

SAN BERNARDINO COUNTY
LOCAL WORKFORCE DEVELOPMENT BOARD
BY-LAWS

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RECITALS

The Governor of the State of California, pursuant to the Workforce Innovation and Opportunity Act of 2014, hereinafter called the Act or WIOA, Public Law H.R. 803, has designated San Bernardino County as a local Workforce Development Area for the operation of comprehensive workforce development system activities, and provides funding thereto.

The federal and state rules and regulations promulgated pursuant to the Act require the establishment by the chief elected official, and certification by the Governor, of a local Workforce Development Board, to set policy for that portion of the statewide workforce development system within the local workforce development area, to wit, the County of San Bernardino. Having been duly established and certified, the San Bernardino County Workforce Development Board shall discharge its duties and provide for mandated program and related activities as follows:

ARTICLE I – NAME

The name of this organization shall be the SAN BERNARDINO COUNTY WORKFORCE DEVELOPMENT BOARD, hereinafter alternately referred to as WDB.

ARTICLE II – LOCATION

The principal offices of the WDB shall be in the State of California and County of San Bernardino, and all mail should be addressed to the San Bernardino County Workforce Development Board. The WDB may change the principal office from one location to another within the San Bernardino County by noting the changed address and effective date. Such changes of address shall not be deemed an amendment of these By-laws.

ARTICLE III – PURPOSE AND FUNCTION

The WDB shall be responsible to the San Bernardino County Board of Supervisors, hereinafter alternately referred to as BOS, for providing planning and oversight for the comprehensive workforce development program throughout the local Workforce Development Area.

Section 3.01 – Authorized Duties and Responsibilities

Duties and responsibilities of the WDB are as set forth in this Section 3.01. As the WDB's implementation of the Act may be more (though not less) prescriptive than the

Act or implementing regulations require, additions, deletions or changes to the duties and responsibilities of the WDB may be incorporated herein in accordance with the provisions of Article XIII of these By-laws. Therefore, pursuant to WIOA Section 107 (d), as a minimum:

- A. WDB shall develop a local Workforce Development Area Four-Year Plan in accordance with the Act, Section 108, and shall submit the plan to the Governor upon approval of the BOS.
- B. The WDB shall conduct research, data collection, and analysis related to the workforce needs of the local and regional economic conditions. Regular updates of such information shall include needed knowledge and skills, the workforce, and the workforce development activities in the region, as described in the Act, Section 108(b)(1)(D).
- C. The WDB shall support the Governor in developing a statewide workforce and labor market information system, as described in the Wagner-Peyser Act.
- D. The WDB shall coordinate and convene local workforce development system stakeholders to assist in the development of the local plan and in identifying expertise and resources to leverage support. The WDB may engage such stakeholders in carrying out the functions described in these By-laws.
- E. The WDB shall promote and lead efforts to engage a diverse range of employers and entities in the region to support utilization of the local workforce development system and to ensure that the workforce investment activities meet the needs of employers and support economic growth in the region, in accordance with the Act, Section 107(d)(4). The WDB shall promote Board participation from those businesses whose employment opportunities reflect existing and emerging regional employment opportunities.
- F. The WDB shall develop and implement promising strategies for meeting the employment and skill needs of workers and employers that provide the skilled workforce needed by the region and that expand employment and career advancement opportunities for participants in in-demand sectors or occupations.
- G. The WDB shall lead efforts with representatives of secondary and postsecondary education programs to develop and implement career pathways within the local area, pursuant to the Act, Section 107(d)(5).
- H. The WDB shall lead efforts in the local area to identify, promote, and disseminate information on proven and promising practices in meeting the needs of employers and jobseekers, as described in the Act, Section 107(d)(6).

- I. The WDB shall develop strategies for using technology to maximize accessibility and effectiveness of the local workforce development system, pursuant to the Act, Section 107(d)(5).
- J. The WDB shall provide policy oversight and ensure appropriate use and management of funds for employment and training activities, the one-stop delivery system, and programs affecting youth in the local Workforce Development Area. In accordance with WIOA Section 107(d)(8), WDB will ensure the appropriate use, management, and investment of funds to maximize performance outcomes.
- K. The WDB shall negotiate with the Governor to arrive at agreed upon local performance accountability measures for the local workforce development system, subject to the approval of the BOS.
- L. The WDB shall designate all One-Stop operators in accordance with the Act, Section 121(d), subject to the approval of the BOS.
- M. The WDB shall identify eligible providers of youth activities in accordance with the Act, Section 123, by awarding contracts on a competitive basis, subject to the approval of the BOS.
- N. The WDB shall identify eligible providers of training services in accordance with the Act, Section 122, which includes receiving applications from providers who desire to provide training services within the local Workforce Development Area and determining a provider's initial eligibility.
- O. The WDB shall coordinate activities with education and training providers in the local area, including providers of adult education and literacy activities, career and technical education, and local agencies administering plans under Title I of the Rehabilitation Act of 1973.
- P. The WDB shall develop a budget, subject to the approval of the BOS, to provide for the activities assigned it through the Act and these By-laws, in accordance with WIOA Section 107(d)(12).
- Q. The WDB shall assess the physical and programmatic accessibility, in accordance with WIOA Section 188, of all one-stop centers.
- R. The WDB, with the approval of the BOS, shall develop and enter into Memorandums of Understanding between itself and the local One-Stop partners, designated in the Act, Section 121(b), concerning the operation of the One-Stop system within the local Workforce Development Area, in accordance with the Act, Section 121(c).

- S. The WDB may establish objective qualifications for and hire a director and may hire other staff to carry out the duties assigned it through the Act and these By-laws, in accordance with the Act, Section 107(f).
- T. The WDB may, at the request of the Chairperson and with the approval of the BOS, initiate other duties consistent with the intent of the Act, state law and implementing regulations.

Section 3.02 – Statutory Prohibitions and Restrictions

- A. Neither the WDB nor its staff may directly provide career services or be designated or certified as a One-Stop operator, unless authorized by the BOS and the Governor.
- B. Neither the WDB nor its staff may provide training services, unless the Governor grants a waiver in accordance with the Act, Section 107(c).

ARTICLE IV – MEMBERS

Section 4.01 – Structure of the WDB

The organizational structure, nomination, and appointment process for the WDB was established on August 25, 2015 (Item No. 59) by the Board of Supervisors pursuant to Section 107 of WIOA, subdivision (b). This Item and the Act provide that the WDB shall be comprised of nineteen (19) persons as described in the following categories.

- A. The majority of members, ten (10), shall be representatives of businesses in San Bernardino County [2 representatives per Supervisorial District] 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. Not less than twenty percent (20%) shall be representatives of the workforce within San Bernardino County.
 - i. Two (2) at-large representatives of labor organizations nominated by local labor federations,

- ii. One (1) at-large representative from a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such program exists, a representative of an apprenticeship program, and
 - iii. One (1) at-large representative from a community-based organization with experience and expertise in addressing the employment needs of individuals with barriers to employment.
- C. Two (2) at-large representatives of entities administering education and training activities.
 - i. One (1) representative of an eligible provider of adult education and literacy activities under Title II of the Act, and
 - ii. One (1) representative of institutions of higher education providing workforce investment activities, including community colleges.
- D. One (1) at-large representatives of the State employment service office under the Wagner-Peyser Act serving the local area.
- E. One (1) at-large representative of economic and community development entities.
- F. One (1) at-large representative of a program carried out under title I of the Rehabilitation Act of 1973.

Pursuant to WIOA Section 107(a)(5), the representatives appointed to local workforce development boards must have optimum policy-making authority within the entity they represent. Optimum policy-making authority is the ability to reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit the entity to a chosen course of action (U.S. Department of Labor Training and Employment Guidance Letter 27-14).

Section 4.02 – Selection of WDB Members and Membership Terms

Members of the WDB shall be nominated in accordance with the Act and appointed by the BOS for a two (2) year term. The initial WDB member terms will be staggered to expire after one or two years. WDB members may be reappointed for additional two-year terms with no limit on the number of terms. Each member’s term will be coterminous with that of their appointing Supervisor. Subsequent WDB members shall expire two (2) years after appointment unless earlier terminated or expired.

Section 4.03 – Financial Disclosure Obligation

Members of the WDB shall comply with the intent of the California Political Reform Act of 1979 and any other conflicts of interest or financial disclosure requirements the state or County may mandate.

Section 4.04 – Conflicts of Interest

Members of the WDB and any committee of the WDB are subject to the conflict of interest provisions set forth in the Act, Section 108(h), the Fair Political Practices Act (Cal. Govt. Code § 87100 et seq.), Section 1091.2 of the California Government Code, the Political Reform Act of 1974 (Cal. Govt. Code § 81000), and any additional conflict of interest regulations or policies established by the San Bernardino County Board of Supervisors. Upon appointment to the WDB, members shall be provided copies of the applicable conflict of interest laws, regulations, and policies and shall be responsible for completing forms and trainings as may be legally required. Questions regarding the interpretation or applicability of such conflict of interest provisions shall be directed to the Office of the County Counsel.

Section 4.05 – Termination, Resignation and Removal of WDB Members

A member of the WDB may be removed by the Board of Supervisors in accordance with County of San Bernardino Policy No. 02-09 (Section F, 7). The right of a member to vote and all of their rights, title, and interest in and to the WDB shall cease upon removal.

If a member is no longer able to effectively represent the categorical seat to which he or she was appointed for reasons which include, but are not limited to, frequent absences from meetings, or a change in employment or other status that alters the qualifications or conditions that were relied upon in making the initial appointment, the WDB shall, pursuant to a majority vote of the WDB members present at a regular or special meeting of the WDB, recommend to the Board of Supervisors that the member be removed.

Section 4.06 – Rights

When permitted by these By-laws, it shall be the right of a member to vote on all matters before the WDB except where there is a conflict of interest, pursuant to Section 4.04, and to represent the interests of the WDB when properly authorized by the WDB.

ARTICLE V - MEETINGS

Section 5.01 – Regular Meetings

The WDB and its standing committees shall annually establish the dates, time, and place of their regular meetings. WDB regular meetings shall be held at least quarterly.

Section 5.02 – Special and Emergency Meetings

The WDB and its standing committees may hold special meetings or emergency meetings in accordance with the applicable provisions of the Brown Act (Cal Govt. Code § 54950 et seq.).

Section 5.03 – Notice and Conduct of Meetings

All meetings of the WDB, the Executive Board, and its standing committees, whether regular, special, or emergency meetings, shall be called, noticed, held, and conducted in accordance with the Brown Act (Cal Govt. Code § 54950 et seq.) and 29 U.S.C. § 2832, subdivision (e) (Sunshine Provision). The order of business to be generally followed for all meetings shall consist of:

1. Opening
2. Consent Items
3. Discussion Items
4. Information Items
5. Public Comments
6. Adjournment

The WDB staff shall cause to be kept minutes of all regular, special, and emergency meetings minutes of the WDB, the Executive Board, and its standing committees, and shall, as soon as possible after each meeting, cause a copy of the minutes to be made available to each member. All votes shall be recorded in the minutes.

Section 5.04 – Voting

- A. Each member of the WDB shall be entitled to one vote on an action and no proxy votes shall be permitted.
- B. No member of the WDB shall cast a vote on any matter which has direct bearing on services to be provided by the member or any organization with which he or she is associated, or would otherwise be the basis for a conflict of interest, as outlined by these bylaws in Section 4.04.
- C. The WDB may act on matters properly agendized by a vote of a simple majority of the members present, provided that there is a quorum.

Section 5.05 – Recording of Attendance

- A. Attendance of all members present at any meeting of the WDB or its standing committees shall be recorded by the WDB staff. The record of attendance shall also indicate the members who are absent.

- B. If a register, questionnaire, or any similar document is posted or circulated at the meeting, it shall clearly state that completion of the document is voluntary and not a precondition of attendance.

Section 5.06 – Meeting Attendance

Attendance by members at regularly scheduled meetings is critical for the WDB to fulfill its functions. Members are expected to attend regularly scheduled general WDB and committee meetings of which they are a member.

- A. Members who are absent, one half (1/2) of the general WDB meetings during a twelve (12) month period or more than three (3) consecutive regularly scheduled general WDB meetings may be subject to a recommendation of removal pursuant to Section 4.05 herein. Additionally, members who demonstrate a substantial pattern of absenteeism at general WDB meetings, although in a different absentee pattern from the ones noted above, may also be subject to a recommendation of removal pursuant to Section 4.05. The Chair of the WDB may recommend to the WDB any member in violation of this Section, and by a majority vote of the WDB members where a quorum is present, the WDB may submit the member's name to the BOS for recommendation of removal. In the event that the Chair is the member in violation of this Section, the Vice-Chair may submit the name of the Chair to the WDB for such a vote.
- B. Committee members who are absent, from one half (1/2) of the committee meetings during a twelve (12) month period or more than three (3) consecutive regularly scheduled committee meetings may be subject to dismissal by the Committee Chair pursuant to Section 10.01 herein.
- C. Members shall attend meetings of the WDB and of committees to which they have been appointed. The WDB Chair and Committee Chairs shall routinely review member attendance of WDB and committee meetings.
- D. Members shall notify the Chair of the WDB of any expected absence for a meeting by 5:00 p.m. of the day before the meeting, such notification may be made directly to the Chair or through WDB staff.

ARTICLE VI – QUORUM

For any meeting of the WDB or any committee of the WDB, a quorum is achieved when a majority of the members appointed to such body are present at the meeting. Members may conduct business and vote on agenda items when a quorum is present. 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.

When less than a quorum of the WDB appears at a noticed meeting, the WDB may continue to meet for discussion purposes.

ARTICLE VII – OFFICERS

Section 7.01 – Officers of the WDB

The officers shall be the Chair, Vice-Chair, and Second Vice-Chair. WDB staff shall serve as Secretary to the WDB.

The officers shall perform the duties prescribed by these By-laws, by federal and state law, and by the parliamentary authority adopted by the WDB.

Section 7.02 – Election of Officers

The officers shall be elected via majority vote of WDB members present at a general or special meeting.

- A. No person shall be elected to more than one (1) office. A term of office shall be one (1) year or until a successor is selected. No member shall be eligible to serve more than three (3) consecutive terms in the same office.
- B. The Chair, Vice-Chair, and Second Vice-Chair for the WDB shall be elected by the WDB from among members appointed to the WDB pursuant to Section 4.01 of these By-laws, as prescribed by WIOA, Section 107(b)(3). The persons elected to the office of Chair, Vice-Chair, and Second Vice-Chair may be removed from office by a majority vote of the entire WDB membership.
- C. Elections shall be conducted annually at the first general WDB meeting after the first of March.
- D. Each year, a nominating ad hoc committee shall be appointed by the WDB Chair for the purpose of proposing a slate of officers. Once the Nominating Committee has proposed a slate of officers, other nominations may be made from the floor during the WDB meeting in which the slate is presented.
- E. A vacancy in an office shall exist in the case of death, resignation, removal, or disqualification resulting when an officer no longer meets the criteria, under which they were nominated, or any unresolvable conflict of interest or impropriety, such as failure to comply with these By-laws, or conduct detrimental to the interest of the WDB.

- F. In the event of a vacancy in the office of Chair, the Vice-Chair shall succeed immediately to the office of Chair and possess all the powers to perform all the duties of that office for the remainder of the Chair's unexpired term.
- G. In the event of a vacancy in the office of Vice-Chair, the Second Vice-Chair shall succeed immediately to the office of Vice-Chair.
- H. In the event of a vacancy in the office of Second Vice-Chair, the office shall be filled in accordance with paragraph (B) above for the unexpired term of that office.

Section 7.03 – Chair

The Chair is the elected representative of the WDB and spokesperson for the policies established by the WDB.

- A. The Chair works under the advice, direction, and consent of the WDB, and is responsible for representing the collective thinking and actions of the WDB. The Chair shall:
 - i. Preside over and conduct WDB meetings in accordance with these By-laws, the Brown Act, and any other applicable laws or policies.
 - ii. Convene meetings of the WDB in accordance with these By-laws and establish meeting protocols as may be required but in accordance with parliamentary procedure.
 - iii. Adjourn meetings after receiving motion, second, and majority vote. The Chair may adjourn meetings without the WDB's consent only in emergency cases such as natural disaster.
 - iv. Represent the WDB membership at State Designated Workforce Entity meetings.
 - v. Act as the liaison for the WDB to the BOS or its designee(s).
 - vi. Inform the One-Stop Operators of changes of policy passed by the WDB for implementation of newly formulated WDB policies and/or procedures.
 - vii. Annually appoint a chairperson for each standing committee set forth in Section 10.01 of these By-laws and fill by appointment any vacancies in such positions.
 - viii. Create and dissolve ad-hoc committees, and appoint and dismiss a chairperson for each ad-hoc committee.

- ix. Sign the Workforce Development Area Four-Year Local Plan after its approval by the WDB.

- B. The Chair shall obtain the advice and consent of the WDB before acting in all matters not specifically delegated herein to the Chair. Those duties and responsibilities not specifically delegated herein to the Chair are retained by the WDB, and require the advice and consent of the WDB before action or implementation by the Chair.

Section 7.04 – Vice-Chair

At the request of the Chair, or in the event of the Chair’s absence or disability, or vacancy in the office of Chair, the Vice-Chair shall perform the duties and possess and exercise the powers of the Chair.

Section 7.05 – Second Vice-Chair

The Second Vice-Chair shall have such powers and duties as from time to time may be assigned by the Chair, including duties of the Chair or Vice-Chair during the absences or disabilities or vacancies of the Chair and Vice-Chair as may be applicable.

Section 7.06 - Secretary

The Secretary shall have charge of the records of the WDB and shall also perform the duties usually incident to the office of Secretary.

ARTICLE VIII – EXPENSES

Allowable expenses while attending WDB business may be reimbursed by the WDB at prevailing County rates. Reimbursement of the actual cost of expenses is to be in accordance with the rate allowed elected officers.

ARTICLE IX – EXECUTIVE BOARD

The WDB shall maintain an Executive Board, which shall consist of the Chair, the Vice-Chair, the Second Vice-Chair, the chair of each standing committee, and the immediate past Chair of the WDB. The Chair shall chair the Executive Board. The Executive Board may convene a meeting, noticed in accordance with the Brown Act, to take action on any urgent matters that cannot be timely acted upon by the WDB because of the timing of WDB general meetings or the lack of quorum at a WDB meeting. Any such matters acted upon by the Executive Board shall be considered for WDB ratification at the next subsequent WDB meeting.

ARTICLE X – COMMITTEES

Section 10.01 – Standing Committees

The standing committees of the WDB are: the Youth Committee, the Economic Development and Business Resource Committee, and the Special Populations Committee. The Chair shall appoint the chair of each standing committee from amongst members of the WDB in good standing. The chair of each standing committee shall, with the concurrence of the Chair of the WDB, appoint the members of each standing committee. The chair of a standing committee (Committee Chair), with the concurrence of the Chair, may also dismiss any member of the standing committee.

Every member of the WDB is encouraged to participate as a member of at least one standing committee. WDB members may volunteer for committee participation and are assigned by the WDB Chair or Committee Chair.

Non-WDB members shall actively participate on standing committees per WIOA, Section 107(b)(4) at the invitation of the WDB Chair or Committee Chair, including voting privileges at the committee level, but shall have no voting privileges on the WDB.

Section 10.02 – Ad-Hoc Committees

Ad-hoc committees may be created and dissolved at the discretion of the Chair pursuant to Section 7.03 of these By-laws. Upon the creation of an ad-hoc committee and appointment of a chair from amongst members of the WDB in good standing, the chair of the ad-hoc committee shall, with the concurrence of the Chair, appoint the members of the committee. The chair of an ad-hoc committee, with the concurrence of the Chair, may also dismiss any member of the ad-hoc committee.

Section 10.03 – Committee Information

The name of each member of a standing committee or ad-hoc committee, together with all papers, information, or other data bearing on the subject or question to be considered by the committee, shall be recorded and supplied to the WDB membership upon request.

ARTICLE XI – INDEMNIFICATION

Section 11.01 – Defense and Indemnification

Refer to County of San Bernardino Policy Manual No. 02-09. A copy shall be provided to each member upon appointment.

Section 11.02 – Fidelity and Bond Insurance

The WDB shall have the power to purchase and maintain fidelity and bond insurance on WDB members and staff to the extent that such power is authorized by the BOS or granted by statute.

ARTICLE XII – PARLIAMENTARY PRACTICES

The Chair shall preserve order and decorum of meetings and set forth the standard for parliamentary practices.

ARTICLE XIII – AMENDMENT OF BY-LAWS

These By-laws may be amended through the following process:

- A. A proposed amendment to these By-laws shall be submitted in writing at least seven (7) days prior to the regularly scheduled and noticed meeting of the WDB at which the amendment is submitted to the WDB.
- B. An amendment must be adopted by a majority vote of the entire WDB membership, and approved by the Board of Supervisors.
- C. The final vote by the WDB on the amendment to these By-laws shall be held not less than twenty-five (25) days after the proposed amendment to the By-laws has been submitted to the membership of the WDB. Such vote shall take place no later than the next regular meeting of the WDB following submission of the proposed amendment to the membership of the WDB.

ARTICLE XIV - EFFECT

These By-laws shall become effective upon adoption by a majority vote of the WDB and approval of the Board of Supervisors, and shall remain in effect until dissolution of the WDB, or amended pursuant to Article XIII of these By-laws.

In any conflict arising between the provisions of the Act, applicable state law, or other implementing regulations, the legal provisions of law and regulation shall prevail, except to the extent these By-laws represent allowable discretion of the WDB in interpretation and implementation of law and regulation.

CERTIFICATE OF SECRETARY

I certify that I am the duly appointed Secretary of the SAN BERNARDINO COUNTY WORKFORCE DEVELOPMENT BOARD (WDB) and that the above By-laws, consisting of 16 pages, are the by-laws of this body as adopted by the WDB on January 20, 2016.

Executed on January 20, 2016, at San Bernardino, California

Kristi Sandberg, WDB Staff Aide and Secretary