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RESOLUTION #87-2015

Resolution offered by the Supervisor Tom Rudolph.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, Oneida County is presently within the North Central Wisconsin local area established under the 1998 federal Workforce Investment Act and certain citizens of Oneida County are receiving job training and other program assistance funded under the program which is administered by the North Central Wisconsin Workforce Development Board and the North Central Wisconsin Local Elected Officials Consortium; and

WHEREAS, Oneida County presently has an appointed representative serving on the North Central Wisconsin Local Elected Officials Consortium and also has appointed members serving on the North Central Wisconsin Workforce Development Board; and

WHEREAS, the Workforce Innovation and Opportunity Act (29 USC Chapter 32) has been enacted by Congress in replacement of the Workforce Investment Act, and allowing local governments to form a Consortium to create a Local Workforce Investment Area; and

WHEREAS, under the Workforce Innovation and Opportunity Act:

1. Each County in the Consortium must designate a “chief elected official” to represent the County as a member of the Consortium, which Consortium is empowered to enter into contractual and other agreements necessary to carry out the purposes of the Workforce Innovation and Opportunity Act; and
2. The Consortium must designate an administrative/fiscal agent to administer the program on behalf of the Consortium; and

WHEREAS, Oneida County desires to enter into the *Chief Elected Officials Consortium Agreement* of the North Central Wisconsin Workforce Development Area for the Wisconsin Counties of Adams, Forest, Langlade, Lincoln, Marathon, Oneida, Portage, Wood, and Vilas under the Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128), the same counties which previously comprised the North Central Wisconsin Local Elected Officials Consortium, to continue receiving the federal assistance available for workforce programs and training and as otherwise available under the Workforce Innovation and Opportunity Act;

WHEREAS, a copy of the Chief Elected Officials Consortium Agreement of the North Central Wisconsin Workforce Development Area for the Wisconsin Counties of Adams, Forest, Langlade, Lincoln, Marathon, Oneida, Portage, Wood, and Vilas under the Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128), has been marked for identification as Exhibit “A” and has been attached hereto;

NOW, THEREFORE, IT IS RESOLVED that the Oneida County Board of Supervisors shall enter into an agreement to create a consortium as stated in the *Chief Elected Officials Consortium Agreement*, to consist of Adams, Forest, Langlade, Lincoln, Marathon, Oneida, Portage, Wood, and Vilas Counties to create the North Central Wisconsin Workforce Development Area under the Workforce Innovation and Opportunity Act;

BE IT FINALLY RESOLVED that the Oneida County Board of Supervisors hereby authorizes and directs a County Board Supervisor to serve as the County’s designated “chief elected official” until his or her successor is installed, with signatory authority to execute agreements as necessary for Workforce Innovation and Opportunity Act purposes; and

Vote Required: Majority = _____ 2/3 Majority = _____ ¾ Majority = _____

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The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by the Corporation Counsel, _____, Date:

Approved by Supervisor Tom Rudolph this _____ day of _____, 2015.

Consent Agenda Item: _____YES _____NO

Offered and passage moved by: _____
Supervisor

Seconded By: _____
Supervisor

- _____ Ayes
- _____ Nays
- _____ Absent
- _____ Abstain
- _____ Adopted

by the County Board of Supervisors this _____ day _____, 2015.

_____ Defeated

Mary Bartelt, County Clerk David Hintz, County Board Chair

88 **CHIEF ELECTED OFFICIALS CONSORTIUM AGREEMENT**
89 **OF THE**
90 **NORTH CENTRAL WISCONSIN WORKFORCE DEVELOPMENT AREA**

91
92 For the Wisconsin Counties of
93 Adams, Forest, Langlade, Lincoln, Marathon, Oneida, Portage, Wood, and Vilas
94 Under the Workforce Innovation and Opportunity Act of 2014
95

96 This Agreement, made and entered into this _____ day of _____ 2015, by
97 and between the Counties of Adams, Forest, Langlade, Lincoln, Marathon, Oneida, Portage,
98 Wood, and Vilas in the State of Wisconsin (hereinafter, the Counties):
99

100 **WITNESSETH:**

101
102 **WHEREAS**, the County Board of Supervisors of the aforementioned Counties did previously
103 adopt resolutions authorizing the County Board Chairperson to sign a Consortium Agreement
104 creating the North Central Wisconsin Workforce Development Area Consortium under section
105 66.0301(2), Wisconsin Statutes, in order to administer the Provisions of Public Law 113-128, the
106 federal Workforce Innovation and Opportunity Act; and
107

108 **WHEREAS**, the County Board of Supervisors of each of the aforementioned Counties has
109 adopted a resolution authorizing the County Board Chairperson or County Executive to sign this
110 "Consortium Agreement of the North Central Wisconsin Workforce Development Area" under
111 the Workforce Innovation and Opportunity Act (P.L. 113-128)" (hereinafter, the "CEO
112 Consortium Agreement "):
113

114 **NOW, THEREFORE**, in consideration of the above premises and the mutual covenants of the
115 parties hereinafter set forth, the receipt and sufficiency of which each party acknowledges for
116 itself, the Counties do hereby agree to the following CEO Consortium Agreement.
117

118 **AGREEMENT**

119
120 **SECTION 1:** That the Wisconsin Counties of Adams, Forest, Langlade, Lincoln, Marathon,
121 Oneida, Portage, Wood, and Vilas, under Section 66.0301(2), Wisconsin Statutes, do hereby
122 constitute themselves to be a consortium for the purposes of Section P.L. 113-128 (Workforce
123 Innovation and Opportunity Act) as described in 29 USC Chapter 32.
124

125 **SECTION 2:** The chief elected officials (the chairpersons of the County Board of Supervisors or
126 County Executives) or the designees of said officials of the Counties in paragraph 1 shall
127 constitute the Workforce Development Area Consortium (hereinafter, the "Consortium") which
128 shall appoint the Workforce Development Board under the Workforce Innovation and
129 Opportunities Act, Section 29 USC Chapter 32.
130

131 **SECTION 3:** The Consortium shall elect from its membership a Chairperson, a Vice-
132 Chairperson and such other officers as may be provided in the by-laws to serve for a term of one
133 year or until a successor is elected and qualified. Vacancies shall be filled by election for the

134 remainder of the unexpired term. The Chairperson may appoint the Executive Director of the
135 administrative entity or a staff person of one of the consortium member counties to serve as
136 Consortium clerk.

137
138 **SECTION 4:** Roberts Rules of Order shall govern the procedures of the Consortium insofar as
139 they do not conflict with applicable law or administrative rules or by-laws duly adopted by the
140 Consortium.

141
142 **SECTION 5:** A quorum shall consist of a majority of the Consortium duly representing the
143 member Counties.

144
145 **SECTION 6:** The Consortium may adopt operational and procedural bylaws consistent
146 with this Charter, applicable federal and state laws, and rules or regulations pursuant thereto. By-
147 laws or amendments thereto may be adopted by the affirmative vote of 2/3 of the entire
148 membership of the Consortium at any regular meeting called for that purpose, provided that
149 written copies thereof are delivered to each member 15 days prior to consideration.

150
151 **SECTION 7:** The Consortium shall appoint the Workforce Development Board of the area, in
152 accordance with the requirements established by the Governor and the criteria established under
153 29 USC 3122(b). The CEOs appoint the members of the local Board from the individuals
154 nominated or recommended to be such members according to 29 USC 3122(c)(1)(B). The Chief
155 Elected Officials may, by a majority vote, remove any NCWWDB member without having to
156 show cause for removal, unless and to the extent that, such cause is required by applicable law.
157 The NCWWDB may recommend to the Chief Elected Officials the removal of a member.

158
159 **SECTION 8:** The Consortium shall execute an agreement with the Workforce Development
160 Board for the operation and functions of the Board under WIOA (29 USC Chapter 32). The
161 Consortium is the grant recipient of WIOA grant funds and shall be liable for any misuse of the
162 grant funds allocated to the local area, unless the chief elected official reaches an agreement with
163 the Governor to bear such liability (29 USC 3122(d) (12)(B)(i)(I) and (II)). The Consortium will
164 direct the Board to receive the Workforce Innovation and Opportunity Act funds on behalf of the
165 Consortium and serve as administrative entity and fiscal agent and disburse funds at the direction
166 of the local board pursuant to the requirements of 29 USC Chapter 32, subchapter II. 29 USC
167 3122(d)(12)(B)(i)(III). In the role as grant administrator and fiscal agent the NCWWDB shall:

- 168 1. Conduct an annual agency-wide unqualified audit, per the requirements of the State of
169 Wisconsin Department of Workforce Development and shall provide each Local Elected
170 Official with a complete copy of the audit, including any management letter.
- 171 2. Maintain both general liability and errors and omissions coverage for past and future
172 liabilities to protect the Chief Elected Officials and their respective counties.
- 173
174 3. Maintain a Board-determined undesignated fund to cover disallowed costs. In the case
175 of any misuse of grant funds allocated to the local area beyond the parameters stated
176 above, the Consortium agrees to assume liability as follows (29 USC 3122(d)(12)(B)(i)(I)
177 and (II)): Liability will be determined based upon the particular facts of the situation as
178 to the responsibility of individual Consortium members for the particular funds.
179 Generally, CEOs will attempt to reach an agreement as to relative and proportional

180 liabilities based upon the facts of the situation. If the Counties are unable to reach
181 agreement, then the State Department of Workforce Development shall make the
182 determination as to respective liabilities.
183

184 **SECTION 9:** The Consortium shall perform all functions for chief elected officials as contained
185 in P.L.113.128, the Workforce Innovation and Opportunities Act including:

- 186 1. Submit a request for initial designation of a workforce development area and consult
187 with the Governor on the initial designation and future redesignation of a Workforce
188 Development Area. 29 USC 3121(b)(2). 29 USC 3121(b)(1)(A)(ii).
- 189 2. Work with the local board to:
 - 190 a) Develop and submit to the Governor a comprehensive four-year local plan for the
191 region that is consistent with the State plan. 29 USC 3122 (d)(1) and 3123(a).
 - 192 i. Consult with the State to identify regions, consistent with the considerations
193 described in 29 USC 3121(b)(1)(B). 29 USC 3121 (a)(1).
 - 194 ii. Engage in a regional planning process and prepare, submit, and obtain
195 approval of a single regional plan consistent with the requirements in 29 USC
196 3121 (c).
 - 197 b) Use funds available as described in section 29 USC 3163(b)(4) and use nonfederal
198 funds available to the local area the CEO and local Board determine are appropriate
199 and available for that use. 29 USC 3131.
 - 200 c) Annually, review and approve the local Board’s budget for the activities of the local
201 Board. 29 USC 3122(d)(12)(A).
 - 202 d) Work with the local Board to negotiate and reach agreement on local performance
203 measures. 29 USC 3122(d)(9).
 - 204 e) Work with the local Board to conduct oversight with respect to local programs of
205 youth activities authorized under 29 USC 3164(c), local employment and training
206 activities authorized under 29 USC 3174(c) and(d), and the one-stop delivery system
207 in the local area.; and ensure the appropriate use and management of the WIOA
208 funds provided for these activities and one-stop delivery system; and for workforce
209 development activities, ensure the appropriate use, management and investment of
210 funds to maximize performance outcomes under section 29 USC 3141. 29 USC
211 3122(d)(8).
 - 212 f) In cooperation with the local Board, competitively designate or certify One Stop
213 Operators, as described in 29 USC 3151(d)(2)(A) or terminate for cause the eligibility
214 of such operators. 29 USC 3122(d)(10)(A).
 - 215 g) Review and approve a Memorandum of Understanding (MOU) between the local
216 Board and the One Stop partners, relating to the operation of the One Stop delivery
217 system in the local area, consistent with the requirements in 29 USC 3151(c)(2).
218 29USC 3151(c)(1).
 - 219 h) In agreement with the local Board, conduct oversight of the one-stop delivery
220 system (29 USC 3151(a)(3)) and consult with the State as it establishes objective
221 criteria and procedures used to evaluate the operation of the One-Stop center as
222 described in 29 USC 3151(g).

- 223 i) Consult with the local Board, the One Stop Operator, and the One-Stop partners
224 regarding funding of the One-Stop infrastructure as described in 29 USC 3151(h).
- 225 3. Engage in Consultation with Governor as described in 29 USC 3151,3162, 3173
- 226 a) Consult with the Governor as he or she establishes guidance for infrastructure one-
227 stop funding (29 USC 3151(h)(1)(B) and determines funding as described in 29 USC
228 3151(h)(2)(C).
- 229 b) Consult with the Governor as he/she determines funding allocation for youth
230 activities and a statewide workforce investment activities under 29 USC
231 3162(b)(1)(C). 29 USC 3163(b)
- 232 c) Consult with the Governor as he/she determines funding allocation for adult
233 employment and training activities and a statewide workforce investment activities
234 under 29 USC 3172(b)(1)(B). 29 USC 3173(b)(1).
- 235 d) Determine whether to appeal a gubernatorial reorganization determination made
236 under 29 USC 3141(g)(A) to the Governor under 29 USC 3141(g)(B)(i) and to the
237 Secretary of the U.S. Department of Labor under 29 USC 3141(g)(B)(ii).

238
239 **SECTION 10:** This Consortium agreement shall be effective when approved by Resolutions
240 adopted by the County Board of Supervisors of each County party hereto and executed by the
241 Chief Elected Official thereof pursuant to said resolution and shall thereupon act to repeal and
242 supersede any and all prior written or oral consortium agreements under P.L. 113-128, the
243 Workforce Innovation and Opportunity Act.

244
245 **SECTION 11:** Amendments to the Consortium agreement may be adopted with concurrence of
246 the Board of Supervisors of each County party hereto. The Consortium may be dissolved and this
247 agreement may be rescinded only with the consent of all the Boards of Supervisors of the
248 Counties party hereto and the Governor.

249
250 **IN WITNESS WHEREOF**, the parties hereto have caused this Charter Agreement to be
251 executed by the Chairperson of the County Board of Supervisors or the County Executive of the
252 aforementioned Counties.

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254
255 For ADAMS COUNTY
256 By: John West, Adams County Board Chair

257
258 Signature: _____ Date: _____

259
260 For FOREST COUNTY
261 By: Paul Millan, Forest County Board Chair

262
263 Signature: _____ Date: _____

264
265 For LANGLADE COUNTY
266 By: David Solin, Langlade County Board Chair

267
268 Signature: _____ Date: _____

269
270 For LINCOLN COUNTY
271 By: Robert Lussow, Lincoln County Board Chair
272
273 Signature: _____ Date: _____
274
275 For MARATHON COUNTY
276 By: Kurt Gibbs, Marathon County Board Chair
277
278 Signature: _____ Date: _____
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280 For ONEIDA COUNTY
281 By: David Hintz, Oneida County Board Chair
282
283 Signature: _____ Date: _____
284
285 For PORTAGE COUNTY
286 By: Patty Dreier, Portage County Executive
287
288 Signature: _____ Date: _____
289
290 For VILAS COUNTY
291 By: Ron DeBruyne, Vilas County Board Chair
292
293 Signature: _____ Date: _____
294
295 For WOOD COUNTY
296 By: Lance Pliml, Wood County Board Chair
297
298 Signature: _____