Candy Gettman, and Marco Parades.

Guests Present: Karine Kanikkeberg, Jim Keene, Martha Guerra, Lita San Pedro and GK.

The meeting was called to order at 8:01 a.m. by Alissa Reed through Microsoft Teams.

*Unexcused Absence

Introductions

Marsha Manos took a roll call vote of the Committee.

Public Comments

There were no public comments.

Resolution Authorizing the Program and Business Services Committee to Conduct Remote Teleconference Meetings

Alissa Reed informed the Committee that this resolution was before them so that they can continue to meet remotely and called for a motion. Jeremy Tobias made a motion to approve the resolution. Teresa Hitchcock seconded the motion. All ayes. The motion carried.

Approval of November 18, 2022 Meeting Minutes

Jeremy Tobias made a motion to approve the November 18, 2022 meeting minutes. Richard Chapman seconded the motion. All ayes. The motion carried.

<u>Preliminary Funding Recommendations for National Farmworker Jobs Program for Program Year 2022-2023</u>

Jana Webb informed the committee that ETR applied for this grant in May of 2020 and this is the second year of the 4-year grant. Jana said that on March 14, 2022, ETR issues a request for refunding for year three under this grant. In the RFR it was mentioned that agencies would not be penalized for enrollments due to the pandemic. Jana said that the programs requesting refunding were the CSUB Auxiliary for Sponsored Programs Administration - Migrant Book Assistance Program for \$25,000, Kern High School District - Farmworker Opportunity Program for \$268, 960, Proteus, Inc. - Farmworker Outreach and Placement in the amount of \$115,659, and Proteus, Inc. - Targeted Work Experience/On-the-Job Training for \$223,705. All four programs were recommended for

refunding. Jana said that although ETR has not yet been informed of their funding amount for the next fiscal year these are the recommendations at this time. Alissa asked if the book assistance program included the cost of the books or if it was just for services. Jana said that this funding amount did not include money for the purchase of the books but that those could be purchased with a PO that is in place with the bookstore. Teresa Hitchcock made a motion to approve the staff's recommendation. Linda Parker seconded the motion. All ayes. The motion carried.

<u>Preliminary Funding Recommendations for Workforce Innovation and Opportunity Act Adult, Dislocated Worker, and Combined Programs and Services for Program Year 2022-2023</u>

Anne Meert told the committee that this is for programs that are funded under the formula Adult and Dislocated Worker funds received under WIOA. Anne said the State has yet to release WIOA formula allocations for PY 2022-2023 but that we hope to have this information by the June 8, 2022 WDB meeting at which final funding recommendations will be approved. Anne said that in March 2019, Employers' Training Resource issued an RFP to procure WIOA Adult, Dislocated Worker, and combined programs and services for Program Year (PY) 2019-2020 for Kern County and have been utilizing an abbreviated RFR process for the years and 2022-23 is the fourth and final year. The latest RFR, which was authorized by your Board on December 15, 2021, was issued on February 28, 2022, to three agencies representing five programs and services. Anne said that the agencies that submitted applications would not be penalized for their enrollments due to the pandemic and it was required that they be current on the state's Eligible Training Provider List and be in good standing. The five programs that submitted applications were:

PROVIDER OF CAREER SERVICES FOR DELANO AJCC AND ON-THE-JOB TRAINING (OJT)

- Proteus. Inc. Provider of Career Services
- Proteus, Inc. OJT

PAID WORK EXPERIENCE

- Proteus, Inc.
- Kern High School District

CONTRACTED TRAINING

Mexican American Opportunity Foundation - Bookkeeping

Anne said all programs/services were determined eligible for refunding with a total recommended funding of \$1,437,046 which is the same amount as for PY 2021-2022. Anne reminded the committee that Workforce Development Areas are required to expend at least 30 percent of their WIOA Adult and Dislocated Worker funds on training. Jeremy Tobias made a motion to accept the staff's recommendation to authorize the distribution of \$1,437,046 in PY 2022-2023 WIOA funds to Proteus, Inc. to provide Career Services at the Delano AJCC, OJTs, and Paid Work Experience in the amount not to exceed \$784,503, Kern High School District to provide Paid Work Experience in the amount not to exceed \$332,543, Mexican American Opportunity Foundation to provide Bookkeeping training in the amount not to exceed \$320,000, and with awards subject to negotiations,

funds available, and approval of the Kern County Board of Supervisors. Alissa asked Anne if she had the information on the agency's performance and Anne referred to Attachment B in the packet and discussed it further. Alissa mentioned that MAOF is dropping from 50-32 enrollments and asked if that was the plan for next year when they have only enrolled 7 participants to date. Anne said that MAOF explained that they want to improve their online training and they want to expand to other areas in Kern County. Alissa asked if ETR was continuing with their marketing support. Anne said that MAOF explained that they have hired someone to promote their programs on social media and have taken on more of the responsibility of reaching out to the public. Alissa asked if MAOF resolved the issue of their externship worksites. Anne said that she wasn't sure if that issue had been resolved and how many participants had completed their externships. Alissa again asked for a motion. Nick Hill seconded the motion. All ayes. The motion carried.

Regional Equity and Recovery Partnerships Grant

Michael Saltz told the committee that on May 6, 2022, Employers' Training Resource, in partnership with members of the San Joaquin Valley and Associated Counties - Regional Planning Unit (SJVAC RPU), applied for the Regional Equity and Recovery Partnerships Grant (RERP). The grant award is \$4,274,500 to fund the RERP in the SJVAC RPU of which ETR will receive the amount of \$983,031. Stanislaus County Workforce Development Board will be the administrator of the RERP, each Local Workforce Development Board will be administering its own program. The award announcement is expected in June and the grant term is estimated to be December 1, 2022, through September 30, 2025. The RERP represents an acceleration and deepening of the existing Regional Plan Implementation efforts which will support and invest in partnerships attempting to add high road approaches to existing sector strategies and career pathway programs. Michael said the RERP project identified by ETR will provide quality jobs in the healthcare industry. The RERP will permit ETR to serve 120 participants and place those who complete the program in career pathways. The collaboration between the workforce and community colleges is designed to address industry needs and educational capacity to increase the pipeline of health care workers in Kern County. Michael said health care employers across Kern County are experiencing critical staff shortages in a variety of these positions. The collaboration will focus on expanding the system to increase access to programs and training, recruit local workers, and provide additional needed support to help candidates succeed. Michael said the funding is for the length of the program.

Workforce Development Board and Standing Committee Composition

Elaine Basham said some of the members whose time is soon to expire should have received letters from ETR to determine if they wish to continue to serve and that we have heard from 4 out of the 5 members. Elaine said in February 2022, the Kern County Board of Supervisors accepted Diane McClanahan's resignation from the WDB and its committees and appointed Priscilla Varela as the Department of Rehabilitation One-Stop Partner agency member to the WDB. Elaine said that when a WDB member resigns, their replacement is not automatically assigned to any committee(s) and that Ms. McClanahan also served on the Program and Business Services and Youth Committees. Teresa recommended that we appoint Priscilla Varela to the standing committees as it is good to have DOR representation on the committee.

Director's Report

Teresa Hitchcock told the committee that the office is fully open. Teresa mentioned the Micro-Business grant and encouraged members to let people who may qualify know that it is available. Teresa also said ETR received funding through the State Apprenticeship Expansion Equity Innovation program for \$640,000. Teresa said Café 1600 will be opening through June 10th and then will be closed due to the end of the school year. Teresa also said that the transitional jobs programs are starting up.

Marketing Presentation

Marco Paredes provided the Committee with an activity report.

Committee Member Comments

Nick Hill and Jeremy Shumaker discussed why the Black Chamber of Commerce was not included as a partner in the Microbusiness Grant application process.

Arleana Waller and Teresa Hitchcock added additional information to the conversation. Nick Hill spoke about the Pre-Apprenticeship program and expressed his concerns about not being overlooked as a potential partner in this endeavor.

Richard Chapman informed the Committee of the KIC (Kern Internship Connection) program that is launching within a couple of weeks.

Miscellaneous Filings

- A. Program and Business Services Committee Attendance Report
- B. Kern, Inyo and Mono Workforce Development Board and Committees' Meeting Schedule Calendar Year 2022

The meeting was adjourned at 9:05 a.m.

PROPOSED KERN, INYO AND MONO WORKFORCE DEVELOPMENT BOARD AND COMMITTEES' MEETING SCHEDULE CALENDAR YEAR 2023

Program and Business Services Committee

America's Job Center of California – Bakersfield, 1600 East Belle Terrace, Bakersfield, Second Floor

Thursday, February 16, 2023, 8 a.m.

Thursday, May 11, 2023, 8 a.m.

Thursday, August 31, 2023, 8 a.m.

Thursday, November 16, 2023, 8 a.m.

Youth Committee

America's Job Center of California – Oildale Affiliate, 1129 Olive Dr. – Recruitment Center, Bakersfield

Wednesday, February 22, 2023, 3 p.m.

Wednesday, May 17, 2023, 3 p.m.

Wednesday, September 13, 2023, 3 p.m.

Wednesday, November 29, 2023, 3 p.m.

Executive Committee

America's Job Center of California – Bakersfield, 1600 East Belle Terrace, Bakersfield, Second Floor

Thursday, March 2, 2023, 4 p.m.

Thursday, May 25, 2023, 4 p.m.

Thursday, September 21, 2023, 4 p.m.

Thursday, December 7, 2023, 4 p.m.

Workforce Development Board

America's Job Center of California – Oildale Affiliate, 1129 Olive Dr. – Recruitment Center, Bakersfield

Wednesday, March 8, 2023, 7 a.m.

Wednesday, May 31, 2023, 7 a.m.

Wednesday, October 4, 2023, 7 a.m.

Wednesday, December 13, 2023, 7 a.m.

*Due to COVID-19, all meetings will take place virtually until further notice.



November 10, 2022

Program and Business Services Committee Kern, Inyo and Mono Workforce Development Board 1600 E. Belle Terrace Bakersfield. CA 93307

AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS AND REQUEST FOR REFUNDING FOR WORKFORCE INNOVATION AND OPPORTUNITY ACT ADULT, DISLOCATED WORKER, COMBINED AND FARMWORKER PROGRAMS FOR PROGRAM YEAR 2023-2024

Dear Committee Member:

One of the functions of the Program and Business Services Committee is to recommend to the Workforce Development Board (WDB) the annual procurement process for contracted programs under the Workforce Innovation and Opportunity Act (WIOA). "Contracted programs" are those in which providers are reimbursed for expenses. This does not include Eligible Training Provider List (ETPL) providers who are paid on a "per participant basis" nor On-the-Job Training (OJT) contracts in which employers are paid for training potential new employees.

Under current regulations, a full Request for Proposals (RFP) is required at least once every four years. Therefore, if year one is funded under an RFP process then, with your WDB's approval, years two through four can be funded under the more limited Request for Refunding (RFR) process. The RFR process is more streamlined and allows our local area to continue to fund existing programs and services that are still needed and successfully meeting their contracted goals.

WIOA Adult, Dislocated Worker, and Combined Programs

A full RFP was issued for Program Year (PY) 2019-2020 for WIOA Adult, Dislocated Worker, and Combined programs, and RFRs were issued for PY 2020-2021, PY 2021-2022, and PY 2022-2023. Staff is recommending that we issue an RFP for PY 2023-2024 (July 1, 2023 – June 30, 2024) for only those programs and services necessary to operate local WIOA programs such as the following:

- Provider of Career Services at the Delano AJCC
- Paid Work Experience

No contracted training programs would be solicited at this time. If ETR needs to issue an RFP for unanticipated funding or need, we request your authorization to do so.

WIOA Farmworker Programs

July 1, 2023, begins the fourth year under the National Farmworker Jobs Program (NFJP) grant. As such, an RFR is recommended to continue programs and services in this final year of the grant.

Funding Availability

For your information, the WIOA formula (Adult, Dislocated Worker, and Youth) allocations for PY 2023-2024 as well as NFJP year four funding have not yet been announced. WIOA Adult and Dislocated Worker funding for the current year PY 2022-2023 (allocation plus carry-in) is less than the previous year PY 2021-2022. In addition, ETR has faced increased costs associated with staffing, operations, supplies, and work experience minimum wage. Similarly, a larger share of WIOA Adult funding is used for OTJs.

As a reminder, procurement for WIOA Youth programs is handled under a separate process to be considered by the Youth Committee and the WDB.

Therefore, IT IS RECOMMENDED that your Committee recommend that the WDB authorize the following: 1) issuance of an RFP for limited programs and services for WIOA Adult, Dislocated Worker, and Combined programs for Program Year 2023-2024; 2) issuance of an RFR for Farmworker programs and services for Program Year 2023-2024; and 3) if needed, an RFP for other workforce funding or need that may emerge over the course of the year.

Sincerely.

Teresa Hitchcock

Assistant County Administrative Officer

TH:am

Kern, Inyo & Mono Workforce Development Board PBS Committee Attendance 2022							
P = Present	U=unexcused	X=Cancelled					
A = Excused Absence		2/3/22	5/12/22	9/8/22	11/10/22		
First	Last	PBS	PBS	PBS	PBS		
Leo	Bautista	Х	Α	X			
Richard	Chapman	Х	Р	x	_		
Stacy	Ferreira	Х	Α	х	<u> </u>		
Nick	Hill III	X	Р	х			
Brian	Holt	X	Α	x			
Teresa	Hitchcock	X	Р	x			
Linda	Parker*	X	Р	х			
Alissa	Reed	X	Р	x			
Jeremy	Tobias	Х	Р	X			
Arleana	Waller*	X	P	х			
*Non-WDB			·				

KERN, INYO AND MONO WORKFORCE DEVELOPMENT BOARD AND COMMITTEES' MEETING SCHEDULE CALENDAR YEAR 2022

Program and Business Services Committee

America's Job Center of California – Bakersfield, 1600 East Belle Terrace, Bakersfield, - Second Floor

Thursday, February 3, 2022, 8 a.m.

Thursday, May 12, 2022, 8 a.m.

Thursday, September 8, 2022, 8 a.m.

Thursday, November 10, 2022, 8 a.m.

Youth Committee

America's Job Center of California – Oildale Affiliate, 1129 Olive Dr., Bakersfield – Recruitment Center

Wednesday, February 16, 2022, 3 p.m.

Wednesday, May 18, 2022, 3 p.m.

Wednesday, September 14, 2022, 3 p.m.

Wednesday, November 30, 2022, 3 p.m.

Executive Committee

America's Job Center of California – Bakersfield, 1600 East Belle Terrace, Bakersfield - Second Floor

Thursday, March 17, 2022, 4 p.m.

Thursday, June 2, 2022, 4 p.m.

Tuesday, June 28, 2022, 3 p.m. Special Session

Thursday, October 6, 2022, 4 p.m.

Thursday, December 1, 2022, 4 p.m.

Workforce Development Board

America's Job Center of California – Oildale Affiliate, 1129 Olive Dr., Bakersfield – Recruitment Center

Wednesday, March 30, 2022, 7 a.m.

Wednesday, June 8, 2022, 7 a.m.

Tuesday, June 28, 2022, 4 p.m. Special Session

Wednesday, October 19, 2022, 7 a.m.

Wednesday, December 14, 2022, 7 a.m.

*Due to COVID-19, all meetings will take place virtually until further notice.