

Durham City-County Interlocal Agreement to Serve as a Designated Local Workforce Investment Area, to Establish a Local Workforce Investment Board and to Administer the Workforce Investment Act of 1998

ARTICLE I. TITLE AND PURPOSE

The County of Durham (hereafter "the County") and the City of Durham (hereafter "the City"), contiguous units of local government, agree to serve as a designated local workforce investment area for Durham County, and to establish a board to serve such designated area, pursuant to PL 105-220, the Workforce Investment Act of 1998, as amended (hereafter, "the Workforce Investment Act"), 29 USC 2811 et seq., the federal law that replaced the Job Training Partnership Act (JTPA) P.L. 97-300. The Board that is created shall be known as the Greater Durham Workforce Development Board (hereafter, the "Board").

In addition to overseeing programs created under the Workforce Investment Act, the Board is also authorized to oversee the expenditure of monies that may be directed to the Board under the Welfare-to-Work grant provisions in Title IV, Part A of the Social Security Act (P.L. 94-271), the North Carolina Employment and Training grant program, and other such programs that may be referred to the Board for implementation by the City and the County.

The area served, formerly known as the "Central Piedmont Area" shall be known as the "Durham Local Area."

ARTICLE II. MEMBERSHIP

The Board shall be established by the following independent and contiguous units of general local government:

County of Durham
City of Durham

ARTICLE III. CERTIFICATION OF AUTHORITY

1. AUTHORITY UNDER STATE AND LOCAL LAW

The City and the County 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 workforce investment area under the Workforce Investment Act for the geographic area covered by this agreement.

2. SPECIFIC RESOLUTIONS TO ENTER INTO AGREEMENT

A copy of the duly executed resolutions giving the City and the County specific authority to enter into this agreement is attached to this document and is incorporated herein by reference.

3. CHIEF ELECTED OFFICIALS FROM EACH MEMBER UNIT OF GOVERNMENT

This agreement shall be executed by the Chair of the Durham County Board of Commissioners on behalf of the County and the Mayor of the City of Durham on

behalf of the City. These elected officials are the Chief Elected Officials under the Workforce Investment Act; they are authorized to sign, on behalf of their respective jurisdictions, any other agreements related to the Board's purposes as described in Article I that are not otherwise authorized to be executed under the provisions of Article VII and Article IX below.

ARTICLE IV. DURATION

This agreement will become effective on the date of the last signatory's signature and shall continue in effect until the Workforce Development Area is re-designated by the Governor of North Carolina or until this Agreement is terminated by either unit of government as provided for in Article XI.

ARTICLE V. ASSURANCES AND CERTIFICATIONS

The City and the County will comply with the requirements of the Workforce Development Area Act of 1998, as amended, the requirements of the Welfare-to-Work Grant provided for at Title IV, Part A of the Social Security Act, as amended, as well as requirements of the North Carolina Employment and Training Grant provided at G. S. 143.B.438.13, and regulations promulgated thereunder, all other applicable federal regulations, the statutes of the State of North Carolina, and, written directives and instructions relevant to the Workforce Development Area service program issued by the Governor of North Carolina or his/her designee.

ARTICLE VI. ESTABLISHMENT OF A WORKFORCE DEVELOPMENT BOARD

The City and the County agree that the Board shall be established in accordance with applicable executive orders from the State of North Carolina and in accordance with Section 117 of the Workforce Investment Act of 1998.

ARTICLE VII. DELEGATION TO MAYOR OF CHIEF ELECTED OFFICIAL FUNCTIONS.

The City and the County designate the Mayor of the City of Durham as the Chief Elected Official to exercise all of the powers that any Chief Elected Official may exercise pursuant to 29 USCS 2832, that are not inconsistent with this Agreement, and the power to grant approvals, enter into memoranda of understanding, and make agreements pursuant to 29 USCS 2841. This delegation may be further delegated, as provided in Article IX below.

ARTICLE VIII. APPOINTMENT OF BOARD MEMBERS

Appointment of individuals to serve the Board shall be in accordance with the bylaws of the Board. The Board shall consist of at least twenty one members. Ten shall be appointed by the Chair of the Board of County Commissioners, and approved by the County Board of Commissioners and eleven shall be appointed by the Mayor and approved by the Durham City Council.

ARTICLE IX. ADMINISTRATION OF THE WORKFORCE DEVELOPMENT BOARD

The City of Durham's Office of Economic and Employment Development (hereafter the "Administrative Entity") will administer the activities funded under the Workforce Investment Act and activities approved by the Board. The parties acknowledge and agree that the County shall not be liable for or contribute to the funding of the Administrative Entity under this agreement. Employees of the Administrative Entity shall be city employees. Costs and expenses related to the work of the Board and the Administrative Entity that are not paid for pursuant to the programs and grants overseen by the Board as described in Article I shall be the responsibility of the City. Notwithstanding the provisions of Article III and Article VII above, contracts administered by the City pursuant to this Agreement, under the Board's direction, may be executed, on behalf of the City, by the City Manager of the City of Durham.

ARTICLE X. REPORTING

A formal report on the previous year's activities shall be provided by the Workforce Development Board, to the governing bodies, at the beginning of each calendar year. The report shall track progress and provide measurable outcomes of activities undertaken by the Workforce Development Board. An informal report will be provided six months after the beginning of each calendar year to the governing bodies.

ARTICLE XI. FINANCING

1. It is anticipated that funding necessary to implement this agreement will be derived from federal and state grant funds received through the Governor.
2. The units of local government acknowledge that pursuant to 29 USCA §2832, the designated chief elected official named in Article VII above shall serve as the grant recipient for the allocated grant funds and shall be accountable for any liabilities arising out of the allocation of said grant funds under the Workforce Investment Act of 1998, the Welfare-to-Work Grant, and the North Carolina Employment and Training Grant, and for all funds received by the workforce investment area pursuant to the Workforce Investment Act, the Welfare-to-Work Grant, and the North Carolina Employment and Training Grant. Liability includes, but is not limited to, responsibility for prompt repayment from nonprogram funds of any mis-expenditures by the Administrative Entity of the local area, or any of its subrecipients or contractors, or the Board.
3. Any entity or joint agency created or designated by this workforce investment area, including the Board and Administrative Entity, shall be considered a public agency for the purposes of the Local Government Budget and Fiscal Control Act.

ARTICLE XII. OWNERSHIP OF REAL PROPERTY

The Board will neither acquire nor dispose of real property.

ARTICLE XIII. AMENDMENTS

This 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 of North Carolina.

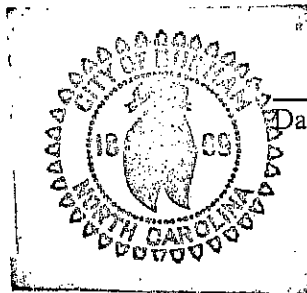
ARTICLE XIV. TERMINATION

The parties to this agreement may request termination at any time upon six months prior written notice. Termination shall be effective either at the end of the fiscal year during which termination was requested, if notice was received six months prior to the end of such fiscal year, or at the end of the next fiscal year if notice was not given during the specified time period.

ATTEST:

Garry Unstead
Garry Unstead,
Clerk to the Board

Ellen W. Reckhow
Ellen W. Reckhow, Chairman
Durham County Board of Commissioners



Date June 12, 2003

ATTEST:

D. Ann Gray 6-26-03
City Clerk

Marcia Conner
Marcia Conner, Manager
City of Durham

Date

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

[Signature] 6/17/03
FINANCE OFFICER DATE