

**Chief Elected Officials Consortium Agreement
of the Southwest Wisconsin Workforce Development Area**
for the Wisconsin Counties of Grant, Green, Iowa, Lafayette, Richland and Rock Counties under the
Workforce Innovation and Opportunity Act of 2014

-Amendment 1-

1. This amendment (the "Amendment"), dated June 23, 2022, is made by Chief Elected Officials of Grant, Green, Iowa, Lafayette, Richland, and Rock Counties through majority vote.
2. The Agreement is amended as follows:

Page 1, change 66.30 to 66.0301 (corrected statute reference)

Section 1, change 66.30 to 66.0301 (corrected statute reference); replace "described" with "codified"; replace "Opportunities" with "Opportunity"; and, insert "Title" before "29".

Section 2, replace "section" with "Title".

Section 3, the last sentence shall read: The Chairperson shall appoint a staff person of one of the consortium member counties or the administrative entity to serve as consortium clerk.

Section 8, Item 3, is deleted and replaced with the following language:

In the case of any misuse of grant funds allocated to the local area beyond the parameters stated above, the Consortium agrees to assume liability as required at [29 USC 3122\(d\)\(12\)\(B\)\(i\)\(I\) and \(II\)](#): Liability will be determined based upon the particular facts of the situation as to the responsibility of individual Consortium members for the particular funds. If the Counties are unable to reach agreement, the Consortium shall consider the following when determining responsibility for the repayment of misused funds:

- A. Workforce programs in the Southwest Wisconsin Workforce Development Area shall be administered prudently to minimize liability.
- B. Contracts for service delivery shall require indemnification by the contractor in the event that contractor errors or omissions result in disallowed costs or other liability;
- C. Service delivery contractors shall assume repayment of disallowed costs that result in their failure to implement WIOA programs according to public law 113-128, corresponding federal regulations, and/or State or Local policy;
- D. The SWWDB shall maintain adequate errors and omission insurance as described in the Joint Agreement, to cover CEOs and the SWWDB members;
- E. The Consortium is liable for any misuse of the grant funds allocated to the local area under sections 128 and 133 of the Workforce Innovation and Opportunity Act.
- F. In the case of any misuse of grant funds allocated to the local area, the Consortium agrees to assume liability as follows (Title [20 CFR Section 683.710](#)):
 - As the designated Fiscal Agent for WIOA Title 1 program funds, the SWWDB shall assume liability, not to exceed available reserves, for WIOA disallowed costs.

ENCLOSURE 3

- For disallowed costs exceeding Fiscal Agent reserves, liability will be determined by the CEO Consortium based upon the particular facts of the situation as to the responsibility of individual Consortium members for the particular funds.
 - G. Finally, after every possible method to reduce liability is exhausted, and the Counties are unable to reach agreement on relative liability, the liability, as determined by the CEO Consortium, shall be apportioned between the six counties in proportion to their respective percentage of the workforce expenditures by WIOA Program in the fiscal year the disallowed cost or other liability occurred. For example, if 10% of WIOA Adult program funds were expended in a County, that County would be responsible for 10% of the liability/disallowed cost.
3. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this amendment and the Agreement or any earlier amendment, the terms of this amendment will prevail.

For Grant County

Robert Keeney
Printed Name

Signature

County Board Chair
Title

Date

For Green County

Jerry Guth
Printed Name

Signature

County Board Chair
Title

Date

For Iowa County

John Meyers
Printed Name

Signature

County Board Chair
Title

Date

For Lafayette County

Jack Sauer
Printed Name

County Board Chair
Title

ENCLOSURE 3

Signature

Date

For Richland County

Marty Brewer
Printed Name

County Board Chair
Title

Signature

Date

For Rock County

Russ Podzilni
Printed Name

County Board Supervisor
Title

Signature

Date

Richard Bostwick
Printed Name

County Board Chair
Title

Signature

Date