

# *Council Agreement*

## **REGION 2000 WORKFORCE INVESTMENT AREA**

*April, 2000*  
Revised July 21, 2000

*Page 1 of 15*

# Council Agreement

## REGION 2000 WORKFORCE INVESTMENT AREA

*The purpose of this Agreement is to formalize the creation of the Region 2000 Workforce Investment Area and the Region 2000 Workforce Investment Board in accordance with the CODE OF VIRGINIA, Section 9-329.1(H); Public Law 105-220, WORKFORCE INVESTMENT ACT OF 1998, Section 116-177; 20 CFR Parts 661.250, 661.270 and Policy Numbers 99-1 and 99-2 of the VIRGINIA EMPLOYMENT COMMISSION. It is Made and Entered into by and between the County of AMHERST, the City and County of BEDFORD, the County of CAMPBELL and the City of LYNCHBURG.*

### WITNESSETH:

WHEREAS, the respective Boards of Supervisors of the Counties of AMHERST, BEDFORD and CAMPBELL and the City Councils of the Cities of BEDFORD and LYNCHBURG in the Commonwealth of Virginia, have adopted resolutions authorizing the execution of this Council Agreement;

NOW THEREFORE THIS AGREEMENT FURTHER WITNESSETH: That for and in consideration of the promises and of the mutual benefits to be derived hereunder, that each and all of the jurisdictions enumerated immediately above, do hereby reciprocally agree as follows:

### SECTION 1: CREATION OF THE COUNCIL.

THERE IS HEREBY CREATED, by the undersigned Chief Local Elected Official of the Counties and Cities, the REGION 2000 WORKFORCE INVESTMENT AREA COUNCIL, hereinafter called the "COUNCIL", which shall exist under and be subject to the terms and conditions of this Council Agreement, and which shall be deemed to constitute the agreement authorized by Section 15.2-1300 of the Code of Virginia (Repl. Vol. 1997) as amended, for the joint exercise of powers by participating political subdivisions of the Commonwealth of Virginia.

The purpose of the COUNCIL shall be to plan, establish, and operate a LOCAL WORKFORCE INVESTMENT AREA and Workforce Development Services Delivery System according to the

provisions of the Workforce Investment Act of 1998, hereinafter referred to as the "ACT", and the Federal Regulations hereinafter referred to as the "Regulations" issued by the U.S. Department of Labor, as amended, for the implementation of the ACT together with any and all other subsequent and relevant federal and Commonwealth of Virginia statutes, policies and interpretations .

## **SECTION 2: AREA AND POPULATION TO BE SERVED.**

The area to be served shall be called the REGION 2000 WORKFORCE INVESTMENT AREA, hereinafter referred to as the "WIA", and shall include the jurisdictions shown below consisting of 1,786 square miles and a combined population of 224,800 , according to the most recent data generated by the Weldon Cooper Center at the University of Virginia.

<u>Jurisdiction</u>	<u>Population</u>	<u>Square Mile Area</u>
Amherst County	30,200	478
Bedford City	6,200	7
Bedford County	56,600	747
Campbell County	50,100	505
Lynchburg City	64,800	49

## **SECTION 3: RESPONSIBILITIES OF THE COUNCIL.**

On behalf of each and all parties hereto, the COUNCIL powers shall include, but not be limited to the following:

- A. Providing overall governance for implementing the provisions of the ACT and Regulations, as amended, for the WIA to include creation of, and appointment of all members to, the REGION 2000 WORKFORCE INVESTMENT BOARD, hereinafter referred to as the BOARD.
- B. Approving policies, priorities, goals, and objectives of the BOARD and the programs and services to be provided by the BOARD, either directly or by contract with political subdivisions or public or private service providers.
- C. In partnership with the BOARD, the COUNCIL shall develop, approve and submit all required workforce development plans for the WIA.

### **3.01: MEMBERSHIP.**

The voting members of the COUNCIL shall be the Chief Local Elected Official of each of the jurisdictions that are party to this agreement, or that official's duly appointed designee.

**3.02: TERMS OF OFFICE.**

The term of office for each COUNCIL member shall coincide with the term of office for which the member was elected to public office in the particular jurisdiction the member represents.

**3.03: VOTING RIGHTS.**

Each COUNCIL member shall have one (1) equal vote on all matters before the COUNCIL. Voting by proxy shall not be permitted.

**3.04: MEETINGS.**

The COUNCIL shall hold meetings from time to time as may be required in order to conduct the affairs of the COUNCIL. At least two meetings shall be held each year for the purpose of reviewing the state of the workforce development programs and services; and, for consideration of plans and/or modifications to such plans as may be required.

**3.05: BY-LAWS.**

The COUNCIL may adopt by-laws and such other rules as it deems necessary to govern its operations.

**SECTION 4: CREATION of the REGION 2000  
WORKFORCE INVESTMENT BOARD**

There is hereby created, the REGION 2000 WORKFORCE INVESTMENT BOARD, hereinafter referred to as the "BOARD".

**4.01- APPOINTMENT of MEMBERS to the BOARD**

The COUNCIL shall appoint the members of the BOARD in accordance with the process required by Section 117(c)(1)(A) of the Workforce Investment Act as described immediately below. The initial members of the Board are found at Appendix 1.

1. The COUNCIL, acting together, shall appoint at least two representatives from each of the following public sector categories:

- (1) Local educational entities, including adult education and literacy and postsecondary institutions;
- (2) Labor organizations;
- (3) Community Based Organizations, meaning private nonprofit organizations that are representative of communities within the local area that have demonstrated expertise and effectiveness in the field of workforce development; and,
- (4) Economic Development agencies or organizations.

2. Also acting together, the COUNCIL shall appoint at least one representative from each of category of required partners in the Local Workforce Investment Area *One-Stop Center* unless otherwise already represented on the board. The required *One-stop Partners* are:

- (1) Local School Boards;
- (2) Local Community Colleges;
- (3) Community Action Agencies;
- (4) Administrative Entity for local Welfare to Work Programs;
- (5) Department of Rehabilitative Services or Visually Handicapped;
- (6) Area Agency on Aging and/or Nationally funded Older Worker Employment and Training Programs;
- (7) Local Virginia Employment Commission;
- (8) Redevelopment and Housing Authority Employment and Training Programs; and,
- (9) Other nationally funded workforce development programs in the local area.

- 3. The COUNCIL may also together determine the appropriateness of making other optional public sector appointments to the BOARD. Optional appointments may include, but not be limited to representatives from: Apprenticeship Programs; School-to-Work; Juvenile Justice Training Programs; Virginia Enterprise Initiatives; Adult Occupational Programs; and, Mental Health Employment and Training Programs.
  
- 4. The COUNCIL in every instance shall ensure that the total membership of the BOARD shall be constituted to always provide at least a simple majority of private sector business representatives; and, shall include representatives from employers in the region that reflect, to the extent possible, employment opportunities in the region.  
Accordingly, each member of the COUNCIL shall appoint an equal number of private sector members from their respective jurisdictions that will in total constitute the required private sector majority membership of the BOARD.

**4.02: PURPOSE AND POWERS.**

The functions and responsibilities of the BOARD shall include, but are not limited to:

- A. Development of all plans and priorities for service and subsequent modifications.
- B. Development and implementation of policies and operating guidelines as required by the Cooperative Agreement by and between the BOARD and the COUNCIL for the administration of the workforce development programs operated, or proposed, within the Region 2000 Workforce Investment Area.
- C. Approval of all proposed program designs and delivery systems for the purpose of providing workforce development services for the Region 2000 Workforce Investment Area.
- D. Evaluation of the performance of individual services providers pursuant to relevant federal and state statutes, regulations and policy interpretations as revised or amended.
- E. Solicitation of support and comment from the general public in providing a comprehensive plan for workforce development programs for this local workforce investment area.
- F. Serve as sub-recipient of all funds disbursed under the ACT for the local Workforce Investment Area and the subsequent disbursement of such funds to designated service providers and/or subcontractors in accordance with the approved Workforce

- @
- Development Plan; and, pursuant to approved procedures as provided for in the Agreement by and between the COUNCIL and the BOARD.
- G. Advising the COUNCIL of problems that may arise from time to time that may impact policy considerations of the COUNCIL and recommend corrective action.
  - H. Reporting at least annually to the COUNCIL on the state of the Workforce Development Program and the matters related to carrying out the requirements of the Workforce Development Plan.
  - I) Such other functions as the BOARD may deem appropriate provided such functions are allowable under the ACT and Regulations, as amended.

#### **4.03: NOMINATION PROCESS.**

Nomination for membership to the BOARD shall be accomplished in accordance with the provisions of the ACT and Regulations, as amended. The nomination process under this agreement shall be for the Member Jurisdictions, as defined in Section 2, to seek and receive nominations and submit the list of nominees to the COUNCIL. The COUNCIL shall review the nominations and any other recommendations from member jurisdictions that may be received and make the appointments in accordance with Section 4.01 herein above.

#### **4.04: TERMS OF OFFICE.**

The term of office for BOARD members shall be two (2) years; and, members may be eligible for reappointment. The initial terms of members of the BOARD shall be staggered and the manner and method of staggering the term of office shall be set forth in the by-laws of the BOARD.

#### **4.05: VOTING RIGHTS.**

Each BOARD member shall have one (1) equal vote on all matters before the BOARD. Voting by proxy shall not be permitted.

#### **4.06: OFFICERS.**

A Chair and Vice Chair shall be elected by and from the membership of the BOARD; and,

2

shall serve for terms of one (1) year; and, may be eligible for re-election for one additional term of one year. Eligibility for election of both the Chair and Vice Chair shall be limited to the Private Sector Business category of BOARD membership.

**4.07: MEETINGS.**

The BOARD shall hold regular or called meetings at such times, dates, and places as may be established in the by-laws of the BOARD.

**4.08: BY-LAWS.**

The Board shall adopt by-laws and such other rules or operational procedures as it deems necessary to govern its operations.

**SECTION 5: ADMINISTRATION.**

**5.01: GRANT RECIPIENT.**

The City of Lynchburg has been designated by the COUNCIL to be the grant recipient for the Region 2000 Workforce Investment Area COUNCIL and is responsible for ensuring compliance with the terms and conditions of the WIA grant. Therefore, the City shall have the ability, for cause, to terminate the appointment of the fiscal agent selected if the City, in its sole discretion, determines there is good cause to do so by giving written notice of termination and specifying the cause for the termination and the effective date thereof. In the event the City terminates the appointment of the fiscal agent as provided herein, the fiscal agent will be paid for the reasonable services provided and the allowable expenses incurred by the fiscal agent prior to the termination of the appointment. If the City terminates the appointment of the fiscal agent the BOARD with the advice and consent of the COUNCIL shall appoint a new fiscal agent.

**5.02: FISCAL AGENT.**

In order to facilitate and expedite the process of implementing the workforce development system in *Region 2000*, the COUNCIL has determined it to be appropriate to make the initial



appointment of *Fiscal Agent* for both the COUNCIL and the BOARD. Future appointment of the FISCAL AGENT shall be by the BOARD with the advice and consent of the COUNCIL. Pursuant to the ACT, this Agreement, and the Agreement between the COUNCIL and the BOARD, the FISCAL AGENT shall be the responsible to the BOARD for management and control. The FISCAL AGENT shall provide administrative and staff support to both the COUNCIL and the BOARD performing those duties and responsibilities as may be required to carry out the requirements of the ACT as prescribed by the BOARD and approved by the COUNCIL. Additionally, the ACT prohibits the FISCAL AGENT from providing direct services.

Accordingly, the COUNCIL does hereby appoint the Central Virginia Planning District Commission as the initial FISCAL AGENT for the REGION 2000 WORKFORCE INVESTMENT AREA for a period from execution of this agreement through June 30, 2001. CVPDC shall utilize the resources of WorkforceETC (successor to CCPIC) and other resources as authorized by the COUNCIL to carry out the duties noted below.

**5.03: DUTIES AND RESPONSIBILITIES OF THE FISCAL AGENT.**

The FISCAL AGENT shall have the following duties and responsibilities and such other duties as may be assigned by the COUNCIL initially and the BOARD subsequently:

- A. Prepare the Workforce Development plans as directed by the BOARD;
- B. Develop a program budget for submission to the BOARD prepared in accordance with federal and state guidelines and provisions of the ACT;
- C. Develop an Administrative Budget for submission to the BOARD for the purpose of carrying out the responsibilities as may be assigned by the BOARD;
- D. Provide professional, technical, and clerical support to the COUNCIL under the direction of the BOARD on all matters relating to planning, operation, monitoring, oversight, and evaluation of Workforce Development programs and activities in and for the Region 2000 Workforce Investment Area;
- E. Develop and carry out monitoring procedures necessary to meet the requirements of the Workforce Development Plan and the ACT;
- F. Provide for the operation of all programs and activities which are carried out

- for the COUNCIL under the authority of the BOARD; and
- G. To perform such other duties as may be assigned from time to time.

### **SECTION 6: SPECIAL COMMITTEES.**

The BOARD and the COUNCIL, jointly or separately, shall from time to time establish such special committees as deemed necessary to effectively plan for and efficiently respond to the workforce needs of the workforce investment area.

### **SECTION 7: RESOLUTION OF CONFLICT.**

In the event there is an unresolved dispute between the BOARD and the COUNCIL, the Governor of the Commonwealth of Virginia shall exercise the authority vested in the state governor by the ACT and Regulations, as amended.

### **SECTION 8: LIABILITY**

The COUNCIL as a unit and distinguished from the sum or any number of its individual members, shall indemnify and hold harmless the individual members of the BOARD and COUNCIL from the restitution of any funds required by the misapplication, erroneous expenditure or other action by the BOARD or COUNCIL which results in a claim against any individual member or combination of members of the COUNCIL or the BOARD to the extent allowed by law; this duty to indemnify is subject to all immunities that inure to any individual COUNCIL member as an officer, agent or employee of any political subdivision of the Commonwealth of Virginia and to the immunities that inure to the benefit of any political subdivision of the Commonwealth of Virginia who is a party hereto or a beneficiary hereof, its officers, agents and employees to include sovereign immunity.

#### **8.01: LIMITATION OF LIABILITY.**

The extent of liability of any single jurisdiction in this COUNCIL, for any of the funds appropriated to the Region 2000 Workforce Investment Area, shall be limited to the prorated share of the total funds allocated the particular jurisdiction during the particular fiscal year in which an issue of liability may arise.

**8.02: INSURANCE REQUIREMENT.**

The FISCAL AGENT shall procure and maintain appropriate *Public Liability* and *Errors and Omissions Insurance* policies sufficient to protect the COUNCIL from potential errors and omissions in the ordinary administration and use of these particular public funds and provide proof thereof to the COUNCIL prior to entering into its duties as Fiscal Agent.

**SECTION 9: DURATION.**

This Council Agreement shall be terminated upon the repeal of the ACT and other related legislation regarding Workforce Development or upon mutual consent of at least two-thirds (2/3) of the members of the COUNCIL.

**SECTION 10: MEMBERSHIP ADDITIONS AND WITHDRAWALS.****10.01: ADDITIONS.**

Any local jurisdiction which is not a party to this COUNCIL Agreement on the effective date thereof may thereafter join the COUNCIL provided that such local jurisdiction is made a part of a *Local Workforce Investment Area* designated by the Governor of the Commonwealth of Virginia in accordance with the provisions of the ACT and Regulations, as amended; and that, that jurisdiction adopts and executes this COUNCIL Agreement.

**10.02: WITHDRAWALS.**

Any party to this COUNCIL Agreement shall have the right to withdraw at any time after written notification of at least ninety (90) days to the COUNCIL of the party's intention to withdraw from the COUNCIL Agreement. In the event that any locality that is a party to this agreement exercises its right to withdrawal then the term of any BOARD member appointed by such locality as well as the term of the Chief Elected Official representing the locality on the COUNCIL shall end on the date of the withdrawal.

**10.03: DISPOSITION OF PROPERTY UPON TERMINATION.**

Upon termination of this agreement any property owned by the Council or the Fiscal Agent shall be distributed to the local jurisdictions on a proportionate basis equal to the amount of funding through grant receipts or otherwise during the period of time when the agreement was in effect.

**SECTION 11: AMENDMENTS.**

This COUNCIL Agreement may be amended only by concurring resolutions by the governing bodies of two-thirds (2/3) of the members of this COUNCIL Agreement.

**SECTION 12: EFFECTIVE DATE.**

This COUNCIL Agreement shall become effective on the final date appearing immediately below.

Signed: Vernon L. Wood Dated: 9/21/2000  
Vernon L. Wood, Board Chair

Amherst County, Virginia

Michael Shelton Dated: 9/21/2000

Michael Shelton, Mayor

Bedford City, Virginia

Kirby Richardson Dated: 9/21/2000

Kirby Richardson,, Board Chair

Bedford County, Virginia

Eddie Gunter Dated: 9/21/2000

Eddie Gunter, Board Chair


Campbell County, Virginia

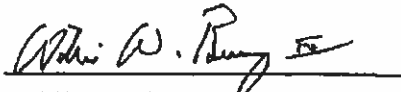
Carl Hutcherson Dated: 9/21/2000


Carl Hutcherson, Mayor

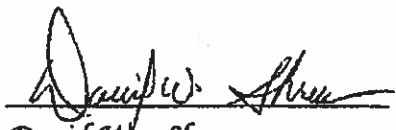
Lynchburg, Virginia

Approved as to form by:

Signed:  Dated: 8/17/00  
W. Edward Meeks, III  
Amherst County, Virginia

 Dated: 8/28/00  
William W. Berry, IV  
Bedford City, Virginia

 Dated: 8/30/00  
J.G. Overstreet  
Bedford County, Virginia

 Dated: 4/3/00  
David Wm. Shreve  
Campbell County, Virginia

Walter C. Erwin Dated: 9/18/00  
Walter C. Erwin  
Lynchburg, Virginia

Amendment  
Council Agreement  
Region 2000 Workforce Investment Area

April 2000, Revised July 21, 2000

Pursuant to Section 10.1 of the Council Agreement,

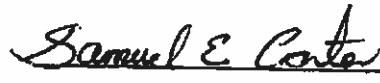
**10.01: ADDITIONS.**


Any local jurisdiction which is not a party to this COUNCIL Agreement on the effective date thereof may thereafter join the COUNCIL provided that such local jurisdiction is made a part of a *Local Workforce Investment Area* designated by the Governor of the Commonwealth of Virginia in accordance with the provisions of the ACT and Regulations, as amended; and that, that jurisdiction adopts and executes this COUNCIL Agreement.

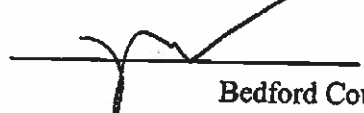
Appomattox County is added as a member of the Region 2000 Workforce Area Council, as a result of Appomattox County Board of Supervisors request, Region 2000 Workforce Investment Area Council's endorsement and designation by the Governor of the Commonwealth of Virginia. This designation was made after concurrence by the five governing bodies forming the original Council.

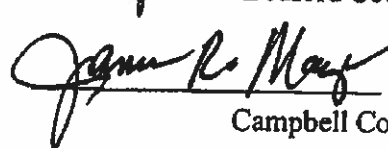
Signed:

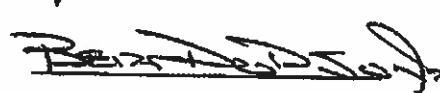
 Dated: April 15, 2004  
Amherst County, Virginia

 Dated: APRIL 15, 2004  
Appomattox County, Virginia

 Dated: April 15, 2004  
Bedford City, Virginia

 Dated: 4/15/2004  
Bedford County, Virginia

 Dated: 4-15-04  
Campbell County, Virginia

 Dated: April 15, 2004  
Lynchburg, Virginia

Amendment  
Council Agreement  
Region 2000 Workforce Investment Area

April 2000, Revised July 21, 2000

WHEREAS, the Board of supervisors of Appomattox requested membership in the Region 2000 Workforce Investment Area; and

WHEREAS, the Governor of the Commonwealth of Virginia has designated Appomattox County a part of the Region 2000 Workforce Investment Area;

NOW THEREFORE THIS AGREEMENT FURTHER WITNESSETH: That for and in consideration of the promises and of the mutual benefits to be derived hereunder, the County of Appomattox adopts the rules of the Council Agreement.

**Signed:**

*Samuel E. Carter*

Dated: APRIL 15, 2004

Appomattox County, Virginia