

**AGREEMENT BETWEEN THE
COUNCIL OF CHIEF ELECTED OFFICIALS OF NORTHWEST GEORGIA,
THE WORKFORCE DEVELOPMENT BOARD OF NORTHWEST GEORGIA,
AND THE NORTHWEST GEORGIA REGIONAL COMMISSION**

PURPOSE

The purpose of the Agreement is to delineate the respective roles and responsibilities of the Council of Chief Elected Officials of Northwest Georgia, the Workforce Development Board of Northwest Georgia, Inc., and the Northwest Georgia Regional Commission and to formalize procedures for carrying out joint responsibilities required by the Workforce Innovation and Opportunity Act (PL 113-128) (WIOA) within the geographical area designated as Workforce Development Area 1, which consists of the following counties:

Bartow	Floyd	Paulding
Catoosa	Gilmer	Pickens
Chattooga	Gordon	Polk
Dade	Haralson	Walker
Fannin	Murray	Whitfield

The cities in the Workforce Development Region (1) are as follows:

Adairsville, GA	Emerson, GA	Ranger, GA
Aragon, GA	Eton, GA E	Resaca, GA
Blue Ridge, GA	Euharlee, GA	Ringgold, GA
Braswell, GA	Fairmount, GA	Rockmart, GA
Bremen, GA	Fort Oglethorpe, GA	Rome, GA
Buchanan, GA	Jasper, GA	Rossville, GA
Calhoun, GA	Hiram, GA	Summerville, GA
Cartersville, GA	Kingston, GA	Talking Rock, GA
Cave Spring, GA	LaFayette, GA	Tallapoosa, GA
Cedartown, GA	Lookout Mountain, GA	Taylorsville, GA
Chatsworth, GA	Lyerly, GA	Trenton, GA
Chickamauga, GA	McCaysville, GA	Trion, GA
Cohutta, GA	Menlo, GA	Tunnel Hill, GA
Dallas, GA	Mineral Bluff, GA	Varnell, GA
Dalton, GA	Morganton, GA	Waco, GA
East Ellijay, GA	Nelson, GA	White, GA
Ellijay, GA	Plainville, GA	

I. RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE OF THE COUNCIL OF CHIEF ELECTED OFFICIALS (CCEO)

The Council of Chief Elected Officials has authorized its Executive Committee to carry out any and all duties and responsibilities required of the Elected Officials of the Northwest Georgia Area. The Executive Committee of the CCEO consists of thirty (30) chief elected officials from the area and shall be the mayors within the respective county not to exceed one per county and the county commission chairman or sole commissioner of each consistent with the Chief Elected Officials Memorandum of Agreement. All actions by the Executive Committee of the CCEO shall be by majority vote consistent with the CCEO Memorandum of Agreement.

The Chairman of the Executive Committee of the Council of Chief Elected Officials is authorized to sign the CCEO/WDB/Fiscal and Subrecipient Agreement or modification as approved by the Executive Committee on behalf of the CCEOs.

In exercising the powers granted herein, the Executive Committee of the Council of Chief Elected Officials shall carry out any and all duties and responsibilities required of Council of Chief Elected Officials including, but not necessarily limited to, the following:

1. Approve and adopt the Area's Workforce Development Plan, including a budget which, upon approval, shall be submitted to the Technical College System of Georgia, Office of Workforce Development in written form by the Chairman within two weeks of such approval and perform any other duties necessary to implement the Act and carry out its purposes.
2. The Committee shall appoint a Workforce Development Board (the "WDB") which shall be selected based on the criteria set forth in the Act and applicable state law with any subsequent modification, policies, interpretation, or directives. The Committee may delegate its authority to appoint the members of the WDB to the Chairman.

The Committee shall appoint members of selected categories from nominations received from specified sources: (1) Business representatives shall be appointed from among individuals nominated through local business organizations and business trade associations; (2) labor representative(s) shall be appointed from among individuals who are nominated by local labor federations (or if no employers in the area are represented by such organizations, other representatives of employers); and (3) representatives of the multiple eligible providers serving the local area by administering adult education and literacy activities under Title II and representatives of multiple institutions of higher education serving the local area by providing workforce investment activities shall be appointed from among individuals nominated by local providers representing such providers or institutions

respectively.

The Committee or its designee, in making appointments to the WDB, shall make initial appointments, staggered with one-half of the directors having terms of three years and one-half having an initial term of two years. Other than the initial period terms, the terms of office of the directors of the WDB are determined by the CCEO as specified in their Memorandum of Agreement to be three (3) year terms.

It shall be the duty of the Committee or its designee to appoint members to fill all WDB vacancies. A position on the WDB is considered vacant on the date the term expires, a member becomes ineligible, a member is removed, or a member resigns or dies. The vacancy shall be filled by reappointment or replacement within sixty (60) days of the creation of the vacancy. In the case of an appointment to fill a vacancy on the WDB, the replacement member's term shall begin on the date of appointment, and shall end on the date designated for the original appointment for who the replacement is selected. All vacancies shall be filled in accordance with the requirements of the Act and regulations

The Committee, or its designee(s), shall prepare and submit to the Governor information and supporting documentation setting out the qualifications of the WDB appointments so that same may be certified by the Governor as required by the Act and state law.

3. The Executive Committee is authorized to request assistance from the Northwest Georgia Regional Commission for preparation of the Certification Package and other support functions.
4. It shall be the responsibilities of the Committee to convene the WDB and to negotiate the Memorandum of Agreement between the WDB and the parties hereto.
5. The parties acknowledge that the Committee, together with the WDB, shall:
 - a. Conduct oversight of youth workforce development activities under Section 129 (c) of the Act, adult and dislocated worker employment and training activities under Sections 134(c) and (d) of the Act; and entire one-stop delivery system in the Area; and
 - b. Ensure the appropriate use and management of the funds provided under the Act for the youth, adult, and dislocated worker activities and one-stop delivery system in the Area; and
 - c. Ensure the appropriate use, management, and investment of funds to maximize performance outcomes under Section 116 of the Act; and

- d. Negotiate and reach agreement on local performance measures with the Governor; and
 - e. Perform any other duties and obligations which may arise under the Act and any amendments thereto, rules and regulations promulgated thereunder, and state law.
- 6. The Committee authorizes the Chairman to negotiate the methods of funding the infrastructure costs of one-stop centers in the Area in accordance with applicable law or to notify the Governor should the Chairman fail to reach agreement at the local level so that a state infrastructure funding mechanism may be utilized.
- 7. The Council shall appoint an elected official who is a member of the Council, who is not the Chairman, to serve on the WDB as a liaison to provide oversight and to ensure coordination in meeting workforce goals for the Area.
- 8. To prevent conflicts of interest, Committee members shall sign and date a conflict of interest statement (as provided by the Technical College System of Georgia, Office of Workforce Development , see attached) upon accepting a position on the Committee which shall be submitted to the Technical College System of Georgia, Office of Workforce Development and retained by the Council for review by the Technical College System of Georgia, Office of Workforce Development.

II. RESPONSIBILITIES OF THE WORKFORCE DEVELOPMENT BOARD

The Workforce Development Board's purpose is to:

- (1) Provide strategic and operational oversight in collaboration with the required and additional partners and workforce stakeholders to help develop a comprehensive and high quality workforce development system in the local area and larger planning region;
- (2) Assist in the achievement of the State's strategic and operational vision and goals as outlined in the Unified State Plan or Combined State Plan; and
- (3) Maximize and continue to improve the quality of services, customer satisfaction, effectiveness of the services provided.

The Workforce Development Board shall be responsible for providing policy guidance for and exercising oversight with respect to, a local workforce development system conducted under the Workforce Innovation and Opportunity Act in partnership with the Council of Chief Elected Officials (CCEO) of Northwest Georgia. The WDB shall operate in a Workforce Development Area as designated by the Governor representing Bartow, Catoosa, Chattooga, Dade, Fannin, Floyd, Gilmer, Gordon, Haralson, Murray, Paulding, Pickens, Polk, Walker, and Whitfield counties.

The WDB shall in accordance with an agreement with the CCEO:

- a. Develop and submit a 4-year local plan.
- b. Develop and submit a regional plan in collaboration with other local areas if determined part of another region.
- c. Conduct workforce research and regional labor market analysis to include requirements in Sec. 679.37(c)(1) through (c)(3) of WIOA regulations.
- d. Convene stakeholders to assist in the development of the local plan and in identifying non-Federal expertise and resources leverage support for workforce development activities.
- e. Lead efforts to engage with a diverse range of employers and other entities in the region in order to promote business representation; develop effective linkages; ensure workforce activities; meet the needs of employers and support economic growth; and develop and implement proven and promising strategies to meet the employment and skill needs of workers and employers.
- f. With representatives of secondary and post-secondary education programs, lead efforts to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.
- g. Lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and job seekers, and identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
- h. Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers.
- i. In partnership with the chief elected official for the local area:
 - (1) Conduct oversight of youth workforce Development activities authorized under WIOA sec. 129(c), adult and dislocated worker employment and training activities under WIOA secs. 134 (c) and (d); and entire one-stop delivery system in the local area;
 - (2) Ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area; and
 - (3) Ensure the appropriate use management, and Investment of funds to maximize performance outcomes under WIOA sec. 116.
- j. Negotiate and reach agreement on local performance measures with the chief elected official and the Governor.
- k. Negotiate with CLEO and required partners on the methods for funding the infrastructure costs of one-stop centers in the local area in accordance with § 678.715 or must notify the Governor if they fail to reach agreement at the local

- level and will use a State infrastructure funding mechanism.
- I. Select the following providers in the local area, and where appropriate terminate such providers in accordance with 2 CFR part 200:
 - (1) Providers of youth workforce development activities.
 - (2) Providers of training services consistent with State requirements and WIOA sec. 122;
 - (3) Providers of career services through the award of contracts, if the one-stop operator does not provide such services; and
 - (4) One-stop operators in accordance with §678.600 through §678.635.

 - m. In accordance with WIOA sec. 107(d)(10)(E) work with the State to ensure there are sufficient numbers and types of providers of career services and training services serving the local area and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities. Consumer choice requirements shall be met by complying with §678.380.

 - n. Coordinate activities with education and training providers in the local area, including:
 - (1) Reviewing applications to provide adult education and literacy activities under Title II for the local area to determine whether such applications are consistent with the local plan;
 - (2) making recommendations to the eligible agency to promote alignment with such plan; and
 - (3) Replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

 - o. Develop a budget for the activities of the Local Board, with approval of the chief elected official and consistent with the local plan and the duties of the Local Board.

 - p. Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the local area, in accordance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

 - q. Certify one-stop centers in accordance with § 678.800.

 - r. Enter into an agreement with the Chief Elected Officials (CEOs) that describes respective roles and responsibilities of the Board and CEOs. The elected official who is appointed to the WDB will serve as a liaison to provide oversight and to

ensure coordination in meeting workforce goals for the area.

- s. An annual progress report shall be provided to the CCEOs.
- t. The WDB shall authorize three standing committees: the Executive Committee, the Proposal Review Committee, and The WDB shall authorize two standing councils: The One-Stop Council and the Promoting Access for Individuals with Disabilities Council. The WDB is authorized to appoint other committees as appropriate.

III. COMPOSITION OF THE WORKFORCE DEVELOPMENT BOARD

The Northwest Georgia Workforce Development Board will consist of a minimum of nineteen (19) directors per the appointment of the CCEO and the requirements of WIOA. Directors may represent more than one category that is required by WIOA. This provision is applicable predominately for the partners listed in C, D, and E but may be applicable to other categories. The composition shall meet the requirements stipulated in WIOA:

- A. A minimum of 51% who are representatives of business in the local area and who shall be owners, chief operating offices, chief executive officers or other individuals with optimum policy making or hiring authority; and provide employment opportunities in in-demand industry sectors or occupations. A minimum of two shall represent small business.
- B. At least 20% shall be:
 - 1. A minimum of two (2) representatives of organized labor or other representatives of employees, if existing in the area.
 - 2. A representative of a joint labor-management or union-affiliated registered apprenticeship, if those programs exist or a representative of a registered apprenticeship program if one exists.
 - 3. May include one or more community-based organization qualifying for § 679.320 (c) 3.
 - 4. May be representatives of organizations with experience and expertise in addressing services to eligible youth per § 679.320 (c) 3.
- C. Representative(s) (1 or more) of providers of adult education and literacy § 679.320 (d) 1.
- D. Representative(s) (1 or more) from institutions of higher education § 679.320 (d) 2.
- E. At least one representative each from (a) economic and community development entities; (b) state employment service (Wagner-Peyser Act); and (

c) programs under Title I of the Rehabilitation Act of 1973 other than sec. 112 or Part C of that Title.

F. The memberships of the WDB may include other representatives per § 679.320 (e) (1) through (e) (4).

G. A member of the Council of Chief Elected Officials who is not the CLEO.

IV. RESPONSIBILITIES OF THE NORTHWEST GEORGIA REGIONAL COMMISSION (NWGRC)

The Council of Chief Elected Officials has designated the Northwest Georgia Regional Commission as Fiscal Agent and Grant Subrecipient and this Agreement addresses the roles and responsibilities of NWGRC to fulfill these duties. This designation does not relieve the Chief Elected Officials or Governor of liability for the misuse of grant funds.

- A. In general the fiscal agent, Northwest Georgia Regional Commission, is responsible for the following functions:
1. Receive funds.
 2. Ensure sustained fiscal integrity and accountability for all expenditures of funds in accordance with Office of Management and Budget circulars, WIOA, and the corresponding Federal Regulations and State policies.
 3. Respond to audit findings.
 4. Maintain proper accounting records and adequate documentation.
 5. Prepare financial reports.
 6. Provide technical assistance to subrecipients regarding fiscal issues.
 7. Procure contracts or obtain written agreements.
 8. Conduct financial monitoring of service providers.
 9. Ensure independent audit of all employment and training programs.
 10. Purchase insurance, to the extent it is available, to reasonably cover risks and liabilities.
- B. Additionally, the Northwest Georgia Regional Commission will be responsible for the following:
1. Planning, developing, maintaining and administering of the Plan;
 2. Developing Request for Proposals for services to be provided under the Plan if appropriate;
 3. Negotiating and contracting for services to be provided under the Plan if appropriate and with proper approval per procedures of the WDB and CCEO;
 4. Procurement and management of WIOA funded property;
 5. Developing and implementing an Individual Training Account system if appropriate;
 6. Program monitoring and evaluation of ITA's, supportive services, and

- training contracts if appropriate;
7. Developing and maintaining the WIOA Management Information System;
 8. Coordinating WIOA services and initiatives with appropriate local, state and federal programs;
 9. Coordinating WIOA services and initiatives with the initiatives of the Private Sector and Economic Development Organizations;
 10. Contractor and staff training on WIOA policies and procedures;
 11. Developing News Releases concerning WIOA activities;
 12. Proposing policies and procedures necessary for effectively administering activities funded through the Plan;
 13. Establishing and maintaining a Grievance Procedure for programs and activities provided through the Plan
 14. Performing other duties of an Administrative Entity as required by the State Agency, the Council of Chief Elected Officials, and/or the Workforce Development Board of Northwest Georgia, Inc.

V. DEBTS, LIABILITIES AND OBLIGATIONS

- a. It is understood that the Technical College System of Georgia, Office of Workforce Development requires participating governments to accept liability that may arise from the misuse of Act funds or other erroneous practices.
- b. The WDB, grant recipient, subrecipient and fiscal agent are separate entities. To the extent allowed by law, the debts, liabilities, and obligations incurred by the WDB and/or the sub recipient and fiscal agent shall not pass through to the parties to this agreement nor the political subdivisions or municipalities they represent.
- c. The WDB and the sub recipient/fiscal agent agree to hold each of the parties to this agreement harmless from any and all claims arising from the actions or omissions of the WDB and/or the sub recipient/fiscal agent.
- d. If the WDB and/or subrecipient/fiscal agent incur liabilities over and above (1) the sum total of its assets, or (2) its ability to recover funds from the contractor or agent, or a third-party incurring the liability, or insurance, or bond issuer; and if that liability is passed on to the counties and cities listed in the "Purpose" of this agreement by operation of law; the counties and cities shall be liable in proportion to the relative population of each city or county the year in which the liability arose.

VI. STATUES AND REGULATIONS

All activities relating to this agreement and all related boards, councils, and members thereof shall comply with all applicable state and federal statues and regulations, including, but not limited to, the Georgia Open Meetings and Records Act.

VII. TERM AND DURATION

This agreement shall remain in effect until modified as provided through the terms of this Agreement; terminated upon 90 days written notice by either party; or through the termination of the grant(s) authorizing job training activities.

VIII. MODIFICATION OF AGREEMENT

This Agreement may be amended, supplemented, or superseded only by an affirmative vote of a majority of the members of the Workforce Investment Board and of the members of the Executive Committee of the Council of Chief Elected Officials and the Board of the Northwest Georgia Regional Commission. Members shall be given at least ten (10) days written notice of such proposed change.

Executed this _____ day of _____, 20_____

Signature _____ Title _____

Signature _____ Title _____

Signature _____ Title _____