

(MSP)

MOHAVE COUNTY REQUEST FOR BOARD ACTION FORM

FROM: Michael Smith, Community Services Director

CONTACT/EXT: Michael Smith, Ext. 4780

DATE: May 9, 2024

BOS MEETING DATE: May 20, 2024

FORMAL ACTION	<input type="checkbox"/>
CONSENT	<input checked="" type="checkbox"/>
RESOLUTION	<input type="checkbox"/>
OTHER	<input type="checkbox"/>
INFORMATION ONLY	<input type="checkbox"/>

SUMMARIZE THE ISSUE & DESIRED ACTION CLEARLY/ATTACH BACKUP MATERIAL:

The Mohave/La Paz Local Workforce Development Board (WDB) is appointed by the Mohave County Board of Supervisors and the La Paz County Board of Supervisors, referred to as Chief Local Elected Officials (CLEO) under the Workforce Innovation and Opportunity Act of 2014 (WIOA P.L. 113-128). A Partnership Agreement is required between the CLEO and WDB to specify roles and responsibilities for the oversight of the local workforce system for the Mohave/La Paz Workforce Development Area (WDA).

The Partnership Agreement contains provisions for Local Area Governance and Local Board Certification; WDB Membership and Appointments; administrative and fiscal relationship between the CLEO and WDB; and WDB Roles and Responsibilities.

The Partnership Agreement is aligned with the Workforce Arizona Council's policies and WIOA.

RECOMMENDED MOTION:

Approve the Partnership Agreement between the Chief Local Elected Officials (CLEO) for the Mohave/La Paz Workforce Development Area (WDA) and the Mohave/La Paz Local Workforce Development Board (WDB) as required by the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128.

Reviewed and Approved By: *1630*

County Attorney

Human Resources

Finance

County Manager

Board Action Taken:

Approved as Requested

No Action Taken

Disapproved

Continued to _____

Approved with the following changes:

Acknowledged receipt and referred to: _____

Filing Information and Retrieval

Filed Bid _____	Filed Agreement _____
BOS Resolution _____	Filed Yearly Correspondence _____
Filed Petition _____	Filed Dedication _____
Filed Land Sold _____	Filed Land Acquired _____
Filed Franchise _____	ID Resolution _____
Filed Improvement District _____	Filed Other <u>Workforce Dev. Board</u>

Date Routed: *5/21/24*

Additional Information:

XC:

*Returning 2 signed agreements
Please return 1 fully executed copy
to COB.
12 Thank you*



Kenda Robinson
Workforce Development Board
Chairperson

700 W. Beale Street
Mailing: P O Box 7000
Kingman, AZ 86402

Phone: (928) 753-0723
Fax: (928) 753-0776
Website: www.mohave.gov

**PARTNERSHIP AGREEMENT BETWEEN THE
CHIEF LOCAL ELECTED OFFICIALS (CLEO)
FOR THE MOHAVE/LA PAZ WORKFORCE DEVELOPMENT AREA (WDA)
AND THE
MOHAVE/LA PAZ WORKFORCE BOARD (WDB)**

THIS PARTNERSHIP AGREEMENT, by and between the CHIEF LOCAL ELECTED OFFICIALS FOR MOHAVE COUNTY AND LA PAZ COUNTY, hereinafter referred to as “CLEO” and the MOHAVE LA/PAZ WORKFORCE DEVELOPMENT BOARD, hereinafter referred to as “WDB.”

PREAMBLE:

WHEREAS, the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128, was signed into law on July 22, 2014. The Act took effect on July 1, 2015, and supersedes titles I and II of the Workforce Investment Act of 1998 (WIA), and

WHEREAS, Mohave County and La Paz County have duly constituted themselves to be the Mohave/La Paz Workforce Development Area for purposes of WIOA Section 107(c)(1)(B), and

WHEREAS, The Chief Local Elected Officials, hereinafter referred to as “CLEO”, shall be the Mohave County and La Paz County Boards of Supervisors Chairpersons, and

WHEREAS, the CLEO has determined that workforce development is critical to the long-term economic health of the Mohave/La Paz Workforce Development Area, and

WHEREAS the driving force for the envisioned workforce system should be local, employer driven partnerships focused upon continuous improvement of customer services, and

WHEREAS the CLEO appointed the Mohave/La Paz Workforce Development Board (hereinafter called WDB) in accordance with WIOA and State criteria, and

WHEREAS the parties elect to execute this partnership agreement to specify the joint roles, responsibilities and powers, of the CLEO and WDB.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. AREA DESIGNATION AND NAME

The State of Arizona has designated Mohave County and La Paz County as the Mohave/La Paz Workforce Development Area.

B. LOCAL AREA GOVERNANCE

The jurisdictions of Mohave County and La Paz County have entered into an Intergovernmental Agency Agreement (IGA) constituting themselves to be the Mohave/La Paz Workforce Development Area (hereinafter called "Area") for the purpose of Section 107(c)(1)(B) of Public Law 113-128, the Workforce Innovation and Opportunity Act of 2014 (WIOA).

The Local Area shall be governed by the Chief Local Elected Officials (CLEO) of each member jurisdiction, or the designee thereof, as provided in this Agreement or the IGA. Mohave County Board of Supervisors is the grant recipient as outlined in WIOA 107(d)(12)(A) and the lead CLEO. As such, the Mohave County CLEO has signatory authority to sign contracts and enter into agreements related to the WIOA.

The appointed lead is:

Mohave County Board of Supervisors, Chairman
Mohave County Administration Building
700 W. Beale Street, Kingman, AZ 86401
(928) 753-8618

C. WORKFORCE DEVELOPMENT BOARD APPOINTMENTS

The CLEO agree to appoint WDB members in accordance with the Workforce Innovation and Opportunity Act of 2014, Section 107(b) and criteria established by the Workforce Arizona Council in Policy 02-2015, Workforce Innovation and Opportunity Act (WIOA) Local Governance. Business representatives will meet the criteria established by the Workforce Arizona Council on behalf of the Governor. Authority to appoint members to the WDB lies solely with the CLEO of Mohave and La Paz Counties.

1. Terms: The CLEO of Mohave and La Paz Counties shall appoint members of the Mohave/La Paz Workforce Development Board (WDB) to staggered terms of 2 and 4 years. The Mohave/ La Paz WDB will be certified by the Governor of Arizona every two years, in accordance with WIOA 107(c)(2).
2. Nomination: For each WDB member position that requires a nomination, the nominating organization must submit to the appointing CLEO or designee a document or letter identifying the individual being nominated. The document or letter must also acknowledge the nominee's optimum policy making authority and include documentation of curriculum vitae, resume or work history supporting the qualifications of the nomination.
3. Appointment: WDB member appointments must be made by the appointing CLEO and submitted to the local administrative entity either in the form of a letter, evidenced within minutes of meetings, or other official communication.

4. Change in status: Acknowledgement that WDB members who no longer hold the position or status that made them eligible local board members must resign or be removed by the CLEO immediately upon notification to the WDB chair of the change of status as a representative of that entity.
5. Mid-term appointment: WDB members replacing out-going members mid-term will serve the remainder of the out-going member term unless the local board bylaws establish a different procedure.
6. Vacancies: WDB vacancies must be filled within 120 days of the vacancy. The CLEOs are authorized to make all reappointments of members. Reappointments must be made within 120 days of the term expiration. In the event a vacancy cannot be filled within 120 days, the local administrative entity must request a waiver in writing to the Director of the Workforce Arizona Council with an explanation of why a vacancy was not filled in the 120-day timeframe and a description of the process underway to fill the vacancy. The local administrative entity must maintain written approval of the waiver request by the Director of the Workforce Arizona Council and will be monitored according to the process outlined in the approved waiver request.
7. Removal: WDB members must be removed by the CLEO if any of the following occurs: documented violation of conflict of interest, failure to meet local board member representation requirements defined in the WIOA and this Agreement, or documented proof of malfeasance, fraud or abuse. WDB members may be removed for other reasons outlined in WDB bylaws such as lack of attendance. The WDB must define the specific criteria that will be used to establish just cause and the process for such removal. The state administrative entity reserves the right to conduct an investigation regarding allegations of wrongdoing that result in the removal of a WDB member. Chief Local Elected Officials and WDB chairs will be formally notified in advance of such investigation and of the results.

D. MOHAVE/LA PAZ WORKFORCE DEVELOPMENT BOARD MEMBERSHIP

In accordance with WIOA 107(b)(2), the Mohave/ La Paz Workforce Development Board (WDB) is required to have the following representation.

Business Representation: The majority of the WDB members will be representatives of business in the local area. As a minimum, two members must represent small business as defined by the U.S. Small Business Association. Business representatives serving on the WDB may also serve on the State Board (Workforce Arizona Council). Each business representative must meet the following criteria:

1. Be owners of businesses, chief executives or operating officers of businesses, or other executives or employers with optimum policymaking or hiring authority.
2. Provide employment opportunities in in-demand industry sectors or occupations, and provide high-quality, work-relevant training and development opportunities to its workforce or the workforce of others (in the case of organizations representing business as per WIOA section 107(b)(2)(A)(ii); and
3. Be appointed from among individuals nominated by local business organizations and business trade associations.

The vision for the WDB is to serve as a strategic leader and convener of local workforce development system stakeholders. The WDB partners with employers and the workforce development system to develop policies and investments to support workforce system strategies and support regional approaches including local and regional sector partnerships and career pathways, and high quality, customer-centered service delivery and service delivery approaches.

The purpose of the WDB is to (20 CFR 679.300(b):

1. Provide strategic and operational oversight in collaboration with the required and additional partners and workforce stakeholders to help develop a comprehensive and high-quality workforce development system in the local area and planning region.
2. Assist in the achievement of the State's strategic and operational vision and goals as outlined in the Unified State Plan or Combined State Plan; and
3. Maximize and continue to improve the quality of services, customer satisfaction, and effectiveness of the services provided.

G. MOHAVE/LA PAZ WDB ROLES AND RESPONSIBILITIES

As stated in WIOA section 107(d) and 20 CFT 679.370, the Mohave/ La Paz Workforce Development Board (WDB) must:

1. **Local Plan:** Develop and submit a 4-year local plan for the local area, in partnership with the chief elected official and consistent with WIOA section 108.

If the local area becomes part of a planning region that includes other local areas as designated by the Governor under CFR 679.200 and 679.210, the WDB in partnership with the chief elected official must develop and submit a regional plan in collaboration with the Local Boards and chief elected officials from other areas. (WIOA 106(c)(2) and 20 CFR 679.510). The regional plan must incorporate the local plans from each local area in the planning region per 20 CFR 679.540(a).

2. **Labor Market Analysis:** In order to assist in the development and implementation of the local plan, conduct workforce research and regional labor market analysis to include:
 - (a) Analyses and regular updates of economic conditions, needed knowledge and skills, workforce development (including education and training) activities to include an analysis of the strengths and weaknesses (including the capacity to provide) of such services to address the identified education and skill needs of the workforce and the employment needs of employers.
 - (b) Assistance to the Governor in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region; and

A representative with *optimum policy-making* authority is an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action.

As defined in WIOA section 3(23), *in-demand industry sector or occupation* means:

- (a) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or
- (b) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

The determination of whether an industry sector or occupation is in-demand shall be made by the Workforce Arizona Council or the Mohave/La Paz Workforce Development Board, as appropriate, using State and regional business and labor market information.

Workforce Representation: Not less than 20% of the members of the Mohave/La Paz Workforce Development Board must be workforce representatives. These representatives:

1. Must include two or more representatives of labor organizations who have been nominated by local labor federations, or other representatives of employees (for areas where labor organizations do not exist).
2. Must include one or more representatives (must be a training director or a member of a labor organization) of a joint labor-management, or union affiliated, registered apprenticeship program within the area. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists.
3. May include one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and
4. May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

Balance of Membership: The balance of membership for the Mohave/La Paz Workforce Development Board must include:

1. At least one eligible provider administering adult education and literacy activities under WIOA title II. When there is more than one local area provider, nominations will be solicited from those particular entities (WIOA 107(b)(2)(C)(i)).
2. At least one representative from an institution of higher education providing workforce development activities, including community colleges. When there are multiple institutions of higher education providing workforce development activities, nominations are solicited from those particular entities (WIOA 107(b)(2)(C)(ii); and
3. At least one representative from each of the following governmental and economic and community development entities:
 - a. Economic and Community Development entities.
 - b. The state Employment Service Office under the Wagner-Peyser Act of 1973, (29 U.S.C. 49 et seq.); and
 - c. The programs carried out under title I of the Rehabilitation Act of 1973, other than section 112 or Part C of that title.

In addition to the representatives enumerated above, the CLEO may appoint other appropriate entities in the local area, including:

1. Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education and training needs for individuals with barriers to employment.
2. Governmental and economic and community development entities who represent transportation, housing and public assistance programs.
3. Philanthropic organizations serving the local area; and
4. Other appropriate individuals as determined by the chief elected official.

E. RELATIONSHIP BETWEEN CHIEF LOCAL ELECTED OFFICIALS (CLEO) AND MOHAVE/LA PAZ WORKFORCE DEVELOPMENT BOARD (WDB)

As stated in WIOA 107(d) and 20 CFR 679.310, the CLEO and the WDB shared governance responsibility for Local Board functions such as local planning, program oversight, negotiating local performance accountability measures, selection of operators and providers, and approving a budget for Local Board activities.

The parties shall jointly perform the following functions:

1. **One-Stop Operators:** The WDB, with the agreement of the CLEO, must designate and certify One-Stop Operators in the Local Area through a competitive process as required by Section 121(d)(A) of WIOA, at least once every 4 years.
2. **WDB Policy:** The Mohave/La Paz WDB will adopt workforce system policies that align with those of the Workforce Arizona Council (WAC) and other federal and local regulations/ standards. When

applicable, the CLEO will ensure that workforce development policies become integrated into county overall policies for economic development, education and workforce development.

3. **Memorandum of Understanding (MOU):** The Mohave/La Paz WDB will develop, execute and maintain a memorandum of understanding with all partners physically located in each of the comprehensive and affiliate ARIZONA@WORK Job Centers and all required partners that provide services through technological or referral basis. The MOU will meet all criteria detailed in the Workforce Arizona Council ARIZONA@WORK Job Center Service Delivery System Policy, Section VIII. The CLEO will approve the final MOU.
4. **Communication with Public:** The WDB will make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board and the workforce system in accordance with WIOA Section 107(e) and 20 CFR 679.390, including:
 - (a) Information about the Mohave/La Paz Workforce Development Plan, or modification to the Plan, before submission of the Plan.
 - (b) List and affiliation of Mohave/La Paz Workforce Development Board (WDB) members.
 - (c) Selection of One-Stop Operators.
 - (d) Award of grants or contracts to eligible providers of workforce development activities including providers of youth workforce development activities.
 - (e) Minutes of formal meetings of the WDB. (Minutes of the WDB meetings will be published on the Mohave County website. The administrative entities will maintain information on the WIOA programs and ARIZONA@WORK Job Centers on their respective county websites); and
 - (f) Mohave/La Paz WDB Bylaws, consistent with WIOA section 679.310(g).

Communication with Elected Officials. The Mohave/La Paz WDB, representatives of the Chief Local Elected Officials (CLEO) assigned to the Mohave/La Paz Workforce Development Area and ARIZONA@WORK Partners will be informed of WIOA activities, program and initiatives, performance outcomes and budgets during scheduled WDB quarterly meetings.

The CLEOs will meet at least once a year in conjunction with the Mohave/La Paz WDB for strategic planning purposes. All formal action taken by the Mohave/La Paz WDB regarding Local Plans and WDB budgets will require full Board of Supervisors' concurrence from both Mohave and La Paz Counties.

The WDB will negotiate with the CLEO and required partners on the methods for funding the infrastructure costs of one stop centers in the local area in accordance with § 678.715.

F. VISION AND PURPOSE OF MOHAVE/LA PAZ WORKFORCE DEVELOPMENT BOARD (WDB)

Bullhead City | Kingman | Lake Havasu City | Parker
928.758.0702 928.753.0723 928.453.0710 928.669.9812
TDD: Arizona Relay 711

ARIZONA@WORK is an equal opportunity employer and provider of employment and training services.
Auxiliary aids and services are available upon request to persons with disabilities.

- (c) Other research, data collection, and analysis related to the workforce needs of the regional economy as the Board, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions.
3. **Convening, Brokering, leveraging:** Convene local workforce development system stakeholders to assist in the development of the local plan under WIOA section 108 and 20 CFR 679.550 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the Mohave/La Paz WDB and standing committees in carrying out, convening, brokering, and leveraging functions at the direction of the WDB.
 4. **Employer Engagement:** Lead efforts to engage with a diverse range of employers and other entities in the region in order to:
 - (a) Promote business representation (particularly representatives with optimum policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Mohave/La Paz WDB.
 - (b) Develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce development activities.
 - (c) Ensure that workforce development activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and
 - (d) Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.
 5. **Career Pathways Development:** With representatives of secondary and post-secondary education programs, lead efforts to develop and implement career pathways with the local area by aligning the employment, training, education and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.
 6. **Proven and Promising Practices:** Lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and jobseekers (including individuals with barriers to employment) in the local workforce system, as well as in providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system.



Identify and disseminate information on proven and promising practices carried out in local areas for meeting such needs.

7. **Technology:** Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers, and jobseekers, by:
 - (a) Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area.
 - (b) Facilitating access to services provided through the one-stop delivery system, including remote areas.
 - (c) Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
 - (d) Leveraging resources and capacity within the Mohave/La Paz workforce development system, including resources and capacity for services for individuals with barriers to employment.
8. **Program Oversight:** Provide program oversight, in partnership with the chief elected official for the Mohave/La Paz Workforce Development Area:
 - (a) Conduct oversight of youth workforce development activities authorized under WIOA section 129(c), adult and dislocated worker employment and training activities under WIOA sections 134(c) and (d); and the entire one-stop delivery system in the local area.
 - (b) Ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and the one-stop delivery system in the local area; and
 - (c) Ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA section 116.
9. **Mohave/La Paz Performance Accountability Measures:** Negotiate and reach agreement on local performance measures with the chief elected official and the Governor (WIOA section 116(c)).
10. **Selection of Operators and Providers:** With the agreement of the chief elected official for the local area, select the following providers in the local area, and where appropriate, terminate such providers in accordance WIOA 107 (D) 10(A) through (E), State Workforce Development Board policy and 2 CFR part 200.

- (a) The grant recipient/fiscal agent has the option to provide directly some or all of the youth workforce investment activities, (20 CFR681.400a). However, as provided in WIOA section 123, if WDB chooses to award grants or contracts to youth service providers to carry out some or all of the youth workforce investment activities, the WDB must award such grants or contracts on a competitive basis.
- (b) Eligible providers of training services consistent with the criteria and information requirements established by the Governor and WIOA section 122.
- (c) Providers of career services through the award of contracts, if the one-stop operator does not provide such services (WIOA section 134(c)(2)).
- (d) One-stop operators as described in WIOA section 121(d)(2)(A) and 20 CFR 678.600 – 678.635. Also, the WDB may terminate for cause the eligibility of such operators.
- (e) Work with the State to ensure there are sufficient numbers and types of providers of career services and training services serving the local area, services are provided in a manner that maximizes consumer choice and provides opportunities that lead to competitive integrated employment for individuals with disabilities. This includes eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities. (WIOA section 122 and paragraphs (2) and (3) of section 134(c).

11. **Coordination with Education Providers:** Coordinate activities with education and training providers in the local area, including:

- (a) Reviewing applications to provide adult education and literacy activities under title II for the local area to determine whether such applications are consistent with the local plan.
- (b) Making recommendations to the eligible agency to promote alignment with such plan; and
- (c) Replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination. *Cooperative agreement* means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.

12. **Budget and Administration:** Develop budgets for the activities of the Mohave/La Paz Workforce Development Board (WDB), local area operations and administration with approval of the chief elected official and consistent with the local plan and the duties of the WDB.

The fiscal agent shall present budget / expenditure reports at each regularly scheduled WDB meeting and approval of these reports shall be documented in the meeting minutes.

The WDB shall be notified in advance if funds are projected to revert to the State at the end of the two-year contract period.

13. **Accessibility for Individuals with Disabilities:** Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the local area, in accordance with WIOA section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)

Other WDB Requirements:

1. **Policymaking Authority of Board Members:** Members of the WDB that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities.
2. **Diverse Geographic Areas Represented:** The members of the WDB shall represent diverse geographic areas with the local area.
3. **Represent Multiple Entities:** An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation of each entity.
4. **Board Chair:** The WDB must elect a chairperson from among the business representatives on the Board. (WIOA 107(b)(3)).
5. **Voting Privilege:** All required WDB members must have voting privilege. The chief elected official may convey voting privileges to non-required members.
6. **Standing Committees:** The WDB may establish standing committees to provide information and assist the Board in carrying out its responsibilities (20 CFR 679.360).

Standing committees may include each of the following:

- (a) A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include representatives of the one-stop partners.
- (b) A standing committee to provide information and to assist with planning, operational and other issues relating to the provision of services to youth, which must include community-based organizations with a demonstrated record of success in serving eligible youth.
- (c) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities. This includes issues relating to compliance with WIOA Section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

- (d) The WDB may designate other standing committees in addition to those specified in items a – c of this section.
- (e) The WDB may designate an entity in existence as of the date of the enactment of WIOA, such as an effective Youth Council, to serve as a standing committee as long as the entity meets the requirements of WIOA 107(b)(4).

H. BYLAWS

The Mohave/La Paz Workforce Development Board (WDB) has established and will review bylaws to ensure compliance with applicable local procedures and applicable state and federal laws. As a minimum, the Bylaws must address the following (20 CFR 679.310(g)):

1. **Establishment.** A statement that the WDB is established in accordance with WIOA Section 107.
2. **Name.** The name of the WDB.
3. **Purpose.** The vision and purpose for the establishment of the WDB consistent with 20 CFR 679.300 (a) and (b).
4. **Duties and Responsibilities.** Acknowledge the duties and responsibilities as outlined in the WIOA 107(d), 20 CFR 679.370, and in the partnership agreement between the chief elected officials (CLEO) and the WDB.
5. **Membership.** A description of membership as outlined in WIOA 107(b) and in the partnership agreement between the chief elected officials and the WDB.
6. **Local Board Chair Election.** A description of the process used to elect a local WDB chair, including term details.
7. **Election of Officers.** A description of the process used to elect officers, officer positions, terms, removal of officers, and specific officer roles and responsibilities.
8. **Meetings:**
 - i. Information on how often WDB and committee meetings will be held.
 - ii. Acknowledgement of Open Meeting Law, A.R.S. Title 38, Chapter 3, Art 3.1 Public Meetings and Proceedings, open meeting requirements and compliance.
 - iii. A description of the process of announcing regular and special meetings
 - iv. Acknowledgement that a quorum must consist of at least a simple majority of the currently appointed members; and
 - v. Clarification as to whether phone and web-based meetings will be permitted.
9. **Delegation of WDB duties.** Acknowledge that WDB members will not be permitted to delegate any WDB duties to proxies or alternates.
10. **Committees.** A list of standing committees including the descriptions for each and composition, and description of the process for having ad hoc committees.

11. **Firewalls.** Explain how the LWDB enforces firewalls in accordance with the Workforce Arizona Council WIOA Conflict of Interest Policy Section IV§B.

12. **Conflict of Interest.** Acknowledgement that local board members must adhere to the following regarding conflict of interest.

- a. A local board member may not vote on any matter that would provide direct financial benefit to the member or the member's immediate family, or on matters of the provision of services by the member or the entity the member represents.
- b. A local board member must avoid even the appearance of a conflict of interest. Prior to taking office, local board members must provide to the local board chair a written declaration of all substantial business interests or relationships they, or their immediate family have with all businesses or organizations that have received, currently receive, or are likely to receive contracts or funding from the local board. Such declarations must be updated annually or within 30 days to reflect any changes in such business interests or relationships. The local board must appoint an individual to timely review the disclosure information and advise the local board chair and appropriate members of potential conflicts.
- c. Prior to a discussion, vote, or decision on any matter before a local board, if a member, or a person in the immediate family of such member, has a substantial interest in or a relationship to a business entity, organization, or property that would be affected by any official local board action, the member must disclose the nature and extent of the interest or relationship and must abstain from discussion and voting on or in any other way participating in the decision on the matter. All abstentions must be recorded in the minutes of the local board meeting and be maintained as part of the official record.
- d. It is the responsibility of the local board members to monitor potential conflict of interest and bring it to the local board's attention in the event a member does not make a self-declaration.
- e. In order to avoid a conflict of interest, the WDB must ensure that the WDB's workforce service providers for WIOA Title IB adult, dislocated worker, and youth programs must not employ or otherwise compensate a current WDB member or WDB employee who was employed or compensated by the WDB or its administrative entity, fiscal agent, or grant recipient to support WDB in carrying out its duties.
- f. The WDB must ensure that the WDB, its members, or its administrative staff do not directly control the daily activities of its workforce service providers, workforce system partners or contractors.
- g. The WDB members or their organizations may receive services as a customer of a local workforce service provider or workforce system partner

13. **Conflict Resolution.** A detailed procedure for the WDB to follow in regard to conflict that may arise among, but not limited to.

- (a) board members
- (b) service delivery partners

- (c) consortium partners

14. **Compensation and reimbursement of expenses.** A description of the policy on compensating WDB members and reimbursing expenses.

15. **Amendment.** A description of the process for amending the bylaws.

16. **Compliance with law.** Acknowledgement stating, in execution of its business, the WDB must comply with the WIOA and regulations as well as policies and directives from the state administrative entity and the State Workforce Development Board, aka Workforce Arizona Council (WAC).

I. MOHAVE/LA PAZ WORKFORCE DEVELOPMENT BOARD CERTIFICATION

1. **Mohave/La Paz WDB – Initial Certification:** Mohave/La Paz Local Workforce Development Board (WDB) has been initially certified under the Workforce Innovations and Opportunities Act (WIOA) The State Workforce Development Board recommended certification to the Governor after reviewing the composition of the WDB, including compliance with the criteria outlined in WIOA 106(b) that requires the Governor designate local workforce areas based on consideration of the extent to which the areas:

- (a) Are consistent with the labor market.
- (b) Are consistent with the regional economic development with the State; and
- (c) Have available Federal and non-Federal resources necessary to effectively administer activities and provisions required by WIOA, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools.

2. **Recertification:** Workforce Arizona Council will conduct recertification once every two years to ensure that the WDB composition meets all membership requirements and the local workforce system activities comply with the required Mohave/La Paz WDB responsibilities, and support meeting local performance measures and any prescribed outcomes as outlined in the local grant agreement.

If the Mohave/La Paz WDB meets all membership requirements, but fails to meet all performance measures and outcomes, certification will be granted for only a one-year review period, instead of a two-year period. At the end of the one-year review period, the recertification process will be repeated with an updated review of performance and membership composition. If this review shows the WDB is meeting all performance measures and outcomes, a two-year certification will be granted.

If during the two-year certification period, more than 10% of the Mohave/La Paz membership is removed for cause, a recertification must occur to ensure membership compliance and assess WDB stability.

3. **Decertification**

- (a) A Local Board subject to decertification under the following circumstances:
 - (i) fails to meet all Local Board certification requirements; or
 - (ii) fails to carry out required functions of the Local Board in WIOA 107(d); or
 - (iii) fraud or abuse; or
 - (iv) fails to meet the local performance accountability measures for two consecutive program years.
- (b) If a Local Board has been placed on a one-year review period due to a lack of meeting all performance measures and outcomes and fails to meet performance measures and outcomes for a second year, the Board may be decertified.
- (c) A written notice and opportunity for comment will be provided prior to decertification.
- (d) In accordance with WIOA section 107(c)(2)(c), if a Local Board is decertified, the Governor reserves the right to:
 - (i) Require a new Local Board be appointed for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected officials.
 - (ii) In consultation with the chief elected officials, redesignate a local workforce development area.

J. MOHAVE/LA PAZ WORKFORCE AREA DESIGNATION

WIOA 106(b) requires that the Governor designate local workforce development areas based on consideration of the extent to which the areas:

- Are consistent with the labor market.
- Are consistent with regional economic development within the State; and
- Have available Federal and non-Federal resources necessary to effectively administer activities and provisions required by WIOA, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools.

Existing Workforce Area: Per WIOA 106(b)(2), the Governor has approved the Mohave/La Paz Workforce Development Area for re-designation as a local workforce development area based on successfully performing and maintaining fiscal integrity over the two-year period preceding enactment of WIOA. Re-designation will be for a period of two years.

Per Section 106(e)(1), the term *performed successfully* means the local area met or exceeded the established levels of performance for each of the last two consecutive years for which data was available.

Per Section 106(e)(2), the term *sustained fiscal integrity* means that the Secretary has not made a formal determination, during either of the last two consecutive years, that either the grant recipient or the administrative entity of the area mis-expended funds provided under WIOA due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration.

Appeals: In accordance with WIOA 106(b)(5), if an existing workforce area requests but is not granted designation as a local workforce development area, the unit of the general local government (including a combination of such units) or grant recipient may submit a written appeal to the State Workforce Development Board within 20 days of receiving written denial notification. Appeals submitted after this time will not be considered.

The appealing entity must explain why it believes the denial is contrary to the provisions of WIOA 106(b)(2). No other cause for appeal will be considered. The State Workforce Development Board must consider and respond in writing to such an appeal within 20 days of receipt.

If the petitioning entity is again denied such designation, further appeal to the Secretary of Labor may occur if the entity alleges that the area meets the requirements of WIOA 106(b)(2) or that the entity was not accorded procedural rights under the State appeal process described herein. All such appeals to the Secretary must be submitted within 15 days of receipt of notification of denial by the State Workforce Development Board on behalf of the Governor. The appealing entity must simultaneously notify the Governor and the State Workforce Development Board of such an appeal to the Secretary. The Secretary will make a final decision within 30 days after the appeal is received. The Secretary will notify the Governor and the appellant in writing of the Secretary's decision.

K. LIABILITY

The Mohave/La Paz Workforce Development Board, officers, members and volunteers are provided indemnification coverage under Mohave County and La Paz County General Liability Insurance for negligent acts or omissions in the performance of those functions within the course and scope of their duties as stated in this Agreement.

L. AUTHORIZED SIGNATURES

Authorized signatures of the Chief Local Elected Officials (CLEO) and Chairperson for the WDB for CLEO – WDB Partnership Agreement are currently:

Hildy Angius, Chairman of the Mohave County Board of Supervisors
Mohave County Administration Building
700 West Beale Street
P.O. Box 7000
Kingman, AZ 86402

Duce Minor, Chairman, La Paz County Board of Supervisors
La Paz County
1108 Joshua Ave.
Parker, AZ 85344

Kenda Robinson, Chairperson, Mohave/La Paz Workforce Development Board
c/o Mohave County Community Services Department
700 West Beale Street
P.O. Box 7000
Kingman, AZ 86402

M. TERM

This Agreement shall take effect upon signature of all parties and shall remain in effect until such time as amended or the CLEO withdraws upon six (6) months written notice to all parties. Termination of this Agreement shall not affect the liabilities incurred prior to the termination date.

N. AMENDMENTS, CHANGES, ELECTIONS

This Agreement may be amended at any time by the written, signed consent of all the parties. Amendments to this agreement shall require a majority approval of the WDB and approval of the CLEO.

Any amendment or change to this Agreement, including notice of an election of a new chief elected official, notice of an election of a new Local Board chair, or amendment of any applicable partnership agreement(s), must be maintained at the local administrative entity office and available for monitoring by the state administrative entity.

O. SEVERABILITY

Should any part of this Agreement be invalidated or otherwise rendered null and void, the remainder of this Agreement shall remain in full force and effect.

P. ARBITRATION

Pursuant to § 12-1518 of the Arizona Revised Statutes, the parties acknowledge and agree that they will be required to make use of mandatory arbitration of any legal action that is filed in the Arizona Superior Court concerning a controversy arising out of this Agreement if required by Section 12-133 of the Arizona Revised Statutes.

Q. CANCELLATION FOR CONFLICT OF INTEREST

This Agreement is subject to cancellation for conflict of interest according to A.R.S. § 38-511, the pertinent provisions of which are incorporated herein by reference.

R. NON-DISCRIMINATION

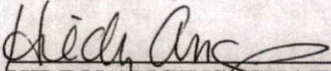
The parties agree to comply with all provisions and requirements of Arizona Executive Order 2009-09 including flow down of all provisions and requirements to any subcontractors. Executive Order 2009-09 supersedes Executive order 99-4 and amends Executive order 75-5 and is hereby incorporated into this Agreement as if set forth in full herein. During the performance of this Agreement, the parties shall not discriminate against any employee, client or any other individual in any way because of that person's age, race, creed, color, religion, sex, disability or national origin.

S. RECORDS RETENTION

The Parties agree to comply with the records retention's requirements of A.R.S. § 35-214.

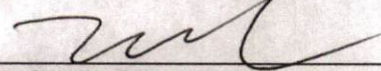
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by the Chairpersons of the County Board of Supervisors of the aforementioned COUNTIES and the Chairman of Mohave/La Paz Workforce Development Board

MOHAVE COUNTY


HILDY ANGIUS, CHAIRPERSON
Mohave County Board of Supervisors

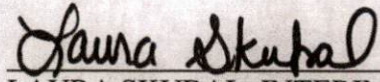
DATE: 5/20/2024

APPROVED AS TO FORM:

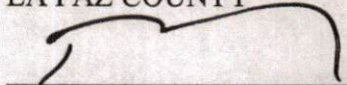

TINGWEI CHAVEZ
Civil Deputy County Attorney

DATE: 5/9/24

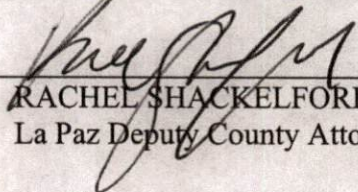
ATTEST:


LAURA SKUBAL, INTERIM CLERK OF THE BOARD
Mohave County Board of Supervisors

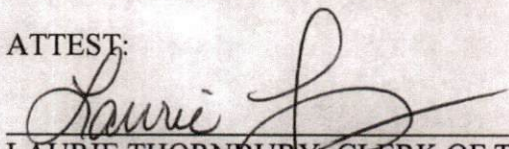
LA PAZ COUNTY


DUCE MINOR, CHAIRPERSON
La Paz County Board of Supervisors

APPROVED AS TO FORM:


RACHEL SHACKELFORD
La Paz Deputy County Attorney

ATTEST:


LAURIE THORNBURY, CLERK OF THE BOARD
La Paz County Board of Supervisors

MOHAVE/LA PAZ WORKFORCE DEVELOPMENT BOARD:

KENDA ROBINSON, CHAIRPERSON
Mohave/La Paz Workforce Development Board