
YUMA COUNTY WORKFORCE DEVELOPMENT BOARD

BY-LAWS

Revised and Adopted this 18th day of November, 2019 to reflect requirements by the Workforce Arizona Council (WAC) Local Governance Policy approved on June 2019, in accordance with the Workforce Innovation and Opportunity Act (WIOA), and Code of Federal Regulations 20 CFR Section 679.

Revised this 7th day of September, 2022 to be in compliance with the Arizona Department of Economic Security (AZDES).

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BY-LAWS

Yuma County Workforce Development Board
DBA 501(c)(3) Organization, Yuma Private Industry Council, Inc. (YPIC)

Effective Date: November 18, 2019

Revised Date: September 7, 2022

Revised Date: July 17, 2023

ARTICLE I.

NAME, AREA OF SERVICE & ESTABLISHMENT AUTHORIZATION

- A. The Yuma County Workforce Development Board, hereinafter referred to as the “LOCAL BOARD”, is established in accordance with the Workforce Innovation and Opportunity Act, hereinafter referred to as “WIOA”, which was signed into law on July 22, 2014 as Public Law 113-128, specifically Sec. 107.
- B. The Chief Elected Official is defined as the Yuma County Board of Supervisors, (hereinafter referred to as “BOS”).
- C. The area served shall be Yuma County, State of Arizona, inclusive of all municipalities and unincorporated areas. This area shall be known as the Yuma County Local Workforce Development Area (hereinafter referred to as the “LWDA”).
- D. The BOS appoints all LOCAL BOARD members as prescribed in the Workforce Innovation and Opportunity Act (hereinafter referred to as the “WIOA”), Public Law 113-128.
- E. The LOCAL BOARD and its committees derive their authority from WIOA Sec. 107. In execution of its business, the LOCAL BOARD shall comply with the WIOA and regulations as well as policies and directives from the Arizona Department of Economic Security and the Workforce Arizona Council.

ARTICLE II.

VISION AND PURPOSE

- A. Consistent with 20 CFR § 679.300 (a) and (b), the vision for the LOCAL BOARD is to serve as a strategic leader and convener of local workforce development system stakeholders.

The LOCAL BOARD partners with employers and the workforce development system to develop policies and investments that support public workforce system strategies that support regional economies, the development of effective approaches including local and regional sector partnerships and career pathways, and high quality, customer centered service delivery and service delivery approaches;

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B. The purpose of the LOCAL BOARD is to:

1. Provide strategic and operational oversight in collaboration with the required and additional partners and workforce stakeholders to help develop a comprehensive and high-quality workforce development system in the local area and larger planning region;
2. Assist in the achievement of the Arizona State Plan; and
3. Maximize and continue to improve the quality of services, customer satisfaction, effectiveness of the services provided.

C. The LOCAL BOARD will operate on a Program Year basis. Program Years are defined as July 1 – June 30.

ARTICLE III.

DUTIES AND RESPONSIBILITIES

As provided in WIOA Sec. 107(d), 20 CFR § 679.370, and Paragraph VI(14) of the WAC Local Governance Policy, the LOCAL BOARD must:

A. LOCAL POLICY

In partnership with the BOS, set policy for the portion of the statewide workforce development system within the LOCAL BOARD and consistent with State policies (20 CFR § 679.310(b)).

B. LOCAL PLAN

Develop and submit a 4-year local plan for the local area, in partnership with the BOS, and consistent with WIOA Sec. 108.

C. BUDGET AND ADMINISTRATION

Develop a budget for the activities of the LOCAL BOARD, **with approval of the BOS** and consistent with the local plan and the duties of the LOCAL BOARD. The LOCAL BOARD budget includes all activities of the LOCAL BOARD including the Title I budget amounts to be allocated for youth (WIOA Sec. 133), adults and dislocated worker (WIOA Sec. 128) career services. The LOCAL BOARD determines how much of the budget to allocate for these services and how to procure these services.

D. LABOR MARKET ANALYSIS

- a) Analyses and regular updates of economic conditions, needed knowledge and skills, workforce, and workforce development (including education and training) activities to include an analysis of the strengths and weaknesses (including the capacity to provide) of such services to address the identified education and skill needs of the workforce and the employment needs of employers;

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- b) Other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions.

E. CONVENING, BROKERING, LEVERAGING

Convene local workforce development system stakeholders to assist in the development of the local plan under 20 CFR § 679.550 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the LOCAL BOARD and standing committees in carrying out, convening, brokering, and leveraging functions at the direction of the LOCAL BOARD.

Under WIOA sec. 108, the LOCAL BOARD must, in partnership with the BOS, develop and submit a comprehensive 4-year plan to the Governor.

The plan must identify and describe the policies, procedures, and local activities that are carried out in the local area, consistent with the State Plan.

Selected Board Members and mandated partners will contribute and assist in developing the comprehensive 4-year plan.

Employer/Community Engagement updates are scheduled on the board agenda and presented at the LWDB meetings.

Economic developments and opportunities are put on the board agenda and presented to the LWDB by the board member representing economic development.

The Board Chair and Executive Director will monitor and oversee these functions.

F. EMPLOYER ENGAGEMENT

Lead efforts to engage with a diverse range of employers and with entities in the region in order to:

1. Promote business representation on the LOCAL BOARD;
2. Develop effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;
3. Ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and
4. Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers, that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

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G. CAREER PATHWAYS DEVELOPMENT

With representatives of secondary and postsecondary education programs, lead efforts to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

H. PROVEN AND PROMISING PRACTICES

As stated in paragraph VI(7) of the June 5, 2019 WAC Local Governance Policy, lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and job seekers (including individuals with barriers to employment) in the local workforce system, as well as in providing physical and programmatic accessibility, in accordance with WIOA Sec. 188, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), to the one-stop delivery system. Identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.

I. TECHNOLOGY

Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers and job seekers, by:

1. Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
2. Facilitating access to services provided through the one-stop delivery system involved, including access in remote areas;
3. Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
4. Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

J. PROGRAM OVERSIGHT

In partnership with the BOS:

1. Conduct oversight of youth workforce investment activities authorized under WIOA Sec. 129(c), adult and dislocated worker employment and training activities under WIOA Sec. 134(c) and (d), and the entire one-stop delivery system in the local area;
2. Ensure the appropriate use and management of the funds provided under WIOA Subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area; and

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3. Ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA Sec. 116.

K. LOCAL PERFORMANCE ACCOUNTABILITY MEASURES

Negotiate and reach agreement on local performance indicators with the BOS and the Workforce Arizona Council.

L. INFRASTRUCTURE COSTS

As stated in the WAC Local Governance Policy, negotiate with the BOS and required partners on the methods for funding the infrastructure costs of one-stop centers in the local area in accordance with 20 CFR § 678.715 and State Workforce Policy MOU and Infrastructure Costs policy.

M. SELECTION OF OPERATORS AND PROVIDERS

As stated in the WAC Local Governance Policy, with the agreement of the BOS, select the following providers in the LWDA, and where appropriate terminate such providers in accordance with 2 CFR part 200:

1. Providers of youth workforce investment activities through competitive grants or contracts. However, if the LOCAL BOARD determines that there is an insufficient number of eligible providers in the LWDA, the LOCAL BOARD may award contracts on a sole-source basis in compliance with State Provider Selection Policy ARIZONA@WORK One Stop Operator and Service Provider Selection Policy. The LOCAL BOARD may terminate for cause the eligibility of such providers.
2. Eligible providers of training services consistent with the criteria and information requirements established by the Governor and WIOA Sec. 122;
3. Providers of career services through the award of contracts if the one-stop operator does not provide such services;
4. Designate or certify one-stop operators as described in WIOA Sec. 121(d)(2)(A) and 20 CFR § 678.600-678.635. Also, may terminate for cause the eligibility of such operators.
5. The One-Stop Operator may also be the direct service provider, but may not develop, manage, or conduct the competition of a service provider for which it intends to compete.
6. The One-Stop Operator may not convene system stakeholders to assist in the development of the local plan, and prepare and submit local plans.

N. CONSUMER CHOICE REQUIREMENTS

As stated in the WAC Local Governance Policy, work with the State to ensure there are sufficient numbers and types of providers of career services and training services serving the local area, services are provided in a manner that maximizes consumer choice and provides opportunities that lead to competitive employment for individuals with

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disabilities. This includes eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities. (WIOA Sec. 122 and paragraphs (2) and (3) of Sec. 134(c)).

O. COORDINATION WITH EDUCATION PROVIDERS

Coordinate activities with education and training providers in the local area, including:

1. Reviewing applications to provide adult education and literacy activities under title II for the local area to determine whether such applications are consistent with the local plan;
2. Making recommendations to the eligible agency to promote alignment with such plan; and
3. Replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, such as cross training staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

P. ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

Assess, on an annual basis, the physical and programmatic accessibility of the one-stop centers in the local area, in accordance with WIOA Sec. 188, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*).

Q. ARIZONA@WORK JOB CENTER CERTIFICATION

Certification of one-stop centers in accordance with 20 CFR § 678.800 and applicable policies issued by the State Workforce Board (Workforce Arizona Council).

R. AUTHORITY TO HIRE STAFF

1. The LOCAL BOARD shall establish and apply a set of qualifications for the position of director that ensures the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in carrying out the functions of the LOCAL BOARD. The Executive Director shall be responsible for all personnel matters.
2. The LOCAL BOARD director and staff are subject to the limitations on the payment of salary and bonuses described in WIOA Sec. 194(15).
3. In general, LOCAL BOARD staff only may assist the LOCAL BOARD to fulfill its functions (20 CFR § 679.400(d)).

S. COMPENSATION AND REIMBURSEMENT

LOCAL BOARD members shall receive no compensation for their service on the LOCAL BOARD. A member may be eligible for reimbursement of expenses directly related to LOCAL BOARD representation, up to the actual amount provided with

receipts, upon approval by the LOCAL BOARD Chair. Such approval must be granted before the expense is incurred. LOCAL BOARD members are not eligible for reimbursement relating to mileage or routine expenses relating to attendance at LOCAL BOARD meetings.

ARTICLE IV.

MEMBERSHIP/COMPOSITION OF THE LOCAL BOARD

A. Pursuant to WIOA Section 107 (c) (1), the BOS) is authorized to appoint the members of the LOCAL BOARD for Yuma County in accordance with the criteria established by the Governor in partnership with the State Board (WIOA 107 (b)(1)). Authority to appoint members to the LOCAL BOARD rests solely with the BOS.

1. The membership shall be comprised as follows based on the definitions outlined in the Act:

Category	# of Members
A - Business - Must be <u>more than 50%</u> of the total Board. MUST be owner or CEO with optimum policymaking or hiring authority. MUST provide employment in in-demand industry sectors that have substantial current or potential impact on economy. MUST include 2 reps of small business as defined by SBA.	10
B - Workforce - <u>Not less than 20%</u> of total Board. MUST include 2 reps of labor organizations. MUST include 1 rep of registered apprenticeship program.	4
C - Education and Training - MUST include at least 1 provider of adult education (WIOA Title II). MUST include at least 1 higher education providing workforce investment activities.	2
D - Government, Economic and Community Development – MUST include at least 1 rep from an Economic and Community Development entity. MUST include at least 1 rep for ESO under Wagner-Peyser Act. MUST include at least 1 rep of programs under Title I of Rehab Act of 1973.	3
TOTAL	19

2. The BOS is solely responsible to determine the size of the LOCAL BOARD consistent with WIOA Section 107(b)(2). The LOCAL BOARD may submit a request to the BOS for consideration of a change in the size of the LOCAL BOARD. Any approved changes must be consistent with WIOA Section 107(b)(2). Changes will become effective on the first day of the following program year.

3. The LOCAL BOARD must be selected by the BOS consistent with criteria established under WIOA sec. 107(b)(1) and criteria established by the Governor, and must meet the requirements of WIOA sec. 107(b)(2).

4. The LOCAL BOARD may not include members who are employees or directors of grantees or sub-grantees of Arizona WIOA funds **except as required by WIOA.**
5. Members of the LWDB that represent organizations, agencies or other entities shall be individuals with optimum policymaking authority within the organizations, agencies or entities. Optimum policymaking authority is defined as an individual in leadership, management, supervisory positions or individuals nominated in writing by selected entities who can reasonably be expected to speak affirmatively on behalf of the entity they represent and to commit that entity to a chosen course of actions. Such authority is limited for the purpose of membership on the LWDB, and does not supersede an entity's fiscal authority requirements and policymaking approval process.
6. An individual may be appointed to represent more than one category. When an individual is appointed to represent more than one category, the individual must have policy-making authority in each category.
7. Documentation is required indicating the dual/multiple role is acceptable based on a majority vote of the full LOCAL BOARD.

B. BUSINESS REPRESENTATIVES:

The majority (greater than 50%) of the members of the LOCAL BOARD must be representatives of business in the local area. At a minimum, two members must represent small business as defined by U.S. Small Business Administration. Business representatives serving on local workforce development boards may also serve on the State board. Each business representative **must meet the following criteria:**

1. Be owners of businesses, chief executives or operating officers of businesses, or other business executives or individuals with optimum policy making or hiring authority. A representative with optimum policy-making authority is an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action.
2. Provide employment opportunities in "in-demand" industry sectors or occupations, and provide high-quality, work-relevant training and development opportunities to its workforce or the workforce of others (in the case of organizations representing business as per WIOA Sec. 107(b) (2)(A)(ii)).

As defined in WIOA 107 Sec. 3(23), *in-demand industry sector or occupation* means:

- a. An industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or
- b. An occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a

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significant impact on the State, regional, or local economy, as appropriate.

The determination of whether an industry sector or occupation is in-demand shall be made by the State or LOCAL BOARD, as appropriate, using the State and regional business and labor market projections, including the use of labor market information.

3. Be appointed among individuals nominated by local business organizations and/or business trade associations.

C. WORKFORCE REPRESENTATIVES

Not less than 20 percent of the members of the LOCAL BOARD must be workforce representatives. These representatives:

1. **Must include** two or more representatives of labor organizations who have been nominated by local labor federations, or other representatives of employees (for areas where labor organizations do not exist);
2. **Must include** one or more representatives (must be a training director or a member of a labor organization) of a joint labor-management, or union affiliated, registered apprenticeship program within the area. If no union registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists;
3. *May include* one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and
4. *May include* representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

D. BALANCE OF MEMBERSHIP

The balance of membership for the LOCAL BOARD **must include**:

1. **At least one** eligible provider administering adult education and literacy activities under WIOA title II (Adult Education). When there is more than one local area provider of adult education and literacy activities under Title II, nominations are solicited from those particular entities (WIOA Sec. 107 (b)(2)(C)(i));
2. **At least one** representative from an institution of higher education providing workforce investment activities, including community colleges. When there are multiple institutions of higher education providing workforce investment activities nominations are solicited from those particular entities (WIOA Sec. 107(b)(2)(C)(ii)); and

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3. **At least one** representative from each of the following governmental and economic and community development entities:
 - a. Economic and community development entities;
 - b. The State Employment Service Office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and
 - c. The programs carried out under title I of the Rehabilitation Act of 1973, other than section 112 or Part C of that Title.

E. OTHER APPOINTMENTS

In addition to the representatives enumerated above, the BOS may appoint other appropriate entities in the local area, including:

1. Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
 2. Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
 3. Philanthropic organizations serving the local areas; and
 4. Other appropriate individuals as determined by the BOS.
- F. LOCAL BOARD members will not be permitted to delegate a proxy or alternates in their absence for any meeting or other activity.
- G. Members will complete tasks assigned by the LOCAL BOARD Chair and will carry out assignments from committees to which they have been appointed. Members are expected to be knowledgeable about LOCAL BOARD-related topics, including policy guidelines. Members are expected to assist each other in orientation and education related to LOCAL BOARD responsibilities.

ARTICLE V.

APPOINTMENTS TO THE LOCAL BOARD

- A. Individuals are appointed to the LOCAL BOARD by the BOS, in accordance with State criteria established under WIOA Sec. 107(b)(2), and the LOCAL BOARD is certified by the Governor **every two years**, in accordance with WIOA Sec. 107(c)(2).
- B. Appointments to the LOCAL BOARD will be made by the BOS by the following process:

1. Each nominee must complete a questionnaire provided by the Yuma County Administrator (hereinafter referred to as "County Administrator") for membership on the LOCAL BOARD.
2. The questionnaire will demonstrate how the nominee meets the criteria for membership in the applicable category (Business, Workforce, etc. see *Article IV Membership/Composition of the Board*). This includes a resume or curriculum vitae that shows work history and level of authority and qualification. Membership questionnaires must be submitted to the County Administrator for future consideration by the BOS.
3. Nominees for the Business category of membership must provide a letter of nomination from a local business organization or business trade association (e.g., Yuma County Chamber of Commerce or Greater Yuma Economic Development Corporation), in accordance with WIOA Sec. 107(b)(2)(iii).
4. Nominees for the Workforce category of membership must provide a letter of nomination from a local labor federation or other representative of employees (for areas where labor organizations do not exist), in accordance with WIOA Sec. 107(b)(2)(i).
5. The appointment will be placed on an agenda for action by the BOS. A majority vote in favor of the appointment is required by the BOS. Once approved, the appointee's name will be sent to the LOCAL BOARD staff for processing.
6. All newly appointed LOCAL BOARD members must complete a LOCAL BOARD- approved onboarding session prior to attending their first meeting as a voting board member.
7. Program partner staff members who have a post of duty at either the ARIZONA@WORK Yuma County comprehensive or affiliate site job centers are not eligible for membership on the LOCAL BOARD, *except those representatives required by the WIOA*, due to a potential conflict of interest resulting from the relationship between the LOCAL BOARD, the One Stop Operator, and job center program staff.

ARTICLE VI.

TERMS OF OFFICE

- A. The terms of the members will generally be for three years. Term start date is the date the member was approved by the BOS, with the termination date of June 30 of the termination year. Members may serve multiple terms but must be re-appointed by the BOS.
- B. Appointments will be staggered to the extent possible so that one-third (1/3) of the membership expires in a given year. Individual terms may be adjusted to achieve this goal.

Members are to be appointed equally (one-third each) by the BOS. When Board Members are appointed to the Local Workforce Development Board (LWDB) they shall be for a period of one (1) year, two (2) years, or three (3) years to ensure the LWDB is equally balanced on a “staggered-term” basis, so that insofar as is possible, one-third of the Board members shall be appointed/reappointed each year.

Each member shall serve a term that shall be determined by the appointing BOS. In certain circumstances when a new appointee is replacing a resigning member, the appointee may potentially be appointed for 3 years to maintain staggered-terms. Upon expiration of a member’s term, that member, at the discretion of the BOS, may be reappointed by the BOS to another designated term. The Board shall maintain an updated list of the current members and the expiration dates of their terms to ensure board composition compliance.

- C. If a vacancy occurs otherwise than by the expiration term, the vacancy shall be filled by appointment by the BOS for the unexpired portion of the term.

The nomination process will be the same as outlined in these By-laws under *Article V Appointments to the LOCAL BOARD*. The new member filling the vacancy shall represent the same board category as the outgoing member.

ARTICLE VII.

ATTENDANCE

- A. All LOCAL BOARD members are expected to attend regularly scheduled meetings. All members must confirm **two business days prior** to a scheduled meeting whether they plan to attend or not.
- B. All LOCAL BOARD members may attend meetings in person, telephonically or virtually. A cell phone call to a member’s telephone may be used in case the conference call is not available for the meeting.
- C. A member’s absence is considered *unexcused* if the member fails to notify LOCAL BOARD staff **two business days** prior to a scheduled meeting.
- D. *Three unexcused* absences by any member during the Program Year shall result in LOCAL BOARD review of the member’s absences with regard to recommending removal of the member. The LOCAL BOARD, by majority vote, may recommend removal of a member to the BOS.
- E. *Excused* absences are those involving sickness, family emergency or business related priorities. Members must notify LOCAL BOARD staff immediately upon discovery of circumstances that will require an excused absence.
- F. *Four excused* absences during the Program Year shall result in LOCAL BOARD notifying the BOS and recommending removal of the member.

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ARTICLE VIII.

VACANCIES, RESIGNATIONS, AND REMOVAL OF LOCAL BOARD MEMBERS

- A. A member who no longer holds the position or status that made him or her eligible to serve as LOCAL BOARD member must notify the LOCAL BOARD Chair of the change in his or her status within 5 business days of such change. The LOCAL BOARD Chair or staff will notify the County Administrator immediately of the change in the member's status.
- B. If a member who no longer holds the position or status that made him or her eligible to serve as LOCAL BOARD does not resign immediately upon no longer holding such status, the Member will be removed by the BOS at the next Yuma County Board of Supervisors meeting.
- C. The LOCAL BOARD Chair or staff must notify the BOS through the County Administrator of a vacancy immediately upon his/her knowledge of a resignation or other reason for a vacancy.

VACANCIES

- A. In order to comply with Workforce Arizona Council Local Governance Policy, LOCAL BOARD vacancies must be filled within 120 days of the vacancy. All vacancies will be addressed using the process identified in *Article V- Appointment to the LOCAL BOARD*.
- B. Appointments and reappointments must be made within 120 days that the vacancy is created.
- C. In the event a vacancy cannot be filled within 120 days, the BOS must request a waiver in writing to the Manager of the Workforce Arizona Council with an explanation of why a vacancy was not filled in the 120-day timeframe and a description of the process underway to fill the vacancy.
- D. The BOS must maintain written approval of the waiver request by the Manager of the Workforce Arizona Council and will be monitored according to the process outlined in the approved waiver request.

RESIGNATIONS

- A. Resignation by members shall be submitted in writing to the LOCAL BOARD Chair. An agenda item will be placed on the next full LOCAL BOARD meeting for the Board to "acknowledge" that member's resignation. The LOCAL BOARD shall notify the County Administrator of the resignation and request the advertisement of a vacancy on the LOCAL BOARD in the appropriate category of membership.

REMOVALS

- A. LOCAL BOARD members must be removed by the BOS if any of the following occurs:
 - 1. Documented violation of conflict of interest;

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2. Failure to meet LOCAL BOARD member representation requirements defined in the LOCAL BOARD By-Laws Article IV - *Membership/Composition of the LOCAL BOARD*; or
 3. Documented proof of malfeasance, fraud or abuse.
- B. LOCAL BOARD members may be recommended for removal for other reasons as determined by the LOCAL BOARD. The LOCAL BOARD shall notify the County Administrator of their recommendation for removal, to be placed on a future BOS agenda for action.
- C. The state administrative entity reserves the right to conduct an investigation regarding allegations of wrongdoing that result in the removal of a board member. The County Administrator will be formally notified in advance of any such investigation and of the results. The state administrative entity may request the assistance of Yuma County staff in the investigation.
- D. The LOCAL BOARD will provide written notice to the member being considered for removal from the LOCAL BOARD, before a recommendation for removal is placed on a LOCAL BOARD meeting agenda. The member under consideration for termination can request a hearing with the Executive Committee before any action is taken.
- E. Should the Executive Committee determine that it is in the best interest of the LOCAL BOARD to remove a member; a recommendation for removal will be presented for official action to recommend removal. The recommendation must receive a majority vote.
- F. Recommendations for removal for LOCAL BOARD members will be forwarded to the BOS for final approval.

ARTICLE IX.

OFFICERS

A. Election of Officers:

1. Election of Officers shall be held during the last meeting of each Program year.
2. The Chair and Vice-Chair shall serve concurrent terms, commencing on July 1 of the following Program Year in which they were elected.
3. Elections will be conducted by the dissemination of the "ARIZONA@WORK Yuma County Local Workforce Development Board Officer Nomination Form" which shall be disseminated to each eligible LOCAL BOARD member no later than April 1 of the election year.
4. Nomination results will be presented to the full Board for a vote during the last meeting of the Program Year in which elections are held.

B. Chair

The Chair shall perform the duties pursuant to these bylaws and procedural decisions resulting from a majority vote of the LOCAL BOARD. The Chair is the attester to all documents containing necessary concurrences required by the Governor and/or the LOCAL BOARD recommendations deemed necessary to the BOS.

1. The Chair shall be elected by a majority of the LOCAL BOARD.
2. The Chair shall be a Business category member of the LOCAL BOARD in accordance with WIOA Sec. 107(b)(3).
3. The Chair shall be the Presiding Officer of the LOCAL BOARD and shall preside at all meetings of the LOCAL BOARD.
4. The term of office for the Chair shall be one year.
5. In the event the Chair cannot fulfill the term of his/her appointment for any reason, the Vice-Chair shall perform such duties as the Acting Chair until a new chair is appointed by the BOS.
 - a. The Chair must submit in writing to the BOS notifying his/her intention to resign from his/her role as Chair.
 - b. The nomination process outlined in Article IX (A) shall be followed to elect a new Chair. Voting for a new Chair will be conducted at the next regularly scheduled LOCAL BOARD meeting.

C. Vice-Chair

The Vice-Chair shall perform the duties of the Chair in his/her absence or assume the duties of the Chair, should the Chair resign before the Chair's term is up.

1. The Vice-Chair shall be a Business category member of the LOCAL BOARD.
2. The Vice-Chair shall be elected by a majority vote of the LOCAL BOARD.
3. The term of office for the Vice-Chair shall be one year.
4. In the event the Vice-Chair cannot fulfill the terms of his/her appointment for any reason, the member must submit in writing to the Chair his/her intention to resign from his/her role as Vice-Chair.
 - a. The Secretary-Treasurer shall serve as interim Vice-Chair until a replacement is elected.
 - b. The nomination process outlined in Article IX (A) shall be followed to elect a new Vice-Chair. Voting for a new Vice-Chair will be conducted at the next regularly scheduled LOCAL BOARD meeting.

D. Secretary/Treasurer

1. The Secretary/Treasurer shall be elected by a majority vote of the LOCAL BOARD.
2. The term of office for the Secretary-Treasurer shall be one year.
3. In the event the Secretary-Treasurer cannot fulfill the terms of his/her appointment for any reason, the member must submit in writing to the Chair his/her intention to resign from his/her role as Board Secretary/Treasurer.
 - a. The Chair shall appoint a member to serve as interim Secretary-Treasurer until a replacement is elected.
 - b. The nomination process outlined in Article IX (A) shall be followed to elect a new Secretary-Treasurer. Voting for a new Secretary-Treasurer will be conducted at the next regularly scheduled LOCAL BOARD meeting.

ARTICLE X.

COMMITTEES

- A. The Chair of the LOCAL BOARD shall appoint the Chair of each standing committee and ad hoc committees, subject to ratification by a majority vote of the full LOCAL BOARD.
- B. LOCAL BOARD members who miss three Committee meetings for which they are a member will be referred to the Executive Committee for review of further participation on the committee.
- C. Recommendations by the Executive Committee shall be brought to the full LOCAL BOARD with a recommendation as to further participation of the member on that committee.
- D. The full LOCAL BOARD shall vote on further participation by the member on the committee or removal from the committee.

E. STANDING COMMITTEES:

1. The LOCAL BOARD has authority to establish standing committees in order to address specific issues.
2. All standing committee recommendations are presented to the LOCAL BOARD for official action.
3. All standing committees must operate according to Arizona Open Meeting Law requirements and establish a regular schedule of meetings.
4. If the LOCAL BOARD determines that a specific standing committee is no longer needed, it shall officially disband the committee. The By-Laws will thereafter be amended to remove the standing committee.

5. LOCAL BOARD members with less than one year of tenure on the LOCAL BOARD are not eligible to serve as Chair of a standing committee.

6. The following standing committees have been established by the LOCAL BOARD:

a. EXECUTIVE COMMITTEE

- i. The Executive Committee may meet as necessary between scheduled meetings of the entire LOCAL BOARD and shall be responsible for interpreting and putting into effect the decisions, policies and programs of the LOCAL BOARD, including but not limited to attendance, By-Laws or disciplinary actions of the LOCAL BOARD.
- ii. The Executive Committee will consist of the Chair, Vice-Chair, Secretary-Treasurer and other non-board members including board staff. The Chair may appoint members who are determined to have appropriate experience and expertise, not to exceed 4 additional members.
- iii. The LOCAL BOARD Chair will serve as the Chair of the Executive Committee.
- iv. If a full LOCAL BOARD meeting has been canceled and/or *time sensitive* action items are required to continue the programs, an Executive Committee meeting may be called. The Committee may vote on the action items, and the vote will be ratified at the next scheduled or replacement meeting of the LOCAL BOARD, subject to Arizona Open Meeting Law restrictions.
- v. The Executive Committee may go into "Executive Session" during the course of a Committee meeting on an "as needed" basis at the discretion of the Chair, in accordance with and subject to Arizona Open Meeting Law restrictions.
- vi. All actions made by the Executive Committee must be ratified by a majority vote of the LOCAL BOARD at its next regularly scheduled meeting.
- vii. LOCAL BOARD members with less than one year of tenure on the LOCAL BOARD are not eligible to serve on the Executive Committee.

b. FINANCE AND PERSONNEL COMMITTEE

The Finance and Personnel Committee shall oversee the fiscal operation for the Board. It shall ensure the development and implementation of an integrated operator/partner budget to finance the One-Stop System and submit such financial plan to the BOS for review. The Committee shall be comprised of the LOCAL BOARD Chair, Vice-Chair and the Secretary/Treasurer and other non-board members including board staff as determined by the Chair who have appropriate experience and expertise. All shall possess the skills necessary to carry out the functions of the Committee, which are as follows:

- i. Prepare and recommend the Workforce Development Board Operating Budget to the full Board;
- ii. The LWDB staff will notify the committee in advance if funds are projected to be reverted to the State prior to the expiration of the two years.
- iii. Recommend allocation of WIOA funds to One Stop Operator(s) after review of each proposed budget;
- iv. Review all financial reports/documents/audits as needed;
- v. Establish, enforce, and review all financial policies and procedures;
- vi. May request additional information and reports from One Stop Operator(s) on an as needed basis;
- vii. Work with the Executive Director to secure additional grants and funds for the Workforce Development System and Board.

c. PERSONNEL POLICIES AND PROCEDURES COMMITTEE

The Personnel Policies and Procedures Committee will review all non-financial Personnel Policies and Procedures of the administrative organization. The Committee will make recommendations to the LOCAL BOARD for approval or revisions of policies. The Chair of the Personnel Policies and Procedures Committee shall be a member of the LOCAL BOARD. Other committee members may include non-members of the LOCAL BOARD.

d. PERFORMANCE REVIEW COMMITTEE

The Performance Review Committee is a standing committee of the LOCAL BOARD. LOCAL BOARD members will be appointed to the committee by the Chair of the LOCAL BOARD.

A. Membership:

- i. Minimum of three (3) members with a maximum of five (5) from the LOCAL BOARD; Chair must be a LOCAL BOARD member;
- ii. Representative(s) of the Administrative Entity for the LOCAL BOARD

B. Duties and Responsibilities:

- i. Develop, review and approve local performance standards for contractors/service providers;
- ii. Review fiscal and programmatic performance of contractors/service providers;
- iii. Report to the LOCAL BOARD on contractor/service provider performance;
- iv. Make recommendations to the LOCAL BOARD for corrective action regarding service provider deficiencies and corrective action plans;

- v. Review monitoring results and make recommendations to the LOCAL BOARD;
- vi. Make recommendations to the LOCAL BOARD regarding renewal of contracts or MOUs for contractors/service providers;

C. Meetings will be held at a minimum annually.

e. **AD HOC COMMITTEE**

An ad hoc committee may be established by the LOCAL BOARD for a specific purpose with a specific time frame. Once the Committee has presented its findings/report to the LOCAL BOARD, the LOCAL BOARD will take official action to disband the Committee.

f. **COMMITTEE OFFICERS**

- i. The LOCAL BOARD Chair appoints the Chair of the Standing or Ad Hoc Committees subject to ratification by a vote of the LOCAL BOARD.
- ii. The Committee Vice-Chair shall be elected by a majority vote of the specific committee.

ARTICLE XI.

EDUCATIONAL OPPORTUNITY CENTER CHARTER HIGH SCHOOL GOVERNING BOARD

The EOC CHS is non WIOA regulated and is composed of five members of the LOCAL BOARD; the members are appointed by the Chair of the LOCAL BOARD. The EOC CHS is given authority to act on behalf of the LOCAL BOARD for operational matters related to the EOC CHS and will regularly report to the full LOCAL BOARD on actions taken.

ARTICLE XII.

MEETINGS

- A. All meetings of the LOCAL BOARD, including its standing committees and ad hoc committees shall be held in accordance with the Arizona Open Meeting Law A.R.S. Title 38, Article 3.1 (in accordance with Workforce Arizona Council Workforce Innovation and Opportunity Act Local Governance Policy).
- B. A simple majority of appointed members shall constitute a quorum for the transaction of business at all LOCAL BOARD and designated standing committee meetings. A meeting at which quorum is initially established, but the quorum is not maintained due to the withdrawal or departure of members, may continue business discussions but take no action.

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- C. Members may attend meetings in-person, virtually or by telephone call; with advance notice to the board staff to ensure access. Members participating virtually and by telephone shall be clearly identified in the minutes.
- D. Agendas for all meetings of the LOCAL BOARD, Executive Committee and all other committees will be posted at least 24 hours in advance of each meeting on the Yuma County website (<http://www.yumacountyaz.gov>) and the ARIZONA@WORK Yuma County website (<https://arizona@work.com/yuma-county/local-board-yuma-county>). Agendas must be provided by the LOCAL BOARD staff in advance to the Yuma County staff to ensure timely posting on the County's website.
- E. Meeting agendas may contain a Consent Agenda. A consent agenda groups routine business and reports into one agenda item. The consent agenda can be approved in one action, rather than filing motions on each item separately.

Use of the consent agenda includes the following steps:

1. The Chair decides which items will be placed on the consent agenda.
 2. At the beginning of the meeting, the Chair will ask members if any of the consent agenda items should be moved to the regular discussion items.
 3. Any reason will be sufficient to move an item. A member can move an item to discuss, query or to vote against it.
 4. Once the item has been moved, the Chair may decide to address the matter immediately, or table it for a future meeting.
 5. When there are no items to be moved or if all requested items have been moved, hearing no objections the Chair can move to adopt the consent agenda.
 6. The full text of the resolutions, reports, and recommendations that were adopted as part of the consent agenda will be documented as part of the meeting minutes.
- F. In accordance with A.R.S. § 38-431.01 (B), all LOCAL BOARD meetings shall provide for the taking of written minutes of all their meetings, including executive sessions. For meetings other than executive sessions, such minutes shall include, but not be limited to:
1. The date, time and place of the meeting.
 2. The members of the LOCAL BOARD recorded as either present or absent.
 3. A general description of the matters considered.
 4. An accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion. The minutes shall also include how each member voted on each item, unless the vote is unanimous. The minutes shall also include the names of the persons, as given, making statements or presenting material to the LOCAL BOARD and a reference to the legal action about which they made statements or presented material.

G. The minutes or a recording of a meeting shall be available for public inspection no later than three working days after the meeting.

H. Full Board Meetings:

1. The LOCAL BOARD shall hold full board meetings at least six (6) times per Program Year on the date, time and place as may be designated by the majority of the LOCAL BOARD. The meeting schedule shall be posted on the Yuma County public website and the ARIZONA@WORK Yuma County website.
2. The Chair may call for a Special Meeting of the LOCAL BOARD as needed, subject to notice requirements of Arizona's Open Meeting Law.

I. Standing Committee and Ad Hoc Committee Meetings:

Special meetings of the LOCAL BOARD and its standing committees and ad hoc committees may be called, as needed, by the Chair of the LOCAL BOARD or the respective committee chair.

ARTICLE XIII.

VOTING/MOTIONS

A. Each member of the LOCAL BOARD shall be entitled to one (1) vote on all matters brought before the LOCAL BOARD at any scheduled meeting. Whenever these By-Laws specify that an action is to be taken by vote of the LOCAL BOARD, the approval shall be a simple majority of the members present and qualified to vote at any scheduled meeting of the LOCAL BOARD at which a quorum exists.

Items that require a motion, second and a vote include the following:

1. Consent Agenda Items (e.g. minutes from previous meetings)
2. Organizational policies and revisions
3. Strategic Plan
4. Annual budget or revision to the budget
5. Amendments to MOU/Infrastructure Agreement
6. Amendments to By-Laws and/or Shared Governance Agreement
7. Initiation of Legal Action
8. Allocation of Surplus of Funds
9. Assumption of a major new financial obligation or risk
10. Adjournment

ARTICLE XIV.

BUSINESS CONDUCTED OPENLY

- A. The LOCAL BOARD must conduct its business in an open manner as required by WIOA Sec. 107(e), by making available to the public, on a regular basis through electronic means and open meetings, information about the activities of the LOCAL BOARD (20 CFR § 679.390). The LOCAL BOARD also must comply with Arizona's Open Meeting Law (A.R.S. Title 38, Chapter 3, Article 3.1)
- B. The LOCAL BOARD will also post the required information on the State's ARIZONA@WORK website (<https://www.Arizonaatwork.com>) either by direct download or linkage to the LOCAL BOARD website. The required information includes:
 - 1. Information about the Local Plan, or modification to the Local Plan, before submission of the plan;
 - 2. List and affiliation of LOCAL BOARD members;
 - 3. Selection of One Stop Operators;
 - 4. Award of grants or contracts to eligible training providers or workforce investment activities including providers of youth workforce investment activities;
 - 5. Minutes of formal meetings of the LOCAL BOARD and all committees; and
 - 6. LOCAL BOARD By-Laws, consistent with 20 CFR § 679.310(g).

ARTICLE XV.

CONFLICT OF INTEREST

- A. Acknowledgement that the LOCAL BOARD members must adhere to the following rules regarding conflict of interest:
 - 1. Arizona law Conflict of Interest as set forth in A.R.S. § 38-447 and § 38-503; and any future amendments
 - 2. The department responsible for the direct provision of services cannot manage the LWDB member nomination process or conduct other management responsibilities delegated under WIOA to the Chief Elected Official.
 - 3. At the beginning of each Program Year, each LOCAL BOARD member must sign his/her compliance and acknowledgment of the Ethics and Conflict of Interest Policy provided by LOCAL BOARD staff.
 - 4. A LOCAL BOARD member may not vote on any matter that would provide direct financial benefit to the member or the member's immediate family, or on matters of the provision of services by the member or the entity the member represents.

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5. A LOCAL BOARD member must avoid even the appearance of a conflict of interest. Prior to taking office, LOCAL BOARD members must provide to the LOCAL BOARD chair a written declaration of all substantial business interests or relationships they, or their immediate families, have with all businesses or organizations that have received, currently receive, or are likely to receive contracts or funding from the LWDB. Such declarations must be updated annually or within 30 days to reflect any changes in such business interests or relationships. The LOCAL BOARD must appoint an individual to review the disclosure information in a timely manner and advise the LOCAL BOARD chair and appropriate members of potential conflicts.
6. Prior to a discussion, vote, or decision on any matter before a LWDB, if a member, or a person in the immediate family of such member, has a substantial interest in or relationship to a business entity, organization, or property that would be affected by any official LOCAL BOARD action, the member must disclose the nature and extent of the interest or relationship and must abstain from discussion and voting on or in any other way participating in the decision on the matter. All abstentions must be recorded in the minutes of the LOCAL BOARD meeting and be maintained as part of the official record.
7. It is the responsibility of the LOCAL BOARD members to monitor potential conflict of interest and bring it to the LOCAL BOARD's attention in the event a member does not make a self-declaration.
8. In order to avoid a conflict of interest, the LOCAL BOARD must ensure that the workforce service providers for WIOA Title I-B adult, dislocated worker, and youth programs must not employ or otherwise compensate a current LOCAL BOARD member or employee who is employed or compensated by the LOCAL BOARD or its administrative entity, fiscal agent, or grant recipient to support the LWDB in carrying out its duties.
9. The LOCAL BOARD must ensure that the members, or its administrative staff do not have any supervisory responsibility for the daily activities of its workforce service providers, workforce system partners or contractors. There must be complete separation between governance functions and operating functions within an organization including different reporting structures.
10. LOCAL BOARD members or their organizations may receive services as a customer of a local workforce service provider or workforce system partner.

ARTICLE XVI.

CONFLICT RESOLUTION

- A. When a conflict arises between LOCAL BOARD members, or, one-stop partners who have signed the ARIZONA@WORK Yuma County Memorandum of Understanding and Infrastructure Funding Agreement that cannot be resolved, the parties to the issue shall summarize the issue in writing and submit to the Executive Committee for mediation. All

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impacted Executive Committee members must recuse themselves if a party to the conflict.

- B. If the stated recusals result in the lack of a quorum, the remaining members of the Executive Committee will recruit a standing committee member to fulfill the role for the purpose of mediation.
- C. All decisions by the Executive Committee are final unless requiring legal review.
- D. Decisions will be documented in writing to the impacted parties.

ARTICLE XVII.

AMENDMENTS TO THE BY-LAWS


- A. Amendments to these By-Laws may be necessary from time to time. Any proposed changes to the By-Laws must be approved by a majority vote of the LOCAL BOARD, prior to submission to BOS.
- B. The proposed amendments to the By-Laws must be submitted to the Yuma County Attorney for legal review and the BOS for final approval.
- C. Each time the By-Laws are amended, a copy of the updated By-Laws will be distributed to all LOCAL BOARD members, the BOS, County Attorney and posted on the ARIZONA@WORK Yuma County website.

These By-Laws are hereby approved and adopted by the LOCAL BOARD and the BOS.
The parties hereto have affixed their signatures to these By-Laws on the dates written below.



Martin Porchas, Chair
Yuma County Board of Supervisors

7-17-2023
Date



Samuel G. Loveless, Chair
Yuma County Workforce Development Board

7-19-2023
Date

ATTEST:



IAN MCGAUGHEY
County Administrator/Clerk of Board

APPROVED AS TO FORM AND DETERMINED TO BE WITHIN THE SCOPE OF
PERFORMANCE OF DUTY OF THE YUMA COUNTY BOARD OF SUPERVISORS:



JON R. SMITH, County Attorney