

BYLAWS
WORKFORCE INVESTMENT BOARD
OF
SAN JOAQUIN COUNTY

The Workforce Investment Board of San Joaquin County hereby creates these Bylaws.

RECITALS

- A. The State of California, pursuant to the Workforce Investment Act of 1998, hereafter called the Act, has designed the County of San Joaquin as a Workforce Investment Area for the operation of employment and training programs at the local level, and provides funding thereto.
- B. The State and Federal rules and regulations promulgated pursuant to the Act provide for program activities and require San Joaquin County establish a Workforce Investment Board, herein called WIB, to be as follows:

1.00 NAME

The name of this body shall be Workforce Investment Board of San Joaquin County, hereafter referred to as WIB.

2.00 PURPOSE AND FUNCTION

- 2.10 The purpose of WIB shall be to involve the business community in employment and training activities under the Workforce Investment Act in order to: (1) Increase private sector employment opportunities for San Joaquin County residents, and (2) to maintain a partnership between business and government that will effectively address the labor needs of business, and contribute to the economic well-being of the community.
- 2.20 The WIB shall serve as the San Joaquin business and industry contact point for the local employment and training system, to present the views of the private sector, organized labor, public assistance agencies, community based organizations, educational agencies, including public education, rehabilitation agencies, economic development agencies, and the California Employment Development Department for making programs responsive to local employment needs.
- 2.30 The WIB shall provide direction on ways to increase private sector employment and training opportunities for persons under the Workforce Investment Act.

- 2.40** The WIB shall identify the skill shortage needs of local private employers and formulate programs to address those needs.
- 2.50** The WIB shall provide policy guidance for, and exercise oversight with respect to, activities under the Job Training Plan for its Workforce Investment Area in partnership with San Joaquin County.
- 2.60** Pursuant to requirements of the Act, the WIB has entered into a written Workforce Investment Board/Board of Supervisors Agreement with San Joaquin County that describes:
- A. Methods and procedures for development of the Job Training Plan and budget for the local Workforce Investment Area;
 - B. Designation of San Joaquin County as the Workforce Investment Area grant recipient and administrator of the plan;
 - C. A process for achieving approval of the Job Training Plan by both WIB and the County of San Joaquin;
 - D. A process for appointment of a Youth Council;
 - E. A process to select WorkNet (One Stop) Operators;
 - F. A process to approve training providers;
 - G. A process to approve local performance measures to be negotiated with the State;
 - H. A process to approve budgets for One-Stop and Youth systems under WIA.

In any instance in which the terms of the Agreement referred to above conflict with these Bylaws, the terms of the Workforce Investment Board/Board of Supervisors Agreement shall prevail.

- 2.70** The WIB shall discharge and perform any and other duties, responsibilities, and functions deemed appropriate by action of the WIB, the WIA, or the Family Economic Security Act or required by governing agencies and their respective rules and regulations which are herein incorporated into these Bylaws by reference.

3.00 MEMBERSHIP

- 3.10** Pursuant to provisions authorized by the Act, San Joaquin County has established the membership and structure of the WIB. Determination of the size and membership of the WIB remains the sole authority of WIB.
- 3.20** The WIB shall consist of thirty-three (33) members, as follows:
- A. Seventeen (17) members, two (2) from each supervisorial district, and seven “at large” shall be private sector representatives, nominated by local business organizations and trade organizations. Private Sector representatives shall be owners of business concerns, chief executive or chief operating officers of non-governmental employers, or others private sector executives who have substantial

management or policy responsibility, including small and minority business, with a record of demonstrated interest in the community, and which represent a geographic balance.

- B. Two (2) members that are representative of labor, and are nominated by local labor federations.
- C. Two (2) members that are representative of education agencies. One (1) representative shall be representative of adult education and literacy programs, and the other representative of post secondary activities under the Carl Perkins Act. These members shall be representative of all educational agencies in the Workforce Investment area, and shall be nominated by regional or local education agencies, institutions and organizations.
- D. One (1) member that is representative of vocational rehabilitation agencies.
- E. One (1) member that is representative of the Human Services Agency.
- F. Two (2) members that are representative of economic development agencies. The appropriate Board or Commission must nominate these members for such economic development agency.
- G. One (1) member that is representative of the Employment Development Department, representing Wagner-Peyser programs, Trade Adjustment Act programs, Veterans Employment programs, and programs under State Unemployment Compensation.
- H. Two (2) members that are representative of community based organizations. The appropriate Board or Commission must nominate these members for such community-based organization.
- I. One (1) representative appointed by the Chief Elected Official to represent Adult, Dislocated Worker and Youth programs under Title 1 of the Workforce Investment Act (WIA), and Welfare to Work under the Social Security Act.
- J. One (1) representative of Job Corp.
- K. One (1) representative of Native American programs. The appropriate Board or Commission providing services to Native Americans must nominate this member.
- L. One (1) representative of Migrant Seasonal Farmworkers. The appropriate Board or Commission providing services to Migrant Seasonal Farmworkers must nominate this member.
- M. One (1) representative of the Housing Authority. The appropriate Board or Commission must nominate such member for the Housing Authority.

Members shall not represent more than one area of representation at the same time. A member who represents a specific area may be re-appointed to represent a different category, but may not provide such representation concurrently.

3.30 Members nominated and appointed to the WIB are expected to serve, and may not appoint alternates.

3.40 WIB members are responsible for notifying the WIB upon change of status, which could lead to lack of representation as identified in these Bylaws. Upon such notice, WIB shall determine if the member may continue. Members whose status changes may remain on the WIB pending recruitment and replacement.

All vacancies in WIB membership shall be filled within sixty (60) days. The San Joaquin County Board of Supervisors shall appoint WIB members.

3.50 The term of WIB membership shall be for two (2) years from the date of appointment by the San Joaquin County Board of Supervisors.

Members shall serve past the expiration date of their term until their successors are appointed.

3.60 Members appointed to fill a vacancy shall serve until the normal expiration of the term of the vacant seat.

3.70 Members may be re-appointed, except those members who have been removed from the WIB for cause. Such members may not be re-appointed, except with two-thirds approval of the full WIB.

3.80 WIB members may resign upon written notice.

3.90 An official membership list, attendance materials, a record of the actions of the WIB, and a detailed statement on the composition, structure, membership, and nomination process for the WIB shall be maintained by WIB.

3.100 WIB members may be removed for cause or because of absence. Cause shall be defined as determined by the WIB that the member has violated the WIB's Code of Conduct.

WIB members may be removed for cause or absence by two-thirds vote of the WIB members in attendance at any regular meeting providing that a quorum of the WIB is present. Removal of WIB members may only be accomplished at meetings of the full WIB. Such authority may not be assigned to an Executive or other committee.

4.00 OFFICERS

4.10 The presiding officer of the WIB shall have a two-year term of office beginning on July 1 and ending on June 30, two years later.

4.20 The WIB shall elect by a majority vote from its membership its Chairperson and Vice-Chairperson. Elections shall occur prior to July 1 biannually. The WIB Chairperson and Vice-Chairperson shall be private sector representatives, and may succeed themselves if so reelected.

4.30 The San Joaquin County Board of Supervisors must ratify the WIB's selection of a Chairperson. The Board of Supervisors shall either affirm the Chairperson selected by the WIB membership or appoint another private sector representative on the WIB to serve as

Chairperson. The Board of Supervisors has the final authority to appoint or reappoint the WIB Chairperson.

- 4.40** The Chairperson and Director WIB/EEDD shall have the responsibility of preparing the agenda for WIB meetings and the management of business of the WIB.
- 4.50** In absence of the WIB Chairperson, the elected Vice-Chairperson shall serve as the presiding officer. In the absence of both the Chairperson and Vice-Chairperson, the WIB shall, at the beginning of its meeting, designate by majority vote, a Chairperson pro tem to serve as presiding officer of that meeting. Such a Chairperson pro tem must be a private sector representative.

5.00 MEETINGS AND QUORUMS

- 5.10** The WIB shall meet not less than four (4) times annually on a calendar quarterly basis.
- 5.20** The WIB Chairperson, or a majority of the WIB, or the Executive Director of the Employment and Economic Development Department may call special meetings of the WIB.
- 5.30** All meetings of the WIB shall be conducted and noticed in conformance with the Ralph M. Brown Act, California Government Code 54960, et. seq. as amended.
- 5.40** A quorum shall consist of fifty-one percent (51%), of the authorized Board who must be present in person to effect a quorum. Authorized Board members shall be defined as those Board members currently in office, exclusive of vacancies
- 5.50** Action may be taken by a simple majority of those present and voting, provided that a quorum is attained.
- 5.60** The Workforce Investment Board meetings shall be governed by Robert's Rules of Order, Revised, in all cases to which they are applicable and to the extent in which they are not inconsistent with, or in conflict with, these Bylaws.

6.00 COMMITTEES

- 6.10** The WIB Chairperson, with the approval of the WIB, shall create committees of the WIB, which may be advisory committees, technical workgroups, and/or business or community advisory groups as determined to be required by WIB.
- 6.20** The WIB Chairperson shall appoint Committee chairpersons and vice-chairpersons from the WIB membership.
- 6.30** Committee members shall be appointed by the WIB Chairperson and include WIB members. Committees may be supplemented by non-voting, ex-officio, non-WIB members, as deemed appropriate by the WIB Chairperson, with the approval of the WIB.
- 6.40** The WIB may empower a Committee to take action on behalf of the WIB for specified purpose(s). The power of any committee to act on behalf of the full WIB requires a two-thirds (2/3)-majority vote of a WIB quorum. Notification of such a committee meeting shall

be sent to all WIB members, who may attend and vote. Such meetings shall be subject to the provisions of the Ralph M. Brown Act.

WIB Committees empowered to take full action on behalf of the full Workforce Investment Board shall have a quorum requirement of fifty-one percent (51%), of the authorized committee members. WIB Committees whose functions are to recommend an action or whose roles are advisory in nature, requiring confirmation by the Workforce Investment Board, shall have no quorum requirement.

- 6.50** All actions of WIB Committees are advisory to WIB unless the WIB delegates the authority to act on behalf of the WIB.

7.00 STAFFING AND SUPPORT OF WIB

- 7.10** San Joaquin County shall provide, from funds made available under the Act, staff and necessary office and material support for the WIB.

- 7.20** At a minimum, staff support to the WIB shall include:

- A. A Director WIB/EEDD who shall be managing officer of WIB and who shall be managing officer of the Workforce Investment Area (WIA).
- B. Legal Counsel, available from the County of San Joaquin, and other sources as required.
- C. Other staff support to the WIB as is deemed appropriate and necessary under its responsibilities described in Agreement with San Joaquin County, the Act, and applicable State legislation to provide, under direction of the Director WIB/EEDD, professional, clerical, and technical staff support for the WIB and its committee.

8.00 CONFLICT OF INTEREST

- 8.10** No member of the WIB may receive any of his/her income from funds available under the Act.

- 8.20** No WIB member shall engage in any activity, including participation in the selection, award, or administration of a subgrant or contract supported by WIA funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the individual, and member of the individual's immediate family, the individual's partner or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm or organization selected for award. The officers, employees, or agents of the agency making the award will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements. WIB members shall not participate in financial matters before the WIB that pertain to organizations that they represent.

A WIB member shall not 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.

Neither membership on the WIB, nor the receipt of WIA funds to provide training and related services shall be construed, by themselves, to violate the provisions of this section. Members of the WIB may vote on the Job Training Plan.

- 8.30** WIB members shall avoid organizational conflict of interest, and they and their personnel, employees, or agents shall avoid personal conflict of interest and appearance of conflict of interest in awarding financial assistance, and in the conduct of procurement activities involving funds under the Act.
- 8.40** Members of the WIB shall comply with the intent of the California Political Reform Act of 1979, as amended (commencing with Section 87300 of Chapter 7, Title IX, of the California Government Code) and the County of San Joaquin Conflict of Interest Code.

9.00 AMENDMENTS

- 9.10** Amendments to these Bylaws may be approved by a two-thirds (2/3) affirmative vote of the full WIB membership, at any regular meeting of the WIB, provided, however, that the amendments proposed has been submitted in writing at the previous regular meeting or included in the call to the meeting. Amendments proposed to these Bylaws must be received by the WIB membership no less than ten (10) working days prior to their consideration by the WIB.

10.00 EFFECT

- 10.10** These Bylaws shall become effective upon initial adoption by a majority vote of the WIB, and shall remain in effect, as amended per section 9.00 above, until dissolution of WIB.
- 10.20** 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 as the Bylaws represent allowable discretion by WIB in interpretation and implementation of law and regulation.