

# Interlocal Agreement

**THE CONCHO VALLEY WORKFORCE  
DEVELOPMENT AREA  
CHIEF ELECTED OFFICIALS AGREEMENT  
(SB 642, Section 4.01 (c), as amended by  
HB 1863, Section 11.22)**

This Agreement is made and entered into by and between the Concho Valley Workforce Development Area Chief Elected Officials (CEOs), as defined by SS 642 and as amended by HB 1863.

WHEREAS, the agreeing CEOs represent 100% of the workforce area's population and include the Judges for Coke, Concho, Crockett, Irion, Kimble, Mason, McCulloch, Menard, Reagan, Schleicher, Sterling, Sutton and Tom Green Counties and the Mayor of the City of San Angelo; and

WHEREAS, the Counties of Coke, Concho, Crockett, Irion, Kimble, Mason, McCulloch, Menard, Reagan, Schleicher, Sterling, Sutton and Tom Green have been formally designated as the Concho Valley Workforce Development Area by the Governor of the State of Texas; and

WHEREAS, Texas legislation, SB 642 and HB 1863, calls for the establishment of Local Workforce Boards to provide planning, oversight and evaluation of workforce development programs within the workforce development area jurisdiction; and

WHEREAS, the undersigned Chief Elected Officials (CEOs) of the Concho Valley Workforce Development Area do hereby agree to form a Local Workforce Development Board for the purpose of preparing this region's youth and adults for the future's workforce; and

WHEREAS, it is understood that this region's CEOs will not only appoint members to the board, but take an active role in promoting an effective workforce program by remaining as Ex Officio members of the Local Workforce Development Board; and through the Local Workforce Development Board, assure the proper use of federal and state funds for program development implementation, and oversight; and

WHEREAS, it is agreed that seventy-five percent (75%) of the CEOs representing seventy-five percent (75%) of the population of the Concho Valley Workforce Development Area voted to form the board during their meeting held on March 6, 1996; and

NOW THEREFORE, Be it resolved that this agreement pursuant to SB 642, as amended by HB 1863, be made and entered into by and between the Chief Elected Officials for the thirteen county Concho Valley Workforce Development Area.

### **I. Selection of Chief Elected Official Workforce Committee**

A. The Honorable Steve Floyd, Judge, Tom Green County, The Honorable Bill Spiller, Judge, McCulloch County, and the Honorable Charles Bradley, Judge, Schleicher County, were duly selected to be the Lead CEO Committee.

B. The Lead CEO Committee will inform and act on behalf of the other CEOs.

C. Elections will be held when vacancies occur to determine the future members of the Lead CEO Committee and any alternates starting one year after approval of the workforce board. This process will continue annually or until the CEOs select another means to elect the lead and alternate CEOs.

### **II. Process to Keep CEOs informed of Board Activities**

It is agreed that the workforce area s CEOs will be kept informed of workforce activities through the following means:

- CEOs will be non-voting, ex-officio members of the Local Workforce Development Board and are encouraged to attend all Local Workforce Development Board meetings.
- CEOs will receive copies of all Local Workforce Development Board proceedings.
- CEOs will receive the Local Workforce Development Board newsletters (or other publications describing activities within the region).
- CEOs will be informed in writing of any actions taken by the Lead CEO Committee
- A special meeting of CEOs will be convened once a year to present a state-of-the-region workforce development report and to designate the Lead CEO Committee and any alternates.
- The CEOs' appointees to the Local Workforce Development Board will be encouraged to report all Board activities to them.

### **III. Initial Size of Local Workforce Development Board**

A. It is agreed that the size of the Local Workforce Development Board will be set at a minimum of 25 and a maximum of 30. Three seats will be designated as regional seats to be nominated by their governing entity and appointed by the Lead CEO Committee. These regional seats include the Texas Workforce Commission, the Vocational Rehabilitation and the Health and Human Services Commission the representatives of which must be the Director or Assistant Director of the regional office unless otherwise approved by the CEO Workforce Committee. Fifty-one percent of the

seats will be designated for the Private Sector; fifteen percent will be designated for Labor and Community Based Organizations, two seats will be designated for Educational Agencies with one secondary and one post-secondary; one seat each will be designated for Economic Development Agencies, Adult Basic/Continuing Education Agencies and Local Literacy Councils

B. Board size and representation is based upon county population with Tom Green County receiving 17 seats, McCulloch County receiving 2 seats and every other county receiving one seat to be appointed by its respective County Judge. The Lead CEO Committee will appoint any unappointed seats. Among the Tom Green County appointments will be the three regional representatives and a labor representative, unless a labor representative is appointed from another county as their representative. If any Rural CEO is unable to find a suitable Representative, that CEO can allow a CEO from another rural county to nominate a suitable Representative. The position will revert to the original CEO upon the expiration of the individual's term or upon the individual vacating the position.

#### **IV. The Process of Resource Allocation**

A. Where funds are allocated to the workforce development area using Federal or State allocation formulas, those formulas will be utilized in allocating funds at the County level. If for any reason it is deemed appropriate to deviate from the formula process used by the funding entity in distributing allocations at the County level, the Chief Elected Official of the affected County must agree in writing to the requested change.

B. Where funds are not formula allocated, a minimum threshold (percent of total or dollar amount) will be allocated to each county, and a formula for funds distribution will be developed by the Local Workforce Development Board based upon the nature of the funds as well as the following on a proportionate basis:

- total population
- unemployment rates
- workforce training needs
- educational needs
- literacy levels
- level of poverty
- minority population
- other

In all instances, resource distribution will be carried out fairly and with CEO input to the Local Workforce Development Board. In no event will distribution formulas violate either state or federal allocation formulas.

## **V. Liability**

It will be the policy of the Local Workforce Development Board that liability for errors, acts or omissions, which occur in programs authorized by the Local Workforce Development Board, shall rest with the entity or party committing such errors, acts or omissions, and that such liability shall be limited in accordance with state or federal law. A member of the Local Workforce Development Board may not be held personally liable for any claim, damage, loss, or repayment arising from duties as a Board member unless due to official misconduct, willful disregard of program requirements, or gross negligence on the part of the Board member.

## **VI. Process Used to Appoint Board Members**

The appointment of Local Workforce Development Board members will follow generally prescribed guidelines and include the following, none of which are in conflict with applicable federal or state laws:

- A. The board will have a minimum requirement of 25 members and a maximum of 30 members.
- B. The majority of the board's members will be from the private sector.
- C. Private sector representation will result from: (a) nominations from general purpose business organizations totaling 150% of the number required; (b) the Lead CEO Committee will select persons from the nominations received; (c) the appropriate forms will be forwarded to the Texas Workforce Commission for evaluation.
- D. Representatives from the following categories will be appointed to the board according to the number of slots available:
  - economic development
  - education (secondary and post-secondary, vocational education practitioners)
  - adult basic and continuing education
  - employment service
  - vocational rehabilitation
  - local literacy
  - public assistance
- E. Organized labor and community-based organizations' representatives will constitute at least 15% of the board.

## **VII. Terms of Office Procedures**

It is agreed that the Local Workforce Development Board members will serve three-year terms of office. Reappointment will be for three year terms and will be at the

discretion of the CEOs. Resignations leading to a vacancy will be filled through the original appointment process.

### **VIII. Acknowledgment of Responsibilities and Requirements (TWC Rule, 1/1/96)**

*We, the chief elected officials of the Concho Valley Workforce Development Area, acting as CEOs pursuant to the law, acknowledge that the following are responsibilities and requirements pursuant to the formation of Local Workforce Development Boards.*

(1) *The Local Workforce Development Board will assume the responsibilities for the following committees and councils that will be replaced by the board unless otherwise provided in Chapter 2308.102, Government Code, V.T.C.A.*

(2) *At least one career development center must be established within 180 days of the date of board certification;*

(3) *The board must have its own independent staff and not be a provider of workforce services, unless the board secures a waiver of these provisions;*

(4) *The chief elected officials must enter into a partnership agreement with the board to designate a grant recipient to receive and be accountable for block grant funds, and be liable for any misuse of funds;*

(5) *The partnership agreement must also specify the entity that will administer the programs, which may be separate from the entity that receives the funds from the state;*

(6) *The partnership agreement must define the process through which the local boards and chief elected officials will develop the strategic and operations plans, including the training plan required under the Workforce Investment Act, required by the legislation in order to receive block grant funds; and*

(7) *The local plan must be reviewed by both the Texas Workforce Commission and the Texas Council on Workforce and Economic Competitiveness, and approved by the Governor before block grants will be available to the local area.*

### **V. Term of Agreement**

The term of the Agreement shall commence on the 1<sup>st</sup> day of November 1996, and shall run through August 31, 1997, and thereafter shall automatically be renewed for two-year periods unless any party notifies the rest of its intentions not to renew at least 120 days prior to the expiration of any two-year period.

## **VI. Merger**

It is understood and agreed that the entire Agreement between the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof. All items referred to in this Agreement are incorporated or attached and are deemed to be part of this Agreement.

Upon proper execution, this Agreement will be valid and binding upon date of final approval.

Concho Valley Workforce Development Area Chief Elected Officials

By:  Date: 2-26-19  
Steve Floyd  
Tom Green County Judge

By: \_\_\_\_\_ Date: \_\_\_\_\_  
David Dillard  
Concho County Judge

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Hal Spain  
Coke County Judge

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Bill Spiller  
McCulloch County Judge

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Jim O'Bryan  
Reagan County Judge

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Steve Smith  
Sutton County Judge

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Deborah Horwood  
Sterling County Judge

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Richard Cordes  
Menard County Judge

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Charles Bradley  
Schleicher County Judge

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Jerry Bearden  
Mason County Judge

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Molly Crimer  
Irion County Judge

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Delbert Roberts  
Kimble County Judge

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Fred Deaton  
Crockett County Judge