

# ARTICLES OF ASSOCIATION AND AGREEMENT FOR THE CENTRALINA WORKFORCE DEVELOPMENT CONSORTIUM

## ARTICLE I. TITLE AND PURPOSE

The contiguous units of local government listed below, being desirous of agreeing to an undertaking pursuant to the provisions of N.C.G.S. Section 160A-464(1), do hereby agree to establish a workforce development consortium to act jointly as a Local Workforce Investment Area for workforce development under the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128 ("the Act") including National Dislocated Worker Grant (NDWG) funding through the US Department of Labor, as amended. This consortium shall be known as the **Centralina Workforce Development Consortium**.

## ARTICLE II. MEMBERSHIP

The consortium shall be composed of the following independent and contiguous units of general-purpose local government: **Anson, Cabarrus, Iredell, Lincoln, Rowan, Stanly, and Union Counties**.

## ARTICLE III. CERTIFICATION OF AUTHORITY

### 1. AUTHORITY UNDER STATE AND LOCAL LAW

In accordance with N.C.G.S. Sections 160A-460 et. seq., the member counties of the Centralina Workforce Development Consortium 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 Investment Area under the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128, and any National Dislocated Worker Grant for the entire geographic area covered by this agreement.

### 2. SPECIFIC RESOLUTIONS TO ENTER INTO AGREEMENT

In accordance with N.C.G.S. Section 160A-461, a copy of the duly executed resolution and appropriate board meeting minutes 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 the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128 and NDWG 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. If any county member of the consortium desires, it may designate any member of its Board as its "Chief Elected Official" for WIOA and NDWG purposes, in lieu of having its Chairman serve in such capacity. Unless otherwise notified of such designation of another member of its Board, each county shall be deemed to have designated its Chairman as its "Chief Elected Official" for WIOA and NDWG purposes. 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 (WIOA) purposes and National Dislocated Worker Grant purposes.

### **4. DESIGNATION OF CHIEF ELECTED OFFICIAL FOR WORKFORCE INVESTMENT AREA**

In accordance with N.C.G.S. Section 160A-463(b), the Chairmen (or their designee) of the Boards of Commissioners of the undersigned units of local government shall annually elect one of their number by a vote to serve as Chairman of the Centralina Workforce Development Consortium for a one-year term. The Chairman of the Centralina Workforce Development Consortium shall be authorized to represent the Consortium and to act on behalf of the undersigned units of local government with respect to any matters adopted or passed by the Consortium and shall be authorized to exercise the functions of the Centralina Workforce Investment Area chief elected official which are required under the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128 and National Dislocated Worker Grants.

## **ARTICLE IV. DURATION**

In accordance with N.C.G.S. Section 160A-464(2), this agreement shall become effective on the date of the last chief elected official's signature and shall continue in effect until the Local Workforce Investment 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 Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128 and regulations promulgated thereunder, all other applicable federal regulations, the statutes of the State of North Carolina, and written



directives and instructions relevant to Workforce Investment Area operation from the Governor of North Carolina or his/her designee.

## **ARTICLE VI. FINANCING/LIABILITY**

In accordance with N.C.G.S. Section 160A-464(5), it is anticipated that funding necessary to implement this agreement shall be derived from federal grant and/or state funds received through the Governor. In the event it is necessary to appropriate non-federal funds for the purpose of implementing this agreement, the parties agree, as between themselves, that the state fair share allocation formula shall be used.

The undersigned units of local government hereby acknowledge that they are jointly and severally accountable for liabilities arising out of activities under the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128 and for all funds received by the Workforce Investment Area grant recipient pursuant to WIA. Liability includes, but is not limited to, responsibility for prompt repayment from nonprogram funds of any misexpenditures by the administrative entity of the Local Workforce Investment Area, or any of its subrecipients or contractors, or the Workforce Development Board. As between the consortium members themselves, liability shall be apportioned in the following manner: (a) to the extent that a particular county benefits from costs disallowed (e.g. an ineligible participant from a particular county received training, the cost of which is subsequently disallowed) that county may be liable for those disallowed costs; (b) any disallowed cost for which the benefiting county cannot be determined shall be divided equally among the undersigned units of local government.

Any entity or joint agency created or designated by this Local Workforce Investment Area, including the Workforce Development Board (WDB), 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 CENTRALINA WORKFORCE DEVELOPMENT BOARD (WDB)**

A. Upon designation by the Governor of North Carolina of the Centralina area as a local workforce investment area, the Chairmen of the Boards of County Commissioners of each of the undersigned units of local government shall certify that the current Centralina Workforce Development Board (hereinafter Centralina WDB) as such entity is defined in the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128 and accompanying regulations and in accordance with the State of North Carolina Executive Order 90 (December, 1995) will serve as the region's workforce investment board. The members of the Centralina WDB are to be selected in accordance with the nominating process and representative scheme set forth in the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128 and accompany regulations.

B. The Centralina WDB shall consist of at least twenty-four (24) members. A minimum of thirteen (13) of these members shall represent the private sector as that term is defined in

Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128 and accompany regulations. Of these thirteen private sector members, at least one shall represent each of the seven undersigned units of local government, when feasible. Of the eleven (11) remaining members, one shall represent adult education and literacy, one shall represent higher education, one shall represent economic development agencies, one shall represent state employment service agencies, one shall represent vocational rehabilitation agencies, one shall represent social service agencies, and five shall represent a combination of labor, apprenticeship, and community based organizations.

C. The initial terms of twelve members of the initial Centralina WDB shall expire after one year and the initial terms of the remaining members shall expire after two years. Thereafter, the terms of service of all members of the Centralina WDB shall be two years.

D. Successors to the initial members of the Centralina WDB who die, resign, or otherwise cease to serve, shall be selected by Chairmen of the Boards of Commissioners of the undersigned units of local government. If the Chairmen desire to reappoint a current member of the Centralina WDB to another two (2) year term, the nominating process described in the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128 and accompany regulations need not be followed. If the Chairmen do not desire to reappoint a current member of the Centralina WDB to another two-year term, then nominations to fill the vacancy shall be sought in accordance with the process described in the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128 and accompany regulations.

E. Private sector representatives on the Centralina WDB shall be selected by Chairmen of the Boards of Commissioners of the undersigned units of local government from a slate of individuals nominated by general-purpose business organizations after consulting with, and receiving recommendations from, other business organizations in the Local Workforce Investment Area. The number of nominations shall be at least 150 percent of the number of private sector individuals to be appointed in the county. Such nominations, and the individuals selected from such nominations, shall reasonably represent the industrial and demographic composition of the business community. All private sector representatives must be active with their company or business (non-retiree). Private sector representatives, who shall constitute a majority of the membership of the WDB, shall be owners of business concerns, chief executive officers, chief operating officers, or other private sector executives who have substantial management, recruitment, hiring authority, or policymaking responsibility. Whenever possible, at least one-half of such business and industry representatives shall be representatives of small business (500 or fewer employees), including minority business.

Education representatives on the Centralina WDB shall be selected from among individuals nominated by the local educational agencies, vocational education institutions, institutions of higher education, or general organizations of such agencies or institutions, and by private and proprietary schools or general organizations of such schools, within the Local Workforce Investment Area.

Recognized State and local labor organizations or appropriate building trade councils shall recommend labor representatives. The remaining members of the Centralina WDB shall be selected from individuals recommended by interested organizations.



F. The composition of the Centralina WDB shall at all times conform with the requirements of the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128 and accompany regulations, including N.C.G.S. Section 160A-464(3).

#### **ARTICLE VIII. APPOINTMENT OF PERSONNEL**

The Chairmen of the Boards of Commissioners of the undersigned units of local government are hereby authorized to enter into agreements with the Centralina Workforce Development Board specifying procedures for development of the workforce development plans; agreements relating to the selection of a grant recipient and entity to administer the workforce development plans; and any other agreements necessary to advance the administration of the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128, within the Centralina Local Workforce Investment Area, in accordance with N.C.G.S. Section 160A-464(4).

#### **ARTICLE IX. OWNERSHIP OF REAL PROPERTY**

In accordance with N.C.G.S. Section 160A-464(6) and applicable WIOA, NDWG, and Federal property guidelines, the Centralina Workforce Development Consortium shall adhere to the procedures outlined in NC Department of Commerce policy for all property transactions under WIOA and NDWG including the buying or selling of real property. The Centralina Workforce Development Consortium will neither acquire nor dispose of real property.

#### **ARTICLE X. AMENDMENTS**

In accordance with N.C.G.S. Section 160A-464(7), this agreement may be amended at any time upon the consent of all parties as evidenced by resolution of the Chairmen of the Boards of Commissioners of the undersigned units of local government and as approved by the State. Whenever the position of designated Chief Elected Official for the Centralina Local Workforce Investment Area becomes vacant, the individual selected as a replacement shall be approved through an amendment to this agreement by resolution of the Chairmen of the Boards of Commissioners of the undersigned units of local government.

#### **ARTICLE XI. TERMINATION**

In accordance with N.C.G.S. 160A-464(8), the undersigned units of local government may request termination of this agreement at any time upon six months prior written notice, such termination to be effective when the Governor considers Local Workforce Investment Area redesignation at the end of the then current subgrant agreement year.

## **ARTICLE XII. RATIFICATION**

This agreement shall be effective upon ratification by the Boards of Commissioners of each of the undersigned units of local government. The agreement covers the four-year period of July 1, 2019 to June 30, 2023.

### **ANSON COUNTY**

By: \_\_\_\_\_ Date \_\_\_\_\_  
Ross Streater, Chairman, Board of Commissioners  
Anson County

### **CABARRUS COUNTY**

By: \_\_\_\_\_ Date \_\_\_\_\_  
Steve Morris, Chairman, Board of Commissioners  
Cabarrus County

### **IREDELL COUNTY**

By: \_\_\_\_\_ Date \_\_\_\_\_  
James B. Mallory, Chairman, Board of Commissioners  
Iredell County

### **LINCOLN COUNTY**

By: \_\_\_\_\_ Date \_\_\_\_\_  
Carrol Mitchem Chairman, Board of Commissioners  
Lincoln County

### **ROWAN COUNTY**

By: \_\_\_\_\_ Date \_\_\_\_\_  
Greg Edds, Chairman, Board of Commissioners  
Stanly County

### **STANLY COUNTY**

By: \_\_\_\_\_ Date \_\_\_\_\_  
Matthew Swain, Chairman Board of Commissioners  
Stanly County

### **UNION COUNTY**

By: \_\_\_\_\_ Date \_\_\_\_\_  
Jerry Simpson, Chairman, Board of Commissioners  
Union County

Centralina Workforce Development Consortium - Articles of Association - WIOA – 2019-2023