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SEDGWICK COUNTY, KANSAS

RESOLUTION NO. 153 - 2019

A RESOLUTION APPROVING AS TO FORM A PROPOSED AGREEMENT BETWEEN WORKFORCE ALLIANCE OF SOUTH CENTRAL KANSAS, INC. AND THE CHIEF ELECTED OFFICIALS BOARD FOR THE KANSAS LOCAL WORKFORCE INNOVATION AND OPPORTUNITY ACT AREA IV AND AUTHORIZING EXECUTION OF THE SAME BY THE COUNTY'S DESIGNATED REPRESENTATIVE TO SAID CHIEF ELECTED OFFICIALS BOARD.

WHEREAS, pursuant to the provisions of the Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128) (WIOA), the counties of Butler, Cowley, Harper, Kingman, Sedgwick and Sumner counties have been designated as the Kansas WIOA Local Area IV by the Governor of the State of Kansas and by agreements of member counties; and

WHEREAS, WIOA provides for a Chief Elected Officials Board for the Kansas Local WIOA Area IV (CEOB) consisting of elected officials (mayor, commissioner and/or councilmember) from the county or a city within the county which they are appointed to represent; and

WHEREAS, pursuant to the provisions of WIOA, the Workforce Alliance of South Central Kansas, Inc. (Workforce Alliance) is desired to be designated as the Local Workforce Development Board (LWDB) for Local Area IV; and

WHEREAS, the attached agreement between the Workforce Alliance and the CEOB designates the Workforce Alliance as the Local Workforce Development Board (LWDB) for Local Area IV; and

WHEREAS, the Board of County Commissioners of Sedgwick County, Kansas has reviewed the attached agreement and desires to approve the same as to form and authorize its designated representative to the CEOB to take all necessary action to enter into the same as its representative on the CEOB.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT:

Section 1. Approval.

The Board of County Commissioners of Sedgwick County, Kansas approves the attached agreement between the Workforce Alliance and the CEOB designating the Workforce Alliance as the LWDB for Local Area IV of the state of Kansas.

Section 2. Appointment.

The Board of County Commissioners of Sedgwick County, Kansas hereby authorizes David T. Dennis, Chairman of the Board of County Commissioners of Sedgwick County, Kansas to recommend two (2) appointments as its designated representatives to the CEOB.

Section 3. Authorization.

The Board of County Commissioners of Sedgwick County, Kansas hereby authorizes said designated representative to take all necessary action to enter into said attached draft agreement as its representative on the CEOB.

Section 4. Effective Date.

This Resolution shall take effect and be in force from and after publication in the official county newspaper.

Adopted by the Board of County Commissioners this 10 day of July, 2019.

Executed by the Chairman this 10 day of July, 2019.

Commissioners present and voting were:

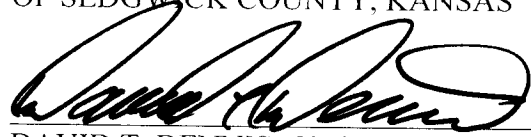

PETER F. MEITZNER	<u>Aye</u>
MICHAEL B. O'DONNELL, II	<u>Aye</u>
DAVID T. DENNIS	<u>Aye</u>
LACEY D. CRUSE	<u>Aye</u>
JAMES M. HOWELL	<u>Aye</u>

Dated this 10 day of July, 2019.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

Karen S. Bailey
for KELLY B. ARNOLD, Clerk



DAVID T. DENNIS, Chairman
Commissioner, Third District



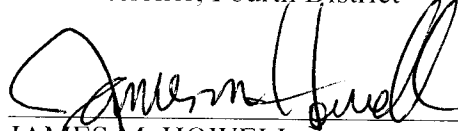
PETER F. MEITZNER, Chair Pro Tem
Commissioner, First District



MICHAEL B. O'DONNELL, II
Commissioner, Second District

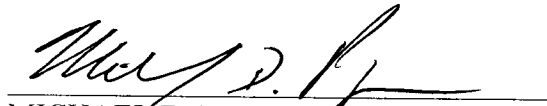


LACEY D. CRUSE
Commissioner, Fourth District



JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:


MICHAEL D. PEPOON
Interim County Counselor

**AGREEMENT BY AND BETWEEN THE WORKFORCE ALLIANCE OF SOUTH
CENTRAL KANSAS, INC. (the Local Workforce Development Board) AND THE CHIEF
ELECTED OFFICIALS BOARD**

THIS AGREEMENT is by and between the Workforce Alliance of South Central Kansas, Inc. (Workforce Alliance) serving as the Local Workforce Development Board and the Chief Elected Officials Board (CEOB) for the Kansas Local Workforce Innovation and Opportunity Act (WIOA) Area IV. This agreement will expire June 30, 2020 or when the WIOA Local Plan Expires.

WITNESSETH:

WHEREAS, pursuant to the provisions of the Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128) (WIOA), the counties of Butler, Cowley, Harper, Kingman, Sedgwick and Sumner counties have been designated as the Kansas WIOA Local Area IV by the Governor of the State of Kansas and by agreements of member counties; and

NOW THEREFORE, in consideration of the promises and the mutual covenants and obligations contained herein, CEOB and Workforce Alliance do hereby agree to the following provisions as the governing principles of the partnership between them for the effective planning, coordination and implementation of the employment and training system within Local Area IV.

SECTION I. DESIGNATIONS

- 1.1** WIOA has designated the CEOB as the Grant Recipient for Local Area IV.
- 1.2** CEOB appoints the members of the Workforce Alliance of South Central Kansas, Inc. (Workforce Alliance) the LWDB for Kansas Local Area IV as set forth in WIOA.

SECTION II. FUNCTIONS AND RESPONSIBILITIES OF CEOB

- 2.1** There will be no fewer than six members on the CEOB. The counties of Butler, Cowley, Harper, Kingman, Sedgwick and Sumner counties, which have been collectively designated as the Kansas Workforce Innovation and Opportunity Act Local Area IV, may each appoint up to two (2) members to the CEOB. Local Governments in Local Area IV may also appoint a member to the CEOB if they participate in this agreement. Those appointed must be an elected official (commissioner, mayor and/or councilmember) of the county or a city within the county which they are appointed to represent. The appointments must be made by the governing body and an appointment addendum executed by the body. Appointments shall be made pursuant to the provisions of WIOA and applicable federal and state regulations. Each appointment will last 3 years consistent with the strategic planning cycle. Unless stated otherwise herein, appointments begin on July 1 and end on June 30. When vacancies arise it is up to the organization with the opening to appoint a new member. A position on the CEOB is considered vacant on the date the

term expires, a member becomes ineligible, a member is removed, or a member resigns or dies. The vacancy shall be filled by the appointing county or city through reappointment or replacement within sixty (60) days of the creation of the vacancy.

2.3 The CEOB must approve and review Bylaws.

2.2 The duties of the CEOB include attending at minimum quarterly meetings. Special meetings can be called as needed. Each meeting falls under the Kansas Open Meetings Act.

2.3 The CEOB shall carry out the duties of the CEOB as outlined in the WIOA for Local Area IV.

2.4 The CEOB shall appoint members of the Workforce Alliance Board of Directors.

The Chief Elected Officials Board (CEOB) as outlined in WIOA appoints the members of the LWDB in accordance with Federal and State criteria. WIOA mandates membership of a number of public agencies, labor representatives, and partner organizations to the LWDB, but requires that a majority of the members, at least fifty one percent, be representatives of businesses in the local area. Additionally, at least twenty percent of the members of the LWDB must be workforce representatives including labor representatives. The LWDB must also include a representative from Adult Education and Vocational Rehabilitation. Members appointed to the LWDB must have optimal policy making authority as specified in WIOA to maximize the effectiveness of the LWDB. Private sector appointments shall require the support of a local business organization. The CEOB will work to ensure there is geographic balance in the membership of the LWDB.

Members of the LWDB are appointed for a term of three years beginning at the July LWDB meeting and terms are staggered so that approximately one-third of the member's terms expire each year. An LWDB member may serve more than one term, but must be reappointed by the CEOB.

The CEOB shall send letters to business groups and organizations in each county of Local Area IV, and the outgoing private sector members, requesting nominations of private sector members to the LWDB. The CEOB shall also send letters to each public agency or mandated member of the LWDB with a term expiring or vacant position to request a nomination.

Nominations for membership to the LWDB may be submitted to the CEOB from the LWDB members, required partners, businesses or any other entity or individual for consideration and possible appointment.

In the event an LWDB member resigns prior to the completion of the appointed term, the CEOB shall appoint an individual with similar credentials if it is a private sector member and, in compliance with WIOA criteria if it is a mandated or public sector member.

2.5 The CEOB may remove a member of the LWDB for lack of attendance, failure to declare a conflict of interest or for convenience. The LWDB may request the CEOB remove a member once they have three unexcused absences as defined in the LWDB Attendance and Succession Policy.

2.6 The CEOB shall serve as Grant Recipient for grant funds under Workforce Innovation and Opportunity Act Title I Adult, Dislocated Worker and Youth Programs.

2.7 The CEOB designates the Workforce Alliance as the Fiscal Agent for the WIOA funds. The Workforce Alliance will procure a CPA firm to handle financial reporting and serve as a paymaster.

2.8 The CEOB will approve any administrative (not participant training or supportive service related) contracts or agreements with a total cost of more than \$50,000 in any given year.

2.9 The CEOB in coordination with the Workforce Alliance will select a One Stop Operator.

2.10 The CEOB and LWDB will certify the Comprehensive One Stop in the Local Area once every three years.

2.11 The CEOB designates the Workforce Alliance as a provider of Career Services. The CEOB shall receive and review regularly performance and monitoring reports.

2.12 The CEOB will review all policy changes adopted by the LWDB since their last meeting.

SECTION III. FUNCTIONS AND RESPONSIBILITIES OF WORKFORCE ALLIANCE

3.1 The LWDB shall do business as the Workforce Alliance of South Central Kansas, Inc. for legal and operational purposes.

3.2 The LWDB shall hire a President/CEO to manage the day to day activities. The President/CEO may also hire staff to assist in conducting the day to day activities.

3.3 The Workforce Alliance, shall annually develop a budget for WIOA operations that complies with the provisions of WIOA and supports the workforce priorities for the region as outlined in the Local Area Plan. The budget shall include estimates of revenues and expenditures, and shall be submitted to CEOB for review no later than 30 days prior to the start of each fiscal year. Upon request of CEOB, Workforce Alliance shall submit a detailed work plan explaining its budget.

3.4 The Workforce Alliance shall contract with an independent program monitor to review WIOA and One Stop Services. The monitoring review shall report on the activities and ensure program activities are meeting the program requirements established by WIOA. Reports shall be

issued twice a year to the LWDB and CEOB to assist in both bodies oversight duties.

3.5 To assist the CEOB in its oversight duties the Workforce Alliance will invite CEOB members to all Board and Committee meetings and provide the meeting agendas and materials prior to the meetings.

3.6 The LWDB Chair and Vice Chair will be selected by the members of the Workforce Alliance Board of Directors. The LWDB Board Chair must be appointed subject to the requirements of the WIOA and shall represent a private sector employer. The Board Chair will appoint members to committees and taskforces.

3.7 As the Fiscal Agent the Workforce Alliance will have these responsibilities:

3.7.1 Receive the WIOA funds and disperse through a Paymaster according to WIOA, OMB Circulars, corresponding Federal Regulation and State Workforce Board Policy, and LWBD Policies

3.7.2 Respond to any financial findings through audits or monitoring reports

3.7.3 Allow the CEOB or its appointee to review the financial and program records of the Workforce Alliance

3.7.4 Maintain Accounting Records according to GAAP

3.7.5 Review financial reports provided by the paymaster and submit financial reports to the State of Kansas

3.7.6 Provide financial technical assistance to any sub-grantees

3.7.7 Designation of the Workforce Alliance as the Fiscal Agent does not relieve the CEO's of the liability for the misuse of Federal WIOA funds

3.8 Workforce Alliance will develop the CEOB's meeting agendas in consultation with the CEOB Chair. The Workforce Alliance will also ensure the CEOB is in compliance with the Kansas Open Meetings Act and will maintain all CEOB records.

3.9 The Workforce Alliance is available to visit any governing body that has executed a CEOB Agreement and provide updates to activities and review the CEOB Agreement at any CEOB's request.

SECTION IV. FINANCIAL ARRANGEMENT

4.1 WIOA Funds allocated to the grant receipt will be used by the LWDB in accordance with WIOA rules and regulations. Any services funded through this process shall be held to all

requirements and performance standards, including standards of cost and price reasonableness, specified by the WIOA and all other applicable federal and state laws and regulations.

4.02 Liability to repay amounts from funds received under WIOA that are legally determined to be a misappropriation of funds received by Local Area IV due to: 1) willful disregard of WIOA and accompanying rules and regulations, 2) gross negligence, or 3) failure to observe accepted standards of administration (referred to as an "audit exception" or an "administrative finding"), and which are not payments for services provided to the resident of a specific county, shall be paid for by contributions from each County. The amount of contributions required from each county in such an event shall be based on the percentage of the total number of clients served in each county in the previous year in comparison with the total number of clients served in Local Area IV as a whole. If a city or cities join the CEOB then liability will be shared equally between the city and county in which the city is located.

4.03 Workforce Alliance will secure Director/Officer bonding and insurance, including errors and omissions insurance, as well as any other insurance deemed appropriate. To the extent applicable, this insurance coverage may indemnify and hold harmless each County and Council of Local Governments within Local Area IV, including for repayment liability under Section 4.02 of this Agreement.

SECTION V. MODIFICATION OR TERMINATION OF AGREEMENT

5.01 This Agreement may be modified from time to time by mutual written agreement that is executed by Workforce Alliance and CEOB.

5.02 Neither party shall be liable for any delay in or inability to perform its obligations hereunder if immediate notice is given and if the delay or inability to perform is due to any event beyond the reasonable control of such party such as but not limited to acts of God, fire, flood, storm, explosion, riot, war or strike or any other circumstance of a like or different nature.

5.03 This Agreement shall be governed by the laws of the State of Kansas as to interpretation and performance.

5.04 In any case of an inconsistency between any provision of this Agreement and any provision or section of an applicable Federal, State or County rule, regulation or law, then the applicable Federal, State, or County rule, regulation or law shall supersede and control the conflicting provision of this Agreement.

5.04 If any provision of this Agreement shall be declared illegal, void or unenforceable, the other provisions shall remain in full force and effect.

5.05 This Agreement shall remain in effect until terminated by either of the parties upon thirty (30) day written notice to the other party.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers, respectively, on this 10 day of July, 2019.

Chairman
Local Area IV Workforce Development Board
Workforce Alliance of South Central Kansas



David T. Dennis
Chief Elected Officials Board for the Kansas
Local Workforce Innovation and
Opportunity Act

ATTEST:

for 
Kelly B. Arnold, County Clerk

