

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: June 6, 2011

SUBJECT: Resolution – To authorize the Chairman to execute documents pertaining to the Workforce Investment Act

PRESENTER: Chairman Edney

ATTACHMENTS: Yes
1.) Resolution

SUMMARY OF REQUEST:

On April 6, 2011 the Buncombe County Manager alerted Henderson County of its plan to transition the Administrative Entity for Mountain Area Workforce Development from Buncombe County Government to Land-of-Sky Regional Council.

The reasons for this proposed change are as follows:

- In sixty (60%) percent of Workforce Investment Services in North Carolina the Regional Council of Government (COG) serves as the Administrative Entity.
- Land-of-Sky serves as the COG for the identical four counties as the shared designated local area Workforce Investment Service Area (Madison, Buncombe, Henderson, and Transylvania).
- Buncombe County absorbs significant cost related to serving as the Administrative Entity. These costs will exceed \$438,000 in FY10. These costs are absorbed without any indirect cost allocation or cost sharing from the other counties served.
- The transition to Land-of-Sky will not reduce services or negatively impact service delivery.
- The transition to Land-of-Sky will enable Mountain Area Workforce employees to retain their jobs, salary, state retirement status, and years of service in the state system.
- The services will continue to be delivered at the same sites thus the transition should be seamless to the public served.

BOARD ACTION REQUESTED:

The Board is requested to adopt the attached Resolution as presented, which also authorizes the Chair to execute the attached Consortium Agreement.

SUGGESTED MOTION:

I move that the Board adopt the attached Resolution authorizing the Chairman to execute documents pertaining to the Workforce Investment Act.

HENDERSON COUNTY BOARD OF COMMISSIONERS

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Resolution

To authorize the Chairman to execute documents pertaining to the Workforce Investment Act

- Whereas,** the Workforce Investment Act of 1998, Public Law 105-220, 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 an 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 Local Area Consortium Agreement", copies of which are attached hereto as Exhibit 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 Henderson County Board of Commissioners,

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

Adopted this the 6th day of June, 2011.

J. Michael Edney, Chairman

Attest:

Teresa L. Wilson, Clerk to the Board

**MOUNTAIN LOCAL AREA
CONSORTIUM AGREEMENT**

ARTICLE I. TITLE AND PURPOSE

The contiguous units of local government listed below agree to establish a Local Area, hereinafter known as the LA under the Workforce Investment Act of 1998 (WIA). This Local Area shall be known as the Mountain Local Area.

ARTICLE II. MEMBERSHIP

The LA 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 Area under the Workforce Investment Act of 1998 for the entire geographic area covered by this Agreement.

2. SPECIFIC RESOLUTIONS TO ENTER INTO AGREEMENT

A copy of the 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 THE CHIEF ELECTED OFFICIALS FROM EACH MEMBER UNIT OF GOVERNMENT

Each member unit of government designates as chief elected official for Workforce Investment Act of 1998 purposes, upon whose representations the State, the Workforce Development Board, the administrative entity, and the Other member units may rely, the duly elected Chairman 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 the Workforce Investment Act of 1998 purposes.

4. DESIGNATION OF CHIEF ELECTED OFFICIAL FOR SERVICE DELIVERY AREA

The four elected officials thus designated by their respective Boards of County Commissioners of the undersigning units of local government shall elect annually one of the four officials by majority vote to serve as Chairperson of the Mountain Local Area. The Chairperson of the Mountain Local Area shall be authorized to represent the LA and to act on behalf of the undersigning units of local government with respect to any matters adopted or passed by the Consortium at a Consortium meeting.

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 LA is re-designated 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 Investment Act of 1998 and regulations promulgated thereunder, all other applicable federal regulations, the statutes of the State of North Carolina, and written directives and instructions relevant to Local 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 and state grant funds received through the Governor. The counties accordingly agree that they shall not be assessed except by the unanimous agreement of the counties except as set forth below.
2. The units of local government acknowledge that they are jointly and severally accountable for liabilities arising out of activities under the Workforce Investment Act of 1998 and all funds received by the Local Area pursuant to WIA. Liability includes, but is not limited to, responsibility for prompt repayment from non-program funds of any misexpenditures by the Administrative Entity of the Local Area, or any of its subrecipients or contractors, of the Workforce Development Board.
 - (a) To the extent that one or more (but not all) of the counties benefit from WIA, 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 WIA, any disallowed expenditure shall be divided among the counties on a pro rata basis, based upon the percentage of all WIA 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 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 other such responsible person or entity.

ARTICLE VII. ESTABLISHMENT OF THE WORKFORCE DEVELOPMENT BOARD

The member units of government agree that the Workforce Development Board shall be established in accordance with Section 102 of the Job Training Partnership Act and shall be certified as the Workforce Development Board to oversee the operation of the Workforce Investment Act of 1998.

The Chairmen of the County Boards of Commissioners shall appoint members of the Workforce Development Board from among persons nominated or recommended by appropriate agencies representative of any member county and in accordance with the Job Training Partnership Act. The distribution of membership will be as follows:
Buncombe - 15, Henderson- 6, Madison- 4, Transylvania - 4.

ARTICLE VIII. APPOINTMENT OF PERSONNEL

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

ARTICLE IX. OWNERSHIP OF REAL PROPERTY

The Mountain Local Area will neither acquire nor dispose of real property.

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 LA redesignations, or at the end of the then current subgrant agreement 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 either county, its agents, or employees as a result of operations.

(Signature) (Date)

J. Michael Edney, Chairman

(Typed Name of) Chairman
Henderson County Board of Commissioners

Attest:
Teresa L. Wilson, Clerk to the Board