

**PROPOSED AMENDMENT TO BY-LAWS INCORPORATING  
BUSINESS SERVICES COMMITTEE AS STANDING COMMITTEE  
December 5, 2012**

**BYLAWS of the MONTEREY COUNTY WORKFORCE INVESTMENT BOARD**

Approved by the Monterey County Board of Supervisors on May 29, 2001, amended on  
June 6, 2007, and amended and restated on December 6, 2011.

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The State of California, pursuant to the Federal Workforce Investment Act of 1998, and the California Unemployment Insurance Code (Section 14000, et seq.) has designated the Monterey County Workforce Investment Board as the entity responsible for the direction and oversight of employment and training programs at the local level and provides funding thereto.

Federal and State rules and regulations provide for program activities and require the Monterey County Board of Supervisors, as Chief Local Elected Officials, for the Monterey County Workforce Investment Area to appoint a local Workforce Investment Board.

**ARTICLE I. NAME**

The name of the local Board shall be the Monterey County Workforce Investment Board, hereinafter referred to as "MCWIB".

**ARTICLE II. LEGAL AUTHORITY OF THE BOARD**

The MCWIB is organized in accordance with the Federal Workforce Investment Act of 1998, (29 U.S.C. Section 2832, et seq.), and under the California Unemployment Insurance Code (Section 14000, et seq.), hereinafter jointly referred to as "WIA".

**ARTICLE III. AREA SERVED**

The geographical region to be served by the MCWIB shall be the County of Monterey and the labor market areas contained therein.

**ARTICLE IV. DUTIES & METHODS OF THE BOARD**

**Section 1. Duties**

- A. The MCWIB shall be established to assist the Chief Local Elected Officials, Monterey County Board of Supervisors, hereinafter referred to as "BOS", in strategic planning, oversight, and evaluation of the local workforce investment area, and shall promote effective outcomes consistent with statewide goals, objectives, and negotiated local performance.
- B. Duties of the MCWIB shall be in accordance with the WIA including, but not limited to:
  - 1. In partnership with the BOS, develop a local workforce investment area plan;
  - 2. Negotiate local performance measures with the BOS and the Governor;
  - 3. Subject to the approval of the BOS, develop a budget;
  - 4. Subject to the approval of the BOS, select operators of the One-Stop Career Center(s);
  - 5. Subject to the approval of the BOS, select providers of training and intensive services;
  - 6. Conduct oversight of local WIA programs;
  - 7. In cooperation with the BOS, appoint a Youth Council;
  - 8. Based on recommendations of the Youth Council, identify eligible providers of youth services;
  - 9. Promote the participation of private-sector employers in the workforce investment system;and

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10. Coordinate workforce investment activities with economic development strategies.

**Section 2. Methods**

The MCWIB shall perform all duties in accordance with these methods:

- A. *Convener* – Bring together business, labor, education, and economic development to focus on community workforce issues.
- B. *Workforce Analyst* – Develop, disseminate and understand current labor market and economic information and trends.
- C. *Broker* – Bring together systems to solve common problems, or broker new relationships with businesses and workers.
- D. *Community Voice* – Advocate for the importance of workforce policy, providing perspective about the need for and availability of skilled workers.
- E. *Capacity Builder* – Enhance the region's ability to meet the workforce needs of local employers.

**ARTICLE V. STAFFING AND SUPPORT**

- A. Staffing and support of the MCWIB shall be provided by the Monterey County through a designated County Department.
- B. MCWIB staff shall include an Executive Director and such staff necessary to support the activities of the MCWIB. The MCWIB Executive Director shall serve as a non-voting member of all meetings of the MCWIB and its committees.
- C. The MCWIB staff will work on implementation of the policies, goals and activities recommended by the MCWIB. The staff shall make regular reports to the MCWIB on implementation. MCWIB staff shall be responsible for preparing and distributing agendas for all public meetings.
- D. Staff of the MCWIB shall maintain an official membership list, attendance records, a record of all actions of the MCWIB, minutes of all public meetings and other documents of the MCWIB and its committees.

**ARTICLE VI. MEMBERSHIP**

**Section 1. Composition**

The BOS shall ensure the membership of the MCWIB conforms to all requirements of the WIA, including, but not limited to:

- A. *Business representatives* – At least the majority (51%) of MCWIB membership must be representatives of business in the local area. The business representatives shall include owners of businesses, chief executives or operating officers of business or other business executives, including human resources executives, or employers with optimum policy-making or hiring authority. Efforts will be made to include broad representation of businesses throughout the County, consisting of both large and small employers.
- B. *Local Educational Entities* – At least two (2) representatives of local educational entities shall be selected from individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities. Representatives shall be from the K-12 public educational system in Monterey County and selected from administrators and principals and/or shall be from the public or private post-secondary educational system and selected from executives with optimum policy authority, including community college presidents and school board members and/or representatives of local educational systems eligible under the WIA.
- C. *Labor Organizations* – At least 15 percent (15%) of MCWIB members must be representatives of labor organizations nominated by local labor federations, including an apprenticeship program,

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unless the local labor federation fails to nominate enough members, in which case at least 10 percent (10%) of MCWIB members shall be representatives of local labor organizations.

- D. *Community-Based Organizations* – At least two (2) members must represent community-based organizations serving populations with barriers to employment, including, but not limited to, those that represent or provide service to individuals with disabilities, veterans, youth, farm workers, homeless and immigrants.
- E. *Economic Development Agencies* – At least two (2) members must represent economic development agencies, including private sector economic development entities and/or Small Business Development Centers.
- F. *One-Stop Partners* – Each One-Stop Partner shall be represented by a minimum of one representative.
- G. Membership may include other individuals or representatives of entities as the BOS may determine to be appropriate. In all cases regarding an appointee, a single member of the MCWIB may be appointed to represent multiple constituencies on the MCWIB.

**Section 2. Appointments**

- A. Members of the MCWIB shall be appointed by the BOS.
- B. The BOS shall ensure the membership and appointment of MCWIB members are in compliance with WIA rules and regulations.
- C. The composition of the MCWIB shall be subject to certification by the Governor.
- D. Members who are appointed to fill a vacancy shall serve until the normal expiration of the term of the vacant seat. A member can continue to serve until reappointment or replacement by the BOS.
- E. MCWIB representatives, except institutional members (i.e., One-Stop Partners, etc.) shall serve as individuals and may not designate alternates/proxies.

**Section 3. Term**

- A. The term of each MCWIB representative shall be three (3) years, upon which time consideration for reappointment shall occur. The terms of all representatives may be staggered at the discretion of the BOS.
- B. There shall be no term limits.
- C. Members who are no longer actively involved in the work of his/her membership category within the County of Monterey shall be required to resign his/her MCWIB seat.
- D. Members shall immediately inform the MCWIB of a change in employer or employment status, at which time it shall be determined if the member is eligible to continue serving on the MCWIB.

**Section 4. Recruitments and Nominations**

- A. In the event of a vacancy, the MCWIB Executive Committee is responsible for maintaining the required composition of the MCWIB, as stated in these bylaws. A vacancy may not necessarily be filled if the required composition of the MCWIB can be maintained without filling the vacancy.
- B. The MCWIB shall solicit and accept nominations for MCWIB membership in accordance with representation as needed and shall also comply with the Maddy Act regarding the announcement of opportunities to serve.
- C. All nominees shall be required to submit a membership application.
- D. Any qualified community member may nominate his/herself for appointment to the MCWIB by submitting a membership application to the MCWIB Executive Director.

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- E. Nominations shall be reviewed by the Executive Committee to ensure that nominees meet the membership criteria as stated in these bylaws. If a nomination is approved by the Executive Committee, the Executive Committee shall bring forth the nomination to the full MCWIB for consideration.
- F. The recommendation for appointment of a new member shall require a two-thirds affirmative vote of MCWIB members present at a regular scheduled meeting in which a quorum has been established.
- G. The recommendation of the full MCWIB shall be forwarded to the BOS for action on the recommendation for appointment. If, for any reason, no recommendation for appointment is made within three (3) months of the date of vacancy, the MCWIB shall inform the BOS of that fact.

**Section 5. Vacancies**

- A. A vacancy on the MCWIB shall exist on the occurrence of noncompliance of applicable Federal and State regulations, or change in employment status from active employment in the classification that served as the basis for the appointment.
- B. Vacancies will not necessarily be filled by individuals from a like organization; industry, employer, or association so long as the required membership composition is maintained.

**Section 6. Resignations**

- A. Any member may resign by providing written or oral notice to the MCWIB Chair and/or MCWIB Executive Director.
- B. The MCWIB Executive Director shall provide written notice of all resignations to the MCWIB and BOS.
- C. A member shall be deemed to have resigned MCWIB membership if s/he is absent from 60% of regularly schedule MCWIB and assigned committee meetings in the program year (July-June) for which attendance is reviewed. Only unexcused absences shall be considered in determining the number/percentage of absences.
- D. In the event of resignation due to excessive unexcused absence, the MCWIB Executive Director shall act on behalf of the MCWIB to determine cause of such absences and shall provide such cause to the MCWIB for consideration.

**Section 7. Removal**

- A. A MCWIB member may be removed from the MCWIB if the member's conduct or action, in his/her capacity as a member or personal/professional dealings, is having or will have a severe detrimental effect on the ability of the MCWIB to conduct its business.
- B. Procedures for Removal by MCWIB:
  - 1. A removal is proposed and discussed at an Executive Committee meeting called for that purpose;
  - 2. The recommendation for removal from the Executive Committee shall be brought before the full MCWIB for discussion and vote;
  - 3. The member whose removal is being considered shall be invited to present reason(s) why his/her removal should be reconsidered at both the Executive Committee and full MCWIB meeting;
  - 4. Removal from the MCWIB shall require a two-thirds majority and affirmative vote of the MCWIB at a regularly scheduled meeting, in which a quorum has been established; and
  - 5. The MCWIB shall forward the recommendation for removal to the BOS for approval.

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C. Procedures for Removal by BOS:

1. A removal is proposed and discussed at a BOS meeting;
2. The recommendation for removal shall be brought before the full BOS for discussion and vote;
3. The member whose removal is being considered shall be invited to present reason(s) why he/she should not be removed; and
4. Removal from the MCWIB shall require a two-thirds majority and affirmative vote of the BOS at a regularly scheduled meeting, in which a quorum has been established.

**Section 8. Size**

- A. The membership size of the MCWIB shall be that which is required by the WIA, and to fulfill the duties of the MCWIB.
- B. An individual may serve as a representative of more than one membership category so long as adequate justification for his/her expertise in each area is established. No matter how many membership categories an individual represents, he/she is only entitled to one vote and may only be counted as a single member of the MCWIB.

**Section 9. Compensation**

Youth members of the Youth Council may receive reimbursement of travel expenses for attendance at regular meetings of the MCWIB, out of the County travel, as well as overnight travel, when required as a result of MCWIB membership in accordance with written policies and guidelines of the MCWIB and the County of Monterey. In the event MCWIB and County policy differ, the latter shall be applied and controls. Adult members of the MCWIB are not entitled to compensation or reimbursement for duties performed for the MCWIB.

**ARTICLE VII. OFFICERS AND THEIR ELECTIONS**

**Section 1. Officers**

- A. The officers of the MCWIB shall be Chair, Vice Chair, and Second Vice Chair.
- B. There shall be elected one (1) individual to serve in each designated office.
- C. The Chair of the MCWIB shall be elected by the MCWIB from among the Business representatives. The remainder of the officers may be elected from any of the representative groups.

**Section 2. Election of Officers**

The MCWIB shall elect officers in the last regularly scheduled meeting before July 1 of each year in which the term of an officer is to expire. The term shall commence on the first subsequent meeting.

**Section 3. Term of Officers**

- A. The term of each officer shall be two (2) years.
- B. There shall be no consecutive term limits for officers.
- C. An officer shall serve his or her term until a successor is elected or until death, resignation or removal from office for cause.
- D. An officer vacancy shall be filled by vote at a subsequent full MCWIB meeting.
- E. An officer selected to fill a vacancy shall serve for the remainder of the term of the individual whose vacancy s/he is selected to fill.

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**Section 4. Duties of Officers**

- A. *Chair.* The MCWIB Chair shall:
1. Represent the MCWIB to the BOS and the general public;
  2. Preside over all regular and special meetings of the MCWIB;
  3. Serve as Chair of the Executive Committee of the MCWIB;
  4. Prepare the agenda for MCWIB meetings in consultation with the MCWIB Executive Director;
  5. Appoint all committee Chairs and committee members, in consultation with the MCWIB Executive Director;
  6. In cooperation with the BOS, determine the number and composition of the Youth Council;
  7. Determine the sections of the annual WIA Local Plan that are to be developed by the Youth Council because those sections relate to eligible youth, and determine the duties of the Youth Council in addition to those described in the WIA; and
  8. Assign and delegate such responsibilities from time to time.
- B. *Vice Chair.* The MCWIB Vice Chair shall:
1. In the absence of the MCWIB Chair, perform all the duties of the MCWIB Chair; and
  2. Assign and delegate such responsibilities from time to time.
- C. *Second Vice Chair.* The MCWIB Second Vice Chair shall:
1. In the absence of the MCWIB Chair and MCWIB Vice Chair, perform all duties of the MCWIB Chair; and
  2. Assign and delegate such responsibilities from time to time.

**Section 5. Removal of Officers**

The removal of an officer shall require a two-thirds majority vote of the MCWIB and conform to the procedures for member removal as outlined in these bylaws.

**ARTICLE VIII. MEETINGS**

**Section 1. Public Meetings**

- A. All meetings of the MCWIB and its committees shall be called and conducted in conformity with provisions of the Ralph M. Brown Act, hereinafter referred to as the "Brown Act".
- B. Robert's Rules of Order, New Revised, shall govern MCWIB meetings in all cases in which they are applicable and to the extent in which they are not in conflict with these bylaws and other applicable law.
- C. Regular meetings of the MCWIB and its standing and/or ad hoc committees shall be published annually in June for the period of July 1<sup>st</sup> to June 30<sup>th</sup> of the coming program year.
- D. Special meetings of the MCWIB may be called at any time by any officer of the MCWIB for any purpose in accordance with the Brown Act.
- E. Notice of the time and place of special meetings shall be provided to each member and the public in accordance with the Brown Act.
- F. The presiding officer of a meeting, at his/her discretion, may adjourn any meeting, whether a quorum has been established or not, to another time and place. The same meeting may not be adjourned more than once.

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**Section 2. Quorum**

- A. A simple majority of appointed members shall constitute a quorum for the transaction of business at all MCWIB, committee and Youth Council meetings.
- B. A meeting at which a quorum is initially established may not continue to transact business if the quorum is not maintained due to the withdrawal or departure of members.

**Section 3. Voting**

- A. Each member of the MCWIB shall be entitled to one vote on an action.
- B. No member of the MCWIB shall cast a vote on any matter which has direct bearing on services to be provided by the member or any organization with which that member is associated, or would otherwise be the basis for a conflict of interest, as outlined in these bylaws in Article X. Conflict of Interest, Ethics & Economic Interests, Section 1.
- C. Action brought before the MCWIB shall be resolved by a vote of a simple majority of the members present, provided a quorum is present.
- D. At the request of any member, or upon the discretion of the Chair, a roll-call or ballot vote may be requested for any action of the MCWIB.

**ARTICLE IX. COMMITTEES**

**Section 1. General**

- A. All committees established under the MCWIB shall conform to the bylaws of the full MCWIB.
- B. All actions of MCWIB standing committees and workgroups are advisory to the MCWIB.
- C. Chairs of the MCWIB committees, in consultation with the MCWIB Executive Director, shall prepare the agenda for committee meetings.
- D. Members who are designated as a One-Stop Career Center Operator shall not serve on any committee that deals with the oversight of the One-Stop system or allocation of resources that would potentially be allocated to that member's program or might otherwise be the basis of a conflict of interest, as outlined in these bylaws in Article X. Conflict of Interest, Ethics & Economic Interests, Section 1.

**Section 2. Standing Committees**

- A. There shall be established **three** standing committees of the MCWIB to include the Executive Committee, Oversight & Evaluation Committee, **and Business Services Committee**.
- B. To the extent possible, standing committees shall be comprised of at least one representative from each of the required MCWIB representative categories as outlined in the WIA, with the majority of committee members being Business representatives.
- C. The term of the Chair of any standing committee shall be for two (2) years, concurrent with the term of the Chair of the MCWIB.

**Section 3. Executive Committee**

- A. The Executive Committee shall be comprised of the following Board members: Chair, Vice Chair, Second Vice Chair, Immediate Past Chair, Youth Council Chair, the Chair of any other standing committee, and up to two other MCWIB members appointed at the discretion of the MCWIB Chair.
- B. The MCWIB Chair shall serve as Chair of the Executive Committee.
- C. Responsibilities of the Executive Committee shall include:

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1. Report upon all action taken by the committee at regularly schedule MCWIB meetings;
  - (a) Emergency actions and all other actions taken by the Executive Committee without the prior approval of the full MCWIB are conditional and subject to either ratification or rescission by the full MCWIB at its subsequent meeting.
2. Make recommendations for membership to the MCWIB and Youth Council in compliance with membership requirements as outlined in the WIA;
3. Determine responsibilities of all standing committees and workgroups and review work plans of such bodies;
4. Review the attendance of MCWIB and Youth Council members and make recommendations for removal of a member as outlined in Article VI. Membership, Section 7 of these bylaws; and
5. Perform other duties as the MCWIB may deem necessary.

**Section 4. Oversight & Evaluation Committee**

- A. An Oversight & Evaluation Committee shall be established and composed of MCWIB members as directed by the MCWIB Chair.
- B. Responsibilities of the Oversight & Evaluation Committee shall include:
  1. Conduct monitoring and evaluation of services, activities and grants or contracts, including the Monterey County One-Stop Career Center(s), funded by the WIA or otherwise and awarded by the MCWIB, as related to all adult, dislocated worker, rapid response programs; and
  2. Report back to the full MCWIB on issues, as directed by the full MCWIB.

**Section 5. Business Services Committee**

- A. **A Business Services Committee shall be established and composed of MCWIB members as directed by the MCWIB Chair.**
- B. **Responsibilities of the Business Services Committee shall include:**
  1. **Develop and make recommendations for the Business Service Plan to the Board of Supervisors in an effort to increase employer involvement in the activities of our local board;**
  2. **Submit the Business Services Plan along with the local Strategic Plan to the State California Workforce Investment Board;**
  3. **LMI Analysis**
  4. **Oversight of Rapid Response Services**
  5. **Champion Work Readiness Certificates – WorkKeys; and**
  6. **Report back to the full MCWIB on bi-annual basis.**

**Section 6. Youth Council**

- A. A Youth Council shall be established in accordance with the WIA and be comprised of members in compliance with the WIA.
- B. Responsibilities of the Youth Council shall include, but not be limited to the following.
  1. Conduct monitoring and evaluation of youth services, activities and grants or contracts funded by the WIA and other funding procured by the MCWIB;
  2. Make recommendations to the Executive Committee and the full MCWIB relating to youth programs and eligible providers for those programs;



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3. Foster integration and collaboration of youth activities in the local area; and
  4. Report back to the full MCWIB on issues as directed by the full MCWIB.
- C. The Youth Council shall elect its Chair from its members.
- D. The term of each Youth Council member, shall be two (2) years and follow guidelines for removal and appointment as established in these bylaws.
- E. Members of the Youth Council who are not members of the MCWIB shall be voting members of the Youth Council and nonvoting members of the MCWIB.

**Section 7. Other Committees**

- A. The MCWIB Chair may from time to time establish other standing committees or workgroups to assist the MCWIB in carrying out its duties or current work, by appointing a MCWIB member as Chair of that committee or workgroup.
- B. Workgroups may include individuals who are not appointed to the MCWIB so long as the individual has expertise in the topic/task of such body.
- C. The MCWIB Chair and chair of the standing committee shall be responsible for appointing members of the respective committee including MCWIB members and other interested stakeholders, as appropriate.

**ARTICLE X. CONFLICT OF INTEREST, ETHICS & ECONOMIC INTERESTS**

**Section 1. Conflict of Interest**

- A. Members of the MCWIB shall comply with applicable Conflict of Interest laws, including but not limited to the Political Reform Act (Government Code, Section 87100, et seq.) and applicable administrative regulations (2 Cal. Code of Regulations, Section 18100, et seq.), and any amendments to the Act or regulations, as well as the applicable Conflict of Interest Code approved by the BOS.
- B. A conflict of interest exists if it is reasonably foreseeable that the outcome of participating in a governmental decision will have a material impact on a MCWIB member's economic interest which is distinguishable from the public generally.
- C. Participation in a governmental decision includes voting on a matter (including recommendations), appointing a person, obligating or committing the MCWIB to a course of action, negotiating agreements, influencing a decision and otherwise exercising judgment in making a decision.
- D. Each member is responsible for determining whether any potential or actual conflict of interest exists or arises for him/herself during tenure on the MCWIB or Youth Council.
- E. Any member with a potential or actual conflict of interest shall comply with applicable law, including requirements for public disclosure and recusal.

**Section 2. Ethics Training**

Each member shall receive training in ethics in accordance with MCWIB written policies and guidelines and applicable Federal or State law and regulations.

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**Section 3. Economic Interest**

Each member shall file a Statement of Economic Interest promulgated by the Fair Political Practices Commission as a condition of assuming membership, annually while serving as a member, and upon leaving membership of the MCWIB, in compliance with applicable law.

**ARTICLE XI. AMENDMENTS**

- A. Amendments to these bylaws may be made at any regularly scheduled meeting of the MCWIB, provided the amendment has been submitted in writing at the previous regular meeting or at least seven (7) days in advance of the meeting at which the amendments will be presented for action.
- B. Amendments require an affirmative vote of the majority of the membership present at a meeting where a quorum is present.
- C. Amendments to these bylaws shall be reviewed and approved by the Monterey County Counsel prior to the approval of the MCWIB.
- D. Amendments to these bylaws require approval of the BOS.

**ARTICLE XII. SEVERABILITY**

If any part of these bylaws is held to be null and/or void, the validity of the remaining portion of the bylaws shall not be affected.

**ARTICLE XIII. ENACTMENT**

These bylaws shall become effective upon adoption by a majority vote of the MCWIB, and shall remain in effect, as amended by Article XII, until dissolution of the MCWIB.