CITY OF LINCOLN - LANCASTER COUNTY - SAUNDERS COUNTY

Local Workforce Investment Area Interlocal Agreement

THIS AGREEMENT is entered into this ____ day of _____, 2014, by and between the City of Lincoln, Nebraska, a municipal corporation (Lincoln), the County of Lancaster, Nebraska (Lancaster County), and the County of Saunders, Nebraska (Saunders County) all political subdivisions or 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 Greater Lincoln Local Service Area (Greater Lincoln) in the City of Lincoln, Lancaster County, and Saunders County has previously been designated by the state of Nebraska as a service delivery area under the Workforce Investment Act, P.L. 105-220 (WIA) and the Mayor of the City of Lincoln has performed the functions of the"appropriate chief elected official" under 1998, P.L. 105-220 (WIA); and

WHEREAS, the Workforce Investment Act of 1998 P.L. 105-220 (WIA) provides the procedures for local systems to be designated as a Local Workforce Area to perform the obligations of WIA and assume some of the responsibilities formerly provided under JTPA; and

WHEREAS, the parties desire to establish a local system to perform the responsibilities under WIA based on the concept of "one-stop" centers selected by the local workforce investment board; and

WHEREAS, the parties enter this agreement to outline the responsibilities of each party in establishing a local Workforce Area as required by WIA and to designate the

"chief elected official" under WIA § 117(c)(1)(B).

NOW, THEREFORE, it is mutually agreed between Lincoln, Lancaster County and Saunders County to enter into an 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 area under the Workforce Investment Act of 1998 Subtitle B, WIA § 116, 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 WIA.

2. **Local Workforce Area.** In accordance with the designation of the governor of the State of Nebraska, the Greater Lincoln Local Workforce Area shall mean the City of Lincoln, Lancaster County, and Saunders County, Nebraska.

3. **Local Workforce Investment Board (WIB).** The WIB shall consist of such members as provided in the WIA, the majority representing business, in accordance with the criteria of the Governor of the State of Nebraska which at a minimum shall include the following:

(a) Representatives of business in the local area, who:

(I) Are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;

(ii) Represent businesses with employment opportunities that reflect the employment opportunities of the local area; and

(iii) Are appointed from among individuals nominated by local business organizations and business trade associations;

(b) Representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and post secondary educational institutions (including representatives of community colleges, where such entities exist), selected from

among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities;

(c) Representatives 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;

(d) Representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present);

(e) Representatives of economic development agencies, including private sector economic development entities; and

(f) Representatives of each of the one-stop partners; and

(g) Such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate consistent with the WIA.

(h) The City Treasurer shall be the treasurer of the WIB. The Lincoln City Attorney shall provide legal services to the WIB as may be required. In addition, the Mayor or a designated staff person representing the Mayor may be a nonvoting ex-officio member of the board.

4. **Authorized Representative Designated.** The Mayor of Lincoln (Mayor) is hereby designated as the authorized representative of the parties to serve as the "chief elected official" as defined by § 101 (6)(B). This designation shall include, but shall not be limited to the authority to:

(a) Appoint members to the WIB in accordance with the WIA;

(b) Approve a memorandum of understanding with the WIB consistent with the WIA to provide for the operation of the one-stop delivery system in the Greater

Lincoln area, including designation and certification of the one-stop operator and development of a memorandum of understanding with one-stop partners;

(c) Approve the WIB 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 WIB local plan submission;

(e) Provide administration and oversight of the delivery system as provided in this agreement; and

(f) Carry out any other responsibilities assigned to the chief elected officials of Lincoln, Lancaster County and Saunders County.

5. **Duties of the WIB.** The WIB shall have the duties in the Greater Lincoln Area as provided in the WIA and approved in the local plan.

6. **Administration.** As grant recipient, the Mayor shall administer the funds allocated to the local system, and the City of Lincoln shall bear sole liability for misuse of grant funds pursuant to WIA. 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 WIA or under the local plan promulgated pursuant WIA. The Mayor shall not approve the local plan until said plan has been provided for review and comment to Saunders County and Lancaster County. 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 pursuant to state policy.

7. **Budget Process.** The budget for the local system shall be prepared annually by the Mayor on behalf of the WIB. The budget shall be approved by the governing bodies as

provided in the local plan. Any action requiring the expenditure of funds not permitted by the annual budget, shall require the separate approval of the governing bodies.

8. **Purchasing.** All purchases for the local system shall be made in accordance with applicable law and the purchasing regulations of the City of Lincoln, and all funds of the department shall be handled by and through the City Treasurer. No funds shall be disbursed except as authorized by this agreement.

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 90 days' written notice by either party. In case of termination, the property, equipment, acquired, held or disposed of for the local system shall be considered as property of the City of Lincoln 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 WIA 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.

APPROVED BY THE CITY COUNCIL
OF THE CITY OF LINCOLN, NEBRASKA
by Resolution No. A-_____,
adopted _____, 2014.

Approved as to form this ____ day of
_____, 2014.

_____
Assistant City Attorney

CITY OF LINCOLN, NEBRASKA

By: _____
Chris Beutler, Mayor

APPROVED BY THE LANCASTER COUNTY BOARD by Resolution No. _____, adopted _____, 2014.

Approved as the form this _____ day of _____, 2014.

_____
Lancaster County Attorney

COUNTY OF LANCASTER, NEBRASKA
By the Lancaster County Board of Commissioners

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APPROVED BY THE SAUNDERS COUNTY BOARD by Resolution No. _____, adopted _____, 2014.

Approved as the form this ____ day of _____, 2014.

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Saunders County Attorney

COUNTY OF SAUNDERS, NEBRASKA
By the Saunders County Board of Supervisors

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APPROVED BY:

_____
Dave Heineman
Governor of the State of Nebraska