

**WORKFORCE DEVELOPMENT BOARD  
GENERAL BOARD MEETING**

Workforce Development Department Administration Office  
Large Conference Room  
290 North D Street, Suite 600, San Bernardino, CA 92415

WEDNESDAY, AUGUST 10, 2022 8:30 AM – 10:30 AM

This agenda contains a brief description of each item of business to be considered at today's meeting. In accordance with the Brown Act, this meeting agenda are posted at least 72 hours prior to the regularly scheduled meeting on the Workforce Development Board website and on the official Workforce Development Board Bulletin Board outside of the Workforce Development Department Administration Office at 290 North D Street, 6<sup>th</sup> Floor, San Bernardino, CA 92415. The agenda, its supporting documents and all writings received by the Committee related to these items are public records and available for review on the website or **by emailing the Executive Secretary to the Board at [Devra.Bell@wdd.sbcounty.gov](mailto:Devra.Bell@wdd.sbcounty.gov) prior to, or after, the meetings.**

The agenda and its supporting documents can be viewed online at [www.sbcounty.gov/workforce](http://www.sbcounty.gov/workforce). However, the online agenda may not include all available supporting documents nor the most current version of documents. Items listed on the Consent Calendar are expected to be routine and non-controversial and, unless the Committee directs that an item be held for further discussion, the entire Consent Calendar will be acted upon as the first item of business on the Discussion Calendar. Members of the public may address the Committee on any item on the agenda and on any matter that is within the Committee's jurisdiction.

Members of the public may address the Board on any item on the agenda and on any matter that is within the Board's jurisdiction. To address the Board regarding an item that is on the agenda, complete and submit the purple form entitled "Public Comment". These requests must be submitted to the Executive Secretary to the Board prior to the time the item is called for consideration or prior to the public comments section on the agenda. The Chair will call speakers forward to present their comments at the appropriate time.

**Conflict of Interest Advisement**

WDB members please be advised: If an item on the Agenda relates to the provision of services by you, your immediate family, the entity you represent, or any person who has made \$250 in campaign contributions to you during the last twelve months, or if approval or disapproval of an Agenda item would have a foreseeable material effect on an economic interest of you, your immediate family, or the entity you represent, **then please follow these procedures:** *"When the Agenda item is first introduced, please immediately announce that you are recusing yourself from participating in the agenda item, and then refrain from discussing, voting on, or otherwise influencing the Committee's consideration of the Agenda item."*

**AGENDA**

8:30 AM CONVENE MEETING OF THE WORKFORCE DEVELOPMENT GENERAL BOARD

**OPENING**

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Introductions
- 4) Success Stories
  - a) AJCC Client
  - b) Business Services
  - c) Youth

**PUBLIC COMMENT**

- 5) Comments from the General Public in Attendance

**CONSENT AGENDA**

- 6) Approval of Minutes from May 11, 2022 General Board Meeting

**DISCUSSION**

- 7) Approve amended and restated Workforce Development Board By-laws for submission to the Board of Supervisors.
- 8) Approve program support of State of the County event in the amount of \$15,000.

## **REPORTS AND INFORMATION**

### 9) Committee Updates:

- Executive Board
  - Fiscal Reports
  - Legislative Updates
- EDBR Committee
- Special Populations Committee
- Youth Committee

### 10) Logistics Industry Sector Videos

### 11) County Report

### 12) Chair Report

## **ADJOURNMENT**

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In conformity with Government Code section 54957.5, any writing that is a public record, that relates to an item listed on the Agenda, and that will be distributed to all or a majority of the Board less than 72-hours prior to this meeting (or is distributed at this meeting), will be available for public inspection at the time the writing is distributed. This inspection may be made at the office of the Workforce Development Department, 290 North D Street, 6<sup>th</sup> Floor, San Bernardino, California 92415, or during this meeting.

The Workforce Development Board meeting is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Board Secretary at least three (3) business days prior to the Board meeting. The Board Secretary's telephone number is (909) 387-9862. California Relay Service 711.

This WIOA Title –I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.

**San Bernardino County  
Workforce Development Board  
Agenda Item**

**MEETING DATE:** August 10, 2022

**ITEM:** (6)

**SUBJECT:** Minutes from May 11, 2022 Workforce Development Board  
General Meeting

**PRESENTED BY:** Brad Gates, Director  
Workforce Development Department (WDD)

**CONSENT**   X                        **DISCUSSION**                             **INFORMATION**       

**RECOMMENDATION:** Approve Minutes from May 11, 2022 Workforce Development Board  
General Meeting

**BACKGROUND:** See attached minutes

**WORKFORCE DEVELOPMENT BOARD MEETING**  
 East Valley America's Job Center Office  
 500 Inland Center Mall, Space 508, San Bernardino, California

**WEDNESDAY, MAY 11, 2022, 8:30 AM**

**MEETING MINUTES**

**ATTENDANCE:**

| <b>Members</b>                    |                |                 |                |
|-----------------------------------|----------------|-----------------|----------------|
|                                   | <b>Present</b> |                 | <b>Present</b> |
| Phil Cothran<br><i>(Chair)</i>    | X              | Lowell King     | X              |
| Will Sterling <i>(Vice-Chair)</i> | X              | Scott Kuethen   |                |
| Orlando Acevedo                   |                | Louie Lopez     | X              |
| Cinnamon Alvarez                  | X              | Robert Loeun    | X              |
| Ken Boshart                       | X              | Dale Marsden    | X              |
| Ricardo Cisneros                  |                | Lina Montes     |                |
| Jimmy Elrod                       | X              | Henry Shannon   | X              |
| Mike Gallo                        |                | Shannon Shannon | X              |
| Cheri Greenlee                    | X              | Jonathan Weldy  | X              |

| <b>Staff to WDB</b> |                |
|---------------------|----------------|
|                     | <b>Present</b> |
| Sophie Akins        | X              |
| Devra Bell          | X              |
| Brad Gates          | X              |
|                     |                |
| <b>WDD Staff</b>    |                |
| Fred Burks          | X              |
| Curtis Compton      | X              |
| Mariann Johnson     | X              |
|                     |                |

**OPENING**

- 1) **Chair Call Meeting to Order** at 8:34 AM
- 2) **Pledge of Allegiance** was led by Jonathan Weldy
- 3) **Introductions** - The Chair led introductions around the room
- 4) **Success Stories**
  - **AJCC Client:** Tamika Tonge provided an overview of her client Brenda Aguilar. She then introduced Brenda, who discussed her background, including becoming a Mother at age 17, raising her alone for some time and then having another child with the same Father. She came into the AJCC office and worked with Ms. Tonge to get a job and started off working as a WEX worker, while going to college to work on her degree. She was able to get into a 2-bedroom apartment and spends time speaking with individuals at the Ontario Library about the services Ms. Tonge can offer on behalf of the County and Workforce Development.
  - **Business Services:** Sal Monica from the Business Services unit, discussed the outreach that occurred to businesses during the pandemic and subsequent shut downs experienced throughout the County. One of those businesses he worked with was Off the Grid Brewing, owned by Mike Schneider and his family in Apple Valley. Mr. Schneider discussed how the family worked the business themselves, until about 6 months ago, when they grew and started adding other staff. With the connections at Workforce Development, Mr. Schneider was able to hire strong staff for their business.

- Youth: Ariel Nievas from First Institute, introduced Raelynn Rios, who was the first person to come into the new office that First Institute opened in Needles, CA. Ms. Rios discussed her upbringing, including living with her grandparents for 6 years and struggles that her parents encountered with law enforcement. She moved to Detroit at one point, but the crime was too high, so she moved to Needles and connected with First Institute, where she was able to obtain a paid internship with Behavioral Health. She is working to complete her degree.

## **PUBLIC COMMENT**

### **5) Comments from the General Public in Attendance**

There were no public comment cards presented.

## **CONSENT AGENDA**

### **6) Approval of Minutes from the March 23, 2022 Workforce Development Board General Meeting**

The Chair requested a motion to approve the minutes from the March 23, 2022 General Board meeting. Dale Marsden motioned; Jimmy Elrod seconded the motion. None opposed. Motion carried.

## **DISCUSSION**

### **7) Approve contract for HR Hotline Services with California Employers Association for a term of three years with two optional one-year extensions and not to exceed \$150,000 total, \$50,000 per year**

Curtis Compton provided an overview of the HR Hotlines Services, which businesses can call when they need to field questions regarding hiring matters or other questions from employees that they need assistance to respond to their staff. A Request for Qualifications was issued and California Employers Association (CEA) was selected to continue their contract with approval from the Board. A discussion ensued about the company and CEA's ability to increase their services under the new contract. The Chair requested a motion to approve. Will Sterling made a motion; Shannon Shannon seconded the motion. All in favor, none opposed. Item passed.

### **8) Approve contracts for Business Workshops with Build ED, Asociacion de Emprendedoras, Welborn Media, and California Employers Association, each for a term of three years with two optional one-year extensions and each not to exceed \$150,000 total, \$50,000 per year.**

Curtis Compton provided an overview of the workshops that are offered each month (currently 2 per month). There has also been an increase in providers, with the new addition of Asociacion de Emprendedoras, who can provide services in Spanish. The Chair requested a motion to approve. Cinnamon Alvarez made a motion; Cheryl Greenlee seconded the motion. All in favor, none opposed. Item passed.

### **9) Approve contract for Business Improvement Services with Welborn Media, Instructional Access, and California Manufacturing Technology Consulting, each for a term of three years with two optional one-year extensions and each not to exceed \$599,997 total, \$199,999 per year.**

Curtis Compton discussed the purpose of the Business Improvement Services, which allows the Business Services unit the ability to provide coaching and website assistance to businesses that

may be struggling. A discussion ensued about how businesses can get access to the training, which is through the relationships that are built between the Board and the Business Services team and employers. If a business has at least 10 jobs that are risk, the WDD team can come in and provide resources to that business. The Chair requested a motion to approve the contract. Will Sterling made a motion; Shannon Shannon seconded the motion. All in favor, none opposed. Item passed

**10) Approve contract for the Smile Crew Dental Assistant Program with the Riverside County Office of Education, for a term of one year and not to exceed \$40,000.**

Bradley Gates provided an overview of the item and noted the Employment Development Department had partnered with the California Dental Association, to develop a 4 week training program to help with the shortage of dental staff. This is an employer driven program, who will have input on the curriculum. The funding will cover training 15 individuals at 40 hours per week for 4 weeks. The members discussed the certification process and job placement assistance. The Chair requested a motion to approve. Shannon Shannon motioned; Cherilyn Greenlee seconded the motion. All in favor, none opposed. Item passed.

**11) Approve Workforce Development Board Policy #8 – Recovery of WIOA Tuition and Training Funds**

Bradley Gates discussed this item, which is a Workforce Development policy that would allow for the recovery of WIOA Tuition and Training dollars that went unused, due to training not being completed. The Chair requested a motion to approve. Will Sterling motioned; Shannon Shannon seconded the motion. All in favor, none opposed. Item passed.

**12) Approve the recommendation of the Youth Ad Hoc Committee for Workforce Innovation and Opportunity Act Youth Program to award contracts to the following service providers, in the aggregate amount not to exceed \$15,028,497, for the period of June 15, 2022 through June 30, 2025, with the option to renew up to two (2) additional one (1) year terms:**

- (1) California Association Health & Education Linked Professions**
- (2) Chino Valley Unified School District**
- (3) El Proyecto del Barrio, Inc.**
- (4) Arbor E&T, LLC dba Equus Workforce Solutions**
- (5) First Institute Training and Management, Inc.**
- (6) Hawkeye Properties and Workforce Innovation, Inc.**
- (7) Operation New Hope**
- (8) Youth Action Project, Inc.**

Mariann Johnson provided an overview, which included the process involved for the procurement of Youth provider and their new contracts. She noted that 10 providers responded, 2 did not qualify, and the remaining 8 providers were selected. She also discussed the process of determining where the Youth were located throughout the county and the areas were created to best serve the Youth in those areas. The members discussed the grading process and measurements, the added requirement that Youth providers share best practices with other providers and how the contracts will be aggregated, which will allow for funds to be moved between providers, if the need arose. The Chair requested a motion to approve. Louie Lopez made a motion; Dale Marsden seconded the motion. All in favor, none opposed. Item passed.

## **REPORTS AND INFORMATION**

### **13) Committee Reports**

- Exec: Phil Cothran led the updates from the Executive Board meeting and introduced Bradley Gates, who reviewed the Fiscal reports. In addition, Mr. Gates provided a legislative update, that included a discussion regarding WIOA Reauthorization and the challenges encountered on a political level. Also discussed were the need to provide state and local officials with suggestions on how to best support our local businesses. Lastly, the members discussed the importance of having the various chamber partners work together to help develop priorities that could help our local businesses.
- EDBR: Cinnamon Alvarez reported discussed items 7-11 on today's agenda went through the EDBR Committee at the last meeting. The committee is also trying to be proactive to get ahead of inflationary impact. She also reported on Layoff Aversion Contracts; Smile Crew Dental Assistant Program; College & Career Day held on April 18<sup>th</sup> at the East Valley America's Job Center of California office; the new Business Services Dashboard is now accessible on the website; Business Services Outreach Support Project designed to deepen the WDB's Business Services reach into the small business community; and lastly, she discussed the workplan that was reviewed to support the goals of the EDBR Committee.
- Special Populations: Jonathan Weldy discussed the attendance of the Human Resources Director, Diane Rundles, who attended the last meeting to provide information about the County hiring process. The members asked how individuals with disabilities can get a County job. Ms. Rundles noted that there is nothing to prevent individuals with disabilities from applying for these jobs, as long as they meet the position requirements. Mr. Weldy also discussed the quarterly Special Populations Business Services convening, which was held on April 25, with approximately 40 people in attendance. He also discussed on the committee's work on the Uniquely Abled Machining program and their planning for a Fall cohort.
- Youth: Shannon Shannon thanked Mariann Johnson and Brad Gates for their assistance during her transition to the position of Chair of the Youth Committee. She reported on her trip to the National Association of Workforce Board Forum 22 conference in Washington D.C. She also provided update on the Youth contracts, as well as a new Memorandum of Understanding (MOU) with Child and Family Services, to assist in serving more Foster Youth.

### **14) Memorandum of Understanding with the City of Ontario to Provide Workforce Development Career Services**

Brad Gates provided an overview of this item. Over the past 3 years, a pilot program has been utilized to co-locate individuals at other locations throughout the county, so a larger population could receive services from the Workforce Development staff, without the need to drive to one of the America's Job Centers of California locations. With a special grant, staff has been co-located at the Ontario Library and a non-financial MOU was established to provide space for this individual to work out of that location. Due to liability issues, the Board of Supervisors is required to approve this MOU.

### **15) County Report**

Brad Gates congratulated the team, as the Workforce Development Department were awarded two National Association of Counties (NACo) Awards: One for the Prison to Employment program and one for the new Employer Toolkit. He also reported that we received a \$250,000 earmark due to the support from the offices of Senator Feinstein and Senator Padilla. These funds will be dedicated to help individuals with disabilities find employment. Lastly, Mr. Gates advised the members that a \$1.8 million apprenticeship grant was awarded in conjunction with Riverside County, to develop apprenticeships regionally.

## **16) Chair Report**

Phil Cothran reported on the Ad Hoc Committee that was created to review the current WDB By-Laws, to determine if any updates were needed. He also noted that a Nomination Committee would be established soon. Lastly, he said if any members wanted to take a tour of the East Valley office, staff would be available to conduct that tour, at the conclusion of the meeting.

## **ADJOURNMENT**

The Chair called for a motion to adjourn. Dale Marsden motioned; Robert Loeun seconded the motion. None opposed. Motion carried. The meeting adjourned at 10:47 AM.

The next Workforce Development Board General Meeting is scheduled for Wednesday, August 10, 2022, located at the WDD Administrative Office, 290 North D Street, 6<sup>th</sup> Floor, San Bernardino, CA 92415.

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Devra Bell, WDB Secretary



**San Bernardino County  
Workforce Development Board  
Agenda Item**

**MEETING DATE:** August 10, 2022

**ITEM:** (7)

**SUBJECT:** **AMENDED AND RESTATED WORKFORCE DEVELOPMENT BOARD BY-LAWS**

**PRESENTED BY:** Bradley Gates, Director  
Workforce Development Department

**CONSENT** \_\_\_\_\_ **DISCUSSION**  X  **INFORMATION** \_\_\_\_\_

**RECOMMENDATION:** Approve amended and restated Workforce Development Board By-laws for submission to the Board of Supervisors (BOS).

**BACKGROUND:** On August 25, 2015, the BOS established the Workforce Development Board (WDB) and approved the process for appointment of nominees and applicants to the WDB. On January 20, 2016, the WDB adopted the WDB By-laws and subsequently, on March 1, 2016, the BOS approved the By-laws as required under the Workforce Innovation & Opportunity Act (WIOA) and in accordance with the County of San Bernardino Handbook for Members of Advisory Boards, Commissions, and Committees, federal and state laws, and regulations.

Moreover, on April 7, 2020, the BOS approved additional significant changes to the WDB By-Laws, which included the revision of the “Authorized Duties and Responsibilities” section to reflect the designation of a One-Stop Operator and added details to the application, nomination process and submittal to the Clerk of the Board in the “Selection of Members and Membership Terms”.

On April 27, 2022, the By-Laws Ad Hoc Committee proposed amendments in writing per the requirements of the 2016 By-Laws. The adjustments have been made to the format and layout, and the proposed significant updates and/or revisions include:

- **WDB Duties** – Revised section stating that the WDB “Shall” establish qualifications for a WDB Director and eliminated language in reference to WDB hiring staff.
- **Resignation** – Reference to Executive Director was changed to Director.
- **Agenda Setting** – Edited the heading to “Agenda Setting” and revised section language to reflect that the Chair, or officer of the Board presiding as the Chair, shall work with staff to develop the agendas for general and special meetings of the WDB and that the WDB may take action on items of business not appearing on the posted agenda, as set forth in the Brown Act.
- **Officers** – Eliminated the position of the Second Vice Chair and replaced it with the new position of a Treasurer.
- **Election of Officers** – Revised language to reflect that in the event of a vacancy of the office of Vice Chair, a successor would be appointed at the discretion of the Chair from among members of the WDB, in accordance with Section 3.1(A) of the By-Laws. Also, in the event of a vacancy of both offices of the Chair and Vice Chair, a special meeting would be held within 10 business days to nominate and elect a new Chair and Vice Chair.
- **Treasurer** – In addition to serving as Chair or Vice Chair during absences of said positions, defined the position of the Treasurer as responsible for serving as Chair of the Finance Committee, calling and presiding over meetings of the Finance Committee and working with County Staff and the WDB Director to review and advance the annual budget for WDB approval.
- **Standing Committees** – Establishes a Finance Committee as a standing WDB Committee and establishes that the Treasurer shall serve as the Finance Committee Chair.

The amendments made to the WDB By-laws follow the County handbook and appropriate federal and state laws and are designed to improve efficiency and effectiveness of the WDB.

With approval of this item, the By-laws will be submitted to the BOS on September 27, 2022. If approved, the By-laws will become effective on that date and will remain in effect until dissolution of the WDB or further amendment is presented to the WDB and BOS.

Attachments:

- The 2022 San Bernardino County Workforce Development Board Amended and Restated By-Laws
- Tracked Change Version of 2022 San Bernardino County Workforce Development Board Amended and Restated By-Laws

**SAN BERNARDINO COUNTY**  
**WORKFORCE DEVELOPMENT BOARD**  
**AMENDED AND RESTATED BY-LAWS**

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**SAN BERNARDINO COUNTY  
WORKFORCE DEVELOPMENT BOARD  
AMENDED AND RESTATED BY-LAWS**

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 set forth in the following Articles.

ARTICLE I – NAME AND LOCATION

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

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 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 II- 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.

**2.1 – Authorized Duties and Responsibilities**

Duties and responsibilities of the WDB are as set forth in this Section 2.1. 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 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 a One-Stop Operator in accordance with the Act, Section 121(d), subject to the approval of the BOS to coordinate partnerships for the One-Stop System, referred to as the America's Job Center of California System (AJCC System).
- 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 AJCCs.
- R. The WDB, with the approval of the BOS, shall develop and enter into Memorandums of Understanding between itself and the local AJCC System partners, designated in the Act, Section 121(b), concerning the operation of the AJCC System within the local Workforce Development Area, in accordance with the Act, Section 121(c).

- S. The WDB shall establish objective qualifications for a Director. The WDB may carry out any other 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 Chair and with the approval of the BOS, initiate other duties consistent with the intent of the Act, State law and implementing regulations.

## **2.2 – 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 III – WDB MEMBERSHIP**

### **3.1 – 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 BOS pursuant to Section 107(b) of WIOA. This Item and the Act provide that the WDB shall be comprised of nineteen (19) persons as described in the following categories.

- A. Business: 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. Workforce: Not less than twenty percent (20%) of members, four (4), 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. Education and Training: 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, nominated by local provider(s) of adult education and literacy, and
  - ii. One (1) representative of an institution of higher education providing workforce investment activities, nominated by such an institution, including community colleges.
- D. State Employment Office: One (1) at-large representative of the State employment services office under the Wagner-Peyser Act serving the local area.
- E. Economic and Community Development: One (1) at-large representative of economic and community development entities.
- F. Vocational Rehabilitation: 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).

### **3.2 – Selection of 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. Per BOS (August 25, 2015, Item No. 59), applications and nominations shall be submitted to and reviewed by staff of the WDB for eligibility and compliance with WIOA. Applications/nominations of verified eligible members shall be submitted to the Clerk of the BOS (COB) for review and recommendations to the BOS members.

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. Terms for subsequent WDB members shall expire two (2) years after appointment unless earlier terminated or expired. Pursuant to San Bernardino County Policy Manual 02-09, terms of office shall be staggered so that no more than twelve (12) shall expire in any one-year period. A member whose appointment has expired may continue to serve until a new appointment is made or the BOS declares the position vacant. Such member is eligible for reappointment subject to County Policy 02-09 and Article III herein.

### **3.3 – Financial Disclosure Obligation**

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

### **3.4 – 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 BOS. 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.

### **3.5 – Termination and Removal**

A member of the WDB may be removed by the BOS 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 BOS that the member be removed.

### **3.6 - Resignation**

The resignation of a WDB Member shall be submitted to the Chair, Director of the WDB, and the COB and shall be effective upon receipt by the COB or per date of the resignation letter.

Staff of the WDB shall immediately report any unscheduled vacancy to the COB.

## **ARTICLE IV – MEETINGS**

### **4.1 – 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.

When feasible and efficient, phone and web-based meetings may be utilized to promote community, WDB, and committee member participation so long as such participation complies with the Brown Act, specifically, Section 54953 of the California Government Code.

### **4.2 – 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.*).

### **4.3 – 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). The order of business to be generally followed for all meetings shall consist of:

1. Opening
2. Public Comments
3. Consent Items
4. Discussion Items
5. Information, Presentation, or Workshop Items
6. Adjournment

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

#### **4.4 – 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 3.4.
- 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.

#### **4.5 – 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.

#### **4.6 – Meeting Attendance**

Attendance by WDB members at regularly scheduled meetings is critical for the WDB to fulfill its functions. WDB 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 3.5 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 3.5. 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 8.1 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.

#### **4.7 – Agenda Setting**

The Chair, or the officer of the Board presiding as the Chair, shall work with staff to develop the agendas for general and special meetings of the WDB. Notwithstanding the preceding, as set forth in the Brown Act, the WDB may take action on items of business not appearing on the posted agenda upon a determination by a two-thirds vote of the WDB members present at the meeting, or, if less than two-thirds of the WDB members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the WDB subsequent to the posting of the agenda (Cal. Govt. Code § 54954.2(b)(2)).

#### **ARTICLE V – 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 VI – OFFICERS OF THE WDB**

##### **6.1 – Officers**

The officers shall be the Chair, Vice-Chair, and Treasurer. 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.

##### **6.2 – 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 Treasurer for the WDB shall be elected by the WDB from among members appointed to the WDB pursuant to Section 3.1(A) of these By-laws (i.e., a representative from a business in San Bernardino County), as prescribed by WIOA, Section 107(b)(3). The persons elected to the office of Chair, Vice-Chair, and Treasurer may be removed from office by a majority vote of the entire WDB membership.
- C. Elections shall be conducted annually at a General WDB meeting between October and December. The new terms of office for the Chair, Vice-Chair and Treasurer will begin on the first business day of January of the following year.
- 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, a successor will be named at the discretion of the Chair for the remainder of the Vice-Chair's term from among those members appointed to the WDB pursuant to Section 3.1(A) of these By-laws (i.e., a representative from a business in San Bernardino County), as prescribed by WIOA, Section 107(b)(3).
- H. In the event of a vacancy in the office of Treasurer, the office shall be filled in accordance with paragraph (B) above for the unexpired term of that office.
- I. In the event of a vacancy in both the offices of Chair and Vice Chair, a special meeting will be held within ten (10) business days, to nominate and elect a new Chair and Vice Chair in accordance with paragraph (B) above.

### 6.3 – 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. Represent the WDB membership at State Designated Workforce Entity meetings.
  - iv. Act as the liaison for the WDB to the BOS or its designee(s).
  - v. Inform the Career Services Provider of changes of policy passed by the WDB for implementation of newly formulated WDB policies and/or procedures.
  - vi. Annually appoint a chair for each standing committee set forth in Section 8.1 of these By-laws and fill by appointment any vacancies in such positions.
  - vii. Create and dissolve ad-hoc committees and appoint and dismiss a chair for each ad-hoc committee.
  - viii. 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.

## **6.4 – 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.

## **6.5 Treasurer**

The Treasurer 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. The Treasurer shall be responsible for serving as chair of the Finance Committee. As Finance Committee chair, the Treasurer shall be responsible for, at a minimum, unless otherwise directed by the Chair, calling and presiding over meetings of the Finance Committee, and working with County staff and the WDB Director to review and move forward an annual budget for WDB approval.

## **6.6 - 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 VII – EXECUTIVE BOARD**

The WDB shall maintain an Executive Board, which shall consist of the Chair, the Vice-Chair, Treasurer, the immediate past Chair of the WDB, and three (3) to five (5) WDB members at-large, appointed by the Chair. In the event that the immediate past Chair cannot serve on the Executive Board, the Chair may appoint another member of the WDB to serve in his/her seat. The Executive Board shall consist of less than a quorum of the WDB.

The Chair shall chair the Executive Board. The Executive Board may convene a meeting, noticed in accordance with the Brown Act. The Executive Board may 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 VIII – COMMITTEES**

### **8.1 – Standing Committees**

The standing committees of the WDB are: the Finance Committee, the Youth Committee, the Economic Development and Business Resource Committee, and the Special



Populations Committee. Except for the Finance Committee for which the Treasurer shall serve as chair, 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. The Chair may form other Standing Committees as deemed necessary by the Chair and in accordance with Section 8.1.

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. Each standing committee shall consist of less than a quorum of the WDB.

Non-WDB members may 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. Such committee members shall have appropriate experience and expertise in the standing committee's area of focus.

## **8.2 – Ad-Hoc Committees**

Ad-hoc committees may be created and dissolved at the discretion of the Chair pursuant to Section 6.3.A.vii 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. Each ad-hoc committee shall consist of less than a quorum of the WDB and/or a standing committee.

## **8.3 – 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 IX– INDEMNIFICATION**

## **9.1 – Defense and Indemnification**

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

## **9.2 – 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 X – PARLIAMENTARY PRACTICES**

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

## **ARTICLE XI – 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 of San Bernardino County.

## **ARTICLE XII – 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 fourteen (14) 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 BOS.

## **ARTICLE XIII - EFFECT**

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

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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 originally adopted by the WDB on January 20, 2016, amended and restated on \_\_\_\_\_, 2022.

Executed on \_\_\_\_\_, 2022, at San Bernardino, California

\_\_\_\_\_  
Devra Bell, WDB Secretary

DRAFT

**SAN BERNARDINO COUNTY  
WORKFORCE DEVELOPMENT BOARD  
AMENDED AND RESTATED BY-LAWS**



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**SAN BERNARDINO COUNTY  
WORKFORCE DEVELOPMENT BOARD  
AMENDED AND RESTATED BY-LAWS**

**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 set forth in the following Articles.

**ARTICLE I – NAME AND LOCATION**

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

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 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 II- 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.

**2.1 – Authorized Duties and Responsibilities**

Duties and responsibilities of the WDB are as set forth in this Section 2.1. 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 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 a One-Stop Operator in accordance with the Act, Section 121(d), subject to the approval of the BOS to coordinate partnerships for the One-Stop System, referred to as the America's Job Center of California System (AJCC System).
- 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 AJCCs.
- R. The WDB, with the approval of the BOS, shall develop and enter into Memorandums of Understanding between itself and the local AJCC System partners, designated in the Act, Section 121(b), concerning the operation of the



AJCC System within the local Workforce Development Area, in accordance with the Act, Section 121(c).

- S. The WDB ~~may shall~~ establish objective qualifications for a ~~director-Director. and may hire other staff to~~ The WDB may carry out ~~any other 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 Chair and with the approval of the BOS, initiate other duties consistent with the intent of the Act, State law and implementing regulations.

## **2.2 – 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 III – WDB MEMBERSHIP**

### **3.1 – 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 BOS pursuant to Section 107(b) of WIOA. This Item and the Act provide that the WDB shall be comprised of nineteen (19) persons as described in the following categories.

- A. Business: 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. Workforce: Not less than twenty percent (20%) of members, four (4), 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. Education and Training: 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, nominated by local provider(s) of adult education and literacy, and
  - ii. One (1) representative of an institution of higher education providing workforce investment activities, nominated by such an institution, including community colleges.
- D. State Employment Office: One (1) at-large representative of the State employment services office under the Wagner-Peyser Act serving the local area.
- E. Economic and Community Development: One (1) at-large representative of economic and community development entities.
- F. Vocational Rehabilitation: 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).

### **3.2 – Selection of 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. Per BOS (August 25, 2015, Item [No. 59](#)), applications and nominations shall be submitted to and reviewed by staff of the WDB for eligibility and compliance with WIOA. Applications/nominations of verified eligible members shall be submitted to the Clerk of the BOS (COB) for review and recommendations to the BOS members.

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. Terms for subsequent WDB members shall expire two (2) years after appointment unless earlier terminated or expired. Pursuant to San Bernardino County Policy Manual 02-09, terms of office shall be staggered so that no more than twelve (12) shall expire in any one-year period. A member whose appointment has expired may continue to serve until a new appointment is made or the BOS declares the position vacant. Such member is eligible for reappointment subject to County Policy 02-09 and Article III herein.

### **3.3 – Financial Disclosure Obligation**

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

### **3.4 – 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 BOS. 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.

### **3.5 – Termination and Removal**

A member of the WDB may be removed by the BOS 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 BOS that the member be removed.

### **3.6 - Resignation**

The resignation of a WDB Member shall be submitted to the Chair, ~~Executive~~-Director of the WDB, and the ~~Clerk of the BOS (COB)~~ and shall be effective upon receipt by the COB or per date of the resignation letter.

Staff of the WDB shall immediately report any unscheduled vacancy to the COB.

## ARTICLE IV - MEETINGS

### 4.1 – 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.

When feasible and efficient, phone and web-based meetings may be utilized to promote community, WDB, and committee member participation so long as such participation complies with the Brown Act, specifically, Section 54953 of the California Government Code.

### 4.2 – 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.*).

### 4.3 – 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). The order of business to be generally followed for all meetings shall consist of:

1. Opening
2. Public Comments
3. Consent Items
4. Discussion Items
5. Information, Presentation, or Workshop Items
6. Adjournment

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

#### **4.4 – 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 3.4.
- 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.

#### **4.5 – 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.

#### **4.6 – Meeting Attendance**

Attendance by WDB members at regularly scheduled meetings is critical for the WDB to fulfill its functions. WDB 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 3.5 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 3.5. 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 8.1 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.

#### **4.7 – Setting Agenda Setting**

The Chair, or the officer of the Board presiding as the Chair, shall work with staff to develop the agendas for general and special meetings of the WDB. -Notwithstanding the preceding, as set forth in the Brown Act, the WDB may take action on items of business not appearing on the posted agenda upon a determination by a two-thirds vote of the WDB members present at the meeting, or, if less than two-thirds of the WDB members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the WDB subsequent to the posting of the agenda (Cal. Govt. Code § 54954.2(b)(2)).

### **ARTICLE V– 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 VI – OFFICERS OF THE WDB**

#### **6.1 – Officers**

The officers shall be the Chair, Vice-Chair, and ~~Treasurer-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.

#### **6.2 – 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 Treasurer and Second Vice Chair~~ for the WDB shall be elected by the WDB from among members appointed to the WDB pursuant to Section 3.1(A) of these By-laws (i.e. a representative from a business in San Bernardino County), as prescribed by WIOA, Section 107(b)(3). The persons elected to the office of Chair, Vice-Chair, ~~and Treasurer 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 a General WDB meeting between October and December. The new terms of office for the Chair, Vice-Chair ~~and Treasurer and Second Vice Chair~~ will begin on the first business day of January of the following year.
- 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, a successor will be named at the discretion of the Chair for the remainder of the Vice-Chair's term from among those members appointed to the WDB pursuant to Section 3.1(A) of these By-laws (i.e. a representative from a business in San Bernardino County), as prescribed by WIOA, Section 107(b)(3). ~~, 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~~ Treasurer, the office shall be filled in accordance with paragraph (B) above for the unexpired term of that office.

H.—In the event of a vacancy in both the offices of Chair and Vice Chair, a special meeting will be held within ~~(XX)~~ten (10) business days, to nominate and elect a new Chair and Vice Chair in accordance with paragraph (B) above.

I.

### 6.3 – 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. Represent the WDB membership at State Designated Workforce Entity meetings.
  - iv. Act as the liaison for the WDB to the BOS or its designee(s).
  - v. Inform the Career Services Provider of changes of policy passed by the WDB for implementation of newly formulated WDB policies and/or procedures.
  - vi. Annually appoint a chair for each standing committee set forth in Section 8.1 of these By-laws and fill by appointment any vacancies in such positions.
  - vii. Create and dissolve ad-hoc committees, and appoint and dismiss a chair for each ad-hoc committee.
  - viii. 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.

#### **6.4 – 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.

#### **~~6.55 – Second Vice-Chair Treasurer~~**

The ~~Second Vice-Chair Treasurer~~ 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. The Treasurer shall be responsible for serving as chair of the Finance Committee. As Finance Committee chair, the Treasurer shall be responsible for, at a minimum, unless otherwise directed by the Chair, calling and presiding over meetings of the Finance Committee, and working with County staff and the WDB Director to review and move forward an annual budget for WDB approval.

#### **6.6 - 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 VII– EXECUTIVE BOARD**

The WDB shall maintain an Executive Board, which shall consist of the Chair, the Vice-Chair, ~~the Second Vice-Chair Treasurer~~, the immediate past Chair of the WDB, and three (3) to five (5) WDB members at-large, appointed by the Chair. In the event that the immediate past Chair cannot serve on the Executive Board, the Chair may appoint another member of the WDB to serve in his/her seat. The Executive Board shall consist of less than a quorum of the WDB.

The Chair shall chair the Executive Board. The Executive Board may convene a meeting, noticed in accordance with the Brown Act. The Executive Board may 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 VIII – COMMITTEES**

#### **8.1 – Standing Committees**

The standing committees of the WDB are: the [Finance Committee](#), the Youth Committee, the Economic Development and Business Resource Committee, and the Special Populations Committee. ~~The~~[Except for the Finance Committee for which the Treasurer shall serve as chair, 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. The Chair may form other Standing Committees as deemed necessary by the Chair and in accordance with Section 8.1.

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. Each standing committee shall consist of less than a quorum of the WDB.

Non-WDB members may 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. Such committee members shall have appropriate experience and expertise in the standing committee's area of focus.

## **8.2 – Ad-Hoc Committees**

Ad-hoc committees may be created and dissolved at the discretion of the Chair pursuant to Section 6.3.A.vii 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. Each ad-hoc committee shall consist of less than a quorum of the WDB and/or a standing committee.

## **8.3 – 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 IX– INDEMNIFICATION**

## **9.1 – Defense and Indemnification**

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

## **9.2 – 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 X – PARLIAMENTARY PRACTICES**

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

## **ARTICLE XI – 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 of San Bernardino County.

## **ARTICLE XII – 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 fourteen (14) 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 BOS.

## **ARTICLE XIII - EFFECT**

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

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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 originally adopted by the WDB on January 20, 2016, amended and restated on \_\_\_\_\_, 2022.

Executed on \_\_\_\_\_, 2022, at San Bernardino, California

\_\_\_\_\_  
Devra Bell, WDB Secretary

**San Bernardino County  
Workforce Development Executive Board  
Agenda Item**

**MEETING DATE:** August 10, 2022

**ITEM:** (8)

**SUBJECT:** PROGRAM SUPPORT FOR STATE OF THE COUNTY EVENT

**PRESENTED BY:** Bradley Gates, Director  
Workforce Development Department

**CONSENT** \_\_\_\_\_ **DISCUSSION**  X  **INFORMATION** \_\_\_\_\_

**RECOMMENDATION:** Approve program support for the State of The County event in the amount of \$15,000.

**BACKGROUND:** Under the Workforce Innovation and Opportunity Act (WIOA), the Workforce Development Board (WDB) has general program oversight of local employment and training activities and the one-stop delivery system and ensures the appropriate use and management of WIOA funds in San Bernardino County.

On October 16, 2019, the WDB approved the Policy Manual and six policies were posted on the WDB website and implemented department wide. With the approval, the WDB set forth that substantial changes to the policies or new policies developed would be presented to the WDB.

Partner agencies and organizations, including school districts, training organizations, community-based organizations, industry associations, and San Bernardino County departments often seek support from the Workforce Development Department and the WDB for events like conferences, business functions, and program activities. The support provided becomes a business relationship between the two organizations, creating community relations opportunities and recognition of WDB's involvement and programs and the opportunity to promote WDB programs and services to the community.

WDB Policy 7 was created to provide structure for approving requests for Workforce Innovation & Opportunity Act financial program support from partners. The policy states that support requests will be approved by Workforce Development Department staff up to an annual amount per entity of \$4,999 and will be presented to the WDB for an amount of \$5,000 or above per year, per entity.

Benefits of supporting the State of the County event include:

- Acknowledgement during formal presentation and opportunity to show a WDB video.
- Digital logo placed throughout the event.
- Digital signage of video loop during the reception.
- High-visibility inclusion of logo in all event materials.
- Full page advertorial about the WDB in event program.
- Dedicated e-blast following event to all attendees.
- Digital export of attendee contact information.
- Web information link with logo on the Economic Development's website [www.selectsbcounty.com](http://www.selectsbcounty.com).
- Twelve main event registrations.