BOARD OF COMMISSIONERS
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TRANSYLVANIA
COUNTY
NORTH CAROLINA

COUNTY MANAGER
Jaime Laughter
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101 South Broad Street
Brevard, NC 28712

RESOLUTION # 18-2015

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Transylvania 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 11th day of May, 2015.

TRANSYLVANIA COUNTY
BOARD OF COMMISSIONERS

Mike Hawkins, Chair

Attest:

Trisha M. Hogan, Clerk to the Board

TRANSYLVANIA COUNTY, N.C. 1861

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.

4. DESIGNATION OF CHIEF ELECTED OFFICIAL FOR LOCAL WORKFORCE DEVELOPMENT AREA

The member units provide that the Chair of the Buncombe County Board of Commissioners shall be authorized to exercise the functions of the Workforce Development local area Chief Elected Official which are required under the Workforce Innovation and Opportunity Act for a period of two program years beginning July 1, 2015 and ending June 30, 2017. Thereafter the Chair of Henderson County Board of Commissioners shall preside as Chief Elected Official for the local Workforce Development Area for two program years, followed by the Chair of the Madison County Board of Commissioners for two program years and the Chair of the Transylvania County Board of Commissioners for two program years. Thereafter the rotation among counties begins again with the Chair of the Buncombe County Commissioners serving as the Chief Elected Official for the local Workforce Development Area for two program years.

ARTICLE IV: DURATION

This agreement will become effective on the date of the last chief elected official's signature and shall continue in effect until the local Workforce Development Area is redesignated by the Governor of North Carolina or by termination of this Agreement by a member unit of government as provided for in Article XI.

ARTICLE V: ASSURANCES AND CERTIFICATIONS

The member units will comply with the requirements of the Workforce Innovation and Opportunity Act of 2014, and regulations promulgated thereunder, all other applicable federal regulations, the statues of the State of North Carolina, and written directives and instructions relevant to local workforce development area operation from the Governor of North Carolina or his/her designee.

ARTICLE VI: FINANCING

1. It is anticipated that funding necessary to implement this agreement will be derived from federal grant funds received through the Governor.

2. The units of local government acknowledge that they are jointly and severally accountable for liabilities arising out of activities under the Workforce Innovation and Opportunity Act, and all funds received by the local workforce development are pursuant to WIOA. Liability includes, but is not limited to, responsibility for prompt repayment from non-program funds of any disallowed costs by the administrative entity of the local workforce development area, or any of its subrecipients or contractors, or the Workforce Development Board.

   (a) To the extent that one or more (but not all) of the counties benefit from WIOA, the expenditure of which is disallowed for any reason, the county(ies) benefiting shall be liable for the repayment of such funds.

   (b) To the extent that one or more of the counties cannot be identified as the benefiting county or counties of WIOA, any disallowed expenditures shall be divided among the

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 form seeking contribution or indemnification from the administrative entity, any subrecipient, service provider or from any such responsible party or entity.

ARTICLE VII: ESTABLISHMEBNT 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.

ARTICLE XII: HOLD HARMLESS

Each party hereto agrees to hold the other harmless for any loss incurred, either to person or property, including "reasonable attorney" fees, due to any act or omission on the part of any county, its agents, or employees as a result of operations.

ARTICLE XIII: DESIGNATION OF THE SUBRECIPIENT/ADMINISTRATIVE ENTITY

The parties to this agreement designate Land-of-Sky Regional Council to serve as the subrecipient and administrative entity for funds provided to the Mountain Workforce Development Area under the Workforce Innovation and Opportunity Act of 2014.

_____
(Signature) Date

David Gantt
(Typed Name of) Chair,
Buncombe County Board of Commissioners

_____
ATTEST

_____
(Signature) Date

Thomas H. Thompson
(Typed Name of) Chair,
Henderson County Board of Commissioners

_____
ATTEST

_____
(Signature) Date

Wayne Brigman
(Typed Name of) Chair,
Madison County Board of Commissioners

_____
ATTEST

Mike H 5/11/15
(Signature) Date

Mike Hawkins
(Typed Name of) Chair,
Transylvania County Board of Commissioners

Trisha M. Hogan
ATTEST