

2014-105

141000398

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN THE LOCAL WORKFORCE
INVESTMENT AREA INTERLOCAL AGREEMENT

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2007), 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,

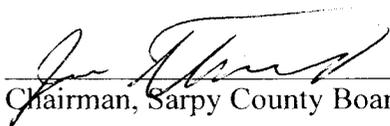
WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

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 (Reissue 2007).

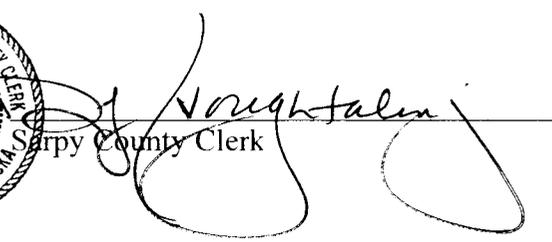
WHEREAS, Sarpy County had previously entered into an agreement with the City of Omaha and Washington and Douglas Counties to form a Local Workforce Investment Area pursuant to the federal Workforce Investment Act of 1998, but that a new agreement is necessary to account for changes in the law.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT, pursuant to the statutory authority set forth above, the Chairman of this Board, together with the County Clerk, be and hereby are authorized to execute on behalf of this Board an agreement with the City of Omaha and Washington and Douglas Counties pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. §13-801 to 827 (Reissue 2007) for the establishment of a Local Workforce Investment Area as allowed by the Workforce Investment Act of 1998, a copy of which is attached hereto.

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 18th day of March, 2014.


Chairman, Sarpy County Board




Sarpy County Clerk



City of Omaha
Jean Stothert, Mayor

RECEIVED
IN THE OFFICE OF THE
CITY CLERK
CITY OF OMAHA, NEBRASKA

Law Department

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 804
Omaha, Nebraska 68183-0804
(402) 444-5115
Telefax (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 that established the Local Workforce Investment Area system to perform the responsibilities set forth in the Workforce Investment Act of 1998.

The provisions of the attached agreement, upon execution and approval as provided, shall supersede and replace the agreement among the above referenced parties executed by the City on December 14, 1999.

Your favorable consideration of this request will be appreciated.

Sincerely,

Jean Stothert, Mayor
City of Omaha

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 Workforce Investment Act of 1998 (WIA) provides the procedures for local systems to be designated as Local Workforce Investment Areas under "Subtitle B—Statewide and Local Workforce Investment Systems," to perform the obligations of WIA; and,

WHEREAS, on December 14, 1999, the City of Omaha, Douglas County, Sarpy County and Washington County entered into an Interlocal Agreement to establish a Local Workforce Investment Area for the Greater Omaha Service Delivery Area; and,

WHEREAS, since 1999, when the Interlocal Agreement was entered into, changes have taken place which require that the Interlocal Agreement be revised and updated; 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 that established a Local Workforce Investment Act of 1998, 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

RESOLVED FURTHER, 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 executed by the City on December 14, 1999.

APPROVED AS TO FORM:

[Signature]
ASSISTANT CITY ATTORNEY DATE *3/3/2014*

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By..... *[Signature]*
Councilmember

Adopted..... **MAR 11 2014** *7-0*

..... *[Signature]*
City Clerk
Approved..... *[Signature]* *3/13/14*
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

[Signature]
Buster Brown, City Clerk, City of Omaha

Law
S

NO. 329.....

Resolution by

Res. 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 that established a Local Workforce Investment Act of 1998, 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.

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46 ✓

Presented to City Council

MAR 11 2014

Adopted 7-0

Buster Brown

City Clerk

BOARD OF COUNTY COMMISSIONERS
Douglas County Nebraska

Resolved

WHEREAS, pursuant to Neb.Rev.Stat. §13-801 et seq., as amended, the parties are authorized 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 Workforce Investment Act of 1999 (the "Act"), provides the procedures for local systems to be designated as Local Workforce Investment Areas to perform the obligations of the Act; and

WHEREAS, on December 14, 1999, the City of Omaha, Douglas County, Sarpy County and Washington County entered into an Interlocal Agreement to establish a Local Workforce Investment Area for the Greater Omaha Service Delivery Area; and

WHEREAS, since 1999, when the Interlocal Agreement was entered into, changes have taken place which require that the Interlocal Agreement be revised and updated; 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 THIS BOARD OF COUNTY COMMISSIONERS, DOUGLAS COUNTY, NEBRASKA, THAT this Board does hereby approve the attached Interlocal Agreement.

DATED this 8th day of April, 2014.

Motion by Tusa, second by Boyle to approve. I move the adoption of the resolution.

Adopted: April 8, 2014

Yeas: Boyle, Duda, Kraft, Rodgers, Tusa, Borgeson

Absent: Morgan

(CERTIFIED COPY)



Thomas F. Cavanaugh
Douglas County Clerk

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

Local Workforce Investment Area Interlocal Agreement

THIS AGREEMENT is entered into this _____ day of _____, 2014, 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) in 1999; and

WHEREAS, changes have occurred that require the parties to enter into a new Interlocal Agreement to set forth these changes which include outlining 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 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 area under the Workforce Investment Act of 1998 Subtitle B 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 Investment Area.** In accordance with the designation of the Governor of the State of Nebraska, the Greater Omaha Local Workforce Investment Area shall mean the City of Omaha, Douglas County, Sarpy County, and Washington County, Nebraska.
3. **Local Workforce Investment Board (WIB).** Heartland Workforce Solutions, Inc., a non-profit corporation (HWS) is the administrative entity for the Greater Omaha Local Workforce Investment Area and the Heartland Workforce Solutions Board shall act as the Local Workforce Investment Board. The WIB shall consist of such members as provided in the WIA 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, and other business executives or employers with optimum policy making authority. The business members shall constitute a majority of the members of the Local Board; and,
 - (ii) These persons are to 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 (two or more) of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary 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 (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;
 - (d) Representatives (two or more) of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present);
 - (e) Representatives (two or more) of economic development agencies, including private sector economic development entities; and
 - (f) Representatives (at least one of each) of the WIA 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 and consistent with the WIA.
 - (h) HWS shall be the fiscal agent of the WIB. The Omaha City Attorney or their designated representatives shall provide legal services to the WIB 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 § 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 and following the HWS nomination process.
 - (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 Omaha Area.
 - (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 as provided in this agreement; and
 - (f) Carry out any other responsibilities assigned to the chief elected official.
5. **Duties of the WIB.** The WIB shall have the duties in the Greater Omaha Workforce Investment Area as provided in the WIA and approved in the local plan.
6. **Administration.** The Mayor and/or the designated Administrative Entity for the Greater Omaha Workforce Investment 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 WIA or under the local plan promulgated pursuant to the WIA. 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 Investment Area shall be prepared annually by HWS on behalf of the WIB. 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 Investment 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 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.

ATTEST:

Buster Brown 3/13/14
Buster Brown, City Clerk

APPROVED BY THE CITY COUNCIL
OF THE CITY OF OMAHA NEBRASKA
by Resolution No. 329
adopted March 11, 2014.

CITY OF OMAHA, NEBRASKA

By Jean Stothert 3/13/14
Jean Stothert, Mayor

Approved as to Form this 3rd day of
March, 2014.

Roxanna B. Lee
Assistant City Attorney

APPROVED BY THE DOUGLAS
COUNTY BOARD by Resolution No.
208 adopted April 8, 2014,
2014.

Approved as to Form this 8th
day of April, 2014.

Thomas W. Uebel
Douglas County Attorney

COUNTY OF DOUGLAS, NEBRASKA

By the Douglas County Board of
Commissioners

Mary Ann Sauer

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

Approved as to Form this _____
day of _____, 2014.

Sarpy County Attorney

COUNTY OF SARPY, NEBRASKA

By the Douglas County Board of
Commissioners

CITY OF OMAHA, NEBRASKA

By

, Mayor

APPROVED BY THE CITY COUNCIL
OF THE CITY OF OMAHA NEBRASKA
by Resolution No. _____
adopted _____, 2014.

Approved as to Form this _____ day of
_____, 2014.

City Attorney

COUNTY OF DOUGLAS, NEBRASKA

By the Douglas County Board of Commissioners

APPROVED BY THE COUNTY BOARD
OF THE DOUGLAS COUNTY NEBRASKA
by Resolution No. _____
adopted _____, 2014.

Approved as to Form this _____ day of
_____, 2014.

Douglas County Attorney

COUNTY OF SARPY, NEBRASKA

By the Sarpy County Board of Commissioners

APPROVED BY THE COUNTY BOARD
OF SARPY COUNTY NEBRASKA
by Resolution No. 2014-105
adopted March 18, 2014.

[Signature]

Approved as to Form this 19th day of
March, 2014.

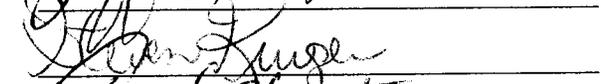
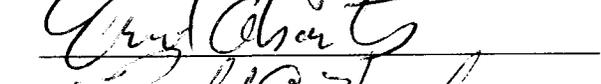
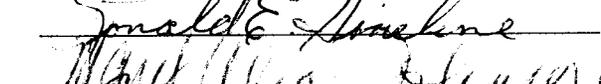
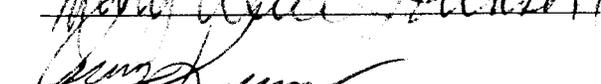
[Signature]
Sarpy County Attorney

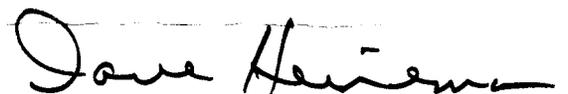
_____ adopted March 25,
2014.

Approved as to Form this 25 day
of March, 2014.


Washington County Attorney


Commissioners





APPROVED BY:


Governor of the State of Nebraska