

**GEORGIA MOUNTAINS WORKFORCE DEVELOPMENT BOARD AND
THE CHIEF LOCAL ELECTED OFFICIAL/LOCAL ELECTED OFFICIALS
OF THE GEORGIA MOUNTAINS WORKFORCE DEVELOPMENT AREA
MEMORANDUM OF UNDERSTANDING**

This agreement is entered into by the Chief Local Elected Official/Local Elected Officials (CLEO/LEOs) which represent the local elected officials and the Workforce Development Board (WDB) of the Georgia Mountains Service Delivery Area as designated by the Governor of Georgia.

The Georgia Mountains Service Delivery Area encompasses the counties of Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union, and White and the cities/towns contained therein.

I. Composition of the Workforce Development Board

The members of the WDB must be selected by the CLEO consistent with criteria established under the Workforce Innovation and Opportunity Act (WIOA) Sec. 107 (b) and criteria established by the Governor and must meet the requirements of WIOA Sec. 107 (b) (2). An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation, including the criteria described in paragraphs (C) through (G) of § 679.320. The board 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 officers, chief executive officers or other individuals with optimum policy making or hiring authority; and whose businesses provide employment opportunities in in-demand industry sectors or occupations. WIOA sec. (23) A minimum of two business representatives shall represent small business.
- B. At least 20% of the total board shall be:
 - i. A minimum of two (2) representatives of organized labor or other representatives of employees, if existing in the area.
 - ii. 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 in the local area.
 - iii. May include one or more community-based organization qualifying for § 679.320 (c)3.
 - iv. May be representatives of organizations with experience and expertise in addressing services to eligible youth per § 679.320 (c)3.
- C. At least one (1) representative of providers of adult education and literacy § 679.320 (d)(1).
- D. At least one (1) representative from institutions of higher education providing workforce activities § 679.320 (d)(2).
- E. At least one (1) 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 on Part C of that title.
- F. The memberships of the WDB may include other representatives per § 679.320 (e)(1) through (e)(4).

All representatives will have optimum policy-making authority within the entities they represent. Nominations will be from designated organizations in accordance with § 679.320 (g) (1) through (3).

The State or CLEO may change this composition, and proposals for changes in membership may be made by either organization. Composition changes must comply with the requirements of WIOA and subsequent amendments of the Act, if applicable.

The Chair of the WDB will be elected from among members of the WDB who are representatives of the private sector.

II. WDB Member Appointments

From the nominations described below, the CLEO will make appointments, being careful to attempt to give adequate spread to diverse economic interests, as well as geographic dispersion.

- A. Private sector representatives on the board will be selected from among individuals nominated by business organizations and business trade organizations after consulting with, and receiving recommendations from other business organizations in the service delivery area.
- B. Institutions providing adult education and literacy activities under Title II and Institutions of higher education providing workforce investment activities as described in WIOA 107 (b)(2)(C)(i) and (ii) shall provide nominations through solicitations from those particular entities (WIOA 107 (b)(6)).
- C. The labor representatives on the board will be selected from individuals recommended by recognized state and local labor federations. For a local area in which no employees are represented by such organizations, other representatives of employees may be nominated.
- D. Community based organizations are defined as private nonprofit organizations which are representative of communities or significant segments of a community. A non-profit organization for board membership purposes has a formal structure with officers, bylaws, and recognition within the community that it is deemed to represent. Representatives will be selected from individuals recommended by organizations within the area.
- E. Required WIOA partners and other organizations shall be requested to provide nominations for representatives.

III. Length of Appointments and Filling of Vacancies

- A. Initial appointments under WIOA will be staggered with one-half of the members having terms of three years and one half of the members having an initial term of two years. Other than the initial period terms, terms of membership will be for three years, and appointees will serve until replaced or reappointed.
- B. WDB members who take formal action to resign from the WDB will address such resignations to the Chair of the WDB
- C. The CLEO shall be notified regarding board vacancies within 10 days of the notification of a member resignation, removal or death.
- D. When a member of the WDB fails to meet the requirements which the WDB itself has established for continued membership, the Chair of the WDB will immediately upon determining that the conditions for membership have been violated, address a letter indicating that fact to the CLEO and ask that the affected person be removed from the membership list.
- E. Vacancy/vacancies shall be filled within a reasonable time not to exceed sixty (60) days from the date of notice. Board actions taken on vacancies outside the sixty day (60) limit must be preapproved by the Technical College System of Georgia Office of Workforce Development (TSCG OWD).
- F. Appointments or reappointments for new terms will be made within the calendar month that a term ends.

- G. Vacancies will be filled by following the same procedures as for initial appointments.
- H. When the CLEO is not able to obtain nominations for private sector members from a given county in order to make appointments, the CLEO may fill a vacancy or make appointments for a new term from among nominees from another county. When the appointee's term expires or the slot becomes vacant for any reason, the slot will again be offered to the original county.

IV. Operation of the Workforce Development Board

The WDB operation will be governed by the bylaws adopted by the WDB. WDB bylaws include the responsibilities of the Board as determined by WIOA and State code/rules. The WDB will elect a Chair who is a representative of the private sector.

The WDB, in accordance with an agreement with the CLEO, will:

- A. Develop and submit a 4-year local/regional plan.
- B. Conduct workforce research and regional labor market analysis to include requirements in Sec. 679.37(c)(1) through (c)(3) of WIOA regulations.
- C. 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.
- D. Lead efforts to engage with a diverse range of employers and other entities in the region in order to: promote business representation on the local board; develop effective linkages with employers in the region; ensure workforce activities meet the needs of employers and support economic growth by enhancing communication, coordination and collaboration among employers, economic development entities and service providers; and develop and implement proven and promising strategies to meet the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships) that provide the skilled workforce needed by employers in the region and that expand employment and career advancement opportunities for workforce system participants in in-demand industry sectors or occupations.
- E. 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.
- F. Lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and jobseekers, and identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
- G. Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers.
- H. In partnership with the CLEO for the local area:
 - 1. Conduct oversight of youth workforce activities authorized under WIOA Sec. 129(c), adult and dislocated worker employment and training activities under WIOA Sec. 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.
- I. Negotiate and reach agreement on local performance measures with the CLEO and the Governor.
- J. 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 notify the Governor if they fail to reach

agreement at the local level and will use a state infrastructure funding mechanism.

- K. 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 activities through competitive grants or contracts based on the recommendations of the Youth Standing Committee.
 - 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.
- L. 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.
- M. 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.
- N. Develop a budget for the activities of the local board, with approval of the CLEO and consistent with the local plan and the duties of the local board. The CLEO shall sign and submit to TSCG-OWD a budget within 10 business days of the budget approval.
- O. 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.).
- P. Certify one-stop centers in accordance with § 678.800.
- Q. Enter into an agreement with the Local Elected Officials (LEOs) that describes respective roles and responsibilities of the board and LEOs and the Chief Local Elected Official (CLEO).
- R. Provide updates of Board actions to the CLEO and the LEOs of the WDB by sending notice of meetings, links to meeting packets and minutes of prior meetings.
- S. The WDB shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the board, including information regarding the local plan prior to submission of the plan and regarding membership, the designation and certification of one-stop operators and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request, minutes of formal meetings of the board.

V. Operation of the of the LEO Board

The membership of the LEO Board shall consist of the 13 county commission chairs and two mayors, as required by State Workforce Development Board Chapter 692-1. The LEO Board operation will be governed by the bylaws adopted by the Board. LEO Board bylaws include the responsibilities of the Board as determined by WIOA and State code/rules. The LEO Board shall elect a CLEO by majority vote. The CLEO will serve as the Chair of the LEO Board and have the responsibilities consistent with WIOA.

VI. Responsibilities of Chief Local Elected Official (CLEO):

- A. The CLEO is authorized to appoint the members of the local board for such area,
- B. The CLEO shall sign and submit to the TCSG OWD a budget within ten business days of such budget's approval.
- C. The CLEO, in partnership with the WDB, shall develop and submit a local plan to the Governor that meets the requirements in WIOA section 108.
- D. The CLEO, in partnership with the WDB shall engage in a regional planning process that results in (1) the preparation of a local/regional plan, (2) the establishment of regional service strategies, including use of cooperative service delivery agreements; (3) the development and implementation of sector initiatives for in-demand industry sectors or occupations for the region; (4) the collection and analysis of regional labor market data (in conjunction with the State); (5) the establishment of administrative cost arrangements, including the pooling of funds for administrative costs, as appropriate, for the region; (6) the coordination of transportation and other supportive services, as appropriate, for the region; (7) the coordination of services with regional economic development services and providers; and (8) the establishment of an agreement concerning how the planning region will collectively negotiate and reach agreement with the Governor on local levels of performance for, and report on the performance accountability measures described in section 116(c), for local areas or the planning region.
- E. The CLEO, in partnership with the WDB, shall designate or certify one-stop operators as described in section 121(d)(2)(A); and may terminate for cause the eligibility of such operators.
- F. The CLEO, in partnership with the WDB, shall negotiate and reach agreement on local performance accountability measures as described in WIOA section 116(c)
- G. The CLEO, in partnership with the WDB, shall conduct oversight of the one-stop delivery system, the youth programs and employment and training activities in the area and ensure the appropriate use and management of the funds provided under activities and system described above; and for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA section 116.
- H. The CLEO shall enter into an agreement with the WDB that describes respective roles and responsibilities under the Act.
- I. The CLEO, in partnership with the WDB, shall keep the LEOs informed regarding workforce development activities in their respective counties.

VII. Designation of Grant Recipient/Administrative Entity

OCGA 34-14-2. A local workforce development areas' CLEO may designate a local fiscal agent or a grant recipient which shall be either a municipal government, county government, consolidated government or regional commission located within the physical boundaries of the local workforce development area and who shall be approved by the State Workforce Development Board in a procedure established through rule.

The TCSG OWD shall approve the fiscal agent/grant recipient, selected by the CLEO, before any federal or state workforce development funds shall be disbursed. Per the 29 U.S.C. § 2832 (d)(3)(B)(i)(II), the chief local elected official (CLEO) for an LWDA may designate an entity to serve as a local grant subrecipient or fiscal agent for WIOA funds. Such designation does not remove the CLEO of the liability of disallowed costs. CLEO selection of the local grant recipient must comply with both federal and state requirements in selecting a grant recipient. The CLEO is responsible for notifying TCSG OWD, in writing, of the intent to transfer local grant responsibility. This intent to transfer should include the name of the proposed new grant recipient and (if applicable) the name of the new program administrator.

The Grant Recipient/Administrative Entity will arrange for staff to accomplish the planning mission described above as well as the administration of funds, the acquisition of contracts for providing training and other WIOA services, and to prepare reports on progress and results, including those required by the Act and the State administering agency, and those prescribed by the WDB and CLEO. The WDB will assure that all activities are in accordance with WIOA and associated regulations.

Effective October 1, 2011, the CLEO has designated the following to function as the Grant Recipient/Administrative Entity: Georgia Mountains Regional Commission (GMRC).

VIII. Debts, Liabilities, and Obligations

WIOA requires petitioning governments to accept liability that may arise from misuse of Act funds or other erroneous practices. Therefore, the LEOs party to this agreement agree to the following:

- a. With respect to any misuse of WIOA grant funds received by the grant recipient (CLEO) under the Act, which funds are required to be repaid pursuant to the Act or regulations implementing the same, and which funds were designated for use within a municipality located within any such county or a specific county, the county in which such funds were designated to be used agrees to repay or reimburse all of such misused funds, in accordance with the Act and regulations implementing the same; and
- b. With respect to any misuse of grant funds received by the CLEO under the Act, which funds are required to be repaid pursuant to the Act or regulations implementing the same, and which funds *were not* designated for use within a specific county represented hereunder or within a municipality located within any such county, each county represented hereunder agrees to repay or reimburse its proportionate share of such misused funds, such proportionate share being based upon such county's share of the total funds designated for expenditure within the counties hereunder.

If any costs incurred by the grant recipient or any contractor or service provider are disallowed, the grant sub-recipient or their designee will be responsible for taking steps to recoup such costs.

IX. Additional Funding

In accordance with Section 111 of WIOA, the WDB may solicit or facilitate the receipt of contributions or grants from public or private sources.

X. Terms of the Agreement

The term of this agreement will run from its execution until the expiration of the Act or its amendment or until this agreement is dissolved after a 90 day notice by one of the parties.

All members will be mailed written notice of the proposed amendments at least seven days prior to a vote.

Original signed 10-27-2011

XI. Signatures

_____ Commissioner Signature	_____ Date	<u>Banks</u>
_____ Commissioner Signature	_____ Date	<u>Dawson</u>
_____ Commissioner Signature	_____ Date	<u>Forsyth</u>
_____ Commissioner Signature	_____ Date	<u>Franklin</u>
_____ Commissioner Signature	_____ Date	<u>Habersham</u>
_____ Commissioner Signature	_____ Date	<u>Hall</u>
_____ Commissioner Signature	_____ Date	<u>Hart</u>
_____ Commissioner Signature	_____ Date	<u>Lumpkin</u>
_____ Commissioner Signature	_____ Date	<u>Rabun</u>
_____ Commissioner Signature	_____ Date	<u>Stephens</u>
_____ Commissioner Signature	_____ Date	<u>Towns</u>
_____ Commissioner Signature	_____ Date	<u>Union</u>
_____ Commissioner Signature	_____ Date	<u>White</u>
_____ Mayor Signature	_____ Date	<u>Blairsville</u>
_____ Mayor Signature	_____ Date	<u>Hiawassee</u>
_____ Board Chair Signature	_____ Date	<u>WDB</u>

GEORGIA MOUNTAINS WIB AREA 2, REGION 2 LEO BOARD

NAME	TITLE	ADDRESS	PHONE/FAX
1. Jimmy Hooper	Chair	Banks County Board of Commissioners 150 Hudson Ridge, Suite 1 Homer, GA 30547	P: 706-677-6800 F: 706-677-4330
2. Billy Thurmond	Chair	Dawson County Board of Commissioners 25 Justice Way, Suite 2313 Dawsonville, GA 30534	P: 706-344-3501 F: 706-344-3504
3. Todd Levent	Chair	Forsyth County Board of Commissioners 110 East Main St., Suite 210 Cumming, GA 30040	P: 770-781-2101 F: 770-781-2199
4. Thomas Bridges	Chair	Franklin County Board of Commissioners P.O. Box 159 Carnesville, GA 30521	P: 706-384-2483 F: 706-384-7089
5. Victor Anderson	Chair	Habersham County Board of Commissioners 555 Monroe St., Unit 20 Clarksville, GA 30523	P: 706-754-6264 F: 706-754-1014
6. Richard Higgins	Chair	Hall County Board of Commissioners P.O. Box 1435 Gainesville, GA 30503	P: 770-535-8288 F: 770-531-3972
7. Joey Dorsey	Chair	Hart County Board of Commissioners 800 Chandler St., Hartwell, GA 30643	P: 706-376-2024 F: 706-376-9477
8. Chris Dockery	Chair	Lumpkin County Board of Commissioners 99 Courthouse Hill, Suite A Dahlonega, GA 30533	P: 706-864-3742 F: 706-864-4760
9. Greg James	Chair	Rabun County Board of Commissioners 125 Courthouse Square, Suite 201 Clayton, GA 30525	P: 706-782-5271 F: 706-782-7588
10. Michelle Ivester	Chair	Stephens County Board of Commissioners 37 West Tugalo St., Toccoa, GA 30577	P: 706-886-9491 F: 706-886-2185
11. Cliff Bradshaw	Sole Commissioner	Towns County Board of Commissioners 48 River Street, Suite B Hiawassee, GA 30546	P: 706-896-2276 F: 706-896-4628
12. Lamar Paris	Sole Commissioner	Union County Board of Commissioners 114 Courthouse Street, Box 1 Blairsville, GA 30512	P: 706-439-6000 F: 706-439-6004
13. Travis Turner	Chair	White County Board of Commissioners 59 South Main Street, Suite A Cleveland, GA 30528	P: 706-865-2235 F: 706-865-1324
14. Jim Conley	Mayor	City of Blairsville 62 Blue Ridge St. PO Box 307 Blairsville, GA 30514	P: 706-745-2000 F: 706-745-7326
15. Liz Ordiales	Mayor	City of Hiawassee 50 River Street Hiawassee, GA 30546	P: 706-896-2203 F: 706-896-4991