

CHIEF LOCAL ELECTED OFFICIALS CONSORTIUM AGREEMENT

THIS AGREEMENT, made and entered into this 27th day of August, 2015 by and between the COUNTIES of: Barry, Barton, Dade, Jasper, Lawrence, McDonald, and Newton in the State of Missouri (hereinafter, the Counties):

WITNESSETH

WHEREAS, the Chief Local Elected Officials (CLEOs) of the aforementioned counties did previously adopt resolutions authorizing the creation of a consortium, in order to administer the provisions of Public Law 113-128, the Workforce Innovation Opportunity Act (hereinafter “the Act”), and

NOW, THEREFORE, in consideration of the above premises and the mutual covenants of the parties hereinafter set forth, each party acknowledges they do hereby agree to the following:

AGREEMENT

SECTION 1: That the Counties of: Barry, Barton, Dade, Jasper, Lawrence, McDonald, and Newton do hereby constitute a consortium for the purposes of Section 107 of Public Law 113-128, the Act.

SECTION 2: The Chief Local Elected Officials (Presiding Commissioners) of the local government entities in Section 1 shall constitute the Southwest Workforce Investment Region Consortium of Chief Local Elected Officials (hereinafter, the Consortium).

SECTION 3: The Consortium shall elect from its membership a Chairperson to serve for a term of three years, or until a successor is elected and qualified. Vacancies shall be filled by election for the remainder of the unexpired term.

Chairperson: Cherry Warren, Barry County Presiding Commissioner

SECTION 4: Robert’s Rules of Order shall govern the procedures of the Consortium insofar as they do not conflict with applicable law or administrative rules. All actions of the Consortium shall be approved by a simple majority of all of the members, regardless of whether all of the members are present at the meeting.

SECTION 5: The Consortium shall meet as desired and the Consortium shall determine their meeting schedule. The Workforce Investment Board of the Southwest Region, Inc. shall provide meeting notices, copies of the previous meeting’s minutes, and an agenda of any business to be discussed to all Consortium members at least 15 calendar days prior to the date of each meeting.

SECTION 6: The Consortium may adopt operational and procedural bylaws consistent with this Agreement, applicable federal and state laws and rules or regulations promulgated pursuant thereto. Bylaws or amendments thereto may be adopted by the affirmative vote of a simple majority of the members of the Consortium, provided that written copies thereof were delivered to each Consortium member at least 15 calendar days prior to the date of the meeting at which such bylaws or amendments thereto are to be considered.

SECTION 7: The Consortium may execute an agreement with the Local Workforce Development Board to perform the functions of the Board under the Act, and the Consortium shall approve all local plans under the Act.

SECTION 8: The Consortium shall perform the following functions for Chief Local Elected Officials, as specified in Public Law 113-128, the Act:

- Serve as the local grant recipient for the region's Workforce Innovation Opportunity Act funds and be held liable for any misuse of such funds;
- Designate an entity to serve as a local grant sub-recipient for the funds, however, such designation shall not relieve the CLEOs of any liability for misuse of these funds, as referenced in Section 9 herein;
- Receive member nominations and make appointments of members to the Local Workforce Development Board in accordance with State criteria, as described in Section 10 herein;
- Set policy for the local workforce system in partnership with the Local Workforce Development Board;
- Develop the local plan and any modifications thereto in partnership with the Local Workforce Development Board;
- Select the One-Stop Operator in partnership with the Local Workforce Development Board;
- Select the service providers in partnership with the Local Workforce Development Board;
- Conduct oversight, in partnership with the Local Workforce Development Board, of local Youth, Adult and Dislocated Worker programs;
- Approve the Annual WIOA Plan budget developed by the Local Workforce Development Board for carrying out the Board's duties;

- Participate with the Local Workforce Development Board in local performance negotiations, in accordance with policies and practices of the Missouri Workforce Development Board;
- Appoint a Youth Committee in cooperation with the Local Workforce Development Board and coordinate workforce and youth plans and activities with such Committee; and
- Perform any other duties or obligations conferred upon the Chief Local Elected Officials as designated under the Act.

SECTION 9: According the Act, the Chief Local Elected Officials shall serve as the local grant recipient. As such, they are liable for any misuse of grant funds. In order to assist in the administration of these grant funds, the Chief Local Elected Officials have the right to designate an entity to serve as a local grant sub-recipient for these funds.

The Southwest Chief Local Elected Officials have designated Workforce Investment Board of the Southwest Region, Inc. (hereinafter, the WIB) as the local grant sub-recipient and fiscal agent. This agreement stipulates that WIB:

- assumes all liability connected with these funds,
- assumes all responsibilities and functions of the local grant sub-recipient,
- will maintain adequate coverage for:
 - Directors and Officers Liability Insurance (Errors and Omissions)
 - Bonding
 - General Liability
- will require that any contract for expenditure of local workforce investment funds contain a clause for assumption of liability for such funds.
- will affirm that staff assigned to work with the Workforce Investment Board has no conflicting duties in any other contracting agency.

While the liability for the misuse of grant funds is passed on to the grant sub-recipient, and in turn on to Workforce Innovation Opportunity Act program contractors, it does not detach the ultimate liability from the Chief Local Elected Officials.

In the event of misuse of funds, the responsible entity will be the first accountable for repayment. If a Workforce Innovation Opportunity Act program contractor is unable to satisfy the debt, responsibility will revert to WIB. If, for any reason, there is a liability above the grant sub-recipient's ability, the Chief Local Elected Officials liability shall be apportioned based on each county's level of participation in the specific disallowed cost. If the liability is a generalized debt for the entire seven-county area, the liability to each county shall be proportionate to the number of participants served in that county for the same year in which the misuse of funds occurred.