

**Counties of Berkeley, Charleston and Dorchester**  
**Consortium Agreement**  
**Under the**  
**WORKFORCE INNOVATION AND OPPORTUNITY ACT**

1. This Agreement is entered into, by and between the Counties of: Berkeley, Charleston and Dorchester (hereinafter referred to as the “Counties”) by and through their governing bodies, duly adopted and authorized by the governing bodies of said counties.
2. **Purpose.** The purpose of forming a Consortium is to implement and carry out the provisions of Public Law – 113-128, the Workforce Innovation and Opportunity Act of 2014 (WIOA) and any amendments thereto, as a Workforce Development Area (WDA). The Workforce Innovation and Opportunity Act requires that the Governor designate local areas within the state. To that end, the Chief Elected Officials representing Berkeley, Charleston and Dorchester counties have formed a Consortium to seek a designation.
3. **Consortium Membership.** The Chairperson of the County Council (or his/her designee selected from among the membership of the County Council) of each Consortium County shall represent their county as a member of the Consortium.
4. **Workforce Development Board.** The local Chief Elected Officials (CEOs) are authorized to appoint the members of the local board pursuant to Section 107(c)(1)(B)(i) of the Act using criteria established by the Governor and the State Workforce Development Board. The Workforce Development Board (WDB) membership shall be developed using the composition required by Section 107(b)(2) as well as additional criteria established by the Governor. When possible, the membership of the WDB shall be in the same ratio, or percentage, as the population of the three counties, using the most updated Population Estimates for the US Bureau of the Census. The Counties shall jointly bear the responsibility for meeting the standards for membership prescribed in the ACT. The Counties shall establish the WDB in accordance with the provisions of Section 107 of the WIOA and criteria established by the Governor.
5. **Board Certification.** Section 107 (c)(2)(A) states that “The Governor shall, once every 2 years, certify 1 local board for each area in the State”. Initial certification of the WDB will be based on compliance with the composition requirements outlined in Section 107(c)(2)(B) notes that the subsequent certification of the Board will also include “the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity as outlined in Section 106(e)(2)”.

6. **Local Area Designation.** The Trident Workforce Development Area will be designated as a Workforce Development Area under WIOA if it meets the requirements of the ACT in Section 106(b)(2) which states “During the first 2 full program years following the date of enactment of this ACT, the Governor shall approve a request for initial designation as a local area from any area that was designated as a local area for purposes of the Workforce Investment ACT of 1998 for the 2-year period preceding the date of the enactment of this ACT, performed successfully, and sustained fiscal integrity”. Further, section 106(b)(3) states that “After the period for which a local area is initially designated under paragraph (2), the Governor shall approve a request for subsequent designation as a local area from such local area, if such area – (A) performed successfully; (B) Sustained fiscal integrity; and (c) in the case of a local area in a planning region, met the requirements in subsection (c)(1)”.
  
7. **Administration.** The Workforce Innovation and Opportunity Act (WIOA) in Section 107(d)(12)(B)(i)(I) requires that the Consortium Counties, through their Chief Elected Officials, shall serve as the local grant recipient for, and shall be liable for any misuses of the grant funds allocated to the local area under Section 128 and 133. Fiscal responsibility will be allocated among the Consortium Counties based on the ratio of funds received each year through the Workforce Innovation and Opportunity Act. In accordance with Section 107(d)(12)(B)(i)(I) the Berkeley Charleston Dorchester Council of Governments shall be designated by the Consortium to serve as the local grant sub-recipient/fiscal agent to carry out the administrative provisions of the WIOA legislation. However, the Consortium retains liability for use of WIOA funds as required in Section 107(d)(12)(B). The Berkeley Charleston Dorchester Council of Governments shall disburse funds in accordance with the requirements of the ACT.
  
8. **Withdrawal.** Any County may withdraw from the Consortium by giving written notice to the Consortium at least six months prior to the end of the two-year Workforce Development Area designation period.
  
9. **Role of the Consortium Counties.** Each County shall promptly furnish the WDB any information requested which may in any way relate to the purpose of this Agreement and the Workforce Innovation and Opportunity Act (WIOA). The governing body of each County agrees to cooperate with the WDB in carrying out its responsibilities under the ACT as required in Section 107. The responsibilities of the Chief Elected Official of each County include:
  - Appointment of WDB members from respective counties;
  - Collaboration with the Board in the WDB’s selection of standing committee members;
  - Shared oversight of the One-Stop System also known as the SC Works System within the Workforce Development Area in partnership with the WDB, including agreement in the selection process for On-Stop Operators in the Workforce Development Area;
  - Negotiation with the WDB and Governors on local area performance measures; and
  - Collaboration with the WDB in the development and approval of the local and regional plan (s).

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SIGNATURE PAGE**

**BERKELEY COUNTY**

\_\_\_\_\_  
Signature of Chief Elected Official

4.03.2023

Date

X

\_\_\_\_\_  
John P. Cribb, Berkeley County Supervisor, and Council Chairman

**CHARLESTON COUNTY**

\_\_\_\_\_  
Signature of Chief Elected Official

4-5-2023

Date

X

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Herbert R. Sass, III, Charleston County Chairman

**DORCHESTER COUNTY**

\_\_\_\_\_  
Signature of Chief Elected Official

4/11/2023

Date

X

\_\_\_\_\_  
S. Todd Friddle, Dorchester County Chairman