

Mountain Area Workforce Development Consortium Consortium Agreement

ARTICLE I: TITLE AND PURPOSE

The contiguous units of local government listed below agree to establish a consortium to act jointly as a local Workforce Development Area under the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128 as enacted July 22, 2014. This consortium shall be known as the Mountain Area Workforce Development Consortium.

ARTICLE II: MEMBERSHIP

The Consortium shall be composed of the following independent and contiguous units of general purpose local government:

County of Buncombe
County of Henderson
County of Madison
County of Transylvania

ARTICLE III: CERTIFICATION OF AUTHORITY

1. AUTHORITY UNDER STATE AND LOCAL LAW

The member units of government certify that they possess full legal authority, as provided by state and local law, to enter into this agreement and to fulfill the legal and financial requirements of operating as a local Workforce Development Area under the Workforce Innovation and Opportunity Act for the entire geographic area covered by this agreement.

2. SPECIFIC RESOLUTIONS TO ENTER INTO AGREEMENT

A copy of each duly executed resolution giving the respective counties specific authority to enter into this consortium agreement will be attached to this document and are incorporated herein by reference.

3. DESIGNATION OF CHIEF ELECTED OFFICIALS FROM EACH MEMBER UNIT OF GOVERNMENT

Each member unit of government designates as chief elected official for Workforce Innovation and Opportunity Act of 2014 purposes, upon whose representations the State, the Workforce Development Board, the administrative entity and the other member units may rely, the duly elected Chair of each respective County Board of Commissioners. Such person shall be the signatory of this agreement and shall be authorized to execute such other agreements as are necessary for Workforce Innovation and Opportunity Act of 2014 purposes.

counties on a pro rata basis, based upon the percentage of all WIOA funds allocated to each of the counties for the program fiscal year during which the disallowed funds were disbursed.

3. Any entity or joint agency created or designated by this local workforce development area, including the Workforce Development Board, and Administrative Entity, shall be considered a public agency for the purposes of the Local Government Budget and Fiscal Control Act.
4. Nothing contained in this Agreement shall be interpreted so as to prohibit the county or counties from seeking contribution or indemnification from the administrative entity, any subrecipient, service provider or from any such responsible party or entity.

ARTICLE VII: ESTABLISHMENT OF A WORKFORCE DEVELOPMENT BOARD

The member units of government agree that the Workforce Development Board shall be established in accordance with Section 107 of the Workforce Innovation and Opportunity Act and applicable State of North Carolina laws including G.S. 143B-438.11.

The County Boards of Commissioners shall appoint members of the Workforce Development Board from among persons nominated or recommended by the appropriate agencies representative of any member county in accordance with the Workforce Innovation and Opportunity Act of 2014. The distribution of seats will be as follows: Regional Positions – 4, Buncombe – 11, Henderson – 6, Madison – 4, Transylvania – 4.

ARTICLE VIII: APPOINTMENT OF PERSONNEL

Appointment of administrative personnel shall be described in the Mountain Area Workforce Development Board/Chief Elected Official Agreement.

ARTICLE IX: REAL PROPERTY, EQUIPMENT AND SUPPLIES

The Mountain Area Workforce Development Consortium will follow all Workforce Innovation and Opportunity Act requirements governing the title, use and disposition of real property, equipment and supplies purchased with federal funds.

ARTICLE X: AMENDMENTS

The agreement may be amended at any time upon the consent of all of the parties as evidenced by resolution of the governing bodies of each member government and as approved by the State.

ARTICLE XI: TERMINATION

The parties to this agreement may request termination at any time upon six months prior written notice, such termination to be effective when the Governor considers local Workforce Development Area re-designation or at the end of the then current grant administration agreement program year.

RESOLUTION # _____

**RESOLUTION TO AUTHORIZE CHAIRMAN TO EXECUTE DOCUMENTS
PERTAINING TO THE WORKFORCE INNOVATION AND OPPORTUNITY ACT**

WHEREAS, the Workforce Innovation and Opportunity Act of 2014, Public Law 113-128, and North Carolina General Statute Section 143B-438.6 provide for the administration of federally funded job training programs at the local level through cooperation with private industry in the Local Areas (LA); and

WHEREAS, Henderson County is a member of a LA which also includes the counties of Buncombe, Madison, and Transylvania; and

WHEREAS, this Board believes that the County's continued participation in job training programs is in the best interest of its citizens; and

WHEREAS, agreements have been reached with other participants in the LA as outlined in the document denoted as "Mountain Area Workforce Development Board Consortium Agreement," copies of which are attached hereto as Exhibits A; and

WHEREAS, the Board believes approval of this agreement to be in the best interest of the citizens of Henderson County

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Henderson as follows:

1. That the Chairman is hereby authorized to sign on behalf of this Board the document denoted as "Mountain Area Workforce Development Board Consortium Agreement."
2. That this Resolution shall be effective upon its adoption.

ADOPTED this the 4th day of May, 2015.

ATTEST:

Serena L. Nelson

BOARD OF COMMISSIONERS FOR THE
COUNTY OF HENDERSON

BY Thomas H. Thompson
Tommy Thompson, Chairman