

BYLAWS

LOCAL ELECTED OFFICIALS (LEO)

ARTICLE I

NAME AND AUTHORITY

- SECTION I The official name of this Board shall be the Board of Local Elected Officials (LEO) of the Georgia Mountains Local Workforce Development Area (LWDA); hereinafter, referred to as the “LEO Board”.
- SECTION II The LEO Board is formed under the Workforce Innovation and Opportunity Act (WIOA), and State Workforce Development Board (SWDB) Chapter 692-1.
- SECTION III The LEO Board has as its purpose carrying out all of those duties and responsibilities assigned to the LEOs by WIOA and State code/rules.

ARTICLE II

MISSION STATEMENT

- SECTION I The LEOs of the LWDA shall collaborate with the Georgia Mountains Workforce Development Board (WDB) to develop a comprehensive and effective workforce development system within the LWDA.

ARTICLE III

MEMBERSHIP

- SECTION I The LWDA, as designated by the Governor of Georgia under the provisions of WIOA Section 106, consists of the counties of Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union, and White. The membership of the LEO Board shall consist of the 13 county commission chairs and two mayors. No more than one mayor shall represent a single county in the Local Workforce Development Area.
- SECTION II Members of the LEO Board shall serve until he/she ceases to be a local elected official or withdraws from the Board on their own volition whichever occurs first. Upon the absence of a member on the LEO Board or the cessation of services as a local elected official, a new Local Elected Official representative shall be chosen. In the instance of a rotating county chair, the newly elected chair of the county will serve out the duration of the LEO Board term.
- SECTION III Each member of the LEO Board shall have equal standing and shall have one vote in all matters of business brought before this LEO Board.

ARTICLE IV

OFFICERS AND ELECTIONS

- SECTION I The officers of the LEO Board shall consist of the Chief Local Elected Official (CLEO) and Vice Chair. The CLEO serves as the Chair with powers and responsibilities set forth under WIOA, presides over meetings of the LEO Board, has the power to sign documents on behalf of the LEO

Board and shall generally possess the powers of the Chief Executive Officer of the LEO Board in addition to any other powers granted by these bylaws.

- SECTION II The CLEO shall be appointed or elected by the LEO Board. The CLEO's term shall run concurrent with the term set by his or her elected office, but in no instance shall a CLEO serve more than a period of eight years without being reelected by the Local Elected Official Board.
- SECTION III In the absence of the CLEO, the Vice-Chair shall preside over the meetings of the LEO Board and on an interim basis only, may sign board appointments.
- SECTION IV In the event that the CLEO becomes incapacitated, a called meeting of the LEO Board will be held to determine continuation of the grant recipient, election of a new CLEO or change in grant recipient.
- SECTION V Nomination of officers to fill vacant positions shall be made from the floor at a meeting of the LEO Board. The nominee receiving a vote of majority, defined as 51% of the membership present shall be declared elected.
- SECTION VI At a meeting of the LEO Board, the newly elected officers will take office immediately after the vote.
- SECTION VII Meeting minutes must be submitted to the Technical College System of Georgia Office of Workforce Development (TSCG OWD) within 10 business days of the election of the CLEO.

ARTICLE V MEETINGS and QUORUM

- SECTION I The LEO Board shall meet annually at a time and place determined by the CLEO. Additional meetings may be called by the CLEO as necessary.
- SECTION II A quorum is defined as 51% of the LEO Board.
- SECTION III The selection of the CLEO of the LEO Board requires 51% majority vote.
- SECTION IV Proxy voting shall not be permitted with respect to the election of a CLEO. For any other action, proxy voting shall be permitted.
- SECTION V The LEO Board shall be conducted in accordance with Robert's Rules of Order and meeting minutes shall be kept and made available for review upon request by the State. The LEO Board meetings shall be conducted in accordance with federal sunshine laws and the Georgia Open Meetings Act.

ARTICLE VI CONFLICT OF INTEREST

- SECTION I Conflict of Interest & Code of Conduct Policy (State Workforce Development Board (SWDB) Chapter 692-1)
- (1) A Board Member shall not:
- a. vote on a matter under consideration by a Board if such vote:

- i. involves the provision of services by such Board Member (or any entity or organization the Board Member represents, or in which he or she holds an ownership or pecuniary interest) or a Board Member's Immediate Relative; or
 - ii. would provide a direct or indirect financial benefit to the Board Member (or any entity or organization the Board Member represents, or in which he or she holds an ownership or pecuniary interest) or a Board Member's Immediate Relative; or
 - iii. involves any other conduct or activity determined to constitute a Conflict of Interest.
- b. directly or indirectly accept or solicit any gratuities, favors, or anything involving more than de minimis monetary value from any person with whom the Board Member interacts in his or her capacity as a recipient of federal funds. This section includes, without limitation, any potential or actual supplier, contractor, subcontractor, grant recipient or other service provider;
 - c. participate in the selection, award or administration of a procurement supported by federal funds in any case where the Board Member is aware that any member of his or her immediate family, business partner, or any organization that employs or is about to employ any of those persons, has any financial or material interest in any organization that may be considered for an award of federal funds;
 - d. advocate for or cause the advancement, appointment, employment, promotion, or transfer of an Immediate Relative to any office or position administering or handling federal funds under Public Law 113-128, including without limitation, any potential or actual supplier, contractor, subcontractor, grant recipient or other service provider.

(2) A Board Member shall disclose and divulge the existence of an actual or potential Conflict of Interest prior to any vote or participation in the decision making process and such disclosure shall be expressly noted in the Board's minutes.

(3) In the event that an actual or potential Conflict of Interest exists, the affected Board Member shall recuse himself or herself from voting on the impacted topic and shall also refrain from participating in any discourse involving the impacted topic other than bringing the actual or potential Conflict of Interest to the Board's attention. Additionally, in the meeting minutes, the Board shall recite the nature of the actual or potential Conflict of Interest and the recusal of the impacted Board Member with respect to the vote and discussion of the impacted topic.

(4) In the event that a Board Member is uncertain as to whether an actual or potential Conflict of Interest exists, the Board Member shall notify the Board and the remainder of the Board shall vote to determine whether an actual or potential Conflict of Interest exists.

- a. In the event that the Board determines that an actual or potential Conflict of Interest exists, the impacted Board Member shall follow OCGA 692-1 and recuse himself or herself from voting and participating in the decision making process.
- b. In the event that the Board determines that no actual or potential Conflict of Interest exists, the impacted Board Member shall be entitled to vote and participate in the decision making process. The Board shall recite in the meeting minutes the nature of the perceived Conflict of Interest and the reasons for determining why a Conflict of Interest did not exist.

(5) The Chair of the Board shall inquire as to whether a Conflict of Interest exists among Board Members prior to any vote involving the following:

- a. the awarding or modification of a contract; or
- b. the provision of services; or
- c. a pecuniary interest.

SECTION II To prevent Conflicts of Interest, LEOs serving on the Board shall sign and date a Conflict of Interest provision upon accepting a position on the LEO Board disclosing any and all potential conflicts. The Conflict of Interest provision must be signed and dated prior to participation in any official board action. In the event that of a board member participation in an official action or vote, without signing and completing the Conflict of Interest provision, such board member's action shall be void. The provision will be submitted to the State and retained by the Board for review. A Conflict of Interest provision statement is attached as Exhibit A in compliance with SWDB Chapter 692-1.

**ARTICLE VII
CONTRACTING RESTRICTIONS**

SECTION I LEO Board members shall adhere to any applicable State and Federal Conflict of Interest policies, laws, and/or regulations which restrict or prohibit parties from entering into agreement regarding the use/obligation of Federal funds.

**ARTICLE VIII
CLEO APPOINTMENTS TO WD BOARD**

SECTION I The CLEO shall appoint members (in accordance WIOA and State code/rules), to the WDB.

SECTION II The LEO Board shall not give a local workforce development board any direct authority or control over workforce funds and programs in its workforce development area, other than programs approved through that board. An agreement on the formation of a board shall be in writing.

**ARTICLE IX
FISCAL AGENT/GRANT RECIPIENT**

SECTION I OCGA 34-14-2 states that a Local Workforce Development Area's 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. Per the 29 U.S.C. § 2832 (d)(3)(B)(i)(II), the 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 new program administrator.

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 proposed new grant recipient and (if applicable) the name of the new program administrator.

**ARTICLE X
DEBTS, LIABILITIES AND OBLIGATIONS**

SECTION I 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 total funds designated for expenditure within the counties.

SECTION II 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.

ARTICLE XI AMENDMENTS

SECTION I The bylaws will be signed by each LEO. These bylaws may be amended, superseded only by an affirmative vote of a majority (51%) at any regular or called LEO Board meeting; however, all members shall be provided notice of contents of such proposed amendments and meeting site at least seven days prior to the meeting. Information disseminated may be in the form of mail, facsimile, or email notice.

SECTION II Public notice of amendments or changes shall be advertised on the Georgia Mountains Regional Commission website for a minimum of seven days prior to the meeting.

Adopted this ____ day of _____, 2018.

Original signed 10/30/2014

Revised: 4/27/2016

Revised: 2/23/2017

Revised: 4/25/2017

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>

Exhibit A

Conflict of Interest Provision

Name: _____

Public Office or Position: _____

Local Workforce Development Area: _____

Mailing Address: _____

Telephone Number: _____

I hereby affirm and attest that I have read and understand the duties, obligations and restrictions imposed upon me by the Conflict of Interest and Code of Conduct Policy contained at Ga. Comp. R. & Regs. r. 692-1 and that to date, I have not engaged in any conduct that would constitute a violation of the Conflict of Interest and Code of Conduct Policy. I hereby further affirm and attest that I will adhere to the duties, obligations, and restrictions identified in the Conflict of Interest and Code of Conduct Policy, and that I will not engage in any conduct which violates that policy so long as I hold the Public Office or Position identified above.

This _____ day of _____, 201____.

Signature: _____