Ford, Chair
Akers, Vice Chair
Ellinger
Kay
Lawless
Stinnett
Scutchfield
Myers
Beard
Lane

A G E N D A
Social Services & Community Development Committee
September 23, 2014
11:00 A.M.

1. **Committee Summary** (1-3)
2. **Workforce Investment & Training – Interlocal Agreement** (4-24)
3. **Partner Agency Funding Process (FY16)** (25-32)
4. **Items Referred to Committee** (33)

"The social services and community development committee, to which shall be referred matters relating to the department of social services and its divisions, and any related partner agencies and the division of community development, related partner agencies, and other matters relating to community development and economic development"

-Council Rules & Procedures, Section 2.102(2)

2014 Meeting Schedule (all meetings at 11:00 AM)

Feb 25	May 27	Sept 23
Mar 18	Jun 17	Oct 21
Apr 22	Aug 26	Dec 2

Social Services & Community Development Committee
August 26, 2014 Summary

CM Ford called the meeting to order at 11:01 AM. CMs Ford, Akers, Ellinger, Lawless, Stinnett, Scutchfield, Myers, Beard, and Lane were present. CM Kay was absent. CMs Clarke and Henson also were in attendance.

Committee Summary

On a motion by CM Beard, second CM Akers, the summary of the April 22, 2014 Social Services & Community Development Committee meeting was approved unanimously.

Lexington Area Workforce Analysis

Billie Peavler, Executive Director with the Business and Education Network, presented the project scope related to the Workforce Study of Central Kentucky. She stated that an initial data analysis will be performed, followed by recommendations for action. Regional job demands within sectors will be identified and analyzed. Peavler reviewed the study timeline, which will be completed in December 2014 and presented to the community in January 2015. She stated that Council is considering appropriating $50,000 to partially fund the study. The study will focus on effective outcomes, reduction of employment barriers, and mutual benefits for the public and private sector.

CM Ford clarified that the $50,000 LFUCG expenditure for this item is being considered during the August 28, 2014 Council meeting (first reading, Resolutions).

In response to a question from CM Stinnett, Peavler stated that average salary information will be collected as part of the study. CM Stinnett stated that Internet access is a barrier that the study should address, and asked how community consensus of the study will be gained. Peavler responded that one of the tasks associated with the study is identifying stakeholders and ensuring they are engaged in meetings related to the study. CM Stinnett discussed the identification of educational opportunities.

CM Stinnett discussed ex-offenders' employment barriers, and asked if the study would compile a list of employers that hire ex-offenders. Peavler responded that this issue would not be addressed as part of the initial data collection for the study, but may be a countermeasure recommended for implementation in the study.

In response to a question from CM Akers, Peavler stated that community education is a partner in the study, including universities, public and private schools, and BCTC. She identified other study partners and stakeholders. CM Akers requested that the full list of stakeholders be provided. CM Akers identified other partners that should be included in the study, including Lextran, the social services community, and CTE. She suggested that Peavler meet with Commissioner Mills to discuss the findings presented in the Community Needs Study.

CM Henson commented on barriers to employment and recommended including the Office of Vocational Rehabilitation and other community partners in the study.

In response to a question from CM Myers, Peavler stated that the deliverables of the study will be the data, a report, and a suggested model for addressing the issues. She discussed future phases, which will include developing a team and countermeasures to address barriers to employment.

Partner Agency Outcomes Process – Year-End Report

Commissioner Mills presented the year-end report of FY14 partner agency outcomes. She stated that Amy Baker visited each agency twice during the fiscal year to discuss program success and observe the program's implementation. Approximately two-thirds of funded programs met their goals, thirty percent partially met their goals, and two programs did not meet their goals and returned funding to the LFUCG. Mills provided program and outcome examples, and discussed the Summer Lunch Program. She stated that a summary of each funded program and its outcomes is included in the committee packet.

CM Myers commended Mills for her work on the partner agency process. CM Akers also spoke favorably of the process, and of the Summer Lunch Program.

CM Ford reviewed recent LFUCG funding trends for social service partner agencies. Mills discussed the successes of Fayette County nonprofit agencies.

Office of Homelessness Prevention & Intervention – Update

Charlie Lanter, Director of the Office of Homelessness Prevention & Intervention ("Office"), provided an overview of his office's efforts over the past 90 days. He discussed the Housing First model, development of a Mental Health Court, and the transition of partner agency funding for emergency shelter funding from Social Services to the Office of Homelessness.

Motion by CM Lawless, second CM Myers, to allow five additional minutes for Mr. Lanter's presentation. Approved without dissent.

Lanter discussed the Homelessness Prevention & Intervention Board's scope of work, the Housing First model, and next steps in the process.

CM Akers asked for clarification regarding social media presence of the Office. In response to a question from CM Akers, Lanter stated that the Catholic Action Center does not utilize the HMIS system, and explained that the LFUCG does collect homelessness data in other ways, but would prefer that all agencies use HMIS.

In response to a question from CM Myers, Lanter discussed programs in comparable cities and the use of HMIS. He described the challenges of HMIS implementation, and how participation could be incentivized.

CM Clarke spoke in favor of the Housing First model, and asked for clarification regarding the housing inventory. Lanter stated that the RFP requests proposals for implementation, and discussed options for providing housing inventory.

In response to CM Ellinger, Lanter provided information regarding the RFP, and stated that the proposals are due by September 2, 2014. Implementation will begin in October 2014, with housing provided as soon as November 2014.

Items Referred to Committee

CM Myers asked that the language for *Increasing Commitment to Partner Programming* be amended to *Increasing Commitment to Partner Agency Funding*

CM Ford asked CAO Hamilton to work with the departments of Social Services and Planning to propose reorganization of the Office of Homelessness Prevention & Intervention to the Department of Social Services.

The meeting adjourned at 12:31 PM.

2014-08-28 CLB

RESOLUTION NO. 268-2013

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE AN INTERLOCAL COOPERATIVE AGREEMENT WITH THE KENTUCKY COUNTIES OF ANDERSON, BOURBON, BOYLE, CLARK, ESTILL, FRANKLIN, GARRARD, HARRISON, JESSAMINE, LINCOLN, MADISON, MERCER, NICHOLAS, POWELL, SCOTT AND WOODFORD, FOR THE CONTINUED OPERATION OF AND PARTICIPATION IN THE BLUEGRASS WORKFORCE INVESTMENT BOARD.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute the Interlocal Cooperative Agreement, which is attached hereto and incorporated herein by reference, with the Kentucky Counties of Anderson, Bourbon, Boyle, Clark, Estill, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott and Woodford, for the continued operation of and participation in the Bluegrass Workforce Investment Board.

Section 2 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: June 6, 2013

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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Lexington-Fayette Urban County Government
CHIEF ADMINISTRATIVE OFFICE

Jim Gray
Mayor

Sally Hamilton
CAO

To: Mayor Jim Gray
Members, Urban County Council

From: Office of the CAO

Date: April 25, 2013

Re: Interlocal Agreement for Local Workforce Investment Board

This memo is to request Council authorization for the Mayor to execute an Interlocal Cooperative Agreement among the counties comprising the Bluegrass Area Development District for the continued operation of and participation in the Bluegrass Workforce Investment Board. The Federal Workforce Investment Act requires the designation of geographic areas as local Workforce Investment Areas. The area defined as the Bluegrass Area Development District has also been designated as a local Workforce Investment Area. Each local area must have a local Workforce Investment Board. As indicated above, and by agreement of the legislative bodies of each of the counties included in the area, the Bluegrass Workforce Investment Board ("BWIB") is the board for our local area.

The BWIB was initially created by interlocal agreement in 1998. The agreement is being amended to comply with changes in operational procedures and Federal law. The other 16 counties have executed the Interlocal Cooperative Agreement. I recommend, and request, that the Council authorize the Mayor to execute the Interlocal Cooperative Agreement.

If you have any questions, please let me know.

Sally Hamilton
Chief Administrative Officer

R 268-2013
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INTERLOCAL COOPERATIVE AGREEMENT

AMONG

THE KENTUCKY COUNTIES OF ANDERSON, BOURBON, BOYLE, CLARK, ESTILL, FAYETTE, FRANKLIN, GARRARD, HARRISON, JESSAMINE, LINCOLN, MADISON, MERCER, NICHOLAS, POWELL, SCOTT AND WOODFORD

This Interlocal Cooperative Agreement ("Agreement") by and among the aforementioned, all bodies corporate and politic of the Commonwealth of Kentucky.

WITNESSETH:

WHEREAS, the Kentucky Interlocal Cooperation Act herein referred to as the State Act ("State Act"), KRS 65.210 through 65.300, permits local governmental units ("Parties") to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and to thereby provide services and facilities in manner and form that will best accord with geographic, economic, population and other factors which influence the needs and development of local communities; and

WHEREAS, the Governor of the Commonwealth of Kentucky, pursuant to the Workforce Investment Act of 1998, (Federal Act) has the authority to designate the geographic area encompassing the above named Kentucky counties as a Workforce Investment Area ("WIA"); and

WHEREAS, the Parties, consisting of 17 counties, known as the Bluegrass Area Development District (BGADD), pursuant to the provisions of the Federal Act, desire to enter into this Agreement in order to provide for the formation of a Local Workforce Investment Board ("WIB") under Section 117 of the Federal Act, all to be consistent with the requirements of the State Act,

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES AND THE MUTUAL COVENANTS AND UNDERSTANDINGS CONTAINED HEREIN, the Parties agree as follows:

1. Effective Date. The effective date of this Agreement shall become valid upon its approval by the legislative bodies of each party. In complying with the State Act, a copy of this Agreement, after its approval by the legislative bodies of each party and due execution pursuant thereto by the Chief Elected Official of each Party, shall be submitted to the Attorney General of the Commonwealth of Kentucky under KRS 65.260, as amended, and shall similarly be duly recorded in the

respective Offices of the County Court Clerks of each County which is a party hereto.

2. Agreement Duration. This Agreement shall endure for a period equal to the period of the Grant or Grants to the Local Workforce Investment Area. The agreement shall continue in effect unless fifty-one percent of the parties shall certify in writing, pursuant to duly adopted resolution or ordinance, that the Agreement shall be terminated, such certification to be delivered to Chairman of the BGADD 180 days prior to the expiration of the then current grant period.

3. Creation. Pursuant to Section 117 of the Federal Act and KRS 65.250 (b) and (c), the parties hereto create a Workforce Investment Board to be known as Bluegrass Workforce Investment Board. Bluegrass WIB shall serve the Workforce Investment Area of the Commonwealth of Kentucky encompassing the Counties of Anderson, Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott and Woodford.

4. Chief Elected Official. As authorized under Section 101(6)(A)(B) of the Federal Act, the Parties do hereby designate the elected official currently serving as the highest ranking officer on the Bluegrass Area Development District Board of Directors as the Chief Elected Official.

   4.1 WIB Nomination. The Chief Elected Official of each Party shall nominate members from nominations made by business organizations within their jurisdiction, in accordance with Section 117(b)(1) of the Federal Act.

5. WIB Appointments. The Chairman of BGADD shall form a committee to review the nominations and appoint members in accordance with the Federal Act. Appointments must be at least fifty-one percent private sector.

IN TESTIMONY WHEREOF, the Parties, after due adoption of resolutions and/or ordinances authorizing the same, acting by and through its Chief Elected Official have executed and delivered this Agreement as of its effective date:

John Wayne Conway — 1-4-11
JUDGE EXECUTIVE, ANDERSON COUNTY — DATE

Jamie R. Foley — 12-28-10
JUDGE EXECUTIVE, BOURBON COUNTY — DATE

1-11-11
JUDGE EXECUTIVE, BOYLE COUNTY — DATE

Henry Branham — 1/12/2011
JUDGE EXECUTIVE, CLARK COUNTY — DATE

JUDGE EXECUTIVE, ESTILL COUNTY	DATE 9/16/11
MAYOR, LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT	DATE 6/26/13
JUDGE EXECUTIVE, FRANKLIN COUNTY	DATE 02-17-2011
JUDGE EXECUTIVE, GARRARD COUNTY	DATE 1/14/11
JUDGE EXECUTIVE, HARRISON COUNTY	DATE 1/4/11
JUDGE EXECUTIVE, JESSAMINE COUNTY	DATE 1/28/2011
JUDGE EXECUTIVE, LINCOLN COUNTY	DATE 1-20-11
JUDGE EXECUTIVE, MADISON COUNTY	DATE 2-16-11
JUDGE EXECUTIVE, MERCER COUNTY	DATE 1-11-11
JUDGE EXECUTIVE, NICHOLAS COUNTY	DATE 1-11-11
JUDGE EXECUTIVE, POWELL COUNTY	DATE 2-16-11
JUDGE EXECUTIVE, SCOTT COUNTY	DATE 1-14-2011
JUDGE EXECUTIVE, WOODFORD COUNTY	DATE 01-31-2011

RESOLUTION NO. 213 - 2014

A RESOLUTION REQUESTING THAT THE CHIEF ELECTED OFFICIAL OF THE BLUEGRASS WORKFORCE INVESTMENT BOARD TAKE THE NECESSARY STEPS TO IDENTIFY AND RETAIN A NEW FISCAL AND ADMINISTRATIVE AGENT INDEPENDENT OF THE BLUEGRASS AREA DEVELOPMENT DISTRICT TO PROVIDE SERVICES TO THE BLUEGRASS WORKFORCE INVESTMENT BOARD BEGINNING JULY 1, 2014, AND DIRECTING THE COUNCIL CLERK TO PROVIDE COPIES OF THIS RESOLUTION TO CERTAIN ADMINISTRATIVE AND ELECTED OFFICIALS.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Whereas, Area Development Districts were created by state statute in 1972; and

Whereas, the organizational structure of the Area Development Districts was set forth in state statute at that time; and

Whereas, the Bluegrass Area Development District (the "District") is one of 15 districts throughout the Commonwealth of Kentucky, and

Whereas, the District is comprised of 17 geographically contiguous counties in Central Kentucky, of which Fayette County is the most populous, and

Whereas, Area Development Districts have over the years become pass-through agencies for state and federal funding to flow to local governments; and

Whereas, transparency in the tracking and expenditure of public money is statutorily mandated and crucial to maintaining the confidence of the taxpayers; and

Whereas, regional workforce and job training strategies for the aforementioned Bluegrass counties are led by the efforts of the Bluegrass Workforce Investment Board (the "Board"), and

Whereas, one of the roles of the Board is to set priorities and funding allocation of federal Workforce Investment Act funds to eligible workforce training programs within the region, and

Whereas, the District serves as the fiscal agent on behalf of the Board, and the contract agreement between these parties is set to expire on June 30, 2014, and

Whereas, oversight and accountability regarding the expenditure of public money are also crucial to maintaining the confidence of the taxpayers; and

Whereas, on March 4, 2014, the Commonwealth of Kentucky Auditor of Public Accounts released findings of a recent examination of the District which identified serious deficiencies in the oversight of the operations of the District, including a lack of policies and procedures to govern the District, excessive and/or unnecessary expenditures by the District, potential non-compliance with state and federal requirements by the District, a failure by the District to report possible criminal acts to law enforcement, and the lack of proper oversight of the District, and

Whereas, the findings of the Commonwealth of Kentucky Auditor of Public Accounts revealed several existing and potential conflicts of interests with the current structured relationship between the Board and the District.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Lexington-Fayette Urban County Council hereby requests that Winchester Mayor Ed Burtner, as the Chief Elected Official of the Bluegrass Workforce Investment Board, take the necessary steps to identify and retain a new administrative and fiscal agent, which must be independent of the Bluegrass Area Development District, to provide services to the Bluegrass Workforce Investment Board beginning July 1, 2014.

Section 2 – That the Clerk of the Urban County Council is directed to deliver a copy of this resolution to the Chief Elected Official of the Bluegrass Workforce Investment Board, Winchester Mayor Ed Burtner; the Chairman of the Bluegrass Workforce Investment Board, Mr. Daryl Smith; the Chairwoman of the Bluegrass Area Development District, Ms. Linda Magee; the Executive Director of the Bluegrass Area Development District, Mr. David Duttlinger; the Secretary of the Kentucky Education & Workforce Development Cabinet, Mr. Thomas Zawacki; the Commissioner of the Kentucky Department of Workforce Investment, Ms. Beth Brinly; the Chairman of the Kentucky Workforce Investment

Board, Mr. Ed Holmes; the Interim Executive Director of the Kentucky Workforce Investment Board, Ms. Beth Kuhn; and the County Judge/Executive or Chief Elected Official for each of the 17 counties of the Bluegrass Area Development District.

Section 3 – That the Clerk of the Urban County Council is also directed to deliver a copy of this resolution to Governor Steve Beshear; Senator Joe Bowen, Chairman of the Senate State & Local Government Committee; Representative Steve Riggs, Chairman of the House Local Government Committee, and the following Fayette County legislators at their respective offices: Senator R.J. Palmer, Senator Tom Buford, Senator Alice Forgy Kerr, Senator Reginald Thomas, Representative Sannie Overly, Representative Robert Benvenuti, Representative Jesse Crenshaw, Representative Robert Damron, Representative Kelly Flood, Representative James Kay, Representative Stan Lee, Representative Ruth Ann Palumbo, Representative Ryan Quarles, and Representative Susan Westrom.

Section 4 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: April 24, 2014

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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R 213-2014 12

Lexington-Fayette Urban County Government
OFFICE OF THE COUNCIL CLERK

Jim Gray
Mayor

Meredith Nelson
Council Clerk

April 25, 2014

«Title» «First_Name» «Last_Name»
«Company_Name»
«Address_Line_1»
«Address_Line_2»
«City», «State» «ZIP_Code»

Dear «Title» «Last_Name»:

I have been directed by the Lexington-Fayette Urban County Council to send you a copy of Resolution No. 213-2014, which was passed at a meeting of the Council, held on April 24, 2014.

Resolution No. 213-2014 requests that the Chief Elected Official of the Bluegrass Workforce Investment Board take the necessary steps to identify and retain a new Fiscal and Administrative Agent independent of the Bluegrass Area Development District to provide services to the Bluegrass Workforce Investment Board beginning July 1, 2014.

Your attention to this matter is greatly appreciated.

Sincerely,

Meredith Nelson
Clerk of the Urban County Council

Enclosure

City of Winchester

Office of the Mayor

Established 1793

May 5, 2014

Commissioner Beth Brinly
Workforce Investment
Commonwealth of Kentucky
500 Mero Street
Capital Plaza Tower, 3rd Floor
Frankfort, KY 40621

Dear Commissioner Brinly:

The Commissioner of Workforce Investment for the Commonwealth of Kentucky – Commissioner Beth Brinly – has advised it is my duty to designate a fiscal agent for Workforce Investment Act funds for the Workforce Investment Area by the end of April.

That designation is due by that date since the present agreement by and between the Commonwealth and the Bluegrass Area Development District expires 6/30/2014 and it will take two months to process the new contract – according to the Commissioner.

The duty to decide falls to the Chief Local Elected Official (CLEO)

The combination of three documents determines that I am the CLEO for the Workforce Investment Act (WIA). I serve without compensation, without the benefit of legal counsel, and with some question as to whether insurance coverage is available for the CLEO.

The three documents referred to above include Section 117 of the Federal Workforce Investment Act, the Interlocal Agreement by and between the BGADD and the Local Elected Officials (LEO's), and the Memorandum of Understanding by and between the Bluegrass Workforce Investment Board (BGWIB) Chair, and the past Chair of the BGADD – who was the CLEO.

The three documents referenced above – WIA/1998, Interlocal Agreement, MOU – designate the highest ranking officer of the BGADD that is an elected official as the CLEO. The Auditor of Public Accounts (APA) examination dated 3/2/2014 states clearly that that is a conflict of interest. Simply stated, one cannot, according to the report, be an officer of the ADD and be the sole decider of fiscal agent services. Notwithstanding that apparent conflict, it is still my duty to designate the fiscal agent services now according to the Department of

Workforce Investment.

I have had several pieces of counsel come my way.

First, the BGWIB stated in a letter dated 3/28/2014 that one person should not decide fiscal agent services, but there should be a procurement process.

Then the Mayor of Lexington stated in a letter dated 4/8/2014 that one person should not decide – it should be the BGWIB.

After that, the Lexington Herald Leader editorially stated on 4/13/2014 that the CLEO "makes the final decision" and then said the "WIB must move quickly – in an arms length, transparent process – to choose a new fiscal agent." The CLEO and the BGWIB are not the same entity. The Herald Leader correctly quoted me when I said, "This is a very complex, confusing, and difficult process." To that the Herald Leader responded, "Agreed."

Finally, the Lexington-Fayette Urban County Council stated in a resolution dated 4/24/2014 that the CLEO should decide. So long as it is not the BGADD.

It does seem clear to me that the term for a future agreement can be for less than two years, even though the present agreement expires 6/30/2014 and was for a two-year term.

In addition, a highly regarded national expert in Workforce matters – John Chamberlin – was in Kentucky April 17-18. His report states the CLEO does not decide alone, that the CEO's decide and that there is the need for time and negotiation to resolve these matters. He suggested not changing the fiscal agent and setting a one year term to 6/30/2015 for fiscal agent services.

To the issue of procurement that some have recommended, my experience based on relatively uncomplicated processes is that the procurement process takes time. The key is writing a detailed Request for Qualifications/Request for Proposals (RFQ/RFP) and detailing a scoring/evaluation component into the process. For something of this importance/magnitude, an interview process should be established if procurement is pursued.

Based upon all stated, it is my judgment that the law is still unclear with regard to who is to decide the fiscal agent services. Accordingly, at an early date an opinion of the Attorney General should be sought to clearly define the duties of the CLEO vs. CEO's. The request should also request an opinion as to fiscal vs. administrative services. Does fiscal agent services imply administrative services? In other words, who designates the party responsible for program execution and staffing? I would think all parties to this matter would want to join in a request for the opinion.

Notwithstanding the lack of clarity and need for an opinion of the Attorney General, the Commissioner of Workforce Investment has made it clear that it is time for the CLEO to decide.

The term in my judgment should be less than two years. There should be consideration of a formal procurement process but that will be complex and time consuming. Someone other than the principals involved will need to manage that process so as to avoid real or apparent conflicts of interest. The term selected should also allow for the next auditor(s) to do their work to precisely identify disallowed costs and provide for a method of repayment. It is my understanding that the Department of Workforce Investment is procuring and will engage another auditor to determine disallowed costs. Other agencies may do so as well. It is my opinion there will be disallowed costs that will need to be repaid or reallocated. Changing fiscal agents while an auditor or auditors are at work does not seem practical.

A shorter period would allow all to remain focused and on task with regard to Corrective Action Plans – there are at least two – one for the Auditor of Public Accounts and one for the Department of Workforce Investment.

And frankly, there is a lot to address, correct, and straighten out. A shorter term could be treated as a probationary period for all parties.

It is further my view that soon, and it is actually overdue, the chairs of the BGWIB and BGADD need to organize a meeting(s) with officers, counsel, and the CLEO. There is a need for face to face discussions. Both John Chamberlin and Commissioner Brinly have recommended this.

Based upon the foregoing, I recommend to the Department of Workforce Investment and Commonwealth of Kentucky that the Bluegrass Area Development District be designated the fiscal agent for the BGWIA for a term of six (6) months with a review of all options going forward. That review would be based upon how well matters are resolved during that term.

Forgotten in this process has been concern for the employees of the BGADD who daily carry out the mission of the BGWIA. They did not create or cause this brokenness but they continue to work to grow and develop our workforce.

Last, I support the mission of the BGWIA. Workforce Development is a major issue both for my community and for the region. That is what we all should be focused on.

Sincerely,

Ed Burtner

Ed Burtner

EB/jlc

Amended Interlocal Cooperative Agreement

Among

The Kentucky Counties of Anderson, Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott, and Woodford

This Amended Interlocal Cooperative Agreement (this "Agreement") is by and among the aforementioned, all bodies corporate and politic of the Commonwealth of Kentucky, (hereinafter collectively referred to as the "Parties").

WITNESSETH:

WHEREAS, the Kentucky Interlocal Cooperation Act (the "State Act"), KRS 65.210 through 65.300, permits local governmental units ("Parties") to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and to thereby provide services and facilities in manner and form that will best accord with geographic, economic, population and other factors which influence the needs and development of local communities; and

WHEREAS, the Governor of the Commonwealth of Kentucky, pursuant to the Workforce Investment Act of 1998 as such Act may be amended, (the "Act") has the authority to designate the geographic area encompassing the above named Kentucky counties as a Workforce Investment Area ("WIA"); and

WHEREAS, the Parties recognize the serious and complex problems resulting from unemployment and low wages among their citizens; and

WHEREAS, increased workforce development problems and solutions transcend traditional governmental boundaries; and

WHEREAS, a productive workforce investment system can most effectively be created and expanded in partnership with the private sector; and

WHEREAS, the Parties wish to realign and increase the effectiveness of the area's workforce investment system, its Local Workforce Investment Board ("WIB") and its fiscal agent; and

WHEREAS, the Parties, pursuant to the provisions of the Act, desire to enter into this Agreement in order to provide for the formation of the WIB and provide for the roles and responsibilities of the Local Elected Officials, the Chief Local Elected Official, and the Subrecipient of grant funds, as such terms shall be defined herein, all to be consistent with the requirements of the Act and State Law; and

WHEREAS, the Parties desire to replace the current Interlocal Cooperative Agreement, with this Amended and Restated Interlocal Cooperative Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and understandings contained herein, the Parties agree as follows:

1. Effective Date. The effective date of this Agreement shall become valid upon its approval by the Department of Local Government of the Commonwealth of Kentucky ("DLG") pursuant to KRS 65.260 and the Education and Workforce Development Cabinet ("EWDC") pursuant to KRS 65.300. In complying with the State Act, after its approval by the DLG and EWDC, a copy of this Agreement shall be duly recorded in the respective Offices of the County Court Clerks of each County which is a party hereto.

2. Governing Board.

A. A Governing Board is made up of the Mayor of Lexington and the County Judge Executive of each of the 16 other counties in the Bluegrass Workforce Investment Area (the "LEOs). The Governing Board shall have the following duties and responsibilities:

- Designate a fiscal agent and grant subrecipient that shall be responsible for the WIA grant funds (the "Subrecipient"). Such designation shall be made biannually at least One Hundred and Twenty (120) days prior to the receipt of grants by the local WIA. The designation shall be by a majority vote of the Governing Board. If the designation is for a non-governmental or private non-profit entity, excluding entities organized under 26 U.S.C. 501(c)(1), then the Governing Board may designate by procurement.;
- Elect a chief local elected official, who shall serve as the Chair of the Governing Board (the "CLEO");
- Establish an Executive Committee made up of the CLEO, who shall serve as the Chair of the Executive Committee, plus six (6) additional members of the Governing Board. The Executive Committee is authorized to perform each and every Governing Board action except the designation of the Subrecipient, the CLEO election and other actions expressly reserved for the full Governing Board;
- Perform all other duties and functions assigned to consortiums of local elected officials by the Act, successor legislation or by implementing Federal or State rules or policies.

B. Subject to the provisions of the Act and its implementing regulations, the Governing Board or its Executive Committee shall engage in discussion with the WIB to reach agreement with respect to the following:

- The content of the workforce plan for the area, including modifications thereto;
- The content of the WIA strategic plan for the area, including modifications thereto;

- One-Stop Career Center chartering and certification;
- Contract awards and the selection of service providers; and
- Acceptance and the resolution of audit and monitoring findings.

C. To the extent that the Governing Board would have any authority under the Act or Regulations, should the Governing Board or its Executive Committee fail to agree to any plan, policy or procedure proposed by the WIB, that particular action, plan, policy or procedure shall not be effective unless and until a mutually acceptable solution is agreed to by both the Governing Board or its Executive Committee and the WIB.

D. As required by the Act and its implementing regulations, the Governing Board or its Executive Committee shall discuss, review and approve or disapprove the WIB's annual budget, including modifications thereto.

4. Governing Board and Executive Committee Decisions. Each of the Governing Board and Executive Committee members shall have one vote. The Governing Board members may each select one alternate who shall have all the powers and rights of the Governing Board member who selected the alternate, who shall also be a local elected official as defined by the Act, and who shall also count towards a quorum when that Board member is absent. A quorum consists of not less than nine (9) members. Decisions require approval by a majority vote of a quorum. The Governing Board may adopt bylaws consistent with this Agreement.

5. Governing Board Chair. The Governing Board Chair/CLEO shall sign documents as authorized by and on behalf of the Governing Board or its Executive Committee. The Board Chair/CLEO shall serve until a successor is elected or until resignation. The Governing Board may elect other officers as it sees fit, including a Vice Chair who may act as the CLEO when the Chair/CLEO is unavailable or as authorized by the Chair, the Governing Board or its Executive Committee.

6. Governing Board Meetings. The Governing Board shall meet at least biannually and at such other times as are deemed necessary. Meetings may be called by the CLEO, by the Executive Committee or by any three Local Elected Officials by providing 24 hours written notice to all Governing Board members and to any alternates. Meeting notices shall contain the time, place, and agenda for all meetings and otherwise comply with Kentucky's Open Meetings Act.

7. Workforce Investment Board Appointments.

A. All WIB members shall be appointed in accordance with the criteria established between the Governor and the Kentucky Workforce Investment Board ("KWIB") in accordance with the Act or its successor.

B. At the option of the Governing Board or its Executive Committee, the Governing Board shall seek consent from the Governor to immediately implement the WIB constitution requirements of the Workforce Innovation and Opportunity Act. In the event such consent is obtained, the following requirements shall apply:

   a. A majority of WIB members shall be private sector business representatives. Local business organizations or trade associations shall nominate representatives who are business owners, chief executives or operating officers, or who have "optimum policy making or hiring authority," in compliance with the Act. WIB appointments shall be authorized by the Governing Board or its Executive Committee and shall be made by the CLEO.
   b. At least 20% of the Board's members must come from organized labor or from nonprofits that engage in employment and training. These members shall be union representatives or executive directors of nonprofit agencies.
   c. The WIB shall also include: 1) an Adult Education and Literacy member ; 2) a higher education member; 3) a local economic/community development director; 4) a top State employment service manager; and 5) a top vocational rehabilitation manager. The two education representatives must be nominated by their peers.

C. In the event that the Governing Board or its Executive Committee does not seek to immediately implement the WIB requirements under the Workforce Innovation and Opportunity Act, the following shall apply: a majority of WIB members shall be private sector business representatives, pursuant to the Act and its implementing regulations. WIB appointments shall be authorized by the Governing Board or its Executive Committee and shall be made by the CLEO. Efforts shall be made to ensure that key business sectors are represented and, to the extent possible, that there is WIB member who either lives or works in each of the seventeen Counties.

D. Subject to 29 U.S.C. Section 2832(c)(2) and (3), as amended, replaced or modified, and its implementing regulations, WIB appointments shall be for staggered three-year terms and shall continue until a successor is appointed either prior to or after the end of the appointment term.

8. <u>WIB And Subrecipient Duties And Responsibilities</u>.

A. Subrecipient responsibilities shall include:

- Informing the WIB on a regular basis of the progress in achieving strategic goals and objectives;
- Delivering an annual report to the WIB on the activities and the state of the area's workforce system;

- Acting as the local workforce area's grant subrecipient and fiscal agent;
- Regularly attending WIB, Governing Board and Executive Committee meetings;
- Managing budget and procurement activities;
- Employing and evaluating the area's Workforce Director, subject to approval of a budget line item agreed to by the WIB and the Governing Board or its Executive Committee. The Subrecipient shall evaluate the Workforce Director on annual basis, and shall provide the evaluation to the WIB and the Governing Board or its Executive Committee; and
- Adopting policies necessary to ensure accountability and compliance with Federal, State and local laws, rules and grant terms and agreements, including but not limited to this Agreement.

B. The WIB shall have all responsibilities delegated to it in the WIA and its implementing regulations. Subject to the written memorandum of agreement by and between the Governing Board or its Executive Committee and the WIB, and provided not contrary to any provision in the WIA or its implementing regulations or the successor act, these responsibilities shall include:

- Developing the area's Regional Workforce Strategic Plan;
- Appointing committees to oversee work necessary to accomplish each goal in the strategic plan;
- Establishing standards for and overseeing the area's workforce system, subject to the terms of a "Memorandum of Understanding" executed with partner agencies;
- Performing duties as required by the Act, the Commonwealth of Kentucky, Federal and State grant agreements, other applicable Federal, State and local laws, rules and agreements and this Agreement; and
- Entering into an agreement with both the Subrecipient and the Governing Board or its Executive Committee, which shall further delineate the respective responsibilities of the Subrecipient, the Governing Board or its Executive Committee and the Subrecipient. The agreement shall include the following dispute resolution procedure: "In the event that the WIB, the Governing Board or its Executive Committee or the Subrecipient disagree, an attempt shall be made by the WIB Chair and the CLEO to informally resolve the issue. If informal resolution is unsuccessful, three Governing Board Executive Committee members other than the CLEO and three WIB officers shall meet and shall resolve the issue by majority vote. The meeting shall be chaired by a representative of the Department of Workforce Investment. If a resolution cannot be reached, the matter shall be referred to a mediator selected by the Department of Workforce Development and the parties shall in good faith attend mediation to resolve any dispute."

C. In order to protect the objective oversight responsibilities of the WIB, the WIB may only engage in the direct delivery of services with the consent of the Governor and the

Governing Board to engage in core and intensive services and otherwise complies with the Act, as amended, which consent may be withdrawn by the Governor or the current Governing Board or its Executive Committee at any time. The WIB may hire staff if the WIB believes that such staff is necessary for oversight purposes, subject to the Governing Board or its Executive Committee's approval of the budget line item for such staff.

9. Liability. The local jurisdictions of each LEO shall always remain liable for misuse of funds. In the event liability for the misuse of funds, the following priorities for recouping those funds shall apply:

A. First Priority: Subrecipient shall attempt to recover funds from the contractor, agent or third party causing the liability;

B. Second Priority: Subrecipient shall attempt to recover funds from an insurance carrier or bond issuer;

C. Third Priority: Subrecipient shall attempt to obtain a waiver of liability or offset liability against current or future grant revenues;

D. Fourth Priority: Subrecipient shall repay the liability from its funds to the extent permitted by law; and

E. Fifth Priority: As a last resort and only to the extent required by the Act, the Parties agree to cover unmet liabilities to the State and Federal governments. The Parties shall share liability to the State and Federal governments in proportion to their respective populations using the most recent census data available on the date the negligent or wrongful acts occurred which gave rise to the unmet liability.

This priority system shall not be construed as an attempt to avoid liability under the Act, its regulations or any agreement between the CLEO and the Commonwealth of Kentucky. Likewise, nothing in this agreement shall be interpreted in a manner that would violate any constitutional or statutory limitation on liability applicable to a Party government, or shall be construed as a waiver of any defense to or limitation on liability to which a Party government or its agents would otherwise be entitled under the constitution or laws of the Commonwealth of Kentucky.

10. Termination.

A. This Agreement shall remain in effect until terminated pursuant to this section. In the event one of the local governmental parties withdraws from this agreement, this agreement shall be null and void with respect to that government. The term "Area" as used in this agreement shall refer only to the geographic boundaries covered by signatory local governments.

B. Subject to state and federal law, any Party may withdraw by notifying the other Parties, Subrecipient and to all appropriate agencies of the Commonwealth of Kentucky in writing of its intent to do so at least one hundred eighty (180) days prior to the end of the WIA program year (June 30th). Withdrawal shall become effective at midnight on the last day of the program year in which notice is given, and shall not affect the participation of the remaining Parties or the validity of this Agreement with respect to the remaining Parties.

C. This agreement completely replaces the previous Interlocal Cooperative Agreement between the Parties. That agreement shall be null and void when this agreement is executed and becomes effective according to Kentucky law.

11. Indemnification. To the extent allowable by the Kentucky Constitution and the Kentucky Revised Statutes, each of the Parties hereto agrees to indemnify and save the other harmless from any claims, liability or damages fees arising out of or resulting from any error, omission or act of negligence on the part of the indemnifying party, its officers, or employees in the performance of this Agreement.

12. Amendments. This Agreement may be amended from time to time by written consent of all the Parties.

13. Signatures. By signing this Agreement, each local elected official certifies that his or her signature has been duly authorized by official action of his or her governmental body. The agreement may be executed in one or more counterparts, each of which, when combined with all other counterparts, will constitute a completely executed agreement.

Signature page follows.

IN TESTIMONY WHEREOF, the Parties, after due adoption of resolutions and/or ordinances authorizing the same, acting by and through its Local Elected Official have executed and delivered this Agreement as of its effective date:

JUDGE EXECUTIVE, ANDERSON COUNTY	DATE
JUDGE EXECUTIVE, BOURBON COUNTY	DATE
JUDGE EXECUTIVE, BOYLE COUNTY	DATE
JUDGE EXECUTIVE, CLARK COUNTY	DATE
JUDGE EXECUTIVE, ESTILL COUNTY	DATE
MAYOR, LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT	DATE
JUDGE EXECUTIVE, FRANKLIN COUNTY	DATE
JUDGE EXECUTIVE, GARRARD COUNTY	DATE
JUDGE EXECUTIVE, HARRISON COUNTY	DATE
JUDGE EXECUTIVE, JESSAMINE COUNTY	DATE
JUDGE EXECUTIVE, LINCOLN COUNTY	DATE
JUDGE EXECUTIVE, MADISON COUNTY	DATE
JUDGE EXECUTIVE, MERCER COUNTY	DATE
JUDGE EXECUTIVE, NICHOLAS COUNTY	DATE
JUDGE EXECUTIVE, POWELL COUNTY	DATE

_____
JUDGE EXECUTIVE, SCOTT COUNTY DATE

_____
JUDGE EXECUTIVE, WOODFORD COUNTY DATE

REVIEWED AND APPROVED, WITH RESPECT TO COORDINATION AND NONDUPLICATION OF SERVICES, BY:

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

By:_____ Date:_____
Beth A. Brinly, Commissioner

REVIEWED AND APPROVED BY:

DEPARTMENT FOR LOCAL GOVERNMENT

By:_____ Date:_____
Tony Wilder, Commissioner

REVIEWED AND APPROVED, WITH RESPECT TO LEGALITY AND FORM, BY:

By:_____ Date:_____
Darren Sammons, Staff Attorney

Extended Social Resource (ESR) Grants FY16

Beth Mills, DSS Commissioner

LFUCG Social Services Committee

September 23, 2014

Current Parameters

- Four Essential Requirements
  - Attend pre - application meeting
  - Have current 501 (c) (3) status and Good Giving Profile
  - Total program(s) request cannot exceed 20% of former year actual expenditures
  - Meet application deadline with one week for review

- Six Categories of Service
  - Basic Human Needs
  - Mental Health and Substance Abuse Services
  - Positive Youth Development
  - Public Health
  - Services for Senior Citizens
  - Violence Prevention

Current Parameters

- Scoring and Award Protocol
  - Grant review committees individually score packets (7-10 per reviewer)
  - Grant review committees hear oral presentations from applicants
  - Administrative Officer tallies scores (includes omitting outliers and averaging scores) to arrive at rank
  - Funding work group recommends individual awards

- Bonus Points in Scoring
  - Child care services
  - Mental health and substance abuse services
  - Employment services
  - Meeting/exceeding outcomes from previous year funding

Funding Recommendations

- Define <u>total</u> amount of funds to be awarded at pre-application meeting (Currently 1% of total General Fund Budget)

- Separate funds for **emergency shelter** to the four agencies who provide this service.

  - The following agencies can apply to be awarded grants by the Office of Homeless Prevention and Intervention:
    - Arbor Youth Services
    - Greenhouse 17
    - HOPE Center
    - Salvation Army

    Current shelter funds for these four agencies is $700,000

    Approximately 22% of the total funds budgeted

Timeline/Awards

- Applications and ratings done on a bi-annual basis

- Awards will be the same amount for two years
  - Provision that funds are available as the LFUCG budget allows
  - Program funds must be expended by the end of each FY
  - Program has opportunity to amend goals and outcomes for same program in year two

- Total amount will be announced in Mayor's budget address

- Specific program amounts will be announced prior to finalizing the budget
  - Longer timeline for deliberation by funding work group
    - Work group membership includes representation from the Administration, Council, and Social Services Advisory Board

Process Changes

- Cap the maximum amount of funds for which any one agency can apply.
  - Can be based on % of total funds available
  - Current guideline is all program funds requested can not exceed 20% of last FY expenditures
    - Provides an advantage to larger agencies

- Cap the number of programs for which any agency can apply
  - Suggestion of three

- The same program is not eligible for Social Services Partner Program Grant funding and Partner for Youth (PFY) funding
  - PFY grassroots grants range from $500 - $3,000

Process Changes

- All grant applicants must submit a letter of intent and complete a pre-application checklist
  - This material will be reviewed by DSS to determine whether the application will be reviewed
    - Checklist examples
      - Must provide a service, not be a pass-through for funds
      - Must provide a minimum # of service units
      - Must demonstrate a direct impact on defined areas of service
- Agencies allowed to file a collaborative application; incentives for this effort
  - Can combine request up to 20% of each agency's participating budget
    - Benefits smaller agencies
  - Give bonus scoring points for collaborative applications
- Consider the grant a finite award
- Council Budget Link will not be held for individual agencies
  - The Link will address questions and concerns with the DSS Commissioner and funding work group members

Questions?

Social Services/Community Development Referrals

Item	Referred By	Date Referred	Status
Workforce Investment & Training	Ford	Nov 16, 2012	August 2014
Increasing Commitment to Partner Agency Funding	Myers	April 15, 2014	(TBA)
BGADD Membership, Audit Response	General Services Link	July 10, 2014	Ongoing
Change name from Partner Agency to Partner Program Funding	Social Services Link	July 10, 2014	September 2014
Partner Agency Funding Process	Social Services Link	July 10, 2014	September 2014
Manage Partner Agency Prescription Programs	Social Services Link	July 10, 2014	(TBA)
Proposed Reorganization of Office of Homelessness Prevention & Intervention to the Department of Social Services	Ford	August 19, 2014	(TBA)