



**PENDER COUNTY**  
**RESOLUTION APPROVING THE CAPE FEAR WORKFORCE DEVELOPMENT**  
**CONSORTIUM AGREEMENT FOR PURPOSE OF IMPLEMENTATION OF THE**  
**WORKFORCE INNOVATION AND OPPORTUNITY ACT**

**WHEREAS**, the United States Congress has established the Workforce Innovation and Opportunity Act of 2014, PL 105-220 on August 7, 1998, requiring full implementation by States no later than July 1, 2017.

**WHEREAS**, North Carolina has elected to follow provisions in the Workforce Innovation and Opportunity Act which permit the utilization of North Carolina's existing delivery structure, the Governor of the State of North Carolina will designate the current "service delivery area" under the Workforce Investment Act as the "workforce local area" under the provisions of the federal Workforce Innovation and Opportunity Act of 2014 which includes the Counties of Columbus, Brunswick, New Hanover and Pender, to be known as the Cape Fear Workforce Development Consortium;

**WHEREAS**, proposed Cape Fear Workforce Development Consortium Agreement has been submitted to this Board of County Commissioners for review and approval;

**NOW THEREFORE, BE IT RESOLVED** that this County does hereby approve and agree to enter the Cape Fear Workforce Development Consortium Agreement;

**RESOLVED FURTHER**, that the County's board member on the Cape Fear Council of Governments' Executive Board, is hereby appointed and designated as the "chief elected official" of this County for all purposes as required by the Workforce Innovation and Opportunity Act and by the Cape Fear Workforce Development Consortium Agreement; and is hereby authorized and directed to take any and all actions which may be appropriate to carry out the foregoing resolution into effect.

**RESOLVED FURTHER**, that the said "chief elected official" for the county shall serve in such capacity at the pleasure of this Board of County Commissioners

**ADOPTED** this 16th day of May, 2016 at Pender County, North Carolina.

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George R. Brown, Chairman  
Pender County Board of Commissioners

Attest:

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Melissa Pedersen  
Clerk to the Board

# Cape Fear Workforce Development Consortium Agreement

## ARTICLE I. TITLE AND PURPOSE

The contiguous units of local government listed in Article II below agree to establish a consortium to act jointly as a local Workforce Development area under the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128 as enacted July 22, 2014. This consortium shall be known as the Cape Fear Workforce Development Consortium.

## ARTICLE II. MEMBERSHIP

The Consortium shall be composed of the following independent and contiguous units of general purpose local governments:

County of Brunswick

County of Columbus

County of New Hanover

County of Pender

## ARTICLE III. CERTIFICATION OF AUTHORITY

### 1. AUTHORITY UNDER STATE AND LOCAL LAW

The member units of government 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 Development Area under the Workforce Innovation and Opportunity Act for the entire geographic area covered by this agreement.

### 2. DESIGNATION OF CHIEF ELECTED OFFICIALS FROM EACH COUNTY

Each member unit of government acknowledges that contemporaneous with the resolution authorizing this Agreement, the member unit of government will pass a resolution designating a "chief elected official" for Workforce Innovation and Opportunity Act purposes upon whose representations the State of North Carolina, the Cape Fear Workforce Development Board, the Cape Fear Council of Governments (as the administrative entity) and the other Counties may rely. 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 purposes. This individual will be the county's chosen representative on the Cape Fear Council of Governments' Executive Committee.

### 3. DESIGNATION OF CHIEF ELECTED OFFICIAL FOR LOCAL WORKFORCE DEVELOPMENT AREA

By execution of this Agreement, the Counties designate the Chairman of the Cape Fear Council of Governments as the Workforce Development Area "chief elected official", which person shall serve in such capacity until his successor shall have been duly elected and qualified.

The "chief elected official" of the local Workforce Development Area shall be the presiding officer of the Cape Fear Workforce Development Consortium Board and the chief executive officer of the Consortium.

Such official shall be authorized to exercise all functions, duties and responsibilities of the local Workforce Development Area chief elected official which are required under the Workforce Innovation and Opportunity Act.

#### 4. SPECIFIC RESOLUTIONS TO ENTER INTO AGREEMENT

A copy of each duly executed resolution giving the respective counties specific authority to enter into this consortium agreement will be attached to this document and are incorporated herein by reference.

#### 5. PROCEDURAL MATTERS

Except as otherwise set forth in this agreement, with respect to adoption or approval of matters concerning the administration of the Workforce Innovation and Opportunity Act within the Workforce Development Area, the vote of a majority of the total number of members of the Consortium Board shall be required for action of the Consortium. The members of the Consortium Board shall be entitled to vote only if in attendance at the meeting and no voting by proxies shall be allowed; provided; however, that the Consortium Board may take action without a meeting and with or without notice if said action is in writing and signed by all members of the Consortium Board and provided further that a meeting may be duly conducted by conference telephone or other similar means if all Board members participating in the meeting are able to hear each other. Meetings of the Consortium Board may be called by the Workforce Development Area "chief elected official" or by any two Board members. Except for action taken by unanimous written consent as referred to above, notice of any meeting of the Consortium Board shall be given at least five (5) days prior to said meeting, which notice shall be in writing and shall state the purpose of said meeting and which notice shall be in writing and shall state the purposes of said meeting.

#### ARTICLE IV. DURATION

This agreement will become effective on the date of the last chief elected official's signature and shall continue in effect until the local Workforce Development 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 CERTIFICATION

The member units will comply with the requirements of the Workforce Innovation and Opportunity Act, and regulations promulgated thereunder, all other applicable federal regulations, the statutes of the State of North Carolina, and, written directives and instructions relevant to local Workforce Development area operations from the Governor of North Carolina or his/her designee.

#### ARTICLE VI. FINANCING

1. It is anticipated that funding necessary to implement this agreement will be derived from federal grant funds received through the Governor.
2. The units of local government acknowledge that they are jointly and severally accountable for liabilities arising out of activities under the Workforce Innovation and Opportunity Act, and all funds received by the local workforce development area pursuant to WIOA. Liability includes, but is not limited to, responsibility for the prompt repayment from non-program funds of any disallowed costs by the administrative entity of the local Workforce Development Area, or any of its sub-recipients or contractors, or the Workforce Development Board.

3. Any entity or joint agency created or designated by this local Workforce Development Area, including the Workforce Development Board, 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 A WORKFORCE DEVELOPMENT BOARD

The member units of government agree that the Workforce Development Board shall be established in accordance with Section 107 of the Workforce Innovation and Opportunity Act and applicable State of North Carolina laws and general statutes.

The Chief elected officials of the counties, as noted in Article III. 2., shall appoint members of the Workforce Development Board from among persons nominated in accordance with the Workforce Innovation and Opportunity Act.

#### ARTICLE VIII. APPOINTMENT OF PERSONNEL

Appointment of personnel shall be as described in the Cape Fear Workforce Development Board/Chief Elected Official Agreement.

#### ARTICLE IX. REAL PROPERTY, EQUIPMENT AND SUPPLIES

The Cape Fear Workforce Development Consortium will follow all Workforce Innovation and Opportunity Act requirements governing the title, use and disposition of real property, equipment and supplies purchased with federal funds.

#### ARTICLE X. AMENDMENTS

The Agreement may be amended at any time upon the consent of all of the parties as evidenced by resolution of the governing bodies of each member government and as approved by the State.

#### ARTICLE XI. TERMINATION

The parties to this agreement may request termination at any time upon six months prior written notice, such termination to be effective when the Governor considers local Workforce Development Area re-designations or at the end of the then current grant administration agreement program year.

**SIGNATURES**

**BRUNSWICK COUNTY:**

BY: \_\_\_\_\_  
Chief Elected Official  
(Designated by Resolution Dated \_\_\_\_\_)

**COLUMBUS COUNTY:**

BY: \_\_\_\_\_  
Chief Elected Official  
(Designated by Resolution Dated \_\_\_\_\_)

**NEW HANOVER COUNTY:**

BY: \_\_\_\_\_  
Chief Elected Official  
(Designated by Resolution Dated \_\_\_\_\_)

**PENDER COUNTY:**

BY: \_\_\_\_\_  
Chief Elected Official  
(Designated by Resolution Dated \_\_\_\_\_)