

# **Attachment 7**

# CHIEF LOCAL ELECTED OFFICIALS SOUTHEAST REGION OF MISSOURI BY-LAWS

## *Preamble*

WHEREAS, the counties of Bollinger, Cape Girardeau, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, St. Francois, Ste. Genevieve, Scott, and Stoddard have been duly constituted themselves to be the Southeast Region of Missouri Local Elected Officials (referred to hereafter as Southeast Regional Caucus).

NOW THEREFORE, the Southeast Regional Caucus do hereby adopt the following by-laws:

## ARTICLE I Caucus Established

The counties of aforementioned do hereby constitute themselves to be the Southeast Regional Caucus for the purpose of the Workforce Innovation and Opportunity Act (WIOA).

## ARTICLE II Governance

### 2.1 Southeast Regional Caucus

The Southeast Regional Caucus shall be governed by the members consisting of the Local Elected Officials of each of the thirteen (13) counties or his/her designee thereof, as provided hereinafter.

- a. The Presiding Commissioner shall be the Local Elected Official or his/her designee of the thirteen (13) counties listed in the Preamble of these by-laws.
- b. The Local Elected Official may designate an alternate representative from their local government entity to attend and participate in the Caucus meetings on the Local Elected Official's behalf. However, this designee shall not possess the right to vote on behalf of such Local Elected Official, unless the proxy voting is as outlined in Article 2.5 of the Southeast Regional Caucus By-Laws.

### 2.2 Officers

- a. Every odd year in December, the Southeast Regional Caucus shall elect from its membership a chairperson (referred to hereafter as Chief Local Elected Official, CLEO), a Vice-Chairperson (referred to hereafter as the Vice-Chief Local Elected Official, Vice-CLEO) and such other officers as may be provided in the Southeast Regional Caucus by-laws for a term of two years or until a successor is elected. Vacancies shall be filled by

election for the remainder of the unexpired term. The Southeast Regional Caucus shall elect from its membership a Secretary.

- b. The CLEO shall preside over meetings of the Local Elected Officials, be responsible for managing the affairs of the Caucus and serve as the Chief Local Elected Official under the Workforce Innovation and Opportunity Act. The CLEO shall sign all documents as authorized by the Act.
- c. The Vice-CLEO shall perform the duties of the CLEO in his/her absence.
- d. The Southeast Regional Caucus Secretary shall be responsible for the taking, recording, duplicating, distributing and filing of all minutes of the Southeast Regional Caucus meetings and shall be responsible for keeping a record on file of all official public records and correspondence of the CLEO's.

### **2.3 Committees**

- a. All Workforce Innovation and Opportunity Act committees shall consist of at least one member of the Southeast Regional Caucus.
- b. All committees authorized hereunder shall report and be accountable to the Southeast Regional Caucus membership.

### **2.4 Meetings**

- a. The Local Elected Officials shall meet in December of each calendar year. The Southeast Regional Caucus Secretary shall provide meeting notices, copies of the previous meeting's minutes and an agenda of any business to be discussed to all Southeast Regional Caucus members at least five (5) calendar days prior to the date of each meeting.
- b. A quorum shall consist of a simple majority of the Local Elected Official's duly representing member counties present at a meeting or present by telephone/internet connection. The business of the Southeast Regional Caucus must be conducted in order to serve participant and businesses in a timely manner; therefore, the Local Elected Officials will make every conscious effort to be in attendance at the annual meeting. To assure that the Local Elected Officials may conduct business timely and to assure a quorum, members may connect to the annual meeting by telephone/internet.
- c. Special meetings may be called when requested by the CLEO, Local Elected Official, WIOA Chairperson and/or WIOA President/COO with at least five (5) in advance.
- d. Conference calls and/or internet connection meetings may be held to conduct business that is necessary prior to the next regular Commissioner or WIOA Board meeting. A forty-eight (48) hour notice will be emailed or texted to the Local Elected Officials and

notice will be posted. These calls will be open to the public and access numbers will be provided on the notice.

- e. Agreements, local plans and budgets under Public Law requiring CLEO approval and any amendments thereto, shall be approved by simple majority vote of the members present or connected by telephone/internet at a meeting of the Local Elected Officials prior to execution by the CLEO. Local Plan Modifications required by the state may be "signed off" by the CLEO who has authority to sign the approval letter by the other members without a special called meeting or conference connection.

## **2.5 Proxies**

Absent members of the Local Elected Officials may authorize another member of such member's Commission to stand as their proxy. Such proxy authorization shall state the date, name of absent member and name of the proxy; include a notarized signature of the absent member; and shall be submitted to the Clerk of the Local Elected Officials at or prior to the meeting(s) for which the proxy is effective. If the proxy authorization is properly executed and submitted, the proxy may act with all powers of the absent member.

## **2.6 Parliamentary Authority**

Meetings of the Local Elected Officials shall be conducted according to the procedures contained in Robert's Rules of Order, revised and in accordance with the Missouri Sunshine Law.

## **2.7 Local Elected Official Records**

The Southeast Regional Caucus Secretary shall keep meeting notices, copies of the previous meeting's minutes and agendas in their office.

# **ARTICLE III**

## **Functions of the Local Elected Officials**

The Southeast Regional Caucus shall perform the following functions for Local Elected Officials, as specified in Public Law 113-128, the Act:

- 3.1 GRANT RECIPIENT. - IN GENERAL. -** The Local Elected Official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133.
- 3.2 DESIGNATION. -** The Southeast Regional Caucus may designate an entity to serve as local grant sub-recipient or as local fiscal agent; such designation shall not relieve the Local

Elected Officials/ Southeast Regional Caucus of liability for any misuse of grant funds. In the event of grant funds that cannot be recovered, in whole or in part, from the sub-recipient or fiscal agent responsible for the misuse, the Workforce Innovation and Opportunity Act (WIOA) Board shall repay an amount equal to the amount of the misused funds that cannot be recovered. Any misused funds will be reimbursed through a claim on the board's liability insurance. If the claim is not covered by the insurance, or the payment is not sufficient to reimburse the misused funds, the balance will be settled with stand-in costs. Should the WIOA Board be unable to provide funds in an amount sufficient to repay the amount of misused funds that cannot be recovered; any remaining amount of misused funds must be reimbursed by the local government, (see Agreement for Southeast Regional Caucus of Local Elected Officials, Southeast Region of Missouri).

**3.3 REGIONAL PLANNING.**-The local WIOA Board and the Southeast Regional Caucus in each planning region described in sub-paragraph (B) or (C) of sub-section (a) (2) shall engage in a regional planning process.

**3.4 SELECTION OF ONE-STOP OPERATOR.**- Consistent with section 121(d), the local board, with the agreement of the Southeast Regional Caucus for the local area shall designate or certify one-stop operator as described in section 121(d)(2)(A); and may terminate for cause the eligibility of such operator.

**3.5 PROGRAM OVERSIGHT.** – The local board, in partnership with the Southeast Regional Caucus for the local area, shall conduct oversight for local youth WIOA activities authorized under section 129(c), local employment and training activities authorized under sub-sections (c) and (d) of section 134, and the one-stop delivery system in the local area; and ensure the appropriate use and management of the funds provided under sub-title B for the activities and system described in clause (i); and (B) for WIOA activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.

**3.6 BUDGET AND ADMINISTRATION.** – (A) BUDGET.- The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of the Southeast Regional Caucus. (A) ADMINISTRATION. - (i) GRANT RECIPIENT. –IN GENERAL. - The Southeast Regional Caucus in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the Southeast Regional Caucus reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability. (II) DESIGNATION.- In order to assist in administration of the grant funds, the Southeast Regional Caucus or the Governor, may designate an entity to serve as a local grant sub-recipient for such funds or as a local fiscal agent. Such designation shall not relieve the Southeast Regional Caucus or the Governor of the liability for any misuse of grant funds as described in Section 3.2. (III) DISBURSAL.- The local grant recipient or an entity designated under sub-clause (II) shall disburse the grant funds for WIOA activities as the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under

sub-clause (II) shall disburse the funds immediately on receiving such direction from the local board.

**3.7 NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.**- The local board, the Southeast Regional Caucus, and the Governor shall negotiate and reach an agreement on local performance accountability measures as described in section 116(c).

**3.8 APPOINTMENT OF BOARD MEMBERS AND ASSIGNMENT OF RESPONSIBILITIES.**  
**-IN GENERAL.** -The Southeast Regional Caucus in a local area is authorized to appoint members of the local board for such area, in accordance with the State of Missouri criteria established under sub-section (b).

*Section 107 (b)(2)* COMPOSITION.—Such criteria shall require that, at a minimum—

Minimum Required Membership	Category
<i>Section 107 (2) A.</i>	<i>a majority shall be representatives of business in local area;</i>
12	51% Private
<i>Section 107 (2) B.</i>	<i>Not less than 20% represent workforce of local area, who</i>
3	<i>(i) shall include representatives of labor organizations</i>
0 N/A	<i>(ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists</i>
1	<i>(iii) may include representatives of <u>community based organizations</u> that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve <u>veterans</u> or that provide or support competitive integrated employment for <u>individuals with disabilities</u>; and</i>
1	<i>(iv) may include representatives of <u>organizations</u> that have demonstrated experience and expertise in addressing the employment, training, or <u>education needs of eligible youth</u>, including representatives of <u>organizations that serve out-of-school youth</u></i>
<i>Section 107 (2) C.</i>	<i>shall include representatives of entities administering education and training activities in the local area, who</i>
1	<i>(i) shall include a representative of eligible providers administering adult education and literacy activities under title II</i>
1	<i>(ii) shall include a representative of institutions of higher education providing</i>

	<i>workforce investment activities (including community colleges)</i>
0	<i>(iii) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;</i>
<i>Section 107 (2) D.</i>	<i>each local board shall include representatives of governmental and economic and community development entities serving the local area, who</i>
1	<i>(i) shall include a representative of economic and community development entities</i>
1	<i>(ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act</i>
1	<i>(iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act</i>
1	<i>(iv) *may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance</i>
0	<i>(v) may include representatives of philanthropic organizations serving the local area</i>
<b>Total Minimum Membership = 23</b>	<b>Board members are appointed for a term that shall be at least two years or until a successor is appointed.</b>
	<small>*WIOA provides that the Temporary Assistance for Needy Families (TANF) program is a mandatory local "one-Stop" partner, whereas the Governor will not expressly opt-out of this provision. Thus the local board must include a TANF representative.</small>

3.9 Perform any other duties or obligations conferred upon the Local Elected Officials as designated under the Act.

#### ARTICLE IV Amendments

4.1 Amendments may be proposed to the CLEO in writing by any Southeast Regional Caucus member. By-laws or amendments may be adopted by the affirmative vote of the majority of the entire Southeast Regional Caucus membership at any meeting called for that purpose.

4.2 Copies of all proposed amendments shall be furnished in writing to each member of the Southeast Regional Caucus at least five (5) calendar days prior to consideration.

**Workforce Innovation and Opportunity Act (WIOA) enacted July 22, 2014**

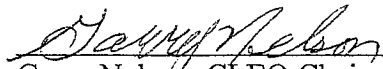
The by-laws were revised and adopted in accordance and to align with Public Law 113-128, the

Workforce Innovation and Opportunity Act upon approval: June 24, 2015.

Presented to the Southeast Regional Caucus: June 24, 2015

Voted upon to accept: June 24, 2015

Reviewed by Commissioners: March 28, 2018

  
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Garry Nelson, CLEO Chairman

  
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Travis Elfink, Vice CLEO Chairman