

# MEMORANDUM

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**TO:** Workforce Development Board Executive Committee

**FROM:** Christopher Donnelly

**SUBJECT:** Approval of Amendments to Bylaws

**DATE:** January 15, 2026

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**RECOMMENDATION:**

Approve changes to the Monterey County Workforce Development Board (MCWDB) Bylaws needed to bring them into compliance with State of California Employment Development Department (EDD) requirements as cited during its Annual Monitoring Review for Program Year 2024-25.

**SUMMARY:**

MCWDB's Bylaws were approved by the Monterey County Board of Supervisors on November 8, 2016, with the most recent revisions approved on May 4, 2021. Revisions to these Bylaws are recommended to incorporate the Workforce Innovation and Opportunity Act (WIOA) requirements under 20 Code of Federal Regulations (CFR) 679.310 relating to the use of alternates, implementation of staggered terms, and addition of the duty of WDB members to "actively participate in leveraging support for workforce development activities." The proposed amendments also eliminate a requirement retained from the Workforce Investment Act (WIA) for at least one member to represent a community-based organization. Finally, the proposed amendments reflect the State EDD Compliance Review Office's interpretation of the Brown Act as it relates to the use of proxies such that proxy voting is presumed to be prohibited.

**BACKGROUND:**

The Compliance Review Office (CRO) of the State EDD provides annual onsite WDB monitoring to determine compliance with applicable federal and state laws, regulations, and policies specific to the programmatic, fiscal, and procurement systems related to WIOA.

**DISCUSSION:**

For the onsite review held during the week of December 15, 2025, the State monitor's areas of focus included the WDB's Bylaws.

The first observation the monitor provided on the Bylaws was the need for language describing the WDB members' duty to leverage support for workforce development activities, as cited in 20 CFR 679.310 (g)(6), which was subsequently added to the WDB's Draft Amended Bylaws for approval in early January 2026.

Another observation on the Bylaws focused on the prior workforce legislation's requirement for at least one member to represent a community-based organization (CBO), a requirement that is not consistent with the WIOA legislation. As of the beginning of 2026, the WDB's Local Area Subsequent Designation and Local Board Recertification request, approved by the Board of Supervisors on June 3, 2025, is pending the addition of another Labor member and another Business member to maintain the requisite membership composition percentages and the WDB's private sector majority. The addition of a non-business member

such as a CBO would be problematic in terms of achieving the WDB composition required under WIOA to achieve recertification as a WDB.

The monitor further observed that language was missing from the Bylaws as required by 20 CFR 679.310 (g)(2) to address how the WDB members' terms will be staggered to ensure only a portion of membership expires in a given year; language acceptable to the CRO was added to the Draft Amended Bylaws to address this requirement.

A final observation concerned the use of proxies and alternates. The State EDD CRO management cited the requirement that local workforce development board bylaws address the process for proxies and alternate designees as required by 20 CFR 679.310 (g)(4), and provided the opinion that, in California, the Brown Act prohibits proxy voting. The CRO additionally clarified that alternates may be used only if they are formally appointed by the Chief Elected Official under the same category, nomination source, and appointment process as the regular member. Finally, the CRO stated that Boards may also meet this federal requirement by stating that proxies are prohibited and alternates will not be used.

To the extent that the CRO's description of the process for nominating alternates is nearly identical to the process for nominating regular WDB members, it was determined that the preferred approach to compliance on this issue would be to state in the Draft Amended Bylaws that proxies are prohibited and alternates will not be used.

**NEXT STEPS:**

The CRO will issue a monitoring report within 25 business days following the Exit Conference, which occurred on December 23, 2025. If a draft report is issued, the WDB will have 25 business days to provide a reply to the CRO. The final CRO report will be issued within 25 business days following the WDB's reply to the CRO. To avoid findings, the WDB must address the State's observations, amend the affected Bylaws, and document the Board of Supervisors' approval within 25 business days of receipt of the draft report.