

Bylaws

Workforce Development Board of Merced County

A. Name

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

B. Authority

The State of California, pursuant to the Workforce Innovation and Opportunity Act (WIOA) of 2014 (Pub.L113-128) hereinafter the “Opportunity Act”), has designated the geographic area of the County of Merced as a Workforce Development Area and provides funding thereto.

The Opportunity Act, at Section 107, requires that Local Workforce Development Boards shall be established in each Local Workforce Development Area and that such boards shall be certified by the Governor. WIOA further requires that Local Elected Officials shall appoint the members of such boards based on criteria established jointly by the Governor and the California Workforce Development Board.

On May 23, 2000, the Board of Supervisors, acting as the Local Elected Officials of the Merced Local Workforce Development Area, established the Workforce Development 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 Development Board of Merced County at 1205 West 18th St, Merced, California 95340.

D. Purpose

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

Pursuant to Section 107 of WIOA, the following are mandated responsibilities of the Board:

1. In partnership with the Board of Supervisors, development of a local plan for the Local Workforce Development Area;
2. Selection of one-stop operator(s) pursuant to Section 121(d) with the concurrence of the Board of Supervisors;

3. May establish a standing youth committee (Youth Council) pursuant to Section 107 (4)(A)(ii) of the Workforce Innovation and Opportunity Act and, in partnership with the Board of Supervisors, appoint its members;
4. Identification of eligible providers of youth activities and the awarding of grants or contracts on a competitive basis, based on recommendations of the youth standing committee, if such a committee is established for the local area;
5. Identification of eligible providers of training services pursuant to Section 122;

In the event that the local one-stop operator does not provide career services in the local area, identification of eligible providers of career services;

6. May terminate for cause the eligibility of such providers;
7. Development of a budget for itself, subject to the approval of the Board of Supervisors;
8. 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 Development Area;
9. In partnership with the Board of Supervisors, negotiation of local performance measures with the Governor;
10. Provision of assistance to the Governor in developing a statewide employment statistics system;
11. Coordination of workforce development activities conducted under the Workforce Innovation and Opportunity 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 development system.

E. Membership

1. Composition - The membership of the Board shall include:
 - a. At a minimum a majority of members shall be 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, including small businesses, or organizations representing businesses described in this clause, that provide employment opportunities that, at a minimum, include high quality, work-relevant training and development in in-demand industry sectors or occupations in 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 administering education and training activities, including one representative from entities providing adult education and literacy activities under WIOA Title II, and one representative from postsecondary educational institutions providing workforce investment activities (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. Not less than 20% of the members shall be representatives of the workforce within the local area who shall include 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.
- d. May include representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present);
- e. One (1) representative of economic development agencies, serving the local area;
- f. One (1) representative from State Employment Office (EDD);
- g. One (1) representative from Department of Rehabilitation;
- h. A representative of the Merced County Board of Supervisors; and
- i. May include various other representatives of entities and agencies as deemed appropriate under Section 107.
- j. 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

All members may be appointed and/or reappointed to a four (4) year term.

3. Removal of a Member

The Chairperson may recommend to the Board the removal of a Board Member or committee 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.

F. Officers

1. Number and Titles

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

2. Term

The term of all officers shall be for **two (2) years**. Members may be reappointed.

3. Election

Officers shall be elected by the Board members **every two (2) years** 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 two private sector WDB members elected at large. 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.
 - e. Two Private Sector members will be elected at large to the Executive Committee by the WDB, simple majority. Said election to take place during the election of WDB officers.
3. Youth Council
 - a. Pursuant to Section 107 (4)(A)(ii) of the Opportunity Act, there may be established a standing youth committee (Youth Council). If a committee is established 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 may 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 WIOA 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); and
 - v. 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 three (3) seats on the Youth Council shall be filled by Workforce Investment Board members.
- e. The Chairperson of the Youth Council shall be one of the three abovementioned Workforce Development Board members.

4. Business Service Committee

- a. Pursuant to California Unemployment Insurance Code Section 14200(c)(9)(C), there may be established a committee that further develops and makes recommendation for the business service plan in the area. If a committee is established, members of the Business Service Committee shall be appointed by the Chairperson of the Board and such appointments shall be ratified by the Merced County Board of Supervisors.
- b. The Business Service Committee may be responsible for further developing and making recommendations for the business service plan in the area, so that the plan includes strategies towards:
 - i. efforts to partner with businesses to identify the workforce training and educational barriers to attract jobs in the relevant regional economy, existing skill gaps reducing the competitiveness of local businesses in the relevant regional economies, and potential emerging industries that would likely contribute to job growth in the relevant regional economy if investments were made for training and educational programs;
 - ii. an electronic system for both businesses and job seekers to communicate about job opportunities;

- iii. carrying out other duties, as authorized by the Chairperson of the Board.
- c. Members will be comprised of at least two (2) business representative Workforce Development Board members and one (1) labor representative Workforce Development Board member.
- d. The Chairperson of the Business Service Committee shall be one of the two abovementioned business representative Workforce Development Board members.

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.

3. Quorum

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

4. Remote Access

Any WDB member or committee member may participate in a WDB meeting, or a committee of the WDB, by means of a telephone or video conference or by any means of communication by which all persons participating in the meeting are able to communicate with one another, and such participation shall constitute presence at the meeting. In order to remotely attend a meeting the following conditions must be met:

- a. At least a quorum of the legislative body must participate from locations within the local agency's jurisdiction;
- b. Additional Remote Access locations may be made available for the public;
- c. Each Remote Access location must be specifically identified in the agenda of the meeting, including a full address and room number, as may be applicable;

- d. Agendas must be posted at each Remote Access location, even if a hotel room or a residence;
 - e. Each teleconference location must be accessible to the public and have technology such as a speakerphone, to enable the public to participate;
 - f. The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location;
 - g. All votes must be by roll call.
5. 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.

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

7. 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.

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

Rosenberg'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.

Responsible Official: Assistant Director

Revised Date: February 13, 2020