

BYLAWS
of the
Anaheim Workforce Development Board (WDB)

ARTICLE I. CREATION OF THE WORKFORCE DEVELOPMENT BOARD

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 the City of Anaheim, hereinafter known as the City, 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 Anaheim Workforce Development Area. Having been duly established and certified, the Anaheim Workforce Development Board shall discharge its duties and provide for mandated program and related activities as established by these Bylaws.

ARTICLE II. PURPOSE

Section 1. The purpose of the WDB shall be to ensure the involvement of the business and industrial community, including small businesses, minority business enterprises, education, labor organizations, community-based organizations, economic development agencies and one-stop delivery system partners in workforce development activities.

Section 2. The purpose of the WDB shall also be to oversee a local cooperative relationship with the City that will most effectively satisfy the labor demand needs of the business community and enhance the economic well-being of individuals in need of workforce development services.

ARTICLE III. FUNCTIONS OF THE WDB

Section 1. WDB shall develop a local Workforce Development Area Plan in accordance with the Act, Section 108, and shall submit the plan to the Governor upon approval of the City.

Section 2. 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).

Section 3. The WDB shall support the Governor in developing a statewide workforce and labor market information system, as described in the Wagner-Peyser Act.

Section 4. 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.

- Section 5.** 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 development 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.
- Section 6.** 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.
- Section 7.** 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).
- Section 8.** 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).
- Section 9.** 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).
- Section 10.** 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 development of funds to maximize performance outcomes.
- Section 11.** The WDB shall negotiate with the Governor to arrive at agreed upon local performance accountability measures for the local workforce development system.
- Section 12.** The WDB shall designate all One-Stop operators in accordance with the Act, Section 121(d), subject to the approval of the City.
- Section 13.** 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 City.
- Section 14.** The WDB may 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. The WDB may authorize another local board's process for initial and subsequent eligibility of providers.

- Section 15.** 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.
- Section 16.** The WDB may develop a budget, subject to the approval of the City, to provide for the activities assigned it through the Act and these By-laws, in accordance with WIOA Section 107(d)(12).
- Section 17.** The WDB shall assess the physical and programmatic accessibility, in accordance with WIOA Section 188, of all one-stop centers.
- Section 18.** The WDB, with the agreement of the City, 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).

ARTICLE IV. WDB MEMBERSHIP

- Section 1.** The Anaheim City Council shall appoint the WDB members.
- Section 2.** The majority of the WDB, including the Chair, must be representatives of business in the local area, who shall include:
- a. Owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority.
 - b. Representatives of businesses with employment opportunities that reflect the the local area.
 - c. Representatives appointed from among individuals nominated by local business organizations and business trade associations.
 - d. Two or more members that represent small business as defined by the U.S. Small Business Administration.
- Section 3.** Not less than 20 percent shall be representatives of the “Workforce” within the City Workforce Development Area, and:
- a. Must include two (2) or more at-large representatives of labor organizations nominated by local labor federations.
 - b. May include 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.
 - c. May include 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.
 - d. May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth.

- Section 4.** At least 15 percent of board members shall be representatives of labor organizations unless the local labor federation fails to nominate enough members. If this occurs, then at least 10 percent of the board members shall be representatives of labor organizations.
- Section 5.** The WDB shall include two (2) at-large representatives of entities administering education and training activities as follows:
- a. One (1) representative of an eligible provider of adult education and literacy activities under Title II of the Act.
 - b. One (1) representative of institutions of higher education providing workforce development activities, including community colleges.
- Section 6.** There shall be one (1) at-large representative of the State employment service office under the Wagner-Peyser Act serving the local area.
- Section 7.** There shall be one (1) at-large representative of economic and community development entities.
- Section 8.** There shall be one (1) at-large representative of a program carried out under Title I of the Rehabilitation Act of 1973
- Section 9.** Pursuant to WIOA Section 107(a)(5), the non-business 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.
- Section 10.** Where appropriate a single individual may also represent more than one (1) category and/or one-stop partner.
- Section 11.** Membership shall be for four (4) years.
- Section 12.** The Anaheim City Council shall make appointments to unexpired terms and the successor shall serve out the remainder of the term of the original appointment.
- Section 13.** An excused absence shall be recorded in the WDB minutes when a WDB member or his designee notifies the WDB secretary at least 24 hours in advance of the scheduled WDB Board or Committee meeting.
- Section 14.** Members of the WDB shall not miss more than three (3) consecutive meetings without previous notice, or more than five (5) consecutive meetings with previous notice, except that the WDB may grant the WDB member a leave of absence upon prior request. (See Article IX for Removal of Members).
- Section 15.** Members of the WDB whose term(s) may expire may be reappointed to another term upon their request. These members are not subject to the initial nomination process and are not required to resubmit the WDB application or other related membership documents already on file. The City Council shall make all WDB reappointments.

ARTICLE V. WDB OFFICERS

- Section 1.** The WDB shall have a chairperson and a vice-chairperson. The chairperson and vice-chairperson shall be elected annually for a one-year term; said term shall be effective from July 1 through June 30. The WDB shall conduct an election for, and select persons for said positions annually. These positions shall be filled by membership among the representatives of business, as described in Article IV, Section 3. The vice-chairperson shall act on behalf of the chairperson during the chairperson's absence. In the event a WDB chair resigns from the board during their term of office, the vice-chair shall serve the remaining term of the office.
- Section 2.** The Workforce Development Manager of the City shall serve as the Executive Director of the WDB.
- Section 3.** The Executive Director of the WDB shall have the authority to sign all documents previously approved by the WDB on behalf of the WDB.
- Section 4.** The chairperson shall appoint all standing committee chairpersons, subject to ratification by the WDB. The chairperson, in concert with the Executive Committee, shall appoint all members to standing committees.
- Section 5.** The chairperson shall set the agenda for WDB meetings, preside at all meetings of the WDB and in general perform all duties incident to the office as directed by the WDB. This includes attending conferences.
- Section 6.** In the absence of the Chairperson and Vice-Chairperson the Executive Director of the WDB or designee shall open the meeting and call for nominations of a Chairperson for that specific meeting.

ARTICLE VI. EXECUTIVE COMMITTEE

- Section 1.** There shall be an Executive Committee comprised of the WDB chairperson and vice-chairperson, and the chairpersons of the standing committees as specified in Article VII.
- Section 2.** The chairperson of the WDB shall serve as the chairperson of the Executive Committee.
- Section 3.** The Executive Committee shall meet monthly, or as deemed necessary by the chairperson and the WDB.
- Section 4.** The purpose of the Executive Committee shall be to:
- a. Formulate policy recommendations concerning all aspects of the Board's responsibilities and the Workforce Development System's operation for consideration and action by the WDB.
 - b. Provide recommendations regarding regular agenda items of the WDB as deemed necessary by the Executive Committee or WDB.

- c. Maintain the Bylaws and develop/submit necessary modifications of the Bylaws to the WDB for approval.
- d. Recruit new candidates for WDB membership, on an as needed basis, and refer to the City Council for appointment.
- e. Consult with WDB staff.
- f. Design a framework and facilitate the coordination of public policy impacting workforce development issues.

Section 5. Unless decision-making authority is specifically delegated to the Executive Committee by the WDB, the Executive Committee shall have no decision-making authority, but shall make recommendations to the WDB for its approval.

Section 6. All members of the Executive Committee shall be current members of the WDB in good standing.

Section 7. At no time shall the membership of the WDB Executive Committee constitute a quorum of the total membership, either by an increase in the number of standing committees, or by a reduction in the general membership of the WDB.

Section 8. The WDB Executive Committee shall recommend to the WDB for approval the names of current members of the WDB in good standing for appointments to boards and commissions outside the WDB structure, as required.

ARTICLE VII. ADDITIONAL COMMITTEES OF THE WDB

- Section 1.** The number and names of the Standing Committees shall be determined by the WDB Strategic Plan, with a Standing Committee assigned to each goal area contained in the Plan. The lone exception to this procedure is that the Executive Committee shall assume responsibility for completion of objectives and action plans listed under Goal #1 of the currently approved Strategic Plan (policy management system). As of the approval date of these Bylaws by the WDB, there shall be five (5) Standing Committees, named and functioning as follows:
- a. Collaboration & Partnerships Committee
Promote partnerships among businesses, local agencies and the community to coordinate resources that address sustainable employment issues (Goal #2)
 - b. Workforce and ADA Issues Committee
Assist with workforce and Americans with Disabilities Act operational issues relating to the one-stop delivery system (Goal #3)
 - c. Economic Development Committee
Coordinate workforce development activities with local/regional economic development strategies (Goal #4)
 - d. Marketing and Membership Committee
Market education and training resources to all stakeholders (Goal #5); and outreach business members for subsequent appointment as necessary
 - e. Youth
Assist with planning, operational and other issues related to Youth, select youth providers, and recommend funding allocations

- Section 2.** Standing committees shall meet on a bi-monthly basis, or as deemed necessary by the Committee Chairperson to conduct the business of the committee.
- Section 3.** Chairpersons of each standing committee shall be a member of the WDB, and be appointed by the WDB Chairperson in concert with the Executive Committee. The Executive Committee shall oversee seating of all members of standing committees toward a goal of a mix of public and private members and avoidance of a real or perceived conflict of interest.
- Section 4.** The Committee Chairperson shall be a member of the Executive Committee. The Committee Chairperson may select a Vice-Chairperson from among the WDB members assigned to the committee. The Vice-Chairperson shall chair the committee, attend Executive Committee meetings, and perform other duties as necessary, in the absence of the Chairperson.
- Section 5.** Every member of the WDB shall actively participate as a member of at least one (1) standing committee. Non-WDB members may actively participate on standing committees at the invitation of the Committee Chairperson, but shall have no voting privileges on committee actions.
- Section 6.** Other Ad Hoc Committees may be created by the WDB for such particular purposes as may be deemed necessary or desirable to enhance or assist the WDB in carrying out its functions and furthering the purposes of WDB.

ARTICLE VIII. MEETING PROCEDURES

- Section 1.** The WDB shall provide for its regular, adjourned regular, and special meetings, and its standing committees shall establish on an annual basis the dates, time and location of their regular meetings. The WDB regular meetings shall be scheduled on a bi-monthly basis as necessary. WDB committee meetings shall be scheduled monthly as necessary.
- Section 2.** All meetings of the WDB including without limitation, regular, adjourned regular and special meetings shall be called, noticed, held and conducted in accordance with the Ralph M. Brown Act, Chapter 9, Division 3, Title 5 of the California Government Code commencing with Section 54950.
- Section 3.** Chairperson of the WDB shall require the keeping of the minutes of the regular, adjourned regular and special meetings excepting closed sessions and shall as soon as possible after each meeting require a copy of the minutes to be forwarded to the City and to any interested party thereto making a special request therefore.
- Section 4.** A quorum for the transaction of business shall be 50% of the membership plus one (1) excluding vacancies.
- Section 5.** Special meetings of the WDB may be called by the Chairperson or by the signed petition of one-third of the members of the WDB.
- Section 6.** The WDB will conduct its meetings according to Robert's Rules of Order, except where Robert's Rules of Order conflict with these Bylaws, in which case these Bylaws shall apply.

ARTICLE IX. VOTING PRIVILEGES

- Section 1.** Each member shall be entitled to cast one vote.
- Section 2.** The presiding Chairperson shall cast a vote only if it is required to resolve a tie vote.
- Section 3.** WDB members, including Youth Council 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 a member of his immediate family. Neither membership on the WDB or Youth Council nor the receipt of WIOA funds to provide training and related services, by itself, violates these conflict of interest provisions.
- Section 4.** 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 City.

ARTICLE X. REMOVAL OF MEMBERS

WDB members shall be removed by the City Council for cause upon consideration of removal recommendations from the WDB as follows:

- A. For the member's violation of the conflict of interest code or laws or failure to complete or declare applicable financial disclosure
- B. When the member ceases to be representative of the category for which appointment was made.
- C. For the member's failure to meet attendance requirements (Article IV. Section 8).
- D. For the member's refusal to report to or consult with the member's appointing authority.

ARTICLE XI. REIMBURSEMENT

WDB members shall be reimbursed for their necessary and actual expenses incurred in the performance of their duties connected with the activities or responsibilities under the Act, State of California implementing legislation and/or Executive Orders in accordance with the approved travel and expense policy of the City of Anaheim.

ARTICLE XII. WDB ETHICS TRAINING

All WDB members shall be required to receive training in ethics once every two years in accordance with California Assembly Bill No. 1234. The California Fair Political Practices Commission offers an on-line training program that satisfies this requirement. Members shall be obligated to provide a certificate of training completion with an original signature to WDB staff for file retention.

ARTICLE XIII. WDB BYLAW ADOPTION AND AMENDMENTS TO BYLAWS

WDB shall adopt bylaws and amendments thereto in accordance with and pursuant to applicable statutes and regulations. Bylaws and bylaw amendments/revisions shall, upon adoption by the WDB, be forwarded to the City for review.

ARTICLE XIV. SEVERABILITY

Should any part, term, portion or provision of these Bylaws be decided to be in conflict with any law or otherwise unenforceable or ineffectual, the remaining parts, terms, portions or provisions shall be deemed severable and their validity shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the provisions that the members intended to enact in the first instance.

ARTICLE XV. GENERAL PROVISION

Nothing in these Bylaws shall be construed to take precedence over Federal, State or local laws or regulations or to constrain the rights or obligations of the City.

Approval:

Workforce Evaluation Cmte: June 22, 2000
Anaheim WIB: June 29, 2000

Revision No. 1:

Executive Committee: November 15, 2001
Anaheim WIB: November 15, 2001

Revision No. 2:

Workforce Evaluation Cmte: May 20, 2004
Anaheim WIB: June 10, 2004

Revision No. 3:

Executive Committee: February 10, 2005
Anaheim WIB: February 10, 2005

Revision No. 4:

Workforce Evaluation Cmte: May 19, 2005
Anaheim WIB: June 9, 2005

Revision No. 5:

Workforce Evaluation Cmte: January 18, 2007
Anaheim WIB: April 12, 2007

Revision No. 6:

Workforce Evaluation Cmte: July 23, 2009
Anaheim WIB: August 13, 2009

Revision No. 7:

Workforce Evaluation Cmt: July 27, 2016
Anaheim WDB: August 24, 2016