

AMENDED AND RESTATED CHARLOTTE REGIONAL WORKFORCE 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 Charlotte Regional Workforce Consortium.

ARTICLE II. MEMBERSHIP

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

City of Charlotte
Mecklenburg County

ARTICLE III. CERTIFICATION AND 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 WIOA for the entire geographic area covered by this agreement.

2. SPECIFIC RESOLUTIONS TO ENTER INTO AGREEMENT

A copy of each resolution giving the City and County specific authority to enter into this consortium agreement is attached to this document.

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

The Mayor of the City of Charlotte and the Mecklenburg County Commission Chair shall be designated as the Chief Local Elected Officials (CLEOs) for the Charlotte Regional Workforce Area for purposes of the WIOA and upon whose representation the State, the workforce development board and the other member unit may rely. All actions of the CLEOs authorized or required by the WIOA shall be exercised jointly by them and such persons shall be the signatories of this agreement and shall be authorized to execute such other agreements as are necessary for the WIOA.

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

In accordance with N.C.G.S. 160A-463(b), and except as set forth herein, the member units provide that the Mayor of the City of Charlotte shall be authorized to exercise the functions of the local area chief elected official which are required under the Workforce Innovation and Opportunity Act.

AMENDED AND RESTATED CHARLOTTE REGIONAL WORKFORCE CONSORTIUM AGREEMENT

ARTICLE IV. DURATION

This agreement will become effective on July 1, 2015 or the date of the last chief elected official's signature (whichever is the later date) and shall continue in effect until the local Workforce Development Area 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 WIOA, 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 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 State of North Carolina.
2. The units of local government acknowledge that they are jointly and severally accountable for liabilities arising out of activities under the WIOA, and all funds received by the local workforce development area 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 sub-recipients or contractors, or the Workforce Development Board.
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.

ARTICLE VII. ESTABLISHMENT OF A WORKFORCE DEVELOPMENT BOARD

1. The member units of government agree that the Workforce Development Board has been established in accordance with Section 107 of the Workforce Innovation and Opportunity Act and applicable State of North Carolina laws.
2. Pursuant to Section 107(a) of the WIOA, Charlotte Works is designated to be the Local Workforce Development Board (Local Board) for the local area. Pursuant to Section 107(c)(2) of WIOA, the Local Board will be certified by the Governor every two years. Pursuant to Section 107(b) of the WIOA, the Mayor and the Commission Chair shall jointly appoint members to the Local Board and forward those appointments to the Governor of the State of North Carolina for certification.
3. In accordance with the WIOA, the Mayor and Commission Chair shall each appoint members to the Local Board who meet the composition requirements of Section 107(b)(2) of the WIOA. The actual Local Board appointments by the City and County shall approximate the population ratio of the City and County. Using U.S. Census projections, the current Local Board appointment breakdown shall be as follows:

AMENDED AND RESTATED CHARLOTTE REGIONAL WORKFORCE CONSORTIUM AGREEMENT

80% City of Charlotte
20% Mecklenburg County

4. Members of the Local Board may be removed in accordance with the Local Board's adopted bylaws.
5. The Local Board, CLEO and the Governor shall negotiate local performance accountability measures pursuant to Section 107(d)(9) of the WIOA and any amendment thereto.
6. The Local Board shall conduct program oversight of local youth workforce investment activities, local employment and training activities and the one-stop delivery system in the Local Area, all as authorized and required by the WIOA.
7. The Local Board shall provide oversight of workforce development activities to ensure appropriate use, management and investment of funds to maximize performance outcomes.

ARTICLE VIII. DESIGNATION OF LOCAL GRANT SUBRECIPIENT AND LOCAL FISCAL AGENT

In accordance with Section 107(d)(12)(B) of the WIOA, Charlotte Works will be designated as the local fiscal agent. The fiscal agent will disburse all funds for workforce investment activities in accordance with requirements of the WIOA.

ARTICLE IX. DISTRIBUTION OF FINANCIAL LIABILITY FOR DISALLOWED COSTS

The CLEOs shall be liable for misuse of grant funds allocated to the Local Area, pursuant to Section 107(d)(12)(B)(i)(I) of the WIOA. Designation of a local fiscal agent does not diminish such liability. In the event that any expenditure of funds is disallowed by the U.S. Department of Labor or the State of North Carolina, repayment of such funds shall occur in the following priority:

- a. The Local Board or its designee shall take all reasonable steps, including the institution of suit, to recover such funds from the agency or individual creating the misuse.
- b. The Local Board or its designee shall take all reasonable steps, including the institution of suit, to recover such funds from any applicable insurance carrier or bond issuer.
- c. The CLEOs, with the assistance and cooperation of the Local Board, will seek a waiver of liability pursuant to the WIOA.
- d. The funds may be recouped in one or more future program years, as permitted by law.

AMENDED AND RESTATED CHARLOTTE REGIONAL WORKFORCE CONSORTIUM AGREEMENT

- e. The City and the County will repay such funds in amounts equal to the percentage of board appointments allotted to each CLEO.

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-designations or at the end of the then current grant administration agreement program year.

ATTEST

(Signature)

Date

Viola Lyles

Mayor,
City of Charlotte

ATTEST

(Signature)

Date

George Dunlap

Chairman,
Mecklenburg County Board of Commissioners