

# Letter of Agreement

Between: Northwest Region Chief-Elected Officials  
Northwest Workforce Investment Board  
North Central Missouri College

---

THIS AGREEMENT is entered into July 1, 2010, by and between the aforementioned parties: the Chief-Elected Officials in the eighteen northwest Missouri counties, the Northwest Workforce Investment Board, and North Central Missouri College.

WHEREAS the Governor of the State of Missouri has designated eighteen counties of Missouri (Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Mercer, Nodaway, Linn, Livingston, Putnam, Sullivan, and Worth) as the Northwest region under the provisions of Public Law 105-220, The Workforce Investment Act of 1998; and

WHEREAS the Northwest Chief-Elected Officials have entered into a joint agreement to fulfill their responsibilities under Public Law 105-220, The Workforce Investment Act of 1998; and

WHEREAS Public Law 105-220, The Workforce Investment Act of 1998, Section 117(d)(3)(B)(i)(II) stipulates that the Chief-Elected Officials may designate an entity to serve as the local grant sub-recipient; and

WHEREAS Public Law 105-220, The Workforce Investment Act of 1998, Section 117(d)(3)(B)(ii) stipulates that the local Workforce Investment Board may hire staff, and

WHEREAS 20 CFR 661.300(c) stipulates that the Local Chief-Elected Officials and the Workforce Investment Board may enter into a written agreement that describes the respective roles and responsibilities of the parties;

NOW THEREFORE, the Chief-Elected Officials and the Workforce Investment Board do hereby jointly agree to designate North Central Missouri College as the local grant sub-recipient. As such, they shall provide appropriate staff to the Workforce Investment Board, and serve as the fiscal agent for all funds received under the auspices of the Workforce Investment Act. The following provisions shall apply in the execution of this agreement.

1. This Agreement is subject to all terms and conditions of Public Law 105-220, The Workforce Investment Act of 1998, and 20 CFR Part 652 and 660 through 671, and any amendments or revisions thereof. By this reference, these documents are incorporated herein as if fully written. In the event of

any conflict between the terms and conditions of this Agreement, and those of the law/regulations, the latter shall prevail and govern the performance of all parties.

2. North Central Missouri College shall assume all responsibilities and functions of the local grant sub-recipient. As such, they shall assume all liability connected with funds received under the Workforce Investment Act. Further, they hereby agree to maintain adequate coverage for Directors and Officers Liability Insurance (Errors and Omissions) for the Workforce Investment Board and its staff, bonding, general liability, and property insurance. The College agrees to repay any and all expenditures determined to be unallowable.

3. North Central Missouri College has the right to delegate this responsibility in sub-contractual agreements, contracts with One-Stop Operators, or in the Memorandum of Understanding among Workforce Development partners. All subcontracts for services shall require this assumption of liability. The College maintains the right to take legal action against such parties if they should refuse or fail to assume this responsibility, in order to recover the unallowable or mis-expenditure of funds, as well as the cost of litigation to recover such funds.

4. While the liability for misuse of funds is passed on to the grant sub-recipient, and in turn on to the program contractors, it does not detach the ultimate liability from the Chief-Elected Officials. In the event of misuse of funds, the responsible entity will be the first accountable for repayment. If, for any reason, there is a liability above the program contractor or sub-grant recipients' ability, the Chief-Elected Officials liability shall be apportioned based on each county's level of participation in the specific disallowed cost. If the liability is a generalized debt for the eighteen-county area, the liability to each county shall be proportionate to the number of participants served in that county for the same year in which the misuse of funds occurred.

5. North Central Missouri College shall provide and perform all services necessary as the fiscal agent, including the receipt and disbursement of funds appropriated to this Area under Public Law 105-220, the Workforce Investment Act of 1998. Such activity shall be at the policy direction of the Workforce Investment Board, with the approval of the Chief-Elected Officials. Further, it is understood that North Central Missouri College is authorized to charge allowable expenses for such work, including indirect costs not to exceed 10% of the approved administrative budget.

6. North Central Missouri College shall provide qualified staff to adequately perform all management and administrative functions for the Workforce Investment Board. Such functions may include, but are not limited to: Planning, Development/Maintenance of (MOU), Memoranda of Understanding between One-Stop Partners, Contract Selection and Management, Act as or Designate One-Stop Operator(s), Information and Technology Management, Consumer Communications, serve as a Liaison to the Division of Workforce Development, Department of Economic Development, State of Missouri, and any other required services. It is expressly agreed by all parties, that staff dedicated to any function of the Workforce Investment Board shall not have other conflicting training-related duties assigned by North Central Missouri College. Further, it is understood that North Central Missouri College is authorized to compensate staff from funds received under the Workforce Investment Act.

7. The Chief-Elected Officials hereby recognize the lead role of the Workforce Investment Board in the following functions which require their agreement:

- Development of Local Plan
- Designation/Certification of One-Stop Operators
- Development of Memorandum of Understanding with all One-Stop Partners
- System Oversight
- Budget
- Negotiate Local Performance Measures

8. This agreement shall be amended only by written mutual consent of all parties, and until such amendment, this agreement is binding. North Central Missouri College retains the right to cancel this contract immediately for cause, or due to discontinuation or significant reduction in funding. Any one of the three interested parties may cancel this agreement upon 120 days written notice to the other two parties.

**Execution of this agreement completed \_\_\_\_\_:**

\_\_\_\_\_  
**Chair, Workforce Investment Board**

\_\_\_\_\_  
**Presiding Commissioner and Chair  
Chief-Elected Officials Coord. Committee**

\_\_\_\_\_  
**President, Board of Trustees  
North Central Missouri College**

\_\_\_\_\_  
**Presiding Commissioner and Member  
Chief-Elected Officials Coord. Committee**

\_\_\_\_\_  
**Presiding Commissioner and Member  
Chief-Elected Officials Coord. Committee**

\_\_\_\_\_  
**Presiding Commissioner and Member  
Chief-Elected Officials Coord. Committee**

# Agreement of the Northwest Region Chief-Elected Officials In Regard to Responsibilities Outlined in Public Law 105-220:

## The Workforce Investment Act of 1998

This joint agreement, by and between, the chief-elected officials in the following eighteen counties of Northwest Missouri, is for the purpose of fulfilling responsibilities described in Public Law 105-220 and resultant regulations; (20 CFR Part 652 and 660 through 671).

<u>ABCD Sub-region</u>	<u>Green Hills Sub-region</u>	<u>Northwest Sub-region</u>
Andrew County	Caldwell County	Atchison County
Buchanan County	Daviess County	Gentry County
Clinton County	Grundy County	Holt County
DeKalb County	Harrison County	Nodaway County
	Linn County	Worth County
	Livingston County	
	Mercer County	
	Putnam County	
	Sullivan County	

### **I. Chief-Elected Officials Coordinating Committee**

On an annual basis, the Chief-Elected Officials shall caucus to select a lead official from each of the three substate regions (see above), and an official at-large to serve as Chairperson. These four officials shall comprise the Chief-Elected Officials Coordinating Committee, whose functions will be described throughout this agreement.

### **II. Local Workforce Investment Board Appointment** *(PRIMARY RESPONSIBILITY)*

The eighteen Chief-Elected Officials are equally responsible for the structure and on-going appointment of the Northwest Workforce Investment Board. However, the Chief-Elected Officials Coordinating Committee, or the Chair of such; has the authority to review/approve all appointments to the Workforce Investment Board and therefore, must sign the attestation form submitted for certification. The Board itself shall be certified by the Governor every two years. The membership structure, depicted below, is in alignment with WIA Section 117(b) and CFR 661.315.

A majority of the members of the Board shall be business representatives, and the Chair shall be a business representative. All Workforce Investment Board terms are for a five-year period commencing on the first day of July. Whenever a change in membership of the Workforce Investment Board occurs, written notification of the new member's appointment shall be submitted to the Division of Workforce Development no later than five days after their appointment. Such notification shall be signed by the Chair of the Chief-Elected Officials Coordinating Committee.

#### **A. Business Representatives** shall be:

- 1) owners of business,
- 2) chief-executive or operating officers, or

3) business executives or employers with optimum policy-making or hiring authority. They must represent businesses with employment opportunities that reflect the employment opportunities in the eighteen-county area. They are appointed by the Chief-Elected Official in their county from among nominations submitted by local business organizations and business trade associations in their county.

Nomination Process - Letters soliciting nominations for business representatives will be sent to Chambers of Commerce in the county. If there is no Chamber of Commerce in the county, nominations will be solicited from Rotary Clubs, Industrial Development Associations, Community Betterment Associations, Farm Bureaus, or other general purpose business organizations. Upon receipt of nominations from the local business organization(s), the Chief-Elected Official shall select a nominee for appointment, and shall submit such appointment, in writing, to the Chairperson of the Chief-Elected Officials Coordinating Committee.

**B. Public Representatives** shall be representatives of education, labor, community-based organizations, economic development, and One-Stop partners (as defined in WIA Section 121(b)). They must be individuals with optimum policy-making authority within the organization, agency, or institution they represent. They are appointed by the Chief-Elected Officials Coordinating Committee, from among individuals nominated by the organization, agency, or institution they represent.

Nomination Process - Letters soliciting nominations for public representatives will be sent to the organization, agency or institution they will represent:

<i>REPRESENTATIVE</i>	<i>NOMINATIONS FROM:</i>
1.-3. WIA Title I Operators (1/Subregion)...	current operators of WIA Title I program/sub-region
4. Wagner Peyser/TAA/Veterans .....	MO DED, Division of Workforce Development
5. Adult Education/ Literacy.....	Adult Basic Education/ Literacy service providers
6. Vocational Rehabilitation.....	MO DESE, Division of Vocational Rehabilitation
7. TANF.....	MO DSS, Family Support Division
8. Older Worker Title V.....	current operators of Title V programs in Area 1
10. Community Services Block & Grant.....	Community Action Agencies in Area 1
11. Unemployment Compensation.....	MO DOLIR
12. Education.....	Community Colleges or Universities
13. Education (includes Perkins).....	School Districts (K-12)
14. Labor.....	local labor federations in Area 1 (if unable to secure
15. Labor.....	adequate nominations through this method, local labor unions may be solicited for nominations)
16. Community-Based Organization.....	community-based organizations
17. Community-Based Organization.....	community-based organizations
18. Economic Development.....	public economic development entities, including municipalities, Industrial Development Corporation, Regional Planning Commissions, etc.
19. Economic Development.....	Chambers of Commerce in Area 1

In several cases, nominations will be singular; particularly in regard to state agencies whose nomination would reflect the "individual with optimum policy-making authority". Nonetheless, the Chief-Elected Officials Coordinating Committee shall make appointments from nominations received for each of the respective public representatives. As much as possible, appointments for public representatives will be made in such a way to maintain a geographical balance in representation from the three sub-regions.

### **III. Local Grant Recipient for Funds Allocated to Area 1 (PRIMARY RESPONSIBILITY)**

According to Section 117(d)(3)(B)(i) of the Workforce Investment Act, the Chief-Elected Officials shall serve as the local grant recipient. As such, they are liable for any misuse of grant funds. In order to assist in the administration of these grant funds, the Chief-Elected Officials have the right to designate an entity to serve as a local grant sub-recipient for these funds.

The Northwest Chief-Elected Officials have designated North Central Missouri College as the local grant sub-recipient and fiscal agent. This designation will be formalized in a Letter of Agreement, signed on behalf of the Chief-Elected Officials by the Chief-Elected Officials Coordinating Committee, and on behalf of North Central Missouri College by the President of the Board of Trustees. This agreement will stipulate that North Central Missouri College:

- \*assumes all liability connected with these funds,

- \*assumes all responsibilities and functions of the local grant sub-recipient,

- \*will maintain adequate coverage for:

- Directors and Officers Liability Insurance (Errors and Omissions)

- Bonding

- General Liability

- \*will require that any contract for expenditure of local workforce investment funds contain a clause for assumption of liability for such funds.

- \*will affirm that staff members assigned to work with the Workforce Investment Board have no conflicting duties in any other training-related college employment.

While the liability for the misuse of grant funds is passed on to the grant sub-recipient, and in turn on to Workforce Investment program contractors, it does not detach the ultimate liability from the Chief-Elected Officials.

In the event of misuse of funds, the responsible entity will be the first accountable for repayment. If a Workforce Investment program contractor is unable to satisfy the debt, responsibility will revert to North Central Missouri College. If, for any reason, there is a liability above the grant sub-recipient's ability, the Chief-Elected Officials liability shall be apportioned based on each county's level of participation in the specific disallowed cost. If the liability is a generalized debt for the entire eighteen-county area, the liability to each county shall be proportionate to the number of participants served in that county for the same year in which the misuse of funds occurred.

Chief-Elected Officials shall be invited to every meeting of the Workforce Investment Board, and shall receive a summary of each Board meeting's actions. As further specified in Section VII and Section VIII of this document, regular opportunities for ongoing monitoring and oversight will be available to the Chief-Elected Officials including individual, advance notification of activities in their county related to business closure or workforce reduction.

### **IV. Local Plan (PARTNERING RESPONSIBILITY)**

According to Section 118(a) of the Workforce Investment Act, it is the responsibility of the Workforce Investment Board to develop and submit the local plan to the Governor, but it must be in partnership with the Chief-Elected Officials. Steps to be taken to ensure this partnership occurs are:

A. The Chief-Elected Officials Coordinating Committee will be invited to attend all meetings of the Workforce Investment Board Planning and Oversight Committee when the local plan is part of the agenda.

B. All Chief-Elected Officials will receive a draft of the plan developed by the Workforce Investment Board, or a committee thereof. Their input will be solicited.

C. All Chief-Elected Officials will be invited to attend the Workforce Investment Board meeting when local plan approval is a part of the agenda. The partnership of the Chief-Elected Officials in the local plan will be evidenced by the endorsement signature of the Chair of the Chief-Elected Officials Coordinating Committee on the plan submitted to the Governor.

**V. Designation and Certification of One-Stop Operators** (*AGREEMENT*)

According to Section 121(d) of the Workforce Investment Act, the responsibility of designating and certifying One-Stop Operator(s) is assigned to the Workforce Investment Board, but with the agreement of the Chief-Elected Officials. Steps to be taken to ensure this agreement will be reached are:

A. The Chief-Elected Officials Coordinating Committee will be invited to participate in the meetings of the Executive Committee related to designation and certification of One-Stop Operators.

B. All Chief-Elected Officials shall receive notification of preliminary selection of the One-Stop Operator(s) and will have five working days to file a disagreement with the preliminary selection. If fewer than five (25%) of the Chief-Elected Officials disagree, the preliminary selection shall proceed to designation. If five or more Chief-Elected Officials disagree, the Executive Committee shall convene to make a new selection.

C. All Chief-Elected Officials shall be invited to attend the Workforce Investment Board meeting when the One-Stop Operator is to be designated. The Chief-Elected Officials final concurrence with the designation and certification of One-Stop Operator(s) will be evidenced by the endorsement signature of the Chair of the Chief-Elected Officials Coordinating Committee.

**VI. Memorandum of Understanding with One-Stop Partners** (*AGREEMENT*)

According to Section 121(c) of the Workforce Investment Act, the Workforce Investment Board shall develop and enter into a memorandum of understanding (MOU) by and between the Board and the One-Stop partners concerning the operation of the One-Stop delivery system. The Chief-Elected Officials must agree to this MOU. The method for reaching agreement on the MOU is identical to the method described above in "V. Designation of One-Stop Operator". The Chief-Elected Officials final concurrence with the MOU will be evidenced by the endorsement signature of the Chair of the Chief-Elected Officials Coordinating Committee.

**VII. Oversight of One-Stop Delivery System** (*PARTNERING RESPONSIBILITY*)

According to Section 117(D)(4) of the Workforce Investment Act, the Workforce Investment Board is responsible for oversight of the One-Stop delivery system in the local area in partnership with the Chief-Elected Officials. Steps to be taken to ensure this partnership occurs are:

A. At least annually, a meeting of the Chief-Elected Officials will be held. These meetings shall be scheduled to coincide with the initial oversight report for WIA Title I programs in the eighteen-county area. The Chief-Elected Officials will participate as a full partner in any corrective or continuous improvement actions adopted related to the oversight process.

B. An oversight tool shall be distributed to all Chief-Elected Officials on a quarterly basis that includes a description/level of services provided in each county for that quarter. This will allow each Chief-Elected Official to be cognizant of, not only their own county activity, but the activity of the entire workforce investment area. In addition, financial reports and outcome tracking will be available on a sub-regional basis.

C. Each Chief-Elected Official will be given individual, advance notification of activities in their county related to business closure or workforce reduction.

D. Each Chief-Elected Official will receive monthly information packets distributed to the Workforce Investment Board.

E. Should any significant issues arise in the administration or delivery of program services under Title 1 of the Workforce Investment Act, the Chief-Elected Officials Coordinating Committee shall be immediately notified. If such issue is confined to a sub-region or individual county, the respective Chief-Elected Official(s) shall also be notified.

F. In addition to the above measures, the Workforce Investment Board and the Chief-Elected Officials Coordinating Committee may appoint joint oversight bodies as deemed necessary and prudent.

### **VIII. Workforce Investment Board Budget** (*APPROVAL*)

According to Section 117(d)(3) of the Workforce Investment Act, the Workforce Investment Board is responsible for developing a budget, subject to the approval of the Chief-Elected Officials. Because this responsibility is fundamental to many of the other responsibilities delegated to the Chief-Elected Officials under the Workforce Investment Act; the Chief-Elected Officials, as a body, shall approve the annual budget developed by the Workforce Investment Board.

### **IX. Local Performance Measures** (*PARTNERING RESPONSIBILITY*)

According to Section 136 (c)(2) of the Workforce Investment Act, the Workforce Investment Board, the Chief-Elected Officials, and the Governor shall negotiate and agree on local performance measures.

### **X. Other Responsibilities Related to Workforce Investment**

In the course of managing/partnering with the Workforce Investment Board, the One-Stop Operators, One-Stop partners, and the Youth Council, additional responsibilities and obligations may arise. The Workforce Investment Board and the Chief-Elected Officials shall, as full partners in the Workforce Investment endeavor, together take such actions or make such decisions, as is deemed prudent and necessary for the effective operation of the workforce development system in Area 1.

### **XI. Open Meetings Compliance**

The Chief-Elected Officials hereby stipulate that all meetings of the Chief-Elected Officials, their Coordinating Committee, and the Workforce Investment Board shall be in compliance with Chapter 610 RSMO, otherwise known as the Sunshine Law.

Effective July 1, 2010;

---

Eva Danner, Chair – Chief-Elected Officials Coordinating Committee  
Livingston County Presiding Commissioner

---

Dick Lippold, Member - Chief-Elected Officials Coordinating Committee  
DeKalb County Presiding Commissioner

---

Mark Sitherwood, Member - Chief-Elected Officials Coordinating Committee  
Holt County Presiding Commissioner

---

Charlie Fowler, Member – Chief-Elected Officials Coordinating Committee  
Putnam County Presiding Commissioner

---

Larry Atkins, Andrew County Presiding Commissioner

---

Marlin Logan, Atchison County Presiding Commissioner

---

Royal Turner, Buchanan County Presiding Commissioner

---

Dale Hartley, Caldwell County Presiding Commissioner

---

Randall Relford, Clinton County Presiding Commissioner

---

Lance Critten, Daviess County Presiding Commissioner

---

Rod Dollars, Gentry County Presiding Commissioner

---

Rick Hull, Grundy County Presiding Commissioner

---

Jack Hodge, Harrison County Presiding Commissioner

---

Rick Solomon, Linn County Presiding Commissioner

---

Clifford Shipley, Mercer County Presiding Commissioner

---

Joe Baumli, Nodaway County Presiding Commissioner

---

Chris May, Sullivan County Presiding Commissioner

---

Kevin Austin, Worth County Presiding Commissioner