

AMENDED AND RESTATED CHIEF LOCAL ELECTED OFFICIAL CONSORTIUM
AGREEMENT

THIS AMENDED AND RESTATED AGREEMENT, entered into this - 20th - day of JUNE 2008,⁷ by and among the counties of CLARK, LINCOLN, NYE, and ESMERALDA and the cities of BOULDER CITY, HENDERSON, LAS VEGAS and NORTH LAS VEGAS under the Workforce Investment Act of 1998 [P.L. 105-220].

RECITALS

WHEREAS, the counties of CLARK, LINCOLN, NYE, and ESMERALDA (the "Counties") are political subdivisions of the State of Nevada; and

WHEREAS, the cities of BOULDER CITY, HENDERSON, LAS VEGAS and NORTH LAS VEGAS (the "Cities") are municipal corporations organized and existing under Nevada law and located within the geographical boundaries of Clark County; and

WHEREAS, the County Commissions/City Councils of each of the aforementioned counties and cities did previously adopt resolutions authorizing the Chairperson of the respective Commission or Council to sign a charter creating the Chief Local Elected Official Consortium in order to administer the provisions of Public Law 105-220, the federal Workforce Investment Act; and

WHEREAS, the County Commissions/City Councils of each of the aforementioned counties and cities has adopted a resolution authorizing the Chairperson of the respective Commission or Council to sign this Charter of the Local Elected Officials Consortium under the Workforce Investment Act of 1998 (P.L. 105-220)(*hereinafter*, the Charter); and

WHEREAS, the aforementioned counties and cities desire to amend and restate the terms and conditions of the Charter as set forth in the original April 19, 2000 consortium agreement; and

WHEREAS, this amended and restated consortium agreement will be submitted to the governing bodies of the aforesaid counties and cities for adoption by concurrence as provided in Section 9 of the April 19, 2000 consortium agreement; and

WHEREAS, each of the parties is empowered to enter into cooperative agreements for the performance of any governmental function pursuant to NRS Chapter 277.

NOW, THEREFORE, in consideration of the above premises and the mutual covenants of the parties hereinafter set forth, the receipt and sufficiency of which each

party acknowledges for itself, the Counties and Cities do hereby agree to the following amendment and restatement of the Charter.

1. That the Counties and the Cities under N.R.S. Chapter 277, do hereby constitute themselves to be a consortium for the purposes of Section 117 (c)(1)(B) of Public Law 105-220, the Workforce Investment Act (WIA).

2. The Chief Local Elected Officials (Chairpersons of the respective Commissions or City Councils) or the designees of said officials of the Counties and Cities shall constitute the Local Workforce Development Area Consortium of Commissioners and Councilpersons(hereinafter, the LEOs).

A. The LEOs is hereby constituted to fulfill the responsibilities of and to function as the "chief elected officials" of the participating "units of general local government" as those terms are used under the WIA.

3. The LEOs shall elect from its membership a Chairperson, and Vice-Chairperson and such other officers as may be provided in the by-laws to serve for a term of one year or until a successor is elected and qualified.

4. The LEOs may adopt operational and procedural by-laws consistent with this Charter, applicable federal and state laws and rules/regulations pursuant thereto. By-laws or amendments thereto may be adopted by the affirmative vote of a majority of the entire membership of the LEOs at any regular meeting called for that purpose, provided that written copies thereof are delivered to each member 15 days prior to consideration.

5. *Membership of the SNWIB*

The LEOs shall appoint members to the Local Workforce Investment Board of the area, under section 117(c)(1)(A) of P.L. 105-220 and applicable rules thereunder, herein referred to as the Southern Nevada Workforce Investment Board (SNWIB). The SNWIB will additionally be governed by the "Agreement Between The Chief Local Elected Officials Consortium and the Southern Nevada Workforce Investment Board" or any amendment and/or restatement thereof, which will provide the operational framework for administration of and responsibility for the WIA funds.

Members of the SNWIB that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies or entities. A majority of the members of the SNWIB shall be represented as described in paragraph 5(A-F) below. The SNWIB shall elect a chair from among the representatives described in 5(A-F) below. Pursuant to the WIA, criteria for membership is established by the state, but must include at a minimum:

A. Representatives of business in the local area who:

- i. are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;
 - ii. represent businesses with employment opportunities that reflect the employment opportunities of the local area; and
 - iii. are appointed from among individuals nominated by local business organizations and business trade associations;
- B. Representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and Postsecondary educational institutions (including representatives of community colleges, where such entities exist), selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities;
- C. Representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations), other representatives of employees;
- D. Representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present);
- E. Representatives of economic development agencies, including private sector economic development entities; and
- F. Representatives of each of the one-stop partners; and

In addition, the SNWIB may include such other individuals or representatives or entities as the LEOs may determine to be appropriate.

6. Staff of the SNWIB

The SNWIB is authorized to employ staff including, but not limited to, an Executive Director. The staff shall be employees of the separate legal, administrative entity known as SNWIB. The staff shall perform support functions for the SNWIB in performance of its responsibilities under the WIA. The SNWIB staff will be governed by the Amended and Restated Agreement Between The Chief Local Elected Officials Consortium and the Southern Nevada Workforce Investment Board” which will provide the operational framework for administration of and responsibility for the WIA funds.

- A. Whenever a vacancy occurs in the position of Executive Director of SNWIB, a new Executive Director shall be selected by the LEOs. The Executive Director shall be directed by and answer solely to the LEOs and shall serve at the pleasure of LEOs.
- B. The Executive Director shall provide all information and documentation regarding all SNWIB administrative, operational, and fiscal matters and to the LEOs and the SNWIB upon request. The nature, scope and frequency of the information relating to the WIA that is to be provided pursuant to this paragraph by the Executive Director shall be specified by the LEOs.

7. The LEOs shall execute an agreement with the SNWIB for the operation and functions of the Board under Section 117 of the WIA and shall approve the Local Plan under Section 118 of the WIA, which has been agreed to by all participating Counties and Cities.

8. LEOs Fiscal Responsibilities

The LEOs shall perform all functions of local elected officials as contained in P.L. 105 220, the federal Workforce Investment Act of 1998. Specifically, the LEOs, as the local grant recipient for funds allocated under WIA, shall:

- A. Be financially liable for any misuse of grant funds and disallowed costs pursuant to WIA.
- B. The LEOs, by and through the Southern Nevada Workforce Investment Board shall have sole responsibility for
 - i. Receiving, disbursing and budgeting of all funds relating to WIA programs.
 - ii. Collecting program data necessary for management, evaluation and preparation of required and desired reports.
 - iii. Monitoring and evaluation of programs and program operators, subrecipients and service providers pursuant to the WIA.
 - iv. Procuring audits of funds as required under the WIA and resolving any questions arising from the audits. Staff shall report the results of the audits to the Southern Nevada Workforce Investment Board and the LEO.
- C. Develop and manage a system to hear and resolve grievances brought by participants, vendors and other interested parties as required by the WIA.

D. In the case where liability is identified and validated concerning the misuse of grant funds or the disallowance of costs, liability and repayment of funds shall be in accordance with the following formula based on per capita:

- i. Clark County – 42.71%
- ii. City of Las Vegas- 30.78%
- iii. City of Henderson- 13.11%
- iv. City of North Las Vegas- 9.97 %
- v. Boulder City- .86%
- vi. Nye County- 2.37%
- vii. Esmeralda County – .04%
- viii. Lincoln County- .25%

A mandatory review of the liability formula and the underlying factors upon which the calculations are based will be performed every two years and adjusted as deemed necessary by a vote of the LEOs. The recommended formula and the underlying calculation factors, or any amendment thereto, must be approved by the governing bodies of each of the respective counties or cities upon who liability is to be imposed in order to be effective. The formula liability herein governs prospective liability and becomes effective upon executing this consortium agreement. The liability formula provision regarding fiscal liability shall also be included in the required two-year WIA plan.

9. The LEO's shall have the power to establish all boards, councils, or committees or other advisory groups as mandated by the federal laws or regulations or as deemed necessary to ensure that the SNWIB conforms with applicable laws and meets the WIA objectives.

- A. The LEOs shall create a fiscal advisory committee consisting of members from each municipality and/or county represented by the LEOs, herein referred to as the Joint Chief Finance Officer Committee. The Joint Chief Finance Officer Committee will be responsible for advising the LEOs with regards to budget development and execution, procurement policies, accounting systems and practices and other financial matters to ensure proper fiscal controls.
- B. The LEOs shall create a legal counsel advisory committee consisting of members attorneys from the Cities of Las Vegas, North Las Vegas


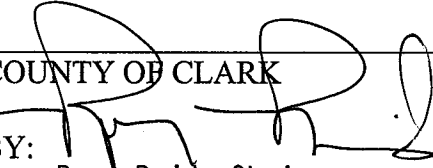
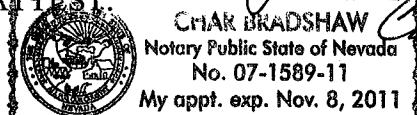

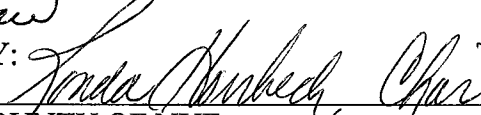

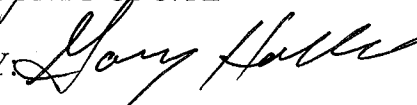

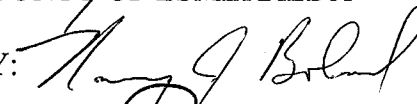

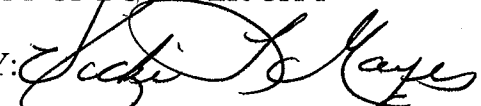

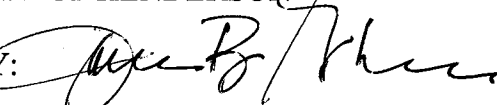
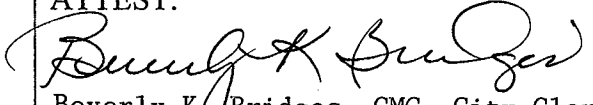
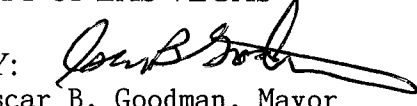
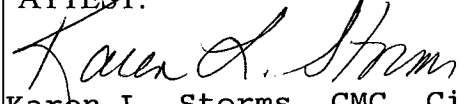

and Henderson and the County of Clark, herein referred to as the Joint Legal Counsel Advisory Committee. The Joint Legal Counsel Advisory Committee will be responsible for advising the LEOs, providing legal opinions and ensuring compliance with applicable laws. The Joint Legal Counsel Advisory Committee will also be responsible for rendering direction and suggestions to the LEOs in order to maintain due diligence compliance with the requirements of the WIA. The LEOs shall formulate a schedule appointing one jurisdiction to assume the role of lead counsel, to be rotated no less than annually among those jurisdictions. The SNWIB will be required to obtain separate representation on behalf of the members and the organization.


10. This amendment to and restatement of the Charter agreement shall be effective when approved by Resolutions adopted by the County Commission and City Councils of each county and city party hereto and executed by the chief elected official thereof pursuant to said resolution and shall thereupon act to repeal and supersede any and all prior written or oral consortium agreements under P.L. 105-220, the Workforce Investment Act of 1998, or P.L. 102-367, the Job Training Partnership Act.

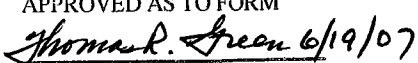
11. Amendments to this Charter agreement may be adopted with concurrence of the Commissions and City Councils of each county and city party hereto. The LEOs may be dissolved and this agreement may be rescinded with two-thirds vote of the county and city parties hereto and the Governor.

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12. This Charter agreement shall be of full fare and effect upon its passage and execution of all the Counties and Cities herein. IN WITNESS WHEREOF, the parties hereto have caused this Charter agreement to be executed by the Chairperson of the County Commission and City Council of the aforementioned Counties and Cities.

<p>ATTEST:</p>  <p>Shirley B. Parraguirre, County Clerk</p>	<p>COUNTY OF CLARK</p>  <p>BY: Rory Reid, Chairman</p>
<p>ATTEST:</p>   <p>CHAR BRADSHAW Notary Public State of Nevada No. 07-1589-11 My appt. exp. Nov. 8, 2011</p>	<p>COUNTY OF LINCOLN</p> <p>BY:  Linda Hinkley, Chair</p>
<p>ATTEST:</p>  <p>Sandra L. Merlino, Nye County clk</p>	<p>COUNTY OF NYE</p> <p>BY:  Gary Hallie</p>
<p>ATTEST:</p>  <p>Lalinda Elgan, Esmeralda Co Clerk</p>	<p>COUNTY OF ESMERALDA</p> <p>BY:  Tony J. Boland</p>
<p>ATTEST:</p>  <p>Pamela A. Malmstrom</p>	<p>CITY OF BOULDER CITY</p> <p>BY:  Scott S. Hayes</p>
<p>ATTEST:</p>  <p>Monica M. Simmons, CMC, City Clerk Council Action: 7/3/07</p>	<p>CITY OF HENDERSON</p> <p>BY:  Mike P. Wheeler</p>
<p>ATTEST:</p>  <p>Beverly K. Bridges, CMC, City Clerk</p>	<p>CITY OF LAS VEGAS</p> <p>BY:  Oscar B. Goodman, Mayor</p>
<p>ATTEST:</p>  <p>Karen L. Storms, CMC, City Clerk</p>	<p>CITY OF NORTH LAS VEGAS</p> <p>BY:  Michael L. Montandon, Mayor</p>

APPROVED AS TO FORM:

 Dave Olsen, City Attorney

APPROVED AS TO FORM
 6/19/07
 Thomas R. Green Date
 Deputy City Attorney