



Mohave County Request for Board Action

Date Submitted:

11/5/2025

BOS Meeting Date Requested: *

11/17/2025

Submitted By: *

Michael Smith

Submitting Department: *

Community Services

Requested Board Action Type *

Consent

Summarize The Issue and Desired Action Clearly: *

Approve the Memorandum (MOU) of Understanding Regarding Conflict of Interest between the Mohave County Community Services Department and the Mohave/La Paz Workforce Development (WDB) and authorize the Chairman of the Mohave County Board of Supervisors to sign the MOU.

The Workforce Innovation and Opportunity Act (WIOA) and the WIOA Final Rules issued by U.S. Department of Labor requires that when local organizations, such as Mohave County Community Services Department, function simultaneously in a variety of roles, including local fiscal agent, local WDB staff, one-stop operator, and direct provider of services, and the organization has been selected or otherwise designated to perform more than one of these functions a written agreement must be developed with the Local WDB and the Chief Elected Official to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant Office of Management and Budget circulars, and the State's conflict of interest policy.

On October 16, 2025, the Mohave/ La Paz WDB approved the MOU at their regular meeting.

Recommended Motion: *

Approve the Memorandum of Understanding (MOU) Regarding Conflict of Interest between Mohave County and the Mohave/La Paz Workforce Development Board (WDB) and authorize the Chairman of the Mohave County Board of Supervisors to sign the MOU.

Attach Backup Material

11172025 BAF WDB-CSD Conflict of Interest.pdf

2.83MB

A Single PDF Only (maximum file size 800MB)

Are there pages that require signatures? *

Yes No

Does this create a New Grant or update an existing Grant? *

Yes No

MOHAVE COUNTY REQUEST FOR BOARD ACTION FORM

FROM: Michael Smith, Community Services Director

CONTACT/EXT: Michael Smith Ext. 4780

DATE: 10/23/2025

BOS MEETING DATE: 11/17/2025

FORMAL ACTION

CONSENT

RESOLUTION

OTHER

INFORMATION ONLY

SUMMARIZE THE ISSUE & DESIRED ACTION CLEARLY/ATTACH BACKUP MATERIAL:

Approve the Memorandum (MOU) of Understanding Regarding Conflict of Interest between the Mohave County Community Services Department and the Mohave/La Paz Workforce Development (WDB) and authorize the Chairman of the Mohave County Board of Supervisors to sign the MOU.

The Workforce Innovation and Opportunity Act (WIOA) and the WIOA Final Rules issued by U.S. Department of Labor requires that when local organizations, such as Mohave County Community Services Department, function simultaneously in a variety of roles, including local fiscal agent, local WDB staff, one-stop operator, and direct provider of services, and the organization has been selected or otherwise designated to perform more than one of these functions a written agreement must be developed with the Local WDB and the Chief Elected Official to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant Office of Management and Budget circulars, and the State's conflict of interest policy. On October 16, 2025, the Mohave/ La Paz WDB approved the MOU at their regular meeting.

RECOMMENDED MOTION:

Approve the Memorandum (MOU) of Understanding Regarding Conflict of Interest between the Mohave County Community Services Department and the Mohave/La Paz Workforce Development (WDB) and authorize the Chairman of the Mohave County Board of Supervisors to sign the MOU.

Reviewed and Approved By:

County Attorney Human Resources Finance County Manager

Board Action Taken:

Approved as Requested No Action Taken Disapproved

Continued to _____ Approved with the following changes:

Acknowledged receipt and referred to: _____

Filing Information and Retrieval

Filed Bid _____ Filed Agreement _____
BOS Resolution _____ Filed Yearly Correspondence _____
Filed Petition _____ Filed Dedication _____
Filed Land Sold _____ Filed Land Acquired _____
Filed Franchise _____ ID Resolution _____
Filed Improvement District _____ Filed Other _____

Date Routed:

Additional Information:

XC:



Zafer Genc
Workforce Development Board
Chairperson

700 W. Beale Street Phone: (928) 753-0723
Mailing: P O Box 7000 Fax: (928) 753-0776
Kingman, AZ 86402 Website: www.mohave.gov

MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE MOHAVE/LA PAZ WORKFORCE DEVELOPMENT BOARD (WDB) AND MOHAVE COUNTY TO ALLOW THE MOHAVE COUNTY COMMUNITY SERVICES DEPARTMENT (MCCSD) TO PROVIDE WIOA TITLE IB SERVICES AND TO ADDRESS POTENTIAL CONFLICTS OF INTEREST

A) PURPOSE:

The purpose of this MOU is to provide an instrument for the Mohave/La Paz Workforce Development Board (WDB) to select Mohave County's designee, the Mohave County Community Services Department, to be the provider of Career Services for WIOA Title IB Adult and Dislocated Worker and to provide career coaching and other services for WIOA Youth for Mohave/La Paz Workforce Development Area (WDA) in accordance with the attached Scope of Services. In addition, this MOU recognizes WDB approved firewalls to mitigate potential conflicts of interest between provider of service and oversight of those services and the grantee/ fiscal agent.

B) BACKGROUND

The Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128 was signed into law on July 22, 2014. The Act took effect on July 1, 2015, and Final Rules were issued for WIOA by Department of Labor on August 19, 2016, in the Federal Register, Vol.81, no. 161.

Mohave County and La Paz County have duly constituted themselves to be the Mohave/La Paz Workforce Development Area for purposes of WIOA Section 107(C)(1)(B), and the Chief Local Elected Officials, hereinafter referred to as "CLEO", have constituted themselves as the Mohave County and La Paz County Boards of Supervisors Chairpersons, The Workforce Development Area shall be governed by the Chief Local Elected Officials (CLEO) of each member jurisdiction, or the designee thereof, as provided in the Partnership Agreement or IGA.

Mohave County Board of Supervisors is the grant recipient and fiscal agent as outlined in WIOA 107(d)(12)(B)(I)(II) and is the lead CLEO (LCLEO) per the Partnership Agreement between Mohave and La Paz Counties. As the LCLEO, the Mohave County Board of Supervisor's Chairman has signatory authority to sign contracts and enter into agreements related to the WIOA.



Zafer Genc
Workforce Development Board
Chairperson

700 W. Beale Street Phone: (928) 753-0723
Mailing: P O Box 7000 Fax: (928) 753-0776
Kingman, AZ 86402 Website: www.mohave.gov

The purpose of the Workforce Development Board (WDB) is defined as (20 CFR 679.300 (b):

1. Provide strategic and operational oversight in collaboration with the required and additional partners and workforce stakeholders to help develop a comprehensive and high-quality workforce development system in the local area and planning region;
2. Assist in the achievement of the State's strategic and operational vision and goals as outlined in the Unified State Plan or Combined State Plan; and
3. Maximize and continue to improve the quality of services, customer satisfaction, and effectiveness of the services provided.

The WDB with the agreement of the CLEO is responsible for the selection of Operations and Providers of Career Services and Eligible Training Providers and where appropriate terminate such providers (WIOA section 107 (d)(10)). The One Stop Operator had to be competitively procured according to WIOA section. 107 (g)., however, according to Department of Labor guidance there is no clear statutory requirement for provision of career services and therefore Local WDB's do not have to undertake a competitive process to offer career services (WIOA Final Rule, Federal Register, Vol. 81, No. 161 August 19, 2016, p.16105.) Also, the grant recipient/designated fiscal agent has the option to provide directly some or all youth workforce investment activities (20 CFR 681.400). However, Department of Labor TEGL 21-16, indicates that this is a decision of the local board not the grant recipient/fiscal agent.

A request for Proposal (RFP) 23-P-04 was issued by Mohave County Procurement Department on December 05, 2022, and on February 22, 2023, the Mohave County Board of Supervisors awarded a contract to Chicanos Por La Casa., Inc. Phoenix, AZ to provide One Stop Operator and WIOA Title IB Adult, Dislocated Worker Career Services based upon recommendation by the WDB RFP Review Committee. The Mohave/La Paz WDB is not a legal entity capable of awarding contracts directly to service providers. Mohave County, the WIOA grantee, agreed to continue to provide its WIOA Youth program services through its Community Services Department.

At the April 24, 2024, WDB Meeting, Chicano Por La Casa announced that it would be ending its contract for WIOA One Stop Operator and provider of career services for the Adult and Dislocated Worker programs for the WDA effective June 30, 2024. At that meeting the WDB wanted Mohave



Zafer Genc
 Workforce Development Board
 Chairperson

700 W. Beale Street Phone: (928) 753-0723
 Mailing: P O Box 7000 Fax: (928) 753-0776
 Kingman, AZ 86402 Website: www.mohave.gov

County Community Services department (MCCSD) to take over the provision of these services. The One Stop Operator would need to be competitively procured per WIOA. The One Stop Operator Procurement, RFP 24P11, was issued by Mohave County Procurement Department on May 29, 2024, and award was made by the Mohave County Board of Supervisors on August 19, 2024, to Eckard Connects of Clearwater, FL, based on the WDB Review Committee Recommendation. At the August 6, 2024, WDB meeting the board voted unanimously for MCCSD to provide career services for WIOA Title IB, Adult, Dislocated Worker and to operate the WIOA Youth Program, providing case management and other services through June 30, 2025. MCCSD explained that it would follow the same local performance standards that were in the previous contracts with Chicano Por La Casa. The board also established the WDB Performance Review Committee as means to mitigate any potential conflict of interest, establish appropriate firewalls, and provide oversight.

At the April 25, 2024, WDB meeting the board approved a Memorandum of Understanding with Mohave County that addresses potential conflicts of interest and identifies Mohave County Community Services at the provider of Career Services WIOA Title IB Adult and Dislocated Worker and to provide case management and other services for WIOA Youth. This MOU was signed by the Mohave County Board of Supervisors on May 20, 2024. The Duration of the agreement was through June 30, 2025.

C) CONFLICT OF INTEREST/FIREWALLS:

Local organizations often function simultaneously in a variety of roles, including local fiscal agent, Local WDB stall, One Stop Operator, and direct provider of services. Any organization that has been selected or otherwise designated to perform more than one of these functions must develop a written agreement with the Local WDB and CEO to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant Office of Management and Budget circulars, and the State’s conflict of interest policy (20 CFR 679.430). The same person or department cannot both provide services and oversee/monitor the provision of those services (Joint WIOA Final Rule, page 55898; Federal Register, Vol 81, no. 161, August 19, 2016). There must be appropriate firewalls between staff providing services and staff responsible for oversight and monitoring of services to ensure that the same person or department is not overseeing, monitoring, and evaluating its own performance in providing services. This provision applies when the same entity is a direct service provider and provides staff to the LWDB, or when the One Stop Operator serves also as a direct service Provider (20 CFR 678.625).

The Workforce Development Manager reports to the Director. The Director is not involved in any of the day-to-day operations associated with Workforce Development program, administrative oversight is provided only. Changes and/or reviews to Workforce Program operations are completed through the Performance Review Committee. The Workforce Development Manager meets with the Performance Review Committee at a minimum, quarterly, to provide updates on program negotiated outcomes, expenditures throughout Adult, Dislocated Worker and Youth programs accounting for community support and positive movement towards measurable outcomes. Any changes, requests for ratifications, strategic guidance or approvals that occur within the quarterly Performance Review Committee Meetings are then presented to the entire Workforce Development Board for recommendations and



Zafer Genc
Workforce Development Board
Chairperson

700 W. Beale Street Phone: (928) 753-0723
Mailing: P O Box 7000 Fax: (928) 753-0776
Kingman, AZ 86402 Website: www.mohave.gov

further action. The Workforce Development Manager would, then, be given the recommendation and strategic guidance after the entire Workforce Development Board has voted to move forward with strategic guidance, action, and/or ratifications. The Workforce Development Manager is responsible to develop the plan to carry these new recommendations and guidance forward. The Finance personnel do not have access to program information, and the Workforce Development Manager does not have access to the finance data base to ensure continuity of the program.

D) WDB PERFORMANCE REVIEW COMMITTEE:

In an effort to prevent any conflicts of interest and to establish firewalls between MCCSD as representative of the grantee/fiscal agent and a provider of career services for Title IB Adult, Dislocated Worker and Youth, and also the agency that would be responsible for oversight and monitoring of those services, the WDB established the WDB Performance Review Committee as Standing Committee of the WDB with the responsibilities listed below:

1. Develop, review and approve local performance standards for contracts/ service providers;
2. Review fiscal and programmatic performance of contractors/service providers;
3. Report to the WDB on contractor/service provider performance;
4. Make recommendations to the WDB for corrective action regarding service provider deficiencies and corrective action plans;
5. Review monitoring results and make recommendations to the WDB;
6. Make recommendations to the WDB regarding renewal of contracts or MOU's for contractors/service providers.

In addition to the Performance Review Committee and Local WDB performance standards for enrollment and expenditure of funds and business services, MCCSD and the WDB acknowledges the following firewalls to ensure no potential conflicts of interest or mismanagement arise:

1. MCCSD financial administration, including WOPA funding, is monitored by Mohave County Finance Department and must meet Mohave County fiscal controls on an ongoing basis. In addition, Arizona Department of Economic Security (ADES) performs fiscal monitoring of the grant at least annually.
2. The WDB has developed the WDB Monitoring Policy for both program and fiscal monitoring that applies to any contractor including MCCSD and will involve oversight of the WDB Performance Review Committee.
3. ADES annually monitors MCCSD WIOA Programs.



Zafer Genc
Workforce Development Board
Chairperson

700 W. Beale Street Phone: (928) 753-0723
Mailing: P O Box 7000 Fax: (928) 753-0776
Kingman, AZ 86402 Website: www.mohave.gov

4. The WDB understands that the board could hire a Director and staff to the board out of WIOA administration funds; however, the WDB has not chosen to exercise this option. In Mohave/La Paz WDA, the LCLEO appointed the WDA Director to assist the WDB in the performance of its duties and the WDB supports this appointment.
5. The Workforce Development Manager is responsible for WIOA program operations and supervision of staff as contractor of services for Title IB Adult, Dislocated Worker and Youth programs, reports to the WDB Performance Review Committee and the WDB. The Workforce Program Manager is housed within the Mohave County Community Services Department (MCCSD) and reports to the MCCSD/WDA Director under the county system. However, the MCCSD/Director is not involved in the day-to-day operations or direct supervision of program staff.

E) SCOPE OF SERVICES:

MCCSD agrees to operate the WIOA Title IB Adult, Dislocated Worker and Youth Program and provide career services and Youth Program career coaching and other services as directed by the WDB, with the approval of the Lead Chief Local Elected Official (LCLEO), the Chairman of the Mohave County Board of Supervisors, in accordance with Attachment A-Scope of Services.

MCCSD understands that as a service provider under WIOA Title IB, the department, as a part of the Mohave County government, is considered a sub-recipient of federal funds and must follow the uniform guidance at 2 CFR Part 200, including the contractual provisions in 2 CFR 200.36 and 2 CFR Part 2900. Mohave County has also agreed to the above Intergovernmental Agreements with ADES.

WDB agrees to implement appropriate firewalls as specified herein so as to fulfill the purposes of this MOU, and MCCSD agrees to comply with the WDB implemented firewalls.

F) DURATION:

This MOU shall become effective July 1, 2025 upon approval by the Mohave County Board of Supervisors and the Mohave La Paz Workforce Development Board (WDB) and execution of this MOU by the parties' authorized representatives and shall continue through June 30, 2026.



Zafer Genc
Workforce Development Board
Chairperson

700 W. Beale Street Phone: (928) 753-0723
Mailing: P O Box 7000 Fax: (928) 753-0776
Kingman, AZ 86402 Website: www.mohave.gov

G) METHOD OF PAYMENT:

Payments will be made on a cost reimbursement basis. MCCSD bills Arizona Department of Economic Security (ADES) on a monthly basis. MCCSD provides Monthly Expenditure and Cash Draw Reports and Detailed Expenditure Breakdown to ADES. The WDB approves expenditures at their quarterly meetings.

H) TERMINATION:

This MOU may be terminated for breach, default, cause or convenience by either party by giving thirty (30) days written notice to the other party of its intention to terminate this MOU.

I) MODIFICATION:

This MOU may be modified at any time with written notice of the WDB to LCLEO, or vice versa, and with written agreement of the parties.

J) RENEWAL:

This MOU may be renewed at the request of the WDB and the written agreement of LCLEO for an additional two (2) year period.

K) DISPUTES, GRIEVANCE AND CLAIMS:

Disputes should be resolved at the lowest level and would first involve a meeting of the MCCSD Director and WDB Chair. If resolution is not achieved at that level, a meeting between WDB, MCCSD and the LCLEO will be called to reach a resolution. If resolution is still not achieved, all the parties agree to submit disputes arising out of or relating to this agreement through arbitration, to the extent required by A.R.S. § § 12-1518 (B) and 12-133, except as may be required by other applicable statutes.



Zafer Genc
Workforce Development Board
Chairperson

700 W. Beale Street Phone: (928) 753-0723
Mailing: P O Box 7000 Fax: (928) 753-0776
Kingman, AZ 86402 Website: www.mohave.gov

L) PERFORMANCE REPORTING:

MCCSD reports programmatic and fiscal performance to the WDB Performance Review Committee on a quarterly basis, which in turn reports to the WDB quarterly. MCCSD also reports to ADES as follows: No later than the 30th day following each month in which services were provided during the contract term, the Contractor shall submit financial reports to ADES in the form set forth within that contract and will submit ETA 9130 Quarterly Report within thirty (30) days after the end of the quarter.

M) MONITORING:

MCCSD is continually monitored by the WDB Performance Review Committee and the WDB for compliance with local performance standards. Also, MCCSD Follows the WDB Monitoring Policy which calls for an audit annually for any contractor which will be an internal programmatic and fiscal audit to be conducted at the end of the fiscal year in accordance with the policy and 20 CFR § 683.410 and the uniform administrative requirements at 29 CFR parts 95 and 97. In addition, ADES will monitor the MCCSD annually and/or any subcontractor(s) who shall cooperate in the monitoring of services delivered; facilities; records maintained and fiscal practice.

N) RECORDS:

All records are the property of the Mohave/La Paz Workforce Development Area, Mohave County, ADES, and U.S. Department of Labor and are subject to inspection and audit. MCCSD must retain these records for five (5) years after the date of their last expenditure report. If any litigation, claim, negotiation, or audit is started before the expiration of the five (5) year period, all records related to this MOU must be retained until all findings have been resolved and final action taken or until the end of the regular five (5) year period, whichever is later.

O) AUDIT:

All records shall be subject to inspection and audit by the U.S. Department of Labor and the State of Arizona at reasonable times. Upon request, MCCSD shall produce the original of any or all such records. The WIOA Program is subject to Federal Single Audit Act requirements.



Zafer Genc
Workforce Development Board
Chairperson

700 W. Beale Street Phone: (928) 753-0723
Mailing: P O Box 7000 Fax: (928) 753-0776
Kingman, AZ 86402 Website: www.mohave.gov

P) COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS:

MCCSD will abide and comply fully with all state, federal and local laws, ordinances, rules, regulations and/or executive orders, including but not limited to provisions of the laws listed below:

- WIOA Section 188, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title IB Financially assisted program or activity;
- Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Americans with Disabilities Act (ADA) of 1990 which prohibits discrimination against qualified people with disabilities based on disability;
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
- Title IX of the Education Amendments of 1972, as amended, which prohibits the discrimination on the basis of sex in educational programs;
- Debarment and Suspension (Executive Orders 12549 and 12689)- A contract award (see 2 CFR § 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Order 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred suspended or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12579.52.1;
- 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the operation of the WIOA Title IB financially assisted program or activity, and to all agreements the contractor makes to carry out the WIOA Title I-B financially assisted program or activity. The undersigned understands the United States has the right to seek judicial enforcement of the assurance.



MOHAVE | LA PAZ COUNTIES



Zafer Genc
Workforce Development Board
Chairperson

700 W. Beale Street Phone: (928) 753-0723
Mailing: P O Box 7000 Fax: (928) 753-0776
Kingman, AZ 86402 Website: www.mohave.gov

IN WITNESS WHEREOF, the parties hereto have executed this MOU on the dates set forth opposite their signatures below.

MOHAVE/ LA PAZ WORKFORCE DEVELOPMENT BOARD

Zafer Genc, Chairman of the
Workforce Development Board

10-16-25

Date

MOHAVE COUNTY, a body politic and corporate and political subdivision of the State of Arizona

Travis Lingenfelter, Chairman of the
Mohave County Board of Supervisors

11-17-25

Date

APPROVED AS TO FORM AND AUTHORITY TO ENTER MOU:

Tingwei Chavez
Deputy Mohave County Attorney

11-17-25

Date

ATTEST:

Laura Skubal
Clerk of the Board

11-17-25

Date