

**TO: Workforce Investment Board**

**DATE: 1/11/07**

**FROM: WIB Staff**

**For Action**

**For Information**

**For Discussion**

**SUBJECT: Workforce Investment Board (WIB) Bylaws**

**PROPOSED MOTION(S): Accept recommended changes to WIB bylaws and forward to Board of Supervisors for approval.**

**DISCUSSION: The WIB Retreat ended with a recommendation that ad hoc committees be created to achieve the WIB's work, with the Quality Assurance and the Program Planning & Development Committees no longer existing. In early October, SB 293, a new California law, changed the number of labor representatives required on local workforce investment boards.**

**New recommended bylaws are attached. Below is a detailed explanation of the recommended changes:**

**Page 3, Item E.1.c. (Labor representatives on the WIB)**

**The present bylaws require no fewer than 2 labor representatives. The new SB 293 law requires that at least 15% of the local board members will be from labor. If labor doesn't nominate enough members, then the requirement drops to 10%.**

**Page 4, Item E.6.**

**The present bylaws state that each member of the Board shall serve on at least one standing committee. The new Bylaws will add the words "ad hoc" to require that each WIB member shall serve on either a standing committee (Executive or Youth Council) or on one or more of the ad hoc committees which will be formed and disbanded as required throughout the year. This change is being made to make the committee structure more responsive to the WIB's needs.**

**Page 4, Item F.2.**

**The present bylaws state that no person shall serve longer than 2 terms in any officer position. The new bylaws change that requirement to state that no person shall serve longer than 2 full terms in any officer position. This change is being made to prevent an officer having to fill a position for only a portion of a term and then being only able to serve one more complete term.**

**Page 5, Item G.1.**

**The present bylaws state that the Board will operate with a committee structure. The new bylaws integrate "ad hoc" into the structure of the WIB. (See Item E.6.)**

## **Bylaws**

### **Workforce Investment Board of Merced County**

#### **A. Name**

The name of this organization shall be “Workforce Investment Board of Merced County” (hereinafter the “Board”).

#### **B. Authority**

The State of California, pursuant to the Workforce Investment Act of 1998 (hereinafter the “Act”), has designated the geographic area of the County of Merced as a Workforce Investment Area and provides funding thereto.

The Act, at Section 117, requires that Local Workforce Investment Boards shall be established in each local Workforce Investment Area and that such boards shall be certified by the Governor. The Act further requires that Local Elected Officials shall appoint the members of such boards based on criteria established jointly by the Governor and the State Workforce Investment Board.

On May 23, 2000, the Board of Supervisors, acting as the Local Elected Officials of the Merced Local Workforce Investment Area, established the Workforce Investment Board of Merced County and appointed its initial membership.

#### **C. Address**

All communication with the Board shall be addressed to the Chairperson of the Workforce Investment Board of Merced County at 1880 West Wardrobe Avenue, Merced, California 95340.

#### **D. Purpose**

The general purpose of the Board is to establish policy for and provide oversight of the workforce investment system in the County of Merced.

Pursuant to Section 117 of the Act, the following are mandated responsibilities of the Board:

1. In partnership with the Board of Supervisors, development of a local plan for the Workforce Investment Area;
2. Selection of one-stop operator(s) with the concurrence of the Board of Supervisors;
3. Identification of eligible providers of youth activities and the awarding of grants or contracts on a competitive basis, based on recommendations of the Youth Council;

4. Identification of eligible providers of training services;
5. In the event that the local one-stop operator does not provide intensive services in the local area, identification of eligible providers of intensive services;
6. Development of a budget for itself, subject to the approval of the Board of Supervisors;
7. In partnership with the Board of Supervisors, the conduct of oversight of the one-stop delivery system, employment and training activities and youth activities in the local Workforce Investment Area;
8. In partnership with the Board of Supervisors, negotiation of local performance measures with the Governor;
9. Establishment of a Youth Council pursuant to Section 117 of the Act and, in partnership with the Board of Supervisors, appoint its members;
10. Provision of assistance to the Governor in developing a statewide employment statistics system;
11. Coordination of workforce development activities conducted under the Act with local economic development strategies and develop employer linkages with such activities; and
12. Promotion of the participation of private sector employers in the statewide workforce investment system.

#### **E. Membership**

1. Composition - The membership of the Board shall include:
  - a. Representatives of business in the local area, who (i) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority; (ii) represent businesses with employment opportunities that reflect the employment opportunities of the local area; and (iii) are appointed from among individuals nominated by local business organizations and business trade associations;
  - b. No fewer than two (2) representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist), selected from among individuals nominated by regional or local educational agencies, institutions, or organizations

representing such local educational entities;

- c. Representatives of labor organizations nominated by local labor federations, including a representative of an apprenticeship program. At least 15 percent of local board members shall be representatives of labor organizations unless the local labor federation fails to nominate enough members. If this occurs, then at least 10 percent of the local board shall be representatives of labor organizations;
- d. No fewer than two (2) representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present);
- e. No fewer than two (2) representatives of economic development agencies, including private sector economic development entities; and
- f. A representative of each of the One-Stop Partners
- g. A representative of the Merced County Board of Supervisors

**Deleted:** No fewer than two (2) representatives of labor organizations nominated by local labor federations

The Chairperson, Vice Chairpersons and the majority of the members shall be representatives of business. Members of the Youth Council who are not members of the Board as described above shall be non-voting members of the Board.

## 2. Term

Initial staggered terms of two (2), three (3) or four (4) years shall be assigned to members by lottery. Subsequent terms for all members shall be four (4) years. No member shall serve for longer than two (2) four (4) year terms plus an initial term if three (3) years or less.

## 3. Removal of a Member

The Chairperson may recommend to the Board the removal of a member for absenteeism or if the employment or affiliation upon which their membership was originally based changes such that they no longer represent the organization or constituency or category considered for their appointment.

Removal shall require the affirmative vote of a majority of the members of the Board and ratification of the Merced County Board of Supervisors.

## 4. Resignation

Resignation of a member shall be affected by written notice from that member

submitted to the Board and the Merced County Board of Supervisors.

5. Vacancies

Vacancies on the Board shall be filled for the remaining term of the vacating member by the Merced County Board of Supervisors based upon recommendations from the Board.

6. Service on Committees

Each member of the Board shall serve on at least one standing/adhoc committee.

**F. Officers**

1. Number and Titles

There shall be three (3) officers of the Board: a Chairperson, a Vice-Chairperson and a Second Vice-Chairperson.

2. Term

The term of all officers shall be one (1) year. No person shall serve longer than two (2) full terms in each position.

3. Election

Officers shall be elected by the Board members each year at the last regular Board meeting of the operating year which commences on July 1 and ends on June 30 and as may otherwise be required by a resignation or removal.

4. Chairperson: The Chairperson shall be a representative of business. The duties of the Chairperson shall be to:

- a. Preside at all meetings of the Board, decide points of order, announce business, entertain motions, put motions to vote and announce the result of votes;
- b. Establish the agenda for each Board meeting;
- c. Execute, on behalf of the Board, necessary documents;
- d. Establish standing and ad hoc committees and name chairpersons and appoint members to such committees;
- e. Act as the legal representative of the Board;

- f. Call special meetings of the Board; and
  - g. Call special meetings of committees.
5. Vice Chairperson: The Vice Chairperson shall perform the duties of the Chairperson in his or her absence and shall succeed the Chairperson for the balance of his or her term should the Chair become vacant.
  6. Second Vice Chairperson: The Second Vice Chairperson shall perform the duties of the Chairperson in the absence of both the Chairperson and Vice Chairperson.

#### **G. Committees**

1. General: The Board will operate with a committee/ad hoc structure. Committee chairs shall be the presiding officers at all committee meetings. Committee vice-chairpersons, if named by the Chairperson of the Board, shall assume the duties of the committee chair in his or her absence.
2. Executive Committee: The Executive Committee shall be a standing committee.
  - a. Members of the Executive Committee shall be the Chairperson, Vice-Chairpersons, the immediate past Chairperson of the Board, the member representing the Merced County Board of Supervisors, the chairperson of the Youth Council and the chairpersons of each of the standing committees. The Chairperson of the Board may, subject to ratification by the affirmative vote of two-thirds (2/3) of the Executive Committee, appoint a Board member to the Executive Committee based on background/ expertise considered necessary for the committee.
  - b. Except as provided below, the Executive Committee may take actions on behalf of the Board when such actions are required before the next regularly scheduled meeting of the Board.
  - c. All actions taken by the Executive Committee shall be presented to the Board for ratification at its next regularly scheduled meeting.
  - d. The Executive Committee shall have no authority to take the following actions:
    - i. Make changes to these Bylaws;
    - ii. Make changes to any agreement between the Board and Merced County;

- iii. Make changes to any Memorandum of Understanding with any One-Stop Partner or the One-Stop Operator; and
- iv. Make appointments to the Youth Council.

### 3. Youth Council

- a. Pursuant to Section 117 (h) of the Act , there shall be established a permanent Youth Council. Members of the Youth Council shall be appointed by the Chairperson of the Board and such appointments shall be ratified by the Merced County Board of Supervisors.
- b. The Youth Council shall be responsible for:
  - i. coordinating youth activities in a local area,
  - ii. developing portions of the local plan related to eligible youth (as determined by the Chairperson of the Board),
  - iii. recommending eligible youth service providers in accordance with WIA section 123 (subject to the approval of the Board),
  - iv. conducting oversight with respect to eligible providers of youth activities in the local area (subject to the approval of the Board),
  - v. and carrying out other duties, as authorized by the Chairperson of the Board.
- c. The Board may delegate responsibility for the selection and oversight of eligible youth providers as well as other youth program responsibilities to the Youth Council.
- d. At least five (5) seats on the Youth Council shall be filled by voting members of the Board.
- e. The Chairperson of the Youth Council shall be one of the five abovementioned voting Board members.
- f. The Board may delegate to the Youth Council the authority to create its own budget for its operations and to expend WIA and non-WIA funds within that budget.

## **H. Meetings and Actions**

### 1. Public Access

The Board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the Board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth activities, and upon request, minutes of formal meetings of the Board. All meetings of the Board, its committees and the Youth Council shall be open, public and noticed in compliance with the Ralph M. Brown Act, California Government Code 54950, et. seq., as amended.

2. Regular Meetings

There shall be at least six (6) ~~scheduled~~ meetings each year. Reasonable notice of the time and location of meetings shall be provided to Board members.

Deleted: regular

Deleted: commencing on November 2000. The meetings shall take place on the fourth Thursday of the month.

3. Quorum

A quorum of the Board and its committees shall mean the presence of a majority of the members.

4. Actions and Resolutions

Provided that there exists a quorum, all actions taken and resolutions passed by an affirmative vote of a simple majority of the members present at a duly constituted meeting shall constitute actions and resolutions of the full Board.

5. The Board shall set standards, policy and procedures for the expenditure of funds consistent with those of Merced County.

6. Minutes

There shall be recorded, for each meeting of the Board, the Youth Council and any committees, the time and place of the meeting, the names of the members who were present, all official acts of the Board and the ~~result of votes~~. When requested by a member, his or her dissent or approval and the reasons thereof shall be recorded. When a member abstains for reasons of conflict of interest, the abstention and nature of the conflict of interest shall be recorded. The minutes of each meeting shall be presented for review and approval at the next successive meeting of the Board.

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Deleted: of members (ayes, noes and abstentions)

I. Conflict of Interest

1. All members of the Board and of committees are subject to (a) the Political Reform Act of 1974 [California Government Code Section 81000 et seq.], (b) the regulations of the Fair Political Practices Commission [2 Cal. Code of Regs. Section 18100 et seq.], (c) California Government Code Section 1090 et seq. and (d) the Board's rules covering conflict of interest and disclosure of economic interests, and any

amendments thereto.

2. As appropriate and required by law, the Board member having a conflict of interest shall be either disqualified from further Board membership or from participating in any Board action or decision in order that actual or perceived conflicts by a Board member may be avoided.
3. When a member is disqualified from Board membership or from participating in any decision making because of a conflict of interest, the reason for the disqualification must be announced at the meeting.
4. In addition, unless specifically allowed by statute, each member shall discharge his or her duties with integrity and fidelity and may not let private interests influence his or her public decisions.

**J. Parliamentary Authority**

Robert's Rules of Order shall govern the Board in all cases in which they are applicable and in which they are not inconsistent with these Bylaws, any special rules of order the Board may adopt, or any applicable State and federal laws and regulations.

**K. Adoption and Amendment of Bylaws, Effect**

These Bylaws shall be adopted and may be amended by the affirmative vote of two-thirds (2/3) of the members. These Bylaws and any amendments thereto shall become effective upon ratification by the Merced County Board of Supervisors.

**Page 7, Item H.2.**

**The present bylaws define a specific date for WIB meetings and describe the commencement date of the first WIB meeting. The new bylaws simplify the language to show the WIB is scheduled to meet 6 times a year. This new wording provides latitude to schedule meetings to meet WIB demands.**

**Page 7, Item H.6.**

**The present bylaws require that the number of votes be recorded by number, with the ayes, noes, and abstentions recorded. The new bylaws only require that the outcome of the vote be recorded. This is in keeping with the present practice. Sufficient wording exists in the bylaws to record individual member's dissent or abstention if the member desires.**

**ATTACHMENT(S):**

**Recommended WIB Bylaws**