

**OKALOOSA-WALTON
JOBS AND EDUCATION PARTNERSHIP, INC.**

(Doing Business As)

CAREERSOURCE OKALOOSA WALTON

BY-LAWS

**APPROVED BY
OKALOOSA-WALTON JOBS AND EDUCATION PARTNERSHIP
Revised June 2, 2021**

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.

This project is supported by the U.S. Departments of Labor, Health and Human Services, Education, and Agriculture as part of awards totaling \$3,912,739 with 0% financed from non-governmental sources.

**OKALOOSA-WALTON JOBS AND EDUCATION PARTNERSHIP, INC.
BY-LAWS**

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Appendix A Functions of The Local Workforce Development Board

Appendix B Minimum Board Membership Representation

**OKALOOSA-WALTON JOBS AND EDUCATION PARTNERSHIP, INC.
BY-LAWS**

ARTICLE I: NAME

The name of this organization shall be OKALOOSA-WALTON JOBS AND EDUCATION PARTNERSHIP, INC., Doing Business As (DBA) CareerSource Okaloosa Walton, also referred to as CSOW.

ARTICLE II: STATEMENT OF PURPOSE

The Bylaws are the provisions by which the local area will be governed and the LWDB and CareerSource Okaloosa Walton's Board will be managed. The primary purpose of the Board is to set policy and establish oversight of the workforce development system in Okaloosa and Walton counties. As the regional chartered governing board for Okaloosa and Walton counties CareerSource Okaloosa Walton will operate in accordance with Florida's Government in the Sunshine Law.

CareerSource Okaloosa Walton's Board has specific responsibility as the governing Board for federal and state employment and training programs, including, but not limited to the Workforce Florida Act of 1996, Workforce Innovation Act of 2000 (Chapter 445 F.S.), the Workforce Innovation and Opportunity Act (WIOA) of 2014, and any replacement or amended legislation affecting workforce development. The list of the Board's responsibilities required by WIOA can be found at **Appendix A** to the By-laws.

ARTICLE III: BOARD OF DIRECTORS

Section 1: General Powers.

The Business and affairs of the Corporation shall be managed by its Board of Directors.

Section 2: Composition of the Board of Directors.

The composition of the Board of Directors will be in accordance with any federal or state legislation governing local workforce development boards and in accordance with the Interlocal Agreement between Okaloosa and Walton Counties. The minimum required composition for recruiting, nomination, and appointment to the Board of Directors is at **Appendix B** to the By-laws.

The composition of the membership must generally reflect the racial, gender, and ethnic diversity of the community.

Amendments to the provisions of federal or state legislation or the Interlocal Agreement regarding membership requirements for local or regional boards may be implemented without prior amendment to these By-laws.

Section 3: Appointment and Term of Board Chair

The Board Chair shall be elected by the members of the Board and must be one of the business representatives on the Board. The Board Chair may serve for a term of no more than two years and may not serve for than two terms.

The Board Chair shall hold office for the term to which he/she is appointed and until a successor has been vetted and appointed or until his/her earlier resignation, removal from office, or death.

Section 4: Appointment and Term of Members

Board members shall be appointed for no more than eight consecutive years, unless a representative of a governmental agency. Service before July 1, 2021 does not count.

Any member appointed to fill the remaining time of the unexpired term of an outgoing member shall be appointed to only the remaining time of the unexpired term and at the end of the unexpired term may be reinstated by the CLEO for up to eight years.

Any member may be removed from the Board for cause in accordance with procedures established by the Board's By-Laws. In the event a member is removed for cause, CSOW Board will notify the CLEO which appointed the member.

All members appointed to the Board must agree to comply with Florida Government in the Sunshine Law, Conflict of Interest Disclosure, and Financial Disclosure requirements as applicable.

Section 5: Disqualification or Removal from the Board for Cause

The Chair is authorized to request a replacement appointment for any member of the Board of Directors for cause upon 2/3 vote of those Directors present and voting at a regular or special meeting of the Board at which such matter is included on the agenda. The term "cause" includes violations of the By-laws of CareerSource Okaloosa Walton or any governing federal, state, or local law or rule regulating workforce development programs.

Section 6: Resignation from the Board

Any member may resign from the Board by given written notice to the Board Chair.

Section 7: Replacement of Board Members.

The Chair is authorized to request a replacement appointment for any member of the Board of Directors who has voluntarily resigned from the Board or who has been absent for three or more consecutive meetings of the Board without any prior coordination. For the purpose of this section, a member shall not be deemed to be absent if represented by a designee or if present by telephonic or virtual communication.

Section 8: Reappointment to the Board

Previous Board members who were not Disqualified or removed from the Board for cause, may be nominated as a new Board member and appointed by the CLEO as long as they have not served more than eight consecutive years after July 1, 2021.

Section 9: Vacancies.

Vacancies on the Board will be filled in the same manner as original appointments.

Section 10: Regular Meetings.

Regular meetings of the Board of Directors will be held not less frequently than quarterly at a time and place designated by the Board. These meetings may be held virtually when consistent with State or Federal guidance.

Section 11: Special or Emergency Meetings.

Special and emergency meetings of the Board of Directors may be called by the Chair of the Board as necessary to conduct the business of the Board. The Chair shall fix the place, time, and date for holding any special meeting of the Board of Directors consistent with the provision of these By-laws.

Section 12: Notice of Meetings

Written notice of regular meetings of the Board shall be sent not less than seven (7) days prior to the scheduled date of the meeting. The Secretary or his/her designee shall have the responsibility for properly noticing all meetings of the Board of Directors.

Special meetings may be called as necessary by the Chair. Notice of special meetings shall be reasonable and necessary based on the circumstances. Telephone and faxed communications may be used to notify Directors of special called meetings.

All meetings of the Board of Directors shall be properly noticed in accordance with Florida's Government-in-the-Sunshine Law. The schedule of the meetings will be provided to Board members and the public.

Section 13: Quorum.

Forty percent (40%) plus one (1) voting Directors must be in attendance in person or by an electronic means of communication which allows all participating Directors to be heard simultaneously to constitute a quorum for all board meetings. Representatives of Directors shall not be considered in establishing a quorum. No business can be conducted unless a quorum exists.

Section 14: Voting.

All members of the Board of Directors, except ex-officio Directors, shall have the right to vote and to offer motions and to second motions on all issues except where a conflict of interest exists. Each Director has a duty and obligation to disclose any conflict of interest and abstain from voting on any issue where a conflict of interest exists. The abstention from voting and the conflict of interest declaration must be noted and recorded in the official minutes. Approval of any motion requires the affirmative vote of a simple majority of those Directors present and voting for passage unless specified elsewhere in these By-laws.

Proxy voting is not permitted. Persons attending any meeting of the Board of Directors in the absence of and as representatives of Directors may not offer motions or seconds or vote.

Section 15: Minutes

The Secretary or his/her designee shall have responsibility for maintaining accurate minutes of all Board meetings. Copies of all minutes for the preceding meeting shall be sent to all Directors prior to the next scheduled meeting. Minutes will be presented to the Board of Directors by the Secretary for approval.

Minutes of all meetings will be maintained by the designee of the Secretary and made available for public inspection and copying. Minutes will be posted to the CareerSource Okaloosa Walton's website within 15 days after approval by the Board.

ARTICLE IV: OFFICERS

Section 1: Number.

The officers of the Corporation shall be a Chair, a Vice-Chair, a Secretary a Treasurer, a Past Chair and a Member-At-Large representing each county, each of whom shall be elected by the Board of Directors. The Chair shall serve as Chairperson of the Board of Directors. The Chair and Vice-Chair shall be representatives of the private sector. All officers must be members of the Board of Directors.

Section 2: Election and Term of Office.

The Officers of the Corporation shall be elected annually at a regularly scheduled meeting of the Board of Directors which has been duly noticed for that purpose. Term of office shall be from July 1 through June 30. Election of officers shall be held at least 15 calendar days prior to the end of the term for current officers.

Section 3: Procedures for Election of Officers.

The Chair shall appoint a nominating committee and its chair to include representatives from both Okaloosa and Walton Counties. The Nominating Committee will present a slate of nominees for the positions of Chair, Vice-Chair, Secretary, Treasurer, Past Chair and an Executive Committee Member-at-Large from each county. The Secretary or his/her designee will provide written notice of the slate of nominees to the membership of the Board a minimum of **seven (7) calendar days prior** to the scheduled election.

Section 4: Removal.

Any officer elected or appointed by the Board of Directors may be removed by majority vote of the Board of Directors whenever, in its judgment, the best interests of the Corporation will be served thereby.

Section 5: Vacancies.

A vacancy in any office because of death, resignation, removal, disqualification or otherwise may be filled by the Board of Directors for the unexpired portion of the term.

Section 6: Duties of Officers.

(A) Duties of the Chair

The Chair shall be the Chief Executive Officer of the Corporation and preside as Chairperson at all meetings of the Board of Directors and Executive Committee. The Chair shall also serve as the principal representative and spokesperson of the Corporation and the Board of Directors for public information. The Chair shall appoint the chairpersons of all standing committees. The Chair may also appoint ad-hoc committees as necessary to conduct the business of the Board. The Chair shall have such additional powers and duties specifically conferred by law, by the Articles of Incorporation, by these By-laws, or as may be assigned from time to time by the Board of Directors.

(B) Duties of the Vice Chair

In the absence of the Chair, the Vice Chair shall preside at all meetings of the Board of Directors and the Executive Committee. The Vice Chair shall represent the Board on those occasions when the Chair is unable to do so. The Vice-Chair shall have such additional powers and duties specifically conferred by law, by the Articles of Incorporation, by these By-laws, or as may be assigned from time to time by the Board of Directors.

(C) Duties of the Secretary

The Secretary or his/her designee shall record all meetings of the Board of Directors, distribute copies of the minutes in a timely manner and ensure accountability for the maintaining of official files for the Board and shall have the authority to authenticate records of the Corporation. The

Secretary will ensure that minutes are available for inspection and copying by the public in accordance with the Florida Public Records Law.

The Secretary or his/her designee will ensure that notices of all meetings are provided to the membership and the public in a timely manner in accordance with the notice of meetings requirements of Florida's Government in-the-Sunshine law. The Secretary shall have such additional powers and duties specifically conferred by law, by the Articles of Incorporation, by these By-laws, or as may be assigned from time to time by the Board of Directors.

(D) Duties of the Treasurer

The Treasurer shall oversee the fiscal management and financial reporting functions of the Corporation. The Treasurer shall have such additional powers and duties specifically conferred by the law, by the Articles of Incorporation, by these By-laws, or as may be assigned from time to time by the Board of Directors.

Section 7. Delegation of Duties.

In the absence of or disability of any officer of the Corporation or for any other reason deemed sufficient by the Board of Directors, the Board may delegate such officer's powers or duties to any other officer or to any other Director for the time being.

ARTICLE V: EXECUTIVE COMMITTEE

Section 1: Membership and Terms.

The Executive Committee shall consist of the Chair, Vice-Chair, Secretary, Treasurer, Past Chair and one (1) director member-at-large from each of Okaloosa and Walton Counties.

Term of office for each elected office shall be from July 1 through June 30. The Chair may serve up to two (2) two-year terms or a term limit that may be legislated by federal or state legislation or policy as set by the Governor's State Policy Board, CareerSource Florida.

Section 2: Power to Act.

The Executive Committee shall have the power to act on behalf of the Board of Directors on all matters between meetings of the Board when time is of the essence. The actions of the Executive Committee are subject to ratification by the full Board of Directors. The Executive Committee shall also have such other powers as authorized by the Board of Directors.

ARTICLE VI: COMMITTEES

Section 1: Appointments.

The Chair of the Board shall appoint the chairpersons for all committees. The chair of the committee, in consultation with the Chair of the Board, shall recommend committee appointments which shall be subject to the approval of the Executive Committee.

Section 2: Standing Committees

The Executive Committee and the Finance and Audit Committee shall be the Standing Committees of the Board. Other committees will be appointed as needed to oversee and conduct the business of the Board. Standing committees will also be appointed as may be required by federal or state legislation or by state policy as set by the Governor's Policy Board, CareerSource Florida.

(A) Finance and Audit Committee

The Finance and Audit Committee shall have oversight of all fiscal management and operations including budgeting, financial reporting, and audits.

Section 3: Ad-Hoc Committees.

The Chair shall appoint Ad-Hoc Committees as necessary to conduct the business of the Board.

Section 4: Duties of Committee Chairs.

In consultation with the Board Chair, the committee chair shall recommend committee membership to the Executive Committee for approval.

The chair of each committee or his/her designee shall be responsible for properly noticing the committee meetings and for maintaining minutes of the committee meetings. The chair of the standing and ad-hoc committees shall report to the Executive Committee.

Section 5: Meetings of Committees.

Regular meetings of committees may be held, with proper notice, at such time and at such place as shall from time to time be determined by the Committee Chair. Special meetings of the committees may be called by the committee Chair upon two (2) days notice to each of the other members of the committee; or on such short notice as may be required by the circumstances. The form and method of notices shall be that as provided for under Section 7 of Article III of these By Laws (pertaining to Notice for Board of Directors Meetings).

All committee meetings shall be properly noticed in accordance with Florida's Government-in-the-Sunshine Law.

Section 6: Quorum.

A majority of the members of a committee must be in attendance in person or by an electronic means of communication which allows all participating members to be heard simultaneously to constitute a quorum for such meeting.

Section 7: Voting.

The vote of a majority of the committee members present at any meeting at which there is a quorum shall be the act of such committee. Proxy voting is not permitted. Persons attending any Committee meeting in the absence of and as representative of Directors may not offer motions or seconds or votes.

Section 8: Minutes of Committees.

The Chair of each committee shall ensure that regular minutes of their proceedings are kept and the same shall be reported to the Board of Directors when required.

ARTICLE VII: AUTHORITY

The Board is authorized to commit funds as necessary to conduct the business of the Corporation.

ARTICLE VIII: CONFLICT OF INTEREST

Each member of the Board of Directors has the responsibility to disclose any conflict of interest on any issue before the Board. A conflict of interest exists when a Director or a member of his/her immediate family stands to gain financially from the action contemplated by the Board or as may otherwise be established by law.

In accordance with legislation, a Director must abstain from voting or offering any motions on any issue where a conflict exists. The conflict and abstention must be noted in the minutes of Board or committee meetings.

Each Director shall be provided a copy of the Conflict of Interest policy and shall acknowledge receipt and willingness to comply with the policy standards. Each director shall be expected to complete a Disclosure Statement indicating potential financial sources of conflict of interest.

ARTICLE IX: INDEMNIFICATION OF DIRECTORS

The Corporation shall maintain a policy of Errors and Omissions insurance coverage to provide for the indemnification of the Directors. The Corporation shall and does hereby indemnify any person made a party to an action, suit or proceeding, whether civil or criminal or otherwise, brought to impose a liability or penalty on such person for an act alleged to have been committed by such person in his or her capacity of Director or Officer of the Corporation, or for any other corporation which he or she served as such at the request of the Corporation, against judgments

finances, amounts paid in settlement and reasonable expenses, including attorney's fees actually and necessarily incurred as a result of such action, suit or proceeding, or any appeal therein, if such Director or officer acted in good faith in the reasonable belief that such action was in the best interest of the Corporation, and in criminal actions or proceedings without reasonable ground for belief that such action was unlawful. The termination of any such civil or criminal or other action, suit or proceeding by judgment, settlement, conviction or upon a plea of nolo contendere shall not in itself create a presumption that any Director or officer did not act in good faith in the reasonable belief that such action was in the best interest of the Corporation or that he or she had reasonable ground for belief that such action was unlawful.

The foregoing rights of indemnification shall apply to the heirs and personal representatives of any such Director or officer and shall not be exclusive of other rights to which any provision of the Articles of Incorporation, these bylaws: or any agreement, may otherwise apply.

The Board of Directors shall approve the coverage of such errors and omissions policy on an annual basis.

ARTICLE X: AMENDMENTS

Any portion of these By-laws may be amended, modified, or repealed by an affirmative vote of a majority of those Directors present at a duly scheduled meeting of the Board of Directors. Before any vote can occur on any amendment to the By-laws, notice of the proposed changes in the By-laws must be sent to all Directors with the proper notice of the scheduled meeting.

ARTICLE XI: ENACTMENT PROVISIONS

These By-laws shall become effective upon the affirmative vote of a simple majority of voting members at a duly constituted and properly announced meeting of the Board of Directors.



Functions of the Local Workforce Development Board

Reference: 20 Code of Federal Regulations (CFR) 679.370.

As provided in WIOA sec. 107(d), the LWDB must:

- (a) Develop and submit a 4-year local plan for the local area, in partnership with the chief elected official and consistent with WIOA sec. 108.
- (b) If the local area is part of a planning region that includes other local areas, develop and submit a regional plan in collaboration with other local areas. If the local area is part of a planning region, the local plan must be submitted as a part of the regional plan.
- (c) Conduct workforce research and regional labor market analysis to include:
 - (1) Analyses and regular updates of economic conditions, needed knowledge and skills, workforce, and workforce development (including education and training) activities to include an analysis of the strengths and weaknesses (including the capacity to provide) of such services to address the identified education and skill needs of the workforce and the employment needs of employers;
 - (2) Assistance to the Governor in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region; and
 - (3) Other research, data collection, and analysis related to the workforce needs of the regional economy as the WDB, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions
- (d) Convene local workforce development system stakeholders to assist in the development of the local plan under 20 CFR 679.550 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the LWDB and standing committees in carrying out convening, brokering, and leveraging functions at the direction of the LWDB.
- (e) Lead efforts to engage with a diverse range of employers and other entities in the region in order to:
 - (1) Promote business representation (particularly representatives with optimum policymaking or hiring authority from employers whose employment

opportunities reflect existing and emerging employment opportunities in the region) on the LWDB.

- (2) Develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities.
 - (3) Ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and
 - (4) Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations;
- (f) With representatives of secondary and postsecondary education programs, lead efforts to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment;
- (g) Lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and job seekers, and identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs;
- (h) Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and job seekers, by:
- (1) Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area.
 - (2) Facilitating access to services provided through the one-stop delivery system involved, including access in remote areas.
 - (3) Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
 - (4) Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

- (l) In partnership with the chief elected official for the local area:
 - (1) Conduct oversight of youth workforce investment activities authorized under WIOA sec. 129(c), adult and dislocated worker employment and training activities under WIOA secs. 134(c) and (d), and the entire one-stop delivery system in the local area.
 - (2) Ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area; and
 - (3) Ensure the appropriate use management, and investment of funds to maximize performance outcomes under WIOA sec. 116.
- (j) Negotiate and reach agreement on local performance indicators with the chief elected official and the Governor.
- (k) Negotiate with CEO and required partners on the methods for funding the infrastructure costs of one-stop centers in the local area in accordance with 20 CFR 678.715 of this chapter or must notify the Governor if they fail to reach agreement at the local level and will use a State infrastructure funding mechanism.
- (l) Select the following providers in the local area, and where appropriate terminate such providers in accordance with 2 CFR part 200:
 - (1) Providers of youth workforce investment activities through competitive grants or contracts based on the recommendations of the youth standing committee (if such a committee is established); however, if the LWDB determines there is an insufficient number of eligible training providers in a local area, the LWDB may award contracts on a sole-source basis as per the provisions at WIOA sec. 123(b);
 - (2) Providers of training services consistent with the criteria and information requirements established by the Governor and WIOA sec. 122.
 - (3) Providers of career services through the award of contracts, if the one-stop operator does not provide such services; and
 - (4) One-stop operators in accordance with 20 CFR 678.600 through 20 CFR 678.635 of this chapter.
- (m) In accordance with WIOA sec. 107(d)(10)(E) work with the State to ensure there are sufficient numbers and types of providers of career services and training services serving the local area and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities;

- (n) Coordinate activities with education and training providers in the local area, including:
 - (1) Reviewing applications to provide adult education and literacy activities under WIOA title II for the local area to determine whether such applications are consistent with the local plan.
 - (2) Making recommendations to the eligible agency to promote alignment with such plan; and
 - (3) Replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;
- (o) Develop a budget for the activities of the LWDB, with approval of the chief elected official and consistent with the local plan and the duties of the LWDB.
- (p) Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the local area, in accordance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and
- (q) Certification of one-stop centers in accordance with 20 CFR 678.800 of this chapter.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.

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Interlocal Agreement

July 1, 2020 – June 30, 2024

Minimum Board Membership Representation

| Board Membership Representation | Okaloosa County | Walton County | At-Large Okaloosa/Walton Counties | Total Members |
|--|------------------------|----------------------|--|----------------------|
| <u>BUSINESS</u> | | | | |
| • <i>Business Representatives*</i> | 7 | 7 | N/A | 14 |
| <u>ECONOMIC DEVELOPMENT</u> | | | | |
| • Economic Development Organizations | 1 | 1 | N/A | 2 |
| <u>LABOR/APPRENTICESHIPS</u> | | | | |
| • <i>Organized Labor/ Representative of Employees</i> | 2 | 0 | N/A | 2 |
| • <i>Labor Membership/ Apprenticeship</i> | 0 | 0 | 1 | 1 |
| <u>EDUCATION</u> | | | | |
| • <i>Adult Education/ Literacy</i> | 0 | 1 | N/A | 1 |
| • <i>Institutions of Higher Education</i> | 1 | 1 | N/A | 2 |
| • <i>Private Education Provider</i> | 1 | 0 | N/A | 1 |
| <u>COMMUNITY DEVELOPMENT - STATE</u> | | | | |
| • <i>State Employment Representative**</i> | 0 | 0 | 0 | 0 |
| • <i>Rehabilitation Services</i> | 0 | 0 | 1 | 1 |
| <u>COMMUNITY DEVELOPMENT - OTHER</u> | | | | |
| • <i>Community Services Block Grant</i> | N/A | N/A | 1 | 1 |
| • <i>Community Based Organization Serving Disabled Individuals</i> | N/A | N/A | 1 | 1 |
| • <i>Department of Children and Family Services</i> | 0 | 0 | 1 | 1 |
| TOTAL VOTING MEMBERS | 12 | 10 | 5 | 27 |

*A majority of Board members shall be representatives of business in the local area

** to be appointed by the State of Florida – currently vacant

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