

EXECUTIVE COMMITTEE



ACTION ITEM: 1.8

Date: January 12, 2011

SUBJECT: WIB Bylaw Amendment Action Item

RECOMMENDATION: That the Workforce Investment Board (WIB) Executive Committee approve amendments to the WIB Bylaws.

BACKGROUND: Staff is recommending section II of the bylaws pertaining to the appointment of members be revised to ensure the board's composition meets all federal and state regulations and that the size and membership of the board is conducive for carrying out the role and responsibilities of the WIB. The recommended revisions are highlighted in color below:



Bylaws

WHEREAS, the Workforce Investment Act (WIA) of 1998, Public Law 105-220 (hereinafter the Act), authorizes the expenditure of federal funds for workforce development programs in designated Local Workforce Investment Areas (LWIAs); and

WHEREAS, the State of California has designated the County of Riverside (County) as a Local Workforce Investment Area, hereinafter referred to as LWIA; and

WHEREAS, the Act requires the establishment of a Workforce Investment Board to provide policy guidance and oversight of the workforce development system for the LWIA.

NOW, THEREFORE, the Board of Supervisors of the County (Board of Supervisors) hereby establishes the Workforce Investment Board (WIB) to serve in accordance with the provisions of the Act, as follows:

I. RESPONSIBILITIES OF THE WIB

The WIB shall have the following responsibilities:

- A. Provide policy guidance in the development of the 5-year local workforce investment plan (Local Plan) and provide oversight on the One-Stop system,

youth activities and employment and training activities under Title I of WIA, in partnership with the chief elected official;

- B. Select One-Stop operators with the agreement of the chief elected official;
- C. Develop a budget for the purpose of carrying out the duties of the WIB, subject to the approval of the Board of Supervisors;
- D. In cooperation with the Board of Supervisors, appoint a Youth Council as a subgroup of the WIB and coordinate workforce and youth plans and activities with the Youth Council;
- E. Select eligible youth service providers based on the recommendations of the Youth Council, identify eligible providers of adult and dislocated worker intensive services and training services, and maintain a list of eligible providers with performance and cost information, as required in 20 CFR part 663, subpart E;
- F. Negotiate and reach agreement on local performance measures with the Board of Supervisors and the Governor;
- G. Assist the Governor in developing the statewide employment statistics system under the Wagner-Peysner Act;
- H. Coordinate workforce investment activities with economic development strategies and developing business linkages;
- I. Promote private sector involvement in the county-wide workforce investment system through effective connecting, brokering, and coaching activities through intermediaries such as the One-Stop operator in the local area or through other organizations to assist businesses in meeting hiring needs; and
- J. Serve in an advisory capacity to the Board of Supervisors on all matters relating to workforce development and training not covered by Title I of the WIA.

II. APPOINTMENT, REAPPOINTMENT AND DISQUALIFICATION OF MEMBERS

- A. The WIB shall consist of at least ~~25-37~~ members appointed by the Board of Supervisors in accordance with the provisions of Section 117 of the Act.
- B. The WIB shall be a business-led board with at least 51% members from the private sector with ~~each member of~~ the Board of Supervisors appointing at least ~~four-20~~ representatives from their ~~combined~~ districts. At their discretion, each Board of Supervisor may ~~affirm-appoint~~ as many additional private sector members as such Board of Supervisor may consider appropriate.
- C. ~~Additional appointments~~ Public Sector, education, labor and community based organization member appointments shall be made by the Board of Supervisors,

and such appointments shall represent mandated WIA Title I partners and other optional partners as follows:

1. ~~Five local education representatives who shall respectively be one representative from the University of California, Riverside; three representatives of the community colleges; and one representative of the K-12 system, of which one must represent adult education and literacy activities under Title II of WIA; At least one representative from the community college system~~
 2. Two representatives from Community-Based Organizations, (i.e., private nonprofit organizations which are representative of communities or significant segments of communities) ~~of which one must serve veterans, and one must serve disabled persons;~~
 3. At least four representatives from Organized Labor;
 4. Two representatives from the public or non-profit economic development entities.
 5. One representative from each of the following ~~nine~~ organizations:
 - ~~Operator of adult and dislocated worker programs under Title I of the WIA~~
 - Office on Aging - Title V of the Older Americans Act;
 - State Department of Rehabilitation;
 - ~~Economic Development;~~
 - Riverside County Department of Public Social Services;
 - ~~Department of Community Action;~~
 - State Employment Development Department representing WIA programs: Wagner-Peysner, North America Free Trade Act, Trade Adjustment Act, Migrant Seasonal Farm Workers, Unemployment Insurance and Veterans;
 - Job Corps;
 - Operator of Housing and Urban Development Training programs if such ~~programs are available in the County; programs are available in the County~~
 - Native American Program; ~~and~~
 - ~~Migrant Seasonal Farmworker Program~~
 - Small Business Development Center; and
 - Riverside County Office on Education representing Adult Education and literacy
 6. ~~Optional partners may include but are not limited to: University of California, Riverside Riverside; Department of Community Action; Chamber of Commerce and other organizations beneficial to the achievement of the WIB's vision, mission, goals and purpose.~~
- D. Members shall be appointed for two-year terms and serve at the pleasure of the Board of Supervisors.
- E. Each member of the WIB shall be entitled to one vote during a regular or called meeting in which said member is present and provided a quorum, as set forth in Section VI (C.), is present at the time the vote is taken, except that no member having financial interest shall cast a vote or engage in discussion on any matter

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which has direct bearing on services to be provided by that member or their parent organization; this agreement shall not provide for alternate membership.

- F. Membership on the WIB shall cease in case of death, resignation, disqualification, failure to be reappointed, and may cease based on attendance. The right of a member to vote and all of his/her rights, title and interest in and to the WIB shall cease based on the above mentioned. Removal or resignation may be a result of:
1. A member is not reappointed after completion of a term;
 2. Members shall offer their resignation in writing to the WIB Chairperson, with a copy to the Chairman of the County Board of Supervisors; and not adhering to attendance requirements.
 3. A member does not attend meetings (WIB, Executive Committee and Regional Adhoc Committee meetings):
 - a. All members must attend at least one-half of meetings (50%). There are at least three meetings held each calendar year. Each board member is to join one Regional Adhoc Committee; each Regional Adhoc Committee meets up to six times annually.
 - b. WIB public sector members are permitted to designate a non-voting representative to attend the Regional Adhoc Committee (West, East, Mid-County and Southwest) meetings in their place.
 - c. Executive Committee members, who are also members of Regional Adhoc Committees, must attend 60% of the adhoc committee meetings.
 4. Members may be removed by action of the Board of Supervisors.
- G. In the event of the occurrence of a vacancy in the membership of the WIB, the following procedure shall be followed:
1. The WIB shall immediately inform the County, through the WIB Staff, of the occurrence of such vacancy;
 2. The staff assigned to the WIB will assist the County to solicit nominations for membership as defined in the Act;
 3. Nominations to fill any such vacancy, together with appropriate disclosure statements and documentation, shall be submitted to the Board of Supervisors for consideration and appointment;
 4. The County shall proceed to fill such private sector representative vacancies within 60 days in accordance with the provisions of Section 102(d) of the Act, CUI Code Section 15031(e) and the California Government Code, Sections 54970 through 54975. In addition, a WIB member resigning from the board may nominate their organization's replacement.
- H. Notwithstanding any provisions of law to the contrary, WIB and Council for Youth Development (CYD) members, as public officials, shall be fully subject to any and all provisions of conflict of interest law, whether state, federal or local, including, but not by way of limitation, the provisions of Government Code Section 1090 et seq., Government Code Section 87100 et seq., and Riverside County Ordinance No. 440.

III. FUNCTIONS OF WIB OFFICERS

The presiding officers of the WIB shall be called Chairperson and Vice Chairperson and shall serve a one-year term. The Chairperson and a Vice Chairperson shall be elected by the WIB from the private sector membership. In no instance shall a Chairperson serve more than four consecutive terms or four consecutive years as Chairperson.

- A. Functions and responsibilities of the Chairperson shall be as follows:
 - 1. Shall be the official representative and spokesperson of the WIB;
 - 2. Shall preside at all meetings of the WIB and the Executive Committee of the WIB (as established in Section 1);
 - 3. Shall coordinate with the Riverside County Economic Development Agency (EDA) Director of the Workforce Division (WD) and/or WIB assigned staff in preparing the agenda for WIB meetings;
 - 4. Shall call regular and special meetings of the WIB Executive Committee;
 - 5. Shall appoint adhoc committee(s) of the WIB to include the Chairperson and Vice Chairperson;
 - 6. Shall sign on behalf of the WIB all necessary documents; and
 - 7. Perform other responsibilities as determined by the WIB.

- B. Functions and responsibilities of the Vice Chairperson shall be as follows:
 - 1. Shall assume all responsibilities of the Chairperson in his/her absence;
 - 2. Shall serve as member-at-large on the Executive Committee; and
 - 3. Perform other responsibilities as directed by the Chairperson.

IV. COMMITTEE STRUCTURE

The Chairperson may create Adhoc Committees as deemed necessary and appropriate to conduct the process for nominating and electing officers to the WIB; review and make recommendations for amendments to the bylaws; and for other purposes. The Chairperson may also create Regional Adhoc Committees addressing specific programs, strategic initiatives, and issues of concern to the Board. Unless specified otherwise, Regional Adhoc Committees shall serve in an advisory capacity only. The Chairperson shall appoint a private-sector member for Chairperson and a private-sector or public-sector member or non-member for Vice Chairperson of the Regional Adhoc Committees. The Chairperson may appoint individuals, including board members and non-members, to various Regional Adhoc Committees of the WIB, as appropriate. A staff member of the Administrative Entity/Staff will be assigned to work with the respective committees. Regional Adhoc Committees shall report on their activities to the WIB Executive Committee on a regular basis and may be dissolved at any time by the Chairperson of the WIB.

- A. Executive Committee

The Executive Committee shall be composed of the Chairperson, and Vice Chairperson of the WIB, the Chairpersons of the Regional Adhoc Committees, the Chairperson of the CYD, the past Chairperson and three at-large WIB members (one labor, one education and one at-large representative) appointed by the Chairperson. In the event that one individual is qualified to hold two seats on the Executive Committee, the WIB Chairperson will appoint a private sector replacement from the WIB.

The functions and responsibilities of the Executive Committee shall be as follows:

1. Shall act on behalf of the WIB on matters needing action during the time between WIB meetings;
2. Shall, in the absence of the Chairperson and Vice Chairperson, designate a member of the Executive Committee to preside over the WIB and Executive Committee meetings;
3. Shall receive standing and ad-hoc committee reports and act on recommendations for the WIB;
4. Shall assist the Chairperson in setting agendas for regularly scheduled WIB meetings;
5. Shall coordinate WIB activities with the County through the WIB Coordinator;
6. Shall oversee the participation of WIB members and recommend to the WIB those members who should be removed for cause as outlined herein;
7. Fulfill legislative requirements of the Workforce Investment Act; and
8. Perform other responsibilities as may be designated by the WIB.

B. Council for Youth Development (CYD)

1. The WIA Section 117(g) of the Act requires the CYD (a Youth Council) to be established as a subgroup of the WIB. The Chairperson of the WIB, in consultation with the Executive Committee, shall appoint the members of the CYD.
2. The Chairperson and Vice Chairperson for the CYD shall be elected from the membership of the CYD. If the Chairperson of the CYD leaves their organization or otherwise resigns from his or her elected office, the Chairperson of the WIB, in consultation with the Executive Committee may appoint a replacement to fill out the remainder of the officer's term.
3. The CYD is comprised of members with special interest or expertise in youth policies and other representatives. CYD members who are not members of the WIB shall be voting members of the CYD only. The CYD consists of at least 20 members; at least two members of the WIB, one of which being the Job Corps representative, and at least 18 other members representing the following:
 - Youth Participants
 - Youth service agencies;

- Juvenile justice and law enforcement agencies;
 - Public Housing Authority;
 - Parents of eligible youth seeking service under Title I of WIA;
 - Organizations having expertise relating to youth activities;
 - Representative(s) from the Board of Supervisors Youth Commission and/or Legislative Intern Program;
 - Current or former customers of youth programs, and
 - Apprenticeship Labor Organization.
4. The functions and responsibilities: The functions and responsibilities of the CYD are as follows:
- a. Develop the portions of the local WIA Title I-B Plan relating to eligible youth, as determined by the CYD Chairperson. Ensure that parents, participants, and other interested community members are involved in the design and implementation of these programs.
 - b. Subject to the approval of the WIB:
 - i. Recommend eligible providers of youth activities to be awarded grants or contracts on a competitive basis by the local WIB to carry out the youth activities.
 - ii. Conduct oversight with respect to the providers of youth activities in the local area, coordinating with the Quality Assurance Committee.
 - c. Coordinate WIA Title I-B youth activities in the area.
 - d. Other duties determined to be appropriate by the WIB Chairperson, such as establishing linkages with educational agencies and other youth entities.
 - e. Provide a forum for initial discussion on emerging issues affecting youth and the workforce development system.
 - f. Responsible for Customer Satisfaction analysis of youth programs/services including recommending goals for improvement and increased accountability.
 - g. Coordinates with the WIB Executive Committee for future program development needs.
 - h. Oversee strategic initiatives of the CYD that address broad issues related to youth workforce and education issues and that catalyze change within a community development context that may go beyond WIA.

5. Terms of Office: Terms of officers the CYD Chair and Vice-Chair shall be two years one year. In no instance shall a Chairperson serve more than four consecutive terms or four consecutive years as Chairperson, with an option for one consecutive 2-year term.

5. Adhoc Committees: The Chairperson of the CYD may appoint Ad-Hoc Committees, as deemed necessary, to implement and support activities of the CYD. Ad-Hoc Committees will function as task forces to the CYD. The authority of Ad-Hoc Committees shall be contained in the committee's charge. At no time may an Ad-Hoc Committee act on the behalf of the CYD or WIB without the consent of the CYD or the WIB.

All Ad-Hoc Committees shall be comprised of CYD members and may include non-CYD members. Non-CYD members may vote on the committees; however, nothing in their committee membership shall be construed as bestowing membership on the CYD. Every committee shall be chaired by a voting member of the CYD.

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V. STAFF, OFFICE AND BUDGET

- A. The following EDA WD positions will be designated as staff to the WIB:
 - 1. WIB Executive Director
 - 2. Community Partnerships Manager
 - 3. WIB Coordinator
 - 4. CYD Coordinator
 - 5. Secretary to the WIB
- B. County shall establish the staff positions for the WIB, designating such positions as County may deem appropriate. The County may solicit applications for employment and hire and employ persons to fill such positions in accordance with the established personnel procedures of the County.
- C. The Assistant Director of County's EDA also known as the WIB Executive Director shall direct said WIB staff and office support, in accordance with the personnel policies and procedures of County, shall select and hire said staff, the members of which shall be employees of County.
- D. The County shall annually adopt an operational budget that shall provide for the necessary staff, office and material support for grant administration and program support.
- E. Such operational budget shall provide the necessary staff, office and material support determined by the County and the WIB to be necessary for the proper and effective discharge of the WIB functions and duties as contained herein.

VI. OPERATIONAL PROCEDURES

- A. WIB as a Public Entity

The County is a public entity created and existing under California law, and the WIB shall, therefore, operate as a public body, consistent with the laws of the State of California which govern public meetings and State conflict of interest laws, and specifically including the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.);

- B. Meeting Schedules of Actions
The WIB shall meet not less than two times a year at such place as the Chairperson may designate on the date set by resolution for the transaction of such business as may properly come before the meeting. All meetings of the WIB, the WIB Executive Committee and the CYD including and without limitations, regular, adjourned regular and special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act, California Code 54960 et seq., as amended.
- C. Quorum for the WIB, the Executive Committee and the CYD (Youth Council) shall be at least 51%, and action may be taken provided such a quorum is preserved.
- D. The Administration of Grants and Funds
The administration of all grants or other funds awarded to the County shall be the responsibility of the County, whose responsibility shall include expressing grant interest and submission of grant applications, preparation and submittal of grant documents, receipt of funds or awards, dispersal of funds, auditing of funds, audit resolutions, reporting, monitoring, evaluating and the closing out of programs.
- E. Reimbursement of Expenses
WIB members shall be entitled to mileage reimbursement to and from all WIB activities, and for all other reasonable expenses incurred while on WIB business. Said reimbursement shall be in the form and manner of reimbursement provided to County department heads.

<p>EXECUTIVE COMMITTEE</p> <p>Date: January 12, 2011 Approval: Yes</p>	<p>BOARD OF SUPERVISORS CONCURRENCE</p> <p>Required: Yes</p>
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