

CHIEF LOCAL ELECTED OFFICIALS AGREEMENT

By and between the

**City of RICHMOND and the Counties of CHARLES CITY, CHESTERFIELD,
GOOCHLAND, HANOVER, HENRICO, NEW KENT, AND POWHATAN, VIRGINIA**

for the

CAPITAL REGION WORKFORCE PARTNERSHIP

This Agreement is executed by and among the City of Richmond, Virginia and the counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent and Powhatan, Virginia (hereinafter, the "Member Jurisdictions").

WHEREAS, the Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128; hereinafter the "Act"), provides federal funding to states for the delivery of workforce training and other services; and

WHEREAS, the Act requires that the Governor of a state designate local workforce development areas to organize, direct and oversee the delivery of such services within the state; and

WHEREAS, the Act requires that the Governor approve a local workforce development area designation request from local areas that existed as such under the Workforce Investment Act of 1998 and the member jurisdictions have each made known their desire for such designation; and

WHEREAS, Va. Code §15.2-1300 provides that local governments may enter into agreements for joint or cooperative exercise of any power, privilege or authority which each is capable of exercising individually; and

WHEREAS, the Member Jurisdictions wish to jointly perform the responsibilities prescribed for them individually under the Act; and

WHEREAS, creation of the workforce development area to be known as the Capital Region Workforce Partnership (hereinafter, the "Consortium") will permit the delivery and oversight of workforce services in a manner that will ensure accountability to local elected officials of the Member Jurisdictions.

NOW, THEREFORE, the parties do mutually covenant and agree as follows:

Article I

Section 1. **Consortium Membership.** The Consortium shall be comprised of the Member Jurisdictions. Subject to the approval of the Governor of Virginia, these jurisdictions shall also comprise the boundaries of the workforce development area required by the Act,

Article II

Section 1. **Consortium Board Membership.** The Member Jurisdictions shall establish a Consortium Board comprised of a representative from each Member Jurisdiction to perform the duties of the chief elected official enumerated in the Act. The Member Jurisdiction's representative shall be an elected official. Each jurisdiction may also designate an alternate representative. Alternates may participate in discussion but vote on matters only if the elected official is not present. Each Member Jurisdiction shall determine the length of term for its representative and shall fill any vacancy.

Section 2. **Consortium Board Duties.** The Consortium Board shall do the following:

1. Collectively perform the functions of the chief elected officials of the Member Jurisdictions as permitted in the Act.
2. Appoint the members of the Regional Workforce Development Board as provided in Article III of this Agreement.
3. Execute an agreement with the Regional Workforce Development Board (Board) to specify how the functions of the Consortium and Board identified in Section 106(d) of the Act will be jointly executed.
4. Establish and revisit the vision and priorities of the Consortium in conjunction with the Regional Workforce Development Board.
5. Develop the region's strategic plan as the Local Plan under the Act for Member Jurisdictions in partnership with the Regional Workforce Development Board. The plan shall be submitted to the Virginia Board for Workforce Development (hereinafter, the "State Board") in the manner prescribed by the state board.
6. Review and approve the budget developed by the Regional Workforce Development Board.
7. Work with the Regional Workforce Development Board and Governor of Virginia to reach agreement on local performance measures.
8. Select in conjunction with the Board a one-stop operator(s), evaluate performance of one-stop operator(s), and terminate for cause their service as provided in Section 121(d) of the Act.

Section 3. **Consortium Board Meetings and Officers.** The Consortium Board shall meet as determined by its members. The Consortium Board shall elect from its membership a chairperson, a vice-chairperson and other officers as may be provided in any adopted by-laws to serve for a term of one year or until a successor is elected and qualified. The Consortium Board shall fill any vacancies in officer

positions by election for the remainder of the unexpired term. The chairperson shall appoint a board clerk.

Section 4. **Consortium Board By-Laws.** The Consortium Board may adopt operational and procedural by-laws consistent with this Agreement, applicable federal and state laws, and rules and regulations pursuant thereto.

Section 5. **Roberts Rules of Order.** Roberts Rules of Order (revised) shall govern the proceedings of the Consortium Board insofar as they do not conflict with applicable law or administrative rules or by-laws duly adopted by the Consortium Board.

Section 6. **Quorum and Weighted Voting.** A simple majority of the representatives of Member Jurisdictions (5 jurisdictions) shall constitute a quorum.

The Consortium Board shall use a weighted system of voting to conduct business. Weighting shall be based on the following methodology, which shall be annualized at the start of each fiscal year by staff to determine the weighted number of votes allotted to each jurisdiction in that year for motions that do not pass on a unanimous basis:

One vote for every \$200,000 of federal funding allocated to each jurisdiction under the Act, rounded to the next highest whole number; or 1 vote if threshold not met)

Section 7. **Consortium Board Staff.** The Consortium Board shall determine its staffing needs and shall be responsible for determining the duties and responsibilities of any staff appointed or hired. Staffing shall be provided by the fiscal agent as so designated in this agreement unless an alternative arrangement is mutually agreed upon.

Article III

Section 1. **Regional Workforce Development Board Membership.** The Consortium Board shall appoint the members of the Regional Workforce Development Board in accordance with the criteria in the Act. The Consortium Board shall make every effort to appoint creative and visionary individuals to the Regional Workforce Development Board.

The Consortium Board will coordinate on appointments to ensure appropriate representation of the Member Jurisdictions, the regional labor market, and the mandatory partner programs prescribed by the Act.

In making appointments, the Consortium Board shall ensure that resources and programs, although regional in nature, will address the critical needs of each Member Jurisdiction.

Effective July 1, 2021, appointments to the Workforce Development Board shall be for three-year terms. with one-third of the members having terms of three years; one-third having an initial term of two years; and, one-third having an initial term of one year. Appointments afterwards will be staggered with no more than one-half of the member terms expiring in a given year. Appointments begin on July 1st of each year and end on June 30th. Individuals serving on the Workforce Development Board who subsequently retire or no longer hold the position that made them eligible board members may not continue to serve on the local Workforce Development Board, unless the elected officials choose to have them retained in the “other” category. The entity affiliated with the vacating board member may nominate a new representative to the Workforce Development Board. Replacements of any Workforce Development Board member will be made within 90 days of the need being created.

The Regional Workforce Development Board shall include:

1. A majority (at least 51%), who are from the business community and that are:
 - a. The owner, chief executive or operating officer with optimum policy making or hiring authority,
 - b. From a business that provides employment opportunities (employees other than the owner), and
 - c. From a business that represents in-demand industry sectors or occupations,
2. 20% from organized labor, apprenticeship, community-based organizations or organizations with experience serving youth; with at least 2 in this category being from organized labor.
3. A member from economic or community development,
4. A state employment service representative,
5. A representative from Vocational Rehabilitation,
6. A representative from local community colleges (per state policy), and
7. Representatives from Adult Education and Secondary Career and Technical Education
8. Additional members may also be appointed at the discretion of the Consortium Board.

Section 2. **Regional Workforce Development Board Duties.** The Regional Workforce Development Board shall execute the duties as enumerated in the Act, State Code and as further articulated in the Consortium Board – Workforce Development Board agreement to be executed following certification of the Workforce Development Board and election of its officers. That agreement shall be reviewed at least every other year to determine if modifications are necessary, or sooner based upon need.

There shall be one committee to the Board that in part focuses on needs and interests of the youth population served in the regional area as defined in the Act. This committee shall be described in further detail in the Consortium Board – Local Workforce Development Board agreement that is subsequently executed.

Article IV

Section 1. **Allocation of Funds.** Funds allocated under the Act shall be expended for the mutual benefit of residents of the Member Jurisdictions without regard to place of residence, except as may be

determined by an allocation formula adopted by the Consortium Board or as required by applicable law, regulation or the approved Regional Strategic Plan.

The chief administrative officers or their designees may execute an Operational Agreement to specify the use of general funds that each Member Jurisdiction may provide for services and administration under the Act.

Section 2. **Designation of Grant Recipient and Fiscal Agent.** The Member Jurisdictions designate the County of Henrico as the grant recipient and fiscal agent for all funds awarded by the federal government or the Commonwealth of Virginia to the Member Jurisdictions for workforce development activities, including Title I funds provided by the Act.

Section 3. **Responsibility for Funds.** The Member Jurisdictions shall be responsible for the services provided through state or federal funds awarded to them under the Act. Repayment of any costs determined as disallowed to federal or state grants shall be made by each jurisdiction based upon the Member Jurisdiction's pro rata share of funds provided under the Act.

Section 4. **Return of Local Funds.** If Member Jurisdictions contribute funds, assets or resources to the programs of the Regional Workforce Development Board other than funds obtained under the Act, each shall be entitled to the return of the pro rata portion of any remaining funds, assets and resources under the control of the Regional Workforce Development Board in the event of the termination or expiration of this Agreement.

Section 5. **Effective Date of Agreement.** This Agreement shall be effective upon approval by the governing bodies of all of the Member Jurisdictions. This Agreement shall repeal and supersede any and all prior written or oral agreements.

Section 6. **Amendments.** The Member Jurisdictions may amend this Agreement upon approval of a written amendment by all of their governing bodies and execution by the chief elected officials thereof.

Section 7. **Dissolution of Consortium.** This Agreement may be terminated and the Consortium dissolved upon the occurrence of any of the following events:

1. The Governor's re-designation of the regional workforce development area that excludes any of the Member Jurisdictions, or includes any localities that are not Member Jurisdictions
2. The cessation of funding under the Act
3. Ratification of an agreement which supersedes this Agreement by all Member Jurisdictions. If the new agreement alters the boundaries of the regional workforce development area, it shall not become effective prior to approval by the Governor of Virginia.

Section 8. **Implementation of Agreement.** This Agreement shall be implemented to ensure that the new Consortium Board and Regional Workforce Development Board are in place and the designation of one-stops and one-stop operators is complete by July 1, 2015; and as subsequently required by provisions of the Act or the Commonwealth of Virginia.

Section 8. **Audits.** Funds received by the local area under the Act shall be independently audited on an annual basis.

As adopted by unanimous vote, April 20, 2021.