

BYLAWS of the MONTEREY COUNTY WORKFORCE DEVELOPMENT BOARD

Approved by the Monterey County Board of Supervisors on November 8, 2016, amended and restated on _____.

The State of California, pursuant to section 107 of the Federal Workforce Innovation and Opportunity Act of 2014 (WIOA), has designated the Monterey County Workforce Development Board as the entity responsible for setting policy and 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 WIOA program activities and require the Monterey County Board of Supervisors, as Chief Elected Official for the Monterey County Workforce Development Area, to appoint a local Workforce Development Board.

ARTICLE I. NAME

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

ARTICLE II. LEGAL AUTHORITY OF THE BOARD

The MCWDB is organized in accordance with the Federal Workforce Innovation and Opportunity Act of 2014, hereinafter referred to as "WIOA."

ARTICLE III. AREA SERVED

The geographical region to be served by the MCWDB 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 MCWDB shall be established to assist the Chief Elected Official, Monterey County Board of Supervisors, hereinafter referred to as "BOS", in strategic planning, oversight, and evaluation of the local workforce development area, and shall promote effective outcomes consistent with statewide goals, objectives, and negotiated local performance measures.
- B. Duties of the MCWDB shall be in accordance with the WIOA including, but not limited to:
 1. In partnership with the BOS, develop a local workforce development area plan;
 2. As part of the Central Coast planning region that includes other local workforce development areas, collaborate with other local boards and chief elected officials in preparation and submission of a regional plan as described in WIOA section 106(c)(2);
 3. Negotiate local performance measures with the BOS and the Governor;
 4. Subject to the approval of the BOS, develop a budget for the activities of the MCWDB, consistent with the local workforce development plan and the duties of the MCWDB under WIOA section 107;
 5. Conduct oversight, in partnership with the BOS, of the use and management of funds, including ensuring the appropriate management and investment of funds to maximize performance outcomes under WIOA section 116;
 6. Negotiate with the BOS and required partners on the methods for funding the infrastructure costs of One-Stop Career Center(s) in the local workforce development area in accordance with Title 20 of the Code of Federal Regulations, section 679.370(k);

7. Using a competitive procurement process, select the One-Stop Operator(s) of the local America's Job Center of California delivery system, in accordance with WIOA section 121(d)(2)(A);
8. With agreement of the BOS and the Governor, the MCWDB may act as a provider of career services, in accordance with WIOA sections 107(g)(2) and 134(c)(2);
9. Using a competitive procurement process, choose to award grants or contracts to youth service providers; in accordance with WIOA section 123(a);
10. Conduct oversight of local WIOA programs;
11. Review and accept applications from training providers to be listed on the Eligible Training Providers List (ETPL);
12. Conduct research and regional labor market analysis;
13. Carry out analyses of the economic conditions in the Central Coast planning region;
14. Assist the Governor in developing the statewide workforce and labor market information system; specifically in the collection, analysis, and utilization of workforce and labor market information for the Central Coast planning region;
15. Conduct other research, data collection, and analysis related to the workforce needs of the regional economy, after receiving input from a wide array of stakeholders who are determined to be necessary to carry out MCWDB functions;
16. In collaboration with secondary and postsecondary education programs, lead efforts in the local workforce development area to develop and implement career pathways within the local workforce development area;
17. Promote the participation of private-sector employers in WIOA programs in the local workforce development area and the Central Coast planning region;
18. Lead efforts to engage with a diverse range of employers and economic development entities, including coordination with BOS economic development strategies;
19. Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers and job seekers;
20. Actively participate in leveraging support for workforce development activities; and
21. Conduct other duties and obligations as may be required by the State of California, the U.S. Department of Labor, and WIOA and associated rules and regulations, for the implementation of WIOA and to achieve the goals stated in these bylaws.

Section 2. Methods

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

- A. *Convener* – Bring together business, labor, education, and economic development entities to focus on community workforce issues.
- B. *Workforce Analyst* – Develop, disseminate and understand current local and regional 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 local workforce development areas and Central Coast planning region's ability to meet the workforce needs of local employers.

ARTICLE V. STAFFING AND SUPPORT

- A. Staffing and support of the MCWDB shall be provided by the Monterey County BOS through a designated County Department.

- B. MCWDB staff shall include an Executive Director and such staff as is necessary to support the activities of the MCWDB. The MCWDB Executive Director shall serve as a non-voting member of the MCWDB Executive Committee and will regularly attend meetings of the MCWDB and its committees.
- C. Under the direction of the MCWDB Executive Director, the MCWDB staff will work on implementation of the policies, goals and activities of the MCWDB. Under the direction of the MCWDB Executive Director, MCWDB staff shall make regular reports to the MCWDB on implementation of the WIOA and other MCWDB programs. Under the direction of the MCWDB Director, MCWDB staff shall be responsible for preparing and distributing agendas for all public meetings.
- D. Under the direction of the MCWDB Executive Director, the MCWDB staff shall maintain an official MCWDB membership list, attendance records, a record of all actions of the MCWDB, and minutes of all MCWDB public meetings and other documents pertaining to the MCWDB and its committees.
- E. MCWDB staff shall ensure the MCWDB and its committees operate in a transparent manner, in accordance with WIOA section 107(e).

ARTICLE VI. MEMBERSHIP

Section 1. Composition

The BOS shall ensure the membership of the MCWDB conforms to all requirements of the WIOA section 107(b), including, but not limited to:

- A. *Business Representatives* –The majority (at least 51%) of MCWDB 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 small businesses, business organizations, or human resource executives with optimum policy-making or hiring authority that provide employment opportunities in in-demand sectors or occupations as defined in WIOA section 3(23). At a minimum, two (2) members must represent small business as defined by the U.S. Small Business Administration. Efforts will be made to include broad representation of businesses throughout the County, consisting of both large and small employers.
- B. *Local Educational Entity* – At least one (1) eligible training provider administering adult education and literacy activities under WIOA Title II; and at least one (1) representative from an institution of higher education providing workforce investment activities, including community colleges.
- C. *Labor Organizations* – At least twenty percent (20%) of MCWDB members must be representatives of labor organizations nominated by local labor federations, including joint-labor management registered apprenticeship programs, or where they do not exist in the local area, employee representatives. At least two (2) members or more must represent labor organizations; and one (1) member or more must represent a joint-labor management, or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists.
- D. *Economic and Community Development Entities* – At least one (1) member must represent an economic development agency, including private sector economic development entities and/or Small Business Development Centers.
- E. *Wagner-Peyser* – At least one (1) member must represent the State Employment Service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the Monterey County local workforce development area.
- F. *Rehabilitation* – At least one (1) member must represent programs carried out under Title I of the Rehabilitation Act of 1973, other than sec. 112 or part C of that title.
- G. The membership of the local MCWDB may include individuals or representatives of other appropriate entities in the local area that have optimum policy-making authority within the entities they represent, including:
 - a. Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;

- b. Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
- c. Philanthropic organizations serving the local area; and
- d. Other appropriate individuals as determined by the BOS.

Section 2. Appointments

- A. Members of the MCWDB shall be appointed by the BOS.
- B. The BOS shall ensure that the membership and appointment of MCWDB members are in accordance with WIOA and applicable State criteria.
- C. The composition of the MCWDB 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. The use of technology such as phone and web-based meetings may be used to ensure members actively participate in meetings, consistent with the requirements of the Ralph M. Brown Act (the Brown Act), California Government Code section 54950—54963.
- F. Proxies are prohibited by the Brown Act and alternates will not be used.

Section 3. Term

- A. The term of each MCWDB 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. Term appointments should closely adhere to 1/3 of terms ending each year to avoid a significant portion of MCWDB membership expiring at the same time.
- B. There shall be a term limit of five (5) three-year terms.
- 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 from his/her MCWDB seat.
- D. Members shall immediately inform the MCWDB of a change in employer or employment status, or other change in membership category, at which time it shall be determined if the member is eligible to continue serving on the MCWDB.

Section 4. Recruitments and Nominations

- A. In the event of a vacancy, the MCWDB Executive Committee is responsible for maintaining the required composition of the MCWDB, as stated in these bylaws. A vacancy may not necessarily be filled if the required composition of the MCWDB can be maintained without filling the vacancy.
- B. The MCWDB shall solicit and accept nominations for MCWDB membership in accordance with representation as needed and shall also comply with the Maddy Act, California Government Code 54970—54974, 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 him/herself for appointment to the MCWDB by submitting a membership application to the MCWDB Executive Director.
- E. Nominations shall be reviewed by the MCWDB Executive Committee to ensure that nominees meet the membership criteria as stated in these bylaws and WIOA, as amended from time to time. If a nomination is approved by the Executive Committee, the Executive Committee shall bring the nomination to the full MCWDB for consideration.
- F. The recommendation for appointment of a new member shall require a two-thirds affirmative vote of MCWDB members present at a regularly scheduled meeting at which a quorum has been established.
- G. The recommendation of the full MCWDB 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 a vacancy, the MCWDB shall inform the BOS of that fact.

Section 5. Vacancies

- A. A vacancy on the MCWDB shall exist on the occurrence of noncompliance with applicable Federal and State regulations, or change in employment status from active employment in the classification that served as the basis for the appointment or other change in membership category.
- 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 MCWDB Chair and/or MCWDB Executive Director.
- B. The MCWDB Executive Director shall provide written notice of all resignations to the MCWDB and BOS.
- C. MCWDB staff shall record attendance and absence at MCWDB meetings. Members should notify MCWDB staff if circumstances prevent their attendance at any meeting. A member may be deemed to have resigned from his/her position on the MCWDB if the member has had three (3) consecutive absences from regularly scheduled meetings of the MCWDB and assigned committee meetings, or if the member misses sixty (60%) of MCWDB meetings in any program year (July-June).
- D. In the event a member exceeds the number of absences described above, the MCWDB Executive Director shall act on behalf of the MCWDB to determine cause of such absences, and shall provide the MCWDB with a report regarding the member's absences to the MCWDB. The MCWDB shall consider whether the member should be deemed to have resigned from his/her position on the MCWDB. The member in question shall be afforded the opportunity to address the MCWDB concerning his or her absences.

Section 7. Removal

- A. A MCWDB member may be removed from the MCWDB 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 MCWDB to conduct its business.
- B. Procedures for Removal by MCWDB:
 - 1. A removal shall be 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 MCWDB 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 MCWDB meeting;
 - 4. Removal from the MCWDB shall require a two-thirds majority and affirmative vote of the MCWDB at a regularly scheduled meeting, at which a quorum has been established; and
 - 5. The MCWDB shall forward the recommendation for removal to the BOS for approval.
- C. Procedures for Removal by BOS:
 - 1. A removal is proposed and discussed at a BOS public 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 MCWDB shall require a two-thirds majority and affirmative vote of the BOS at a regularly scheduled public meeting, at which a quorum has been established.

Section 8. Size

- A. The membership size of the MCWDB shall be that which is required by the WIOA, and to fulfill the duties of the MCWDB.
- 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 and so long as he/she meets all the criteria for representation in accordance with WIOA. 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 MCWDB.

ARTICLE VII. OFFICERS AND THEIR ELECTIONS

Section 1. Officers

- A. The officers of the MCWDB 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 MCWDB shall be elected by the MCWDB from among the Business representatives. The remainder of the MCWDB officers may be elected from any of the representative groups.

Section 2. Election of Officers

The MCWDB 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 of elected officers shall commence on the first subsequent meeting thereafter.

Section 3. Term of Officers

- A. The term of each officer shall be three (3) years.
- B. An officer shall serve his or her term until a successor is elected or until death, resignation or removal from office for cause.
- C. An officer vacancy shall be filled by vote at a subsequent full MCWDB meeting.
- D. 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.

Section 4. Duties of Officers

- A. *Chair*. The MCWDB Chair shall:
 - 1. Represent the MCWDB to the BOS and the general public;
 - 2. Preside over all regular and special meetings of the MCWDB;
 - 3. Serve as Chair of the Executive Committee of the MCWDB;
 - 4. Prepare the agenda for MCWDB meetings in consultation with the MCWDB Executive Director;
 - 5. Appoint all committee Chairs and committee members, in consultation with the MCWDB Executive Director; and
 - 6. Assign and delegate such responsibilities from time to time.
- B. *Vice Chair*. The MCWDB Vice Chair shall:
 - 1. In the absence of the MCWDB Chair, perform all the duties of the MCWDB Chair; and
 - 2. Assign and delegate such responsibilities from time to time.
- C. *Second Vice Chair*. The MCWDB Second Vice Chair shall:
 - 1. In the absence of the MCWDB Chair and MCWDB Vice Chair, perform all duties of the MCWDB 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 MCWDB and shall conform to the procedures for member removal as outlined in these bylaws.

ARTICLE VIII. MEETINGS

Section 1. Public Meetings

- A. All meetings of the MCWDB and its committees shall be called and conducted in conformity with the provisions of the Brown Act.
- B. Robert's Rules of Order, Newly Revised, shall govern MCWDB 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 MCWDB and its standing and/or ad hoc committees shall be published annually in June for the period of July 1st to June 30th of the coming program year.
- D. Special meetings of the MCWDB may be called at any time by any officer of the MCWDB 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.

Section 2. Quorum

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

Section 3. Voting

- A. Each member of the MCWDB shall be entitled to one vote on an action.
- B. Local MCWDB members must neither cast a vote on, nor participate in any decision-making capacity, on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or that member's immediate family, in accordance with 2 CFR 200.318.
- C. Action brought before the MCWDB 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 MCWDB. The recording of votes shall be in accordance with the Brown Act.

ARTICLE IX. COMMITTEES

Section 1. General

- A. All standing committees established under the MCWDB shall conform to the bylaws of the full MCWDB.
- B. All actions of MCWDB standing committees and workgroups are advisory to the MCWDB.
- C. Chairs of the MCWDB standing committees, in consultation with the MCWDB Executive Director, shall prepare the agenda for standing committee meetings.

- D. Members who are designated as a America's Job Center of California or One-Stop Career Center Operator shall not serve on any standing committee that deals with the oversight of the Job Center or 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.

Section 2. Standing Committees

- A. There shall be established **three** standing committees of the MCWDB to include the Executive Committee, the Career Services Committee, and the Business Services Committee.
- B. To the extent possible, standing committees shall be comprised of the required MCWDB representative categories as specified in WIOA and must be chaired by a member of the MCWDB.
- C. The term of the Chair of any standing committee shall be for three (3) years, concurrent with the term of the Chair of the MCWDB.

Section 3. Executive Committee

- A. The Executive Committee shall be comprised of the following MCWDB members: Chair, Vice Chair, Second Vice Chair, Immediate Past Chair, the Chair of any other standing committee, and at least one non-MCWDB member appointed at the discretion of the MCWDB Chair.
- B. The MCWDB Chair shall serve as Chair of the Executive Committee.
- C. Responsibilities of the Executive Committee shall include:
 - 1. Report upon all action taken by the Executive Committee to the full MCWDB at regularly scheduled MCWDB meetings;
 - (a) Emergency actions and all other actions taken by the Executive Committee without the prior approval of the full MCWDB are conditional and subject to either ratification or rescission by the full MCWDB at the first meeting following the emergency or action.
 - 2. Make recommendations for membership to the MCWDB in compliance with membership requirements as specified in WIOA;
 - 3. Determine responsibilities of all standing committees and workgroups and review work plans of such bodies;
 - 4. Review the attendance of MCWDB and standing committee 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 MCWDB may deem necessary.

Section 4. Career Services Committee

- A. A Career Services Committee shall be established and composed of MCWDB members and non-members as recommended by the MCWDB Chair.
- B. Responsibilities of the Career Services Committee shall include:
 - 1. Review monitoring/evaluations of services and activities including the America's Job Center of California or One-Stop Career Center(s), funded by the WIOA or otherwise and awarded by the MCWDB, as related to all Adult, Dislocated Worker, and Youth programs;
 - 2. Inform, assist, and make recommendations to the Executive Committee and the full MCWDB on the development and implementation of a Continuous Quality Improvement (CQI) program to enhance the delivery of career services through comprehensive Adult, Dislocated Worker, and Youth Programs and other WIOA programs, and review and make recommendations regarding career services, youth initiatives, and services to individuals with disabilities; and
 - 3. Report back to the full MCWDB on issues, as directed by the full MCWDB.

Section 5. Business Services Committee

- A. A Business Services Committee shall be established and composed of MCWDB members and non-members as recommended by the MCWDB Chair.
- B. Responsibilities of the Business Services Committee shall include:
 - 1. Develop and make recommendations for the Business Service Plan to the BOS in an effort to increase employer engagement in the activities of the MCWDB;
 - 2. Submit the Business Services Plan along with the local workforce development and regional Strategic Plan to the State of California Workforce Development Board (CWDB);
 - 3. Conduct Labor Market Intelligence (LMI) analysis;
 - 4. Review Rapid Response program services and activities; and
 - 5. Report back to the full MCWDB on issues, as directed by the full MCWDB, on a bi-annual basis.

Section 6. Other Committees

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

ARTICLE X. CONFLICT OF INTEREST, ETHICS & ECONOMIC INTERESTS

Section 1. Conflict of Interest

- A. Members of the MCWDB shall comply with applicable Conflict of Interest laws, including but not limited to, the Political Reform Act (Government Code, Section 81000, et seq.), the regulations of the Fair Political Practices Commission (2 Cal. Code of Regulations Section 181000, et seq.), California Government Code Section 1090, et seq., as well as the applicable Conflict of Interest Code approved by the BOS and any amendments thereto.
- 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 MCWDB 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 MCWDB 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 his/her tenure on the MCWDB and/or standing committee.
- 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 MCWDB written policies and guidelines and applicable Federal or State law and regulations.

Section 3. Economic Interest

The Political Reform Act (Gov. Code sections 81000 et seq.) requires MCWDB members and others associated with the MCWDB to file a Statement of Economic Interest (Form 700) annually, for the purpose of publicly disclosing personal assets and income within certain limits. MCWDB members and others

associated with the MCWDB shall file Form 700 in accordance with the Political Reform Act and the applicable Conflict of Interest Code. MCWDB members and staff must disqualify themselves from participating in decisions which may affect their personal economic interest.

ARTICLE XI. AMENDMENTS

- A. Amendments to these bylaws may be made at any regularly scheduled meeting of the MCWDB, 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 MCWDB.
- 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 MCWDB and approval of the BOS, and shall remain in effect until dissolution of the MCWDB.