

MESA COUNTY LOCAL WORKFORCE DEVELOPMENT BOARD
BYLAWS AND OPERATING PROCEDURES
EFFECTIVE: JULY 1, 2015
Revision date: January 21st, 2020

These Operating Procedures have been adopted by the Mesa County Board of County Commissioners for the Mesa County Local Workforce Development Board as the bylaws and rules of conduct for it.

ARTICLE ONE: IDENTITY/NAME

The organization shall commonly be known as the **Mesa County Local Workforce Development Board, and hereinafter in this document as “LWDB.”** The LWDB shall fulfill local workforce area responsibilities under the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, July 22, 2014.

ARTICLE TWO: PURPOSE

The Mesa County Board of County Commissioners (hereinafter “BOCC”) established the LWDB to:

- Satisfy the requirements of the Workforce Innovation and Opportunity Act. PL 113-128
- Oversee, develop, and approve the Annual Plan(s) to be submitted to the BOCC and subsequently to the Colorado Workforce Council for state approval;
- Provide a forum and vehicle for the local business and education community to give direction and guidance to the Workforce Center.
- Identify local workforce development needs, including, but not limited to, expanded services, target populations, coordination with other agencies;
- Market and promote the availability of local workforce services to business interests and the community;
- Provide to the BOCC guidance regarding workforce policy;
- Select an operator for the delivery of employment and training services;
- Monitor and direct the continuous improvement of the operator;
- Participate in the selection of organizations to participate in the One Stop Career Center, as needed;
- Collaborate with and support economic development activities within the local workforce area;
- Provide program oversight involving the expenditure of federal, state, and local employment and training funds;
- Identify Eligible Training Providers;
- Convene local workforce partners to address regional and local workforce issues;
- Execute the goals and objectives identified and adopted within the LWDB’s Annual Work Plan.

ARTICLE THREE: MEMBERSHIP APPOINTMENT/COMPOSITION

The LWDB is comprised of members, all of whom are at least 18 years of age, appointed by the BOCC consistent with the membership requirements established by the federal Workforce Innovation and Opportunity Act, Public Law 113-28, (WIOA Sec 107) and Colorado Revised Statutes and Colorado official regulations and orders. The majority of voting members will be business leaders and not less than 20 percent will be workforce representatives. Members must include: representatives from Adult Education and literacy activities under Title II of WIOA, higher education institutions that provide workforce training (including community colleges), labor organizations, economic or community development partners, and Wagner Peyser. Other members may include: representatives of community based organizations, organizations addressing employment, training, or education needs of WIOA-eligible youth, philanthropic organizations and local agencies or entities administering transportation, housing, and public assistance.

1. The formal nomination and appointment process, consistent with the criteria established by the Governor and State Board under sec. 107(b)(1) of WIOA for appointment of members of the Local Boards, ensures:
 - Business representatives are appointed from among individuals who are nominated by local business organizations and business trade associations.
 - Labor representatives are appointed from among individuals who are nominated by local labor federations (or, for a local area in which no employees are represented by such organizations, other representatives of employees);
 - When there is more than one local area provider of adult education and literacy activities under title II, or multiple institutions of higher education providing workforce investment activities, nominations are solicited from those particular entities.
 - An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation
 - All required board members must have voting privilege. The chief elected officials may convey voting privileges to non-required members.

2. The LWDB will notify the BoCC within 30 days of a board member vacancy and will identify a replacement, using the above nomination process, at the next scheduled LWDB meeting. Upon ratification of the LWDB, the nominated vacancy will be presented to the BoCC within two weeks for appointment.

ARTICLE FOUR: TERMS AND CONDITIONS OF MEMBERSHIP

1. Each LWDB member shall receive a copy of Colorado Workforce Development Council Program Guidance Letter #15-07, and as may be amended or supplemented from time

to time, which specifies LWDB Policies, and shall agree to abide by the terms and conditions therein.

2. Each LWDB member shall abide by the WIOA/LWDB Conflict of Interest policy provided to them herewith their copy of these Bylaws, and likewise shall comply with the Colorado standards of conduct statutes found in Article 18 of Title 24 of the Colorado Revised Statutes. Each LWDB member shall familiarize themselves with these policies and statutes, and if unsure of the proper standard of conduct shall be obligated to seek the advice of the LWDB Chair and/or the local WFC Director beforehand if such member has questions regarding same.
3. Each Business Representative will serve a three-year term with the ability to serve a second three-year term. Initial terms shall be staggered as the LWDB Executive Committee deems fit. Initial terms shall begin as soon as the BOCC makes the appointment and shall last for so long as the LWDB Executive Committee deems best in order to stagger the initial terms. When a member's term expires, the LWDB Executive Committee shall review the membership to determine it is in accordance with the WIOA composition requirements. Members must be approved by a majority of the BOCC. Business Representatives (excluding Chambers of Commerce, Economic Development Organizations, or LWDB Officers) may serve only two terms consecutively. **A Board member may be eligible to re-join the LWDB after 18 months of being away from the Board
4. Because of finite availability, all non-business representative positions will have the ability to serve longer than the two consecutive three year terms. These non-business representative entities will be reviewed by the LWDB Executive Committee every three years
5. A member's term may be terminated as set forth below in these bylaws by a majority vote of the LWDB.
6. A majority vote of the BOCC shall be required to fulfill a vacancy be that due to term expiry or due to an unscheduled vacancy within a term.
7. Unscheduled vacancies shall be filled as soon as practicable after a vacancy. A member appointed to fill an unexpired term shall not have said unexpired term counted toward said member's allowable two terms.
8. Members shall serve without compensation.

ARTICLE FIVE: TERMINATION OF MEMBERSHIP

Membership may be terminated for:

1. Receipt by the LWDB of the written resignation of the member.
2. Failure to attend at least 50% of scheduled board meetings during a one-year period.
3. Failure of a member to continue to hold the qualifications, which were the basis for his/her initial appointment.

4. Decision by a majority of the BOCC and/or failure to represent the LWDB in a manner deemed appropriate by the LWDB and/or the BOCC.

ARTICLE SIX: OFFICERS

1. Officers of the LWDB shall include a chair and vice chair who shall be elected at the designated Annual Meeting. The Executive Committee will decide whether to use a Nominating Committee or have election from nominees from the floor. If a Nominating Committee is used, the committee shall bring a slate of nominees to the meeting prior to the election meeting. Either way, members of the LWDB in attendance at the Annual Meeting will vote to elect both the chair and the vice chair with the candidate having the majority of votes serving. Note: the chair may not be a sole proprietor representative per the PGL
2. An officer may serve no more than two consecutive one-year terms in each office. If a member is appointed to fill an unexpired term, that officer shall be considered to have filled one term only if the appointment was for eight or more months.
3. The chair shall preside at all meetings of the LWDB and its Executive Committee and, with the approval of the Executive Committee, shall approve of standing committees. The vice-chair shall assume the duties of the chair in his/her absence.

ARTICLE SEVEN: EXECUTIVE COMMITTEE

1. There shall be an Executive Committee of the LWDB comprised of the officers and chairs of the LWDB's standing committees, and any members appointed by the LWDB chair and ratified by the LWDB.
2. The Executive Committee shall be chaired by the current chair of the LWDB.
3. Committee chairs shall be selected by the consensus of Committee members.
4. The Executive Committee shall have all of the authority of the LWDB whenever board action is required and is of an emergency in nature, or a full LWDB board meeting cannot be called in time to fulfill a required LWDB responsibility.
5. Action taken pursuant to paragraph 4 of this Article shall be placed on the agenda of the next regular meeting of the LWDB and shall be discussed and put forth to the LWDB for ratification.

ARTICLE EIGHT: STANDING COMMITTEES AND TASK FORCES

Under WIOA, local LWDB boards are not required to establish youth councils. Instead, the local LWDB board may designate and direct the activities of standing committees to provide information and to assist the local LWDB board in carrying out activities under this section. Such standing committees:

1. Shall be chaired by a member of the local LWDB board;
2. May include other members of the local LWDB board; and
3. Shall include other individuals appointed by the local LWDB board who are not members of the local LWDB board but who the local LWDB board determines have appropriate experience and expertise.
4. Standing Committees may work on behalf of the LWDB and then make a recommendation to the LWDB. The LWDB retains authority to act in areas in which it has created a task force.
5. Any action of an LWDB committee may be appealed to the Executive Committee and/or the full board.
6. All standing committee meetings and task force meetings shall comply with these bylaws and rules of conduct set forth herein.

ARTICLE NINE: MEETINGS

1. The LWDB will convene a minimum of four (4) meetings within each calendar year. A minimum of 24 hours' notice shall be given for each meeting and such notice, along with the known agenda, shall be published on the Mesa County Workforce Center website and in the Mesa County Workforce Center lobby by the WFC Director or at his/her direction. Meeting notices and LWDB information shall be available in formats that can be accessed by individuals with disabilities.
2. There shall be a certain meeting of the LWDB which shall be called its Annual Meeting and at which the formal vote on the Annual Plan shall take place. The Annual Meeting will be determined by the LWDB each program year.
3. Special meetings of the membership may be called by the chair or by petition of at least six (6) members of the LWDB.
4. Meetings shall be open to the public, subject to the right of executive sessions conducted in accordance with Colorado law, and meeting shall be held at facilities

accessible to individuals with disabilities and at facilities with appropriate technological tools to assist individual with disabilities to receive and evaluate and comment on the LWDB materials and agenda items.

5. Meetings shall be conducted in such a manner that those with disabilities can attend and participate. Mesa County has adopted an ADA policy and the LWDB shall abide by it and shall abide by the provisions of the ADA.
6. While members may attend and participate in board meetings electronically such as via teleconference and web-based meeting access provided by staff, in-person attendance is encouraged when possible and practical.
7. In special circumstances where a quorum cannot be met due to various reasons such as: conflicting appointments and/or conferences, or for circumstances outside of the LWDB's control (i.e. inclement weather), a virtual meeting can be held. In this case, LWDB policies can be approved via an email or electronic vote.
8. LWDB members are expected to attend a majority of annual meetings in person.

ARTICLE TEN: CONDUCT OF MEETINGS

1. All LWDB meetings as well as its standing committee and task force meetings will be conducted formally and shall substantially comply with Robert's Rules of Order, not allowing proxy votes, and to ensure gatherings maintain order, as determined by the presiding chair of any such meeting.
2. Formal action of the LWDB must be voted upon and pass by a majority vote and may only take place if a quorum is present. Action for which a vote will occur may only be had when there has been a formal motion for said action, and a second is had.
3. Each meeting will have a standing Consent Agenda. The Consent Agenda is intended to allow the Workforce Development Board to spend its time on more complex items and initiatives. These items are generally perceived as non-controversial and can be approved by a single motion. Board members may ask that an item be removed from the Consent Agenda for individual consideration. The consent agenda and all items on the Consent Agenda will be reviewed prior to the meeting by the Executive Committee
4. Each member of the LWDB is entitled to one vote.
5. In the event the total number of LWDB members authorized to vote on a particular item consists of an even number of members, and the vote of the members results in a tie vote whereby the LWDB is deadlocked as to such issue, which deadlock prevents a necessary decision of the LWDB, then, in that event, the Executive Committee of the LWDB shall

immediately convene to arbitrate the issue. The LWDB members shall agree to be bound by the decision of the Executive Committee with regard to the deadlocked issue. Prior to the vote and decision by the Executive Committee, each LWDB member, including those LWDB members that are not members of the Executive Committee, shall

have the opportunity to present facts and arguments with regard to the issue before a vote and decision is rendered.

6. LWDB meetings shall be chaired by the chair of the LWDB or in his/her absence, the vice chair. In case of the absence of both the chair and vice chair, the members present will select a chair for the meeting.
7. The standing committee or task force chair shall chair the meetings of the standing committee or task force. In the absence of the chair, standing committee or task force members will select a chair for the meeting who must be an LWDB member.
8. The chair of the meeting will enforce proper decorum and timing of public input.

ARTICLE ELEVEN: QUORUM

1. The quorum for the LWDB shall be the presence of at least one-third of all current LWDB members, with one-half of those present representing the private sector.
2. The quorum for the Executive Committee shall be a majority of the current Executive Committee members.
3. The quorum requirement for standing committee or task force meetings is determined by the standing committee or task force chair or current members of the LWDB who are present.

ARTICLE TWELVE: ADDRESS

The LWDB shall maintain a mailing address of:

Mesa County Local Workforce Development Board
C/o Mesa County Workforce Center
512 29 ½ Road
Grand Junction, CO 81504

ARTICLE THIRTEEN: RECORDS AND MINUTES

At their first meeting, the LWDB shall designate a site for maintaining all records of the LWDB, including minutes of proceedings of all LWDB meetings. This site may be changed from time to time upon a proper motion and vote by the LWDB. All meeting minutes shall be kept in accordance with Colorado law and may be electronic or hard copy format, as determined by a

majority vote of a quorum of the LWDB, and shall be made accessible to individuals with disabilities.

ARTICLE FOURTEEN: PROGRAM YEAR

The LWDB program year shall be July 1 through June 30.

ARTICLE FIFTEEN: STAFF SUPPORT AND FINANCIAL RECORDS

Staff support for the LWDB will be administratively housed within the Mesa County Workforce Center division of Mesa County. The Director of the Mesa County Workforce Center will be accountable to the LWDB for work products delivered by the staff, **to include all administrative responsibilities under WIOA, with the exception of the certification and selection of the One Stop Operator, and strategic planning functions.** The Director of the Mesa County Workforce Center will be responsible for supplying financial information to the LWDB related to resources available to support the work of the LWDB. The Director of the Mesa County Workforce Center shall be responsible for having the minutes kept in accordance with Colorado law. The Director will be responsible for annually in July providing all members with the current Bylaws; current conflict of interest policy; and copies of the current, and past, Colorado Workforce Development Council Program Guidance Letters – and obtaining members’ signatures stating they received same.

ARTICLE SIXTEEN: AMENDMENTS

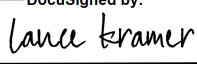
These bylaws and operating procedures may be changed or new procedures recommended by a majority vote of the LWDB at any meeting of the LWDB after a recommendation has been made to the Executive Committee, where the proposed changes have been introduced. If changes are thus recommended, they shall then be proposed to the BOCC and shall not become effective unless and until approved by the BOCC.

ARTICLE SEVENTEEN: REVIEW OF BYLAWS

These bylaws shall be reviewed by the LWDB not less than every five years.

The foregoing are the official “Bylaws and Operating Procedures” of the Mesa County Local Workforce Development Board on the date shown below.

MESA COUNTY LOCAL WORKFORCE DEVELOPMENT BOARD

DocuSigned by:

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Lance Kramer, Chair

1/25/2021 | 06:45 PST

Date



Curtis Englehart, Workforce Center Director

1/22/2021

Date