

ATTACHMENT A
(4)



City of Omaha
Jean Stothert, Mayor

RECEIVED

2015 APR 20 PM 3:00

CITY CLERK
OMAHA, NEBRASKA

Law Department

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 804
Omaha, Nebraska 68183-0804
(402) 444-5115
FAX: (402) 444-5125

Paul D. Kratz
City Attorney

Honorable President

and Members of the City Council,

Attached for your consideration is a Resolution requesting approval of the proposed Interlocal Agreement among the City of Omaha, Sarpy County, Douglas County and Washington County for the revision and update of an earlier Interlocal Agreement among the same parties to comply with the Workforce Innovation and Opportunity Act of 2014 (WIOA).

The provisions of the attached agreement, upon execution and approval as provided, shall supersede and replace the agreement among the above referenced parties approved by the City Council on March 11, 2014.

Your favorable consideration of this request will be appreciated.

Sincerely,

Jean Stothert, Mayor
City of Omaha

**CITY OF OMAHA- DOUGLAS COUNTY – SARPY COUNTY –
WASHINGTON COUNTY**

Local Workforce Development Area Interlocal Agreement

THIS AGREEMENT is entered into this _____ day of _____, 2015, by and between the City of Omaha, Nebraska, a municipal corporation (Omaha), the County of Douglas, Nebraska (Douglas County), the County of Sarpy, Nebraska (Sarpy County) and the County of Washington, Nebraska (Washington County), all political subdivisions of the State of Nebraska.

WHEREAS, the parties are authorized by the statutes of the State of Nebraska; including the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et. seq. as amended, to enter into cooperative agreements for the mutual benefit of the parties and to provide services in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, the parties have previously entered into an Interlocal Agreement for the purposes of establishing a local system under the Workforce Investment Act of 1998 (WIA); and

WHEREAS, the Workforce Innovation and Opportunity Act of 2014 (WIOA) was passed in July, 2014 and replaces the Workforce Investment Act of 1998 (WIA); and,

WHEREAS, to comply with the provisions of the (WIOA) a new Interlocal Agreement must be executed among the City of Omaha, Douglas County, Sarpy County and Washington County; and,

WHEREAS, the changes to the Interlocal Agreement consist of updating the provisions for selection of a Local Workforce Development Board and replacing the (WIA) references with the (WIOA).

NOW, THEREFORE, it is mutually agreed between the parties of City of Omaha, Douglas County, Sarpy County and Washington County that they enter into this agreement upon the

following terms and conditions:

1. **Purpose.** The purpose of this agreement is to establish a local system to be designated as a local workforce development area under the Workforce Innovation and Opportunity Act of 2014 as a cooperative exercise of authority among the parties without creating a separate joint entity and to designate an authorized representative to function as the "chief elected official" under the WIOA.
2. **Local Workforce Development Area.** In accordance with the designation of the Governor of the State of Nebraska, the Greater Omaha Local Workforce Development Area shall mean the City of Omaha, Douglas County, Sarpy County, and Washington County, Nebraska.
3. **Local Workforce Development Board (WDB).** Heartland Workforce Solutions, Inc., a non-profit corporation (HWS) is the administrative entity for the Greater Omaha Local Workforce Development Area and the Heartland Workforce Solutions Board shall act as the Local Workforce Development Board. The WDB shall consist of such members as provided in the WIOA in accordance with the criteria of the Governor of the State of Nebraska which at a minimum shall include at least 19 members as follows:

Members appointed to the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. A majority of the members of the local board shall be representatives of business in the local area. Business members must represent high quality, work relevant employment opportunities in in-demand industry sectors or occupations in the local area. The local board shall elect a chairperson for the local board from among the representatives of business on the local board.

Composition of the Local Board

Composition Criteria – WIOA provides that the members of each local board shall include:

- (a) Representatives of Business
 - (i) A majority (at least 51 percent) of the membership shall be representatives of business in the local area who are owners of business, and other business executives or employers with optimum policymaking or hiring authority;
and,
 - (ii) represent businesses, including small businesses, with employment opportunities that reflect the employment opportunities of the local area. At a minimum, the H3 (high-wage, high skill, high demand) criteria and occupations must be used to define a local area's high quality, in-demand industry sectors and occupations; **and,**
 - (iii) are to be appointed from among individuals (plural) nominated by local business organizations and business trade associations.
- (b) Representatives of the Workforce - A minimum of 20 percent of the members shall

include representatives of the workforce (workers) in the local area who:

- (i) shall include representatives (two or more) of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees; **and**,
- (ii) shall include a representative (at least one) from a labor organization or a training director, from a joint-labor management apprenticeship program, or if no such program exists in the area, such a representative of an apprenticeship program in the area, if one exists; **and**,
- (iii) may include (optional) representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; or in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

- (c) Representatives (two or more) of Education and Training - Each local board shall include representatives of entities administering education and training activities in the local area who:

- (i) shall include a representative of eligible providers administering adult education and literacy activities; **and**,
- (ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges); **and**,
- (iii) may include representatives of local education agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.

If there are multiple eligible providers serving the local area by administering adult education and literacy services, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative from this category of local board composition shall be appointed from among individuals nominated by local providers representing such providers or institutions respectively.

- (d) Representatives (three or more) of Government, Economic and Community Development - Each board shall include members of governmental and economic and community development entities serving the local area who:

- (i) shall include a representative of economic and community development entities; **and**,
- (ii) shall include a representative from the State employment office under the Wagner-Peyser Act serving the local area; **and**,
- (iii) shall include a representative of vocational programs carried out under Title I of the Rehabilitation Act of 1973 (other than section 112 or Part C) serving the local area; **and**,
- (iv) may include (optional) representatives of agencies or entities administering

programs serving the local area relating to transportation, housing and public assistance; and,

- (v) may include (optional) representatives of philanthropic organizations serving the local area;
 - (e) Other Optional Representatives – Each local board may include such other individuals or representatives of entities as the CEO in the local area may determine to be appropriate.
 - (f) HWS shall be the fiscal agent of the WDB. The Omaha City Attorney or their designated representatives shall provide legal services to the WDB as may be required. The Mayor or a designated staff person representing the Mayor shall be a voting member of the board. In addition, one representative from each of the Boards of Douglas County, Sarpy County and Washington County shall be a voting member of the board.
4. **Authorized Representative Designated.** The mayor of Omaha (Mayor) is hereby designated as the authorized representative of the parties to serve as the "chief elected official" as defined by § 3(9). This designation shall include, but shall not be limited to the authority to:
- (a) Appoint members to the WDB in accordance with the WIOA and following the HWS nomination process.
 - (b) Approve a memorandum of understanding with the WDB consistent with the WIOA to provide for the operation of the one-stop delivery system in the Greater Omaha Area.
 - (c) Approve the WDB designation of the local area used for measuring the performance of the local fiscal agent (where appropriate), eligible providers, and the one-stop delivery system.
 - (d) Approve the WDB local plan submission;
 - (e) Provide administration as provided in this agreement; and
 - (f) Carry out any other responsibilities assigned to the chief elected official.
5. **Duties of the WDB.** The WDB shall have the duties in the Greater Omaha Workforce Development Area as provided in the WIOA and approved in the local plan.
6. **Administration.** The Mayor and/or the designated Administrative Entity for the Greater Omaha Workforce Development Area, Heartland Workforce Solutions, Inc., a non-profit corporation (HWS), shall administer the funds allocated to the local system. The Mayor shall have authority to approve or deny applications for funds for the local system and execute all contracts and agreements entered into with the United States Department of

Labor, the Governor of Nebraska, or other departments, agencies, organizations, businesses, or local governments as deemed necessary and desirable under the WIOA or under the local plan promulgated pursuant to the WIOA. The Mayor and/or HWS shall not approve the local plan until said plan has been reviewed and commented upon by Douglas County, Sarpy County and Washington County. Each party shall have thirty (30) days from receipt of the local plan to review and comment. The administration of budgeted funds shall include the right to apply for, receive, and expend grants, and to make transfers of unencumbered balances or portions thereof between major expense categories. HWS shall notify the Mayor of all requests to transfer funds and within seven (7) days after this notification the Mayor and/or HWS shall inform the Douglas County, Sarpy County and Washington County of the requests to transfer by sending an appropriate written statement. Each party shall have fourteen (14) days from notification by the Mayor and/or HWS to respond to the proposed transfer of funds. If there is no response within fourteen (14) days, the party is deemed to have approved of the transfer.

7. **Budget Process.** The budget for the Greater Omaha Workforce Development Area shall be prepared annually by HWS on behalf of the WDB. The budget shall be presented to the governing bodies at least 30 days prior to being approved by HWS Board. Any budget modification action requiring the expenditure of funds not permitted by the annual budget, shall require the separate approval of the governing bodies within fourteen (14) days from notification by the Mayor and/or HWS. If there is no response within fourteen (14) days, the party is deemed to have approved of the transfer.
8. **Purchasing.** All purchases for the Greater Omaha Workforce Development Area shall be made in accordance with applicable law and the purchasing regulations of the City and the HWS procurement policy, and all funds of the department shall be handled by and through the Administrative Entity, HWS. No funds shall be disbursed except as authorized by this agreement. Unencumbered balances remaining at the end of each year shall be returned to the Administrative Entity, HWS to be applied to appropriations for the following year.
9. **Duration/Termination.** This agreement shall be and remain in full force and effect for one (1) year from the date hereof and every year thereafter unless terminated by one (1) year's written notice by either party or upon the election of a new Chief Elected Official. In case of termination, the property, equipment, and funds of the local system shall be returned to the parties in proportion to their contributions, or as may be otherwise agreed. Otherwise, all real and personal property acquired, held or disposed of for the local system shall be considered as property of the City of Omaha unless provided otherwise in the local plan. Disposition of all records of the local system shall be made pursuant to law.
10. **Governor Approval.** Pursuant to the Interlocal Cooperation Act § 13-805 this agreement shall, as a condition precedent to its entry into force, be approved as to all matters provided through the WIOA or otherwise within the jurisdiction of the State of Nebraska by the Governor of the State of Nebraska.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and
year first above written.

ATTEST:

Buster Brown 4/30/15
Buster Brown, City Clerk

APPROVED BY THE CITY COUNCIL
OF THE CITY OF OMAHA NEBRASKA
by Resolution No. 524
adopted April 28, 2015.

CITY OF OMAHA, NEBRASKA

By Jean Stothert 4/30/15
Jean Stothert, Mayor

Approved as to Form this 17th day of
April, 2015.

Norman B. Lee
Assistant City Attorney

APPROVED BY THE DOUGLAS
COUNTY BOARD by Resolution No.
_____, adopted _____,
2015.

Approved as to Form this _____
day of _____, 2015.

Douglas County Attorney

COUNTY OF DOUGLAS, NEBRASKA

By the Douglas County Board of
Commissioners

APPROVED BY THE SARPY COUNTY
BOARD by Resolution No. _____
adopted _____, 2015.

Approved as to Form this _____
day of _____, 2015.

Sarpy County Attorney

COUNTY OF SARPY, NEBRASKA

By the Douglas County Board of
Commissioners

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

ATTEST:

CITY OF OMAHA, NEBRASKA

Buster Brown, City Clerk

By _____
Jean Stothert, Mayor

APPROVED BY THE CITY COUNCIL
OF THE CITY OF OMAHA NEBRASKA
by Resolution No. _____
adopted _____, 2015.

Approved as to Form this _____ day of _____, 2015.

Assistant City Attorney

APPROVED BY THE DOUGLAS
COUNTY BOARD by Resolution No. 414
adopted May 12, 2015.

COUNTY OF DOUGLAS, NEBRASKA
By the Douglas County Board of
Commissioners

Approved as to Form this 11th
day of May, 2015.

Theresa L. Child
Douglas County Attorney

[Signature]

APPROVED BY THE SARPY COUNTY
BOARD by Resolution No. _____
adopted _____, 2015.

COUNTY OF SARPY, NEBRASKA
By the Douglas County Board of
Commissioners

Approved as to Form this _____
day of _____, 2015.

Sarpy County Attorney

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

ATTEST:

CITY OF OMAHA, NEBRASKA

Buster Brown, City Clerk

APPROVED BY THE CITY COUNCIL
OF THE CITY OF OMAHA NEBRASKA
by Resolution No. _____
adopted _____, 2015.

By _____
Jean Stothert, Mayor

Approved as to Form this _____ day of
_____, 2015.

Assistant City Attorney

APPROVED BY THE DOUGLAS
COUNTY BOARD by Resolution No.
_____ adopted _____,
2015.

Approved as to Form this _____
day of _____, 2015.

Douglas County Attorney

COUNTY OF DOUGLAS, NEBRASKA
By the Douglas County Board of
Commissioners

APPROVED BY THE SARPY COUNTY
BOARD by Resolution No. 2015-144
adopted April 28, 2015.

Approved as to Form this 28th
day of April, 2015.

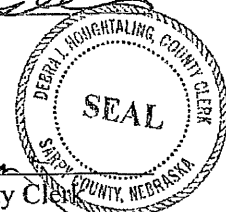
Sarpy County Attorney

COUNTY OF SARPY, NEBRASKA
By the Sarpy County Board of
Commissioners

Chairman Brenda Carlisle

Attest:

Debra J. Houghtaling, County Clerk

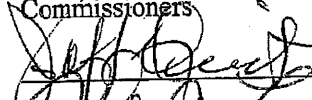

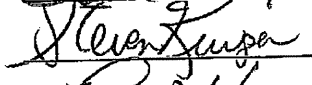

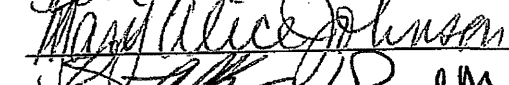



APPROVED BY THE WASHINGTON
COUNTY BOARD by Resolution No.
_____ adopted May 12
2015.

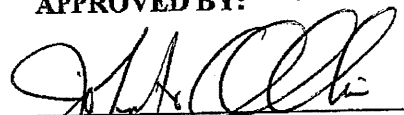
Approved as to Form this 12th
day of May, 2015.


Washington County Attorney

COUNTY OF WASHINGTON,
NEBRASKA
By the Washington County Board of
Commissioners

APPROVED BY:


Governor of the State of Nebraska
Commissioner of Labor

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION APPROVING INTERLOCAL AGREEMENT FOR LOCAL
WORKFORCE DEVELOPMENT AREA

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103, the powers of the County as a body are exercised by the County Board; and,

WHEREAS, the county may exercise its powers in conjunction with other governmental entities pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. §13-801 to 827.

WHEREAS, an Interlocal Agreement has been proposed with the City of Omaha and Washington and Douglas Counties to form a Local Workforce Investment Area pursuant to the federal Workforce Investment Act of 1998, said Agreement superseding and replacing the previous Agreement approved by this Board by Resolution 2014-105.

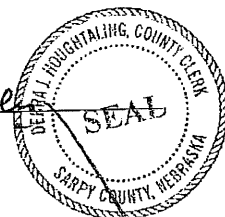
NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT, pursuant to the authority set forth above, that the Chair and Clerk are hereby authorized the this Board the Local Workforce Development Area Interlocal Agreement, a copy of which is attached hereto.

BE IT FURTHER RESOLVED that the previous Local Workforce Development Area Interlocal Agreement, as approved by this Board on March 18, 2014 by Resolution 2014-105 is hereby rescinded.

The above and foregoing Resolution was duly approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on this 28th day of April, 2015.


Chairman, Sarpy County Board


Sarpy County Clerk



CITY OF OMAHA

LEGISLATIVE CHAMBER

Omaha, Nebraska

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, the parties are authorized by the statutes of the State of Nebraska; including the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et. seq. as amended, to enter into cooperative agreements for the mutual benefit of the parties and to provide services in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and,

WHEREAS, the City of Omaha, Douglas County, Sarpy County and Washington County have previously entered into an Interlocal Agreement for the purposes of establishing a local system under the provisions of the Workforce Investment Act of 1998 (WIA); and,

WHEREAS, the Workforce Innovation and Opportunity Act of 2014 (WIOA) was passed in July, 2014 and replaces the Workforce Investment Act of 1998 (WIA); and,

WHEREAS, to comply with the provisions of the (WIOA) a new Interlocal Agreement must be executed among the City of Omaha, Douglas County, Sarpy County and Washington County; and,

WHEREAS, the changes to the Interlocal Agreement consist of updating the provisions for selection of a Local Workforce Development Board and replacing the designation of (WIA) with (WIOA); and,

WHEREAS, the parties desire to make the necessary changes to the Interlocal Agreement to update the terms and conditions of their responsibilities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

THAT the attached proposed Interlocal Agreement among the City of Omaha, the County of Sarpy, the County of Douglas and the County of Washington, for the revision and update of an earlier Interlocal Agreement among the same parties to comply with the provisions of the Workforce Innovation and Opportunity Act of 2014 (WIOA), in accordance with the terms and conditions contained in said Agreement, be and hereby is approved and the Mayor is authorized to execute the same on behalf of the City of Omaha.

By.....
Councilmember

Adopted.....

.....
City Clerk

Approved.....
Mayor

CITY OF OMAHA

LEGISLATIVE CHAMBER

PAGE 2

Omaha, Nebraska

BE IT FURTHER RESOLVED that the provisions of the attached agreement, upon execution and approval as provided therein, shall supersede and replace the agreement among the above referenced parties approved by the City Council on March 11, 2014.

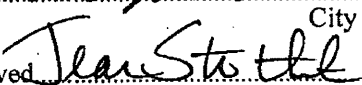
APPROVED AS TO FORM:


ASSISTANT CITY ATTORNEY DATE 4/17/15

p:\law - city council documents\2015\50008slw.doc

By  Councilmember

Adopted APR 28 2015 6-0


City ClerkApproved 
Mayor

I hereby certify that the foregoing is a true and correct copy of the original document now on file in the City Clerk's Office.

4/30/15


Buster Brown, City Clerk, City of Omaha