Lamb, **Chair**
Evans, Vice Chair
Akers
Bledsoe
F. Brown
J. Brown
Gibbs
Henson
Moloney
Scutchfield

A G E N D A
General Government & Social Services Committee
July 7, 2015
1:00 P.M.

I.	Approval of Committee Summary	(1-5)
II.	**Workforce Investment & Training -- Update (Henson)**	(6-68)
III.	**Ord. 271-2009 – Oath of Office for Boards, Agencies & Commissions (Lamb)**	(69-82)
IV.	**Cell Towers – Location Approval & Revenue (Lamb)**	(83-95)
V.	Items in Committee	(96)

“Social services, community development and general government committee, to which shall be referred matters relating to the department of social services and its divisions, and any related partner agencies; the division of community development, related partner agencies, and other matters relating to community development; and matters relating to the general administration of government, the department of law, the department of general services, each department's respective divisions, and any related partner agencies.” Council Rules & Procedures, Section 2.102 (2) Effective January 1, 2015. Adopted by Urban County Council September 25, 2014

2015 Meeting Schedule

February 3	May 5	October 6
March 10	July 7	November 3
April 7	September 1	

General Government & Social Services Committee
May 5, 2015
Summary and Motions

Chair Lamb called the meeting to order at 1:00 p.m. Committee members Akers, Bledsoe, J. Brown, Evans, Gibbs, Henson, Moloney, and Scutchfield were present. Committee Member F. Brown was absent. Council Member Stinnett and Vice Mayor Kay were also in attendance.

I. Approval of Committee Summary

Evans noted that Stinnett was not listed as present at the April 7, 2015 meeting and the minutes were updated to reflect the change.

<u>A motion was made by Moloney to approve the April 7, 2015 General Government & Social Services Committee Summary, seconded by Henson. Motion passed without dissent.</u>

II. EMS Service Fees

Henson gave a brief history of the item.

Commissioner Ford presented the Emergency Medical Transport Assistance Program, and explained that the program is proposed to offer financial assistance for costs associated with emergency medical transport of low-income residents. He reviewed EMS operational data, and stated that Fayette County residents with household income at or below 150 percent of federal poverty guidelines will qualify for the program. Clients can access this assistance once within a 24 month period, and the program will be funded from the existing Emergency Financial Assistance (“EFA”) funding administered by the Division of Adult and Tenant Services. Program funding will not be requested until FY 2017 when demand data is available.

Moloney inquired about the Housing Relocation (Condemnation) budget which shows no available current funding balance. Connie Godfrey, Director of Adult and Tenant Services, replied that zoning relocation funds are being utilized as necessary to meet those needs. Moloney inquired when the account was depleted, to which Godfrey replied it was met 3 weeks prior.

Bledsoe inquired if a comparison of cost between American Medical Response, Rural Metro and Lexington EMS had been completed. Chief Woods stated he does not have that information, but that Lexington EMS’ service costs differ because the other companies primarily provide convalescent, non-emergent runs. Bledsoe requested clarification about the difference between those services. Woods stated that there is a general agreement with the companies so that EMS does not handle convalescent runs because of the demand for 911 service calls and noted that EMS training is more specific to emergency runs. Woods stated that there is no charge for EMS to assess a patient if transport service is declined.

Bledsoe also asked for clarification regarding service costs. Ford stated the numbers are based on the standards of Medicaid and Medicare. Rusty Cook, Director, Division of Revenue stated that the amount billed does not reflect insurance rates paid by providers and/or Medicare. Bledsoe inquired if the service could potentially be provided without charge to patients, to which Cook replied $90 is the typical Medicare payment for service.

Akers inquired about EMS service history, to which Ford replied the proposal of $50,000 would allow for coverage of a maximum of 400 services. Akers also inquired if individuals with regular insurance policies would benefit from the services, provided they meet income requirements. Ford stated the service will be based on the federal poverty income guidelines. Akers further inquired if Medicaid patients would only qualify for this service once in the 24 month period, which Ford affirmed.

Ford stated the program cannot legally be advertised and he hopes that word of mouth will help to address the perception of low income residents who may feel they cannot afford EMS services. Akers inquired if it is possible for the billing company to note on billing statements to contact Adult & Tenant Services if individuals are unable to pay. Ford replied that point would be the earliest they could potentially advertise their program. Akers inquired if the vendors would be able to refer patients to Adult & Tenant Services. Ford stated they would like for individuals to realize their program is an avenue for assistance, similar to other assistance the government offers. In response to a question from Akers, Ford stated the verification of need would fall within Adult & Tenant Services.

Evans inquired how soon implementation of the program could begin, to which Ford replied that the program is proposed for implementation beginning July 1, 2015.

Lamb inquired about the addendum to the EFA program and if it would need to be approved by Council. Glenda George with Law replied that the proposed legislation provides for Council approval of the program.

Bledsoe inquired how the budget allocated for EFA is determined. Ford stated that $200,000 has been allocated for several years to meet the need for emergency financial assistance. Ford stated these funds tend to be depleted quickly, which demonstrates that the level of funding does not capture all of the need for service. Bledsoe also inquired also about landfill and sewer user fees. Ford replied these are more recently programmed funds. Bledsoe stated support for allowing assistance through the program once every 24 months.

Evans inquired if this would be a separate fund in the budget or if it would show up as a part of the EFA total. Ford stated it would be a part of the EFA total. Evans stated her concerns for Adult & Tenant Services having adequate FY16 EFA funding. Ford stated the proposed approach is an attempt to do more with less funding, and stated that a future funding request may result from service needs.

Lamb stated her desire to see a 6 month update for the program.

<u>A motion was made by Henson to approve authorization of the Department of Social Services to create and administer an Emergency Medical Transport Assistance Program to assist individuals who are income eligible with paying the cost of emergency medical transportation services, seconded by Moloney. Motion passed without dissent.</u>

III. Inclusion of Veterans as Disadvantaged Business Enterprises

Akers introduced the item, stating it was previously brought forth at the March 10th meeting. Akers stated that since that time, and as the result of subsequent meetings, an amended proposal is being presented.

Todd Slatin, Director of the Division of Purchasing, stated that the revised resolution language proposes the adoption of a separate goal of 3 percent for veteran and service–disabled veteran owned businesses. Slatin stated they are not asking to fund the program at this time, but rather to incorporate it as a separate goal for evaluation over the next fiscal year.

Akers stated that adoption of the goal has no budgetary impact to the LFUCG, and will be evaluated for funding needs in 6 months.

Moloney thanked Akers for bringing this issue to the Council and inquired about the purchasing goal other cities have adopted for veteran owned businesses. Slatin stated that the adopted goal varies, and that the proposed 3 percent goal is subject to future adjustment by the Council as necessary.

Moloney stated that the local presence of a VA hospital and other veteran programs may result in a need greater than 3 percent, and that the goal should be revisited in the future. Slatin stated there are not many certified veteran owned businesses currently in Fayette County, and stated that the State is also considering similar goals for veteran preference.

Evans stated her concern that disabled veterans would already qualify under the current DBE requirement the LFUCG has adopted, and noted that House Bill 497 only applies to disabled veterans. She inquired if the intention is to mirror that legislation or to expand on it to include veterans. Slatin replied that including veteran owned small business may increase participation.

Vice Mayor Kay inquired about implementation. Slatin stated they will expand their outreach efforts to identify veteran owned businesses in Fayette County. Kay inquired if veteran businesses will receive preference when in competition for an RFP. Slatin stated this is a goal rather than a requirement.

Akers inquired if the point allocation would include veterans into the women and minority owned business criteria, or if they would be listed separately. Slatin stated they would be listed separately for the purpose of internal tracking.

Akers stated 3 percent is a good place to set a beginning goal as need continues to be evaluated. Akers further noted the proposed State bill was only meant to certify businesses as veteran owned, and stalled in the Senate committee. Akers noted the intent was not to emulate the state's legislation.

<u>A motion was made by Akers to adopt the resolution to provide a 3 percent minimum goal for certified veteran owned small businesses and service-disabled veteran owned businesses, seconded by Henson. Motion passed without dissent.</u>

IV. Review of Ethics Ordinance

Evans presented an update of the work of the Ethics Ordinance Review Subcommittee, stating that the Subcommittee has met monthly since January of this year. Evans stated that the discussion has focused on the structure and membership of the Commission. Evans noted a request for research examining methods other cities use to appoint members to their ethics boards. Professor Connelly, current Chairperson of the Ethics Commission, will be attending the next meeting to discuss amendments previously suggested by the commission and provide insight. The subcommittee's goal is to have a full report by the end of the year.

Lamb stated there is a memo in the packet appointing CM Bledsoe to the Subcommittee, replacing former Council Member Ford. There was no further discussion on the item.

V. Bluegrass International Center

Isabel Taylor, Multicultural Affairs Coordinator, provided a progress update of the Bluegrass International Center, and presented the Mayor's International Affairs Advisory Commission ("Commission") for Council consideration. The Commission will have 23 members, including 10 foreign born residents, 5 community at-large members, 2 Council Members, and 6 ex-officio members. The Commission will promote community education and guidance, and promote cultural understanding and civic engagement.

Lamb stated her support for the project and stated her hope that an accessible and engaging brand for the center is developed. Taylor stated that the logo and branding will be part of a community wide contest.

Henson stated her appreciation for Taylor's hard work and expertise. Taylor stated she is grateful for everyone's support and input.

<u>A motion was made by Lamb to approve the proposed Ordinance creating the Mayor's International Affairs Advisory Commission and endorsing the name of the facility as the Lexington Global Engagement Center, seconded by Moloney. Motion passed without dissent.</u>

VI. Items in Committee

<u>A motion was made by Henson to approve the removal of EMS fees from Committee, seconded by Moloney. Motion passed without dissent.</u>

<u>A motion was made by Akers to remove the Inclusion of Veterans as Disadvantaged Business Enterprises from Committee, seconded by Henson. Motion passed without dissent.</u>

<u>A motion was made by Akers to remove the Masterson Station Park Master Plan Update, seconded by Scutchfield. Motion passed without dissent.</u>

<u>A motion was made by Scutchfield to adjourn, seconded by Akers. Motion passed without dissent.</u>

The meeting adjourned at 2:35 p.m.

DS 5-7-2015

Bluegrass Workforce Development Area Proposed Interlocal Cooperative Agreement (ICA)

General Government & Social Services Committee Meeting

July 7, 2015

Kevin Atkins

Chief Development Officer

Bluegrass WIB ICA

Recent History

RECENT HISTORY

- **July 3, 2013** Kentucky State Auditor Adam Edelen notifies Bluegrass Area Development District his office would conduct an audit to review how funds were administered
- **July 9, 2013** Urban County Council passed Resolution 418-2013 Requesting:
  1. Kentucky General Assembly Program Review and Investigation Committee exam the business practices of the Bluegrass Area Development District
  2. Examine the relevance of the Area Development District in today's economy

Bluegrass WIB ICA

Recent History

- **March 4, 2014** State Auditor Adam Edelen issues Special Examination of the Bluegrass Area Development District
- **April 24, 2014** Urban County Council passed Resolution 213-2014 asking Winchester Mayor Ed Burtner, as Chief Elected Official, to take steps to identify and retain a new administrative and fiscal agent independent of the Bluegrass Area Development District to provide services to the Bluegrass Workforce Investment Board

Bluegrass WIB ICA

Recent History

- **October 23, 2014** Urban County Council passed Resolution 614-2014 recommending
  1. Mayor not sign the new proposed Amended Interlocal Cooperative Agreement
  2. Suggest Urban County Government take steps necessary to have the Lexington area declared a workforce investment area.
- **November 17, 2014** KWIB began regional and local designation process for WIOA
- **March 2, 2015** Governor Beshear met with KWIB to discuss changes in policy for workforce development

Bluegrass WIB ICA

Recent History

- **April 28, 2015** Mayor Gray met with Governor Beshear and Judge/Executives from the Bluegrass region to discuss a regional workforce agreement
- **May 27, 2015** Mayor Gray and Garrard County Judge/Executive John Wilson participated in mediation to reach a new WIOA Interlocal Cooperative Agreement. Former Department of Labor Regional Administrator Helen Parker conducted the session. Keith Horn, LFUCG Department of Law and Jon Gay, Bluegrass Area Development District attorney also participated in the mediation

Bluegrass WIB ICA

Recent History

- **June 25, 2015** Governor Beshear issued Executive Order establishing Kentucky WIOA Workforce Development regions and Kentucky WIOA Workforce Development Board membership
- **June 26, 2015** Mayor Gray met with Deputy Secretary Beth Brinly, KY Education & Workforce Cabinet; Boyle County Judge/Executive Harold McKinney (Current CLEO) and Traci Pratt-Savage (Current BGWIB Chair) to discuss implementation process of WIOA in the Bluegrass region.

Bluegrass WIB ICA

Kentucky State Auditor Report

KENTUCKY AUDTIOR WORKFORCE RECOMMENDATIONS:

1. Conflicts of interest in relation to the Bluegrass ADD fiscal agent responsibility with the WIB should be eliminated since it is unable to fully exclude its Board Chair from matters involving the WIA funds (Auditor Finding 2)
2. Bluegrass ADD should ensure all contracts for services are properly procured in accordance with established policies and procedures (Auditor Finding 4)
3. Bluegrass ADD failed to consistently share WIA information with the WIB making it difficult for the board to monitor WIA funds (Audit page 13)

Bluegrass WIB ICA

Kentucky Workforce Board Policy

- **POLICY 15-001** (Policy on Local Workforce Investment Board Member Nominations and Appointments process, and Board Certification by KWIB):
  1. Board composition must be in accordance with federal law
  2. Defines governance and role of the board
  3. Board nominations must be signed by the appointing CLEO and submitted on the state approved nomination form
  4. One stop operators be selected by a competitive procurement process reviewed and approved by the Department of Workforce Investment

Bluegrass WIB ICA

Kentucky Workforce Board Policy

- **POLICY 15-002 (Interlocal Agreements and Chief Local Elected Official Roles and Responsibilities)**
  1. Interlocal Cooperative Agreement required for each workforce region
  2. Partnership Agreement negotiated among CLEOs and workforce board required for each workforce region
  3. Establishment of a 65% super majority for approval many actions taken by Local Elected Officials (LEO) including Fiscal Agent designation and One-Stop operator selection
  4. Competitive procurement for designation of local fiscal agent and local grant subrecipient which is conducted by Department of Workforce Investment

Bluegrass WIB ICA

Kentucky Workforce Board Policy

- **POLICY 15-003 (Policy on Local Elected Official (LEO) and Local Workforce Development Boards (LWDB)**

1. LEOs and LWDB members negotiate a partnership agreement to define the operating relationship and confirm the LEOs and LWDB have read, understood and agree on the functions, duties and responsibilities of the LEOs and LWDB
2. Negotiate an Interlocal Cooperative Agreement
3. Agreements overseen by the Department of Workforce Investment

Bluegrass WIB ICA

Contents of Agreement

WHAT THE NEW INTERLOCAL COOPERATIVE AGREEMENT PROPSAL INCLUDES:

- Mayor of Lexington is permanent Co-Chief Local Elected Official (CLEO) along with a Judge/Executive elected at large by the other Local Elected Officials (LEOs)
- Designation of fiscal agent, grant subrecipient and one-stop operators shall be done in accordance with federal law and state policies
- The Co-CLEOs shall not be the highest ranking officer on any board or other entity that governs any local grant subrecipient, local fiscal agent or service delivery provider

Bluegrass WIB ICA

Contents of Agreement

- Dispute resolution process
- Liability for workforce funds shared equally among all counties
- Quarterly meeting of LEO executive committee to discuss workforce activities
- Annual meeting of LEO executive committee and local workforce board
- Members of the local workforce board will be nominated and selected using federal law and state policy
- Specifies the respective roles of the individual chief elected officials pursuant to WIOA and compliance with the state and federal law and regulations

Bluegrass WIB ICA

Partnership Agreement

Partnership Agreement Required Elements:

1. Local and regional plan development process
2. Oversight of workforce activities
3. How funds will be used and managed
4. Performance accountability measures
5. Designation and termination process of career center operator
6. Budget development process
7. Process for addressing operation issues and unresolved disputes.

Bluegrass WIB ICA

Questions?

INTERLOCAL AGREEMENT

AMONG

THE KENTUCKY COUNTIES OF
Anderson, Bourbon, Boyle, Clark, Estill, Franklin,
Garrard, Harrison, Jessamine, Lexington-Fayette, Lincoln,
Madison, Mercer, Nicholas, Powell, Scott and Woodford

THIS INTERLOCAL AGREEMENT ("Agreement") is made among and between THE KENTUCKY COUNTIES OF Anderson, Bourbon, Boyle, Clark, Estill, Franklin, Garrard, Harrison, Jessamine, Lexington-Fayette, Lincoln, Madison, Mercer, Nicholas, Powell, Scott and Woodford (hereinafter referred to as "Parties") all entities being bodies corporate and politic of the Commonwealth of Kentucky.

WITNESSETH THAT:

WHEREAS, the Kentucky Interlocal Cooperation Act (hereinafter referred to as "State Act"), KRS 65.210 through 65.300 permits the Parties to make the most efficient use of their powers by enabling them to cooperate on a basis of mutual advantage and thereby provide services and facilities in a 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 Workforce Innovation and Opportunity Act (hereinafter referred to as the "Federal Act"), enacted by the Congress of the United States, provides for federal United States Department of Labor funds to be granted to the several states for the delivery of services and programs under the Federal Act; and

WHEREAS, the Parties wish to increase the effectiveness of the area's workforce development system under the Federal Act; and

WHEREAS, the purpose of this Agreement is to specify the respective roles of the individual chief elected officials pursuant to Section 107(c) of the Federal Act as amended or modified from time to time, and to comply with the state and federal law and regulations on Interlocal Agreements as amended or modified from time to time; and

WHEREAS, the Parties desire to terminate and replace all prior Interlocal Cooperative Agreements with this Agreement, provided this Agreement is adopted by all 16 Fiscal Courts and the City of Lexington.

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

1. EXECUTION OF AGREEMENT AND EFFECTIVE DATE. This Agreement shall become effective upon: (a) its approval by Anderson, Bourbon, Boyle, Clark, Estill, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott and Woodford County Fiscal Courts and the Lexington/Fayette Urban County Government, and due execution pursuant thereto by each County Judge/Executive and the Mayor of the Lexington/Fayette Urban County Government (hereinafter referred to collectively as "Local Elected Officials or LEOs"), (b) upon approval of the Kentucky Commissioner of the Department for Local Government under provisions of the State Act as amended or modified from time to time; (c) a copy of this Agreement, after its full approval being filed with the Kentucky Secretary of State's Office and with the Kentucky Education and Workforce Development Cabinet; and (d) the recording of the Agreement with the Office of the County Clerks in each county.

2. AGREEMENT DURATION. The term of this Agreement shall be from June 1, 2015, through May 31, 2020.

3. GOVERNING BOARD.

A. A Governing Board of LEOs shall consist of the 16 County Judge Executives and the Mayor of Lexington. An Executive Committee is established to include the following: the Co-Chief Local Elected Officials ("CLEOs"), who shall serve as the Co-Chairs of the Governing Board, plus five (5) additional members. The additional members shall be selected from a majority vote of the Governing Board as set forth below. Members of the Executive Committee who are not the co-CLEOs shall serve for two year terms and may serve one additional consecutive term.

B. The Governing Board shall within ninety (90) days of the effective date of this Agreement establish bylaws and submit a copy to the Education and Workforce Development Cabinet, Office of Employment and Training.

C. The Governing Board shall, in accordance with federal and state law as amended or modified from time to time, and federal and state regulations and policies as amended or modified from time to time, by a duly called meeting of the Governing Board take the following actions:

i. Selection of the Co-CLEOs, provided, however, the Mayor of Lexington shall always be one of the Co-CLEOs;

ii. Selection of Executive Committee Members

iii. Designation of the fiscal agent;

iv. Designation of a grant subrecipient;

v. Election of the Executive Committee members;

vi. Authorization for the Co-CLEOs to request the Governor's consent for the local workforce development board to be the direct service provider;

vii. Approval of the local workforce development board annual budget; and

viii. Selection of the one-stop operators.

D. Unless otherwise provided herein, Co-CLEOs shall jointy make all other decisions and perform all other duties and functions assigned to the Chief Local Elected Official by the Federal Act, or by implementing federal or state regulations or policies as amended or modified from time to time. If the Co-CLEOs cannot agree on any matter, the Executive Committee will make the decision by majority vote.

4. PARTICIPATING LOCAL ELECTED OFFICIALS. Attached hereto and incorporated herein are the names, representation, and contact information for each LEO in the workforce development area and the Co-CLEOs. The information shall be updated as necessary by submitting such updates to the local workforce development board and the Education and Workforce Development Cabinet, Office of Employment and Training.

5. DESIGNATION OF CO-CHIEF LOCAL ELECTED OFFICIALS.

A. The following selection or appointment process shall be followed:

i. The Governing Board shall elect a LEO to serve as an At-Large Co-Chief Local Elected Official (CLEO) to serve with the LEO of the Lexington-Fayette Urban County government as the other Co-CLEO. To be elected as the At-Large CLEO, the At-Large member shall receive a simple majority of the votes of the LEOs present at a meeting where a there is a quorum.

ii. The Co-CLEOs shall not serve as the highest ranking officer on any Board or other entity that governs any local grant subrecipient, local fiscal agent, or service delivery provider.

iii. The Co-CLEOs shall not derive any personal benefit or gain, directly or indirectly, by reason of his or her participation as the Co-CLEO of the local workforce development area.

iv. The Co-CLEOs shall disclose to the Governing Board any personal interest which he or she may have in any matter pending before the organization and shall refrain from participation in any decision on such matter.

v. The Co-CLEOs and his or her immediate family members shall not be a participant, directly or indirectly, in any arrangement, agreement, investment, or other activity with any vendor, supplier, or other party doing business with the local workforce development area which results or may result in a personal benefit.

vi. The Co-CLEOs shall not be a recipient, directly or indirectly, of any salary payments, loans, gifts of any kind, any free service, discounts, or other fees from or on behalf of any person or organization having transactions with the local workforce development area.

B. The term of the At-Large CLEO shall be two years and may serve one additional consecutive term.

C. The Co-CLEOs shall serve as the signatories for the LEOs related to Federal Act matters.

D. All duties or functions of the Co-CLEOs must be performed jointly, unless the action has been approved by the Governing Board of LEOs in which case either Co-CLEO may execute such documents or take such action as necessary to carry out the direction of the Governing Board of LEOs.

6. DISPUTE RESOLUTION. Whenever any dispute arises between the Parties, including the Co-CLEOs, under this Agreement, the Parties may invoke Dispute Resolution and agree to seek resolution of such dispute as follows:

A. The Parties will seek in good faith to resolve any such dispute by arranging a meeting between the Parties with authority to resolve the matter within five business days after either Party receives notice of a dispute. If the Parties are unable to resolve the dispute informally within 10 working days, either Party may request the assistance of a mediator.

B. If it proves impossible to arrive at a mutually satisfactory solution through mediation within 30 working days of the request for the mediator, the Parties may refer the dispute to an arbitrator, who will be authorized to make a decision regarding the dispute, and that decision will be final and binding on the Parties.

7. FISCAL AGENT OR GRANT SUBRECIPIENT DESIGNATION. The Governing Board shall designate the Fiscal Agent and Grant Subrecipient in accordance with federal and state law and federal and state regulations and policies as amended or modified from time to time.

Selection by either designation or procurement shall not relieve the LEOs of the liability for any misuse of grant funds as apportioned in this Agreement.

8. LIABILITY. The local jurisdictions of each LEO shall always remain liable for misuse of funds. In the event of a determination that a misuse of funds has occurred, the following priorities for recouping those funds shall apply:

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

B. Second Priority: fiscal agent or grant subrecipient shall attempt to recover funds from an insurance carrier or bond issuer;

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

D. Fourth Priority: fiscal agent or grant 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 Federal Act as amended or modified from time to time, the Parties agree to cover unmet liabilities to the state and federal governments. The parties shall share liability to the state and federal governments equally.

9. LOCAL AREA SERVICE DELIVERY PROVIDER.

A. As authorized in Section 107(g)(2) of the Federal Act as amended or modified from time to time, a local workforce development board may provide career services described in Section 134(c)(2) through a one-stop delivery system or be designated or certified as a one-stop operator only with the agreement of the Co-CLEOs and Governor. The Governor's agreement must be obtained by the Co-CLEOs, after authorization by the Governing Board, in accordance with the Federal Act and state regulations as amended or modified from time to time.

B. In cases where the local workforce development board does not seek to provide career services, any one-stop operator shall be designated or certified by the Governing Board through a competitive process in accordance with the Federal Act and state regulations and policies as amended or modified from time to time. The process shall be outlined in a Partnership Agreement between the LEOs and the local workforce development board.

10. COMMUNICATION.

A. The Executive Committee shall meet quarterly to discuss the activities within the workforce development area and to complete their responsibilities under the Federal Act as amended or modified from time to time. The Executive Committee also shall meet upon the request of the Co-CLEOs, the Governing Board, or a majority of the LEOs on the Executive Committee. The meetings shall be conducted in accordance with the Kentucky Open Meetings Act as amended or modified from time to time.

B. At least once a year, the Executive Committee will conduct a joint meeting to include members of the local workforce development board as outlined in the Partnership Agreement.

C. The Co-CLEOs shall keep the LEOs informed regarding local workforce development board activities by the following process and procedure: minutes of any Governing Board or Executive Committee meeting shall be distributed to all LEOs within five (5) business days using the contact information provided in this Agreement. Additional information that the LEOs desire to review will be requested from the local workforce development board as outlined in the Partnership Agreement.

11. LOCAL WORKFORCE DEVELOPMENT BOARD BUDGET APPROVAL. The Governing Board shall review and, if acceptable, approve the local workforce development board annual budget pursuant to the following process:

A. A meeting will be held among the Co-CLEOs, and the members of the Executive Committee of the local workforce development board to reach agreement on a budget format and have a discussion regarding strategic priorities to be taken into consideration in the budget development process.

B. A draft budget will be developed by the local workforce development board for review by the Co-CLEOs.

C. The Co-CLEOs will review the proposed budget and provide feedback to the local workforce development board.

D. The Executive Committee of the local workforce development board will review the feedback and develop a final draft budget to be presented to the Co-CLEOs.

E. The Co-CLEOs will present the final draft budget for review by all LEOs and approval by the Governing Board.

F. The final budget shall be presented and approved at the local workforce development board meeting. The local workforce development board chair and at least one CLEO will then sign the final budget which will be presented to the fiscal agent and the grant subrecipient.

12. LOCAL WORKFORCE DEVELOPMENT BOARD REPRESENTATION.

A. The local workforce development board's member nomination, selection and confirmation shall comply with the Federal Act and state regulations and policies as amended or modified from time to time.

B. The process for determining the initial size of the local workforce development board is as follows: the Co-CLEOs shall establish the initial size in accordance with the Federal Act and state regulations and policies as amended or modified from time to time, after consideration of fair and equitable representation.

C. The process for selecting, appointing, removing or reappointing local workforce development board members is as follows:

i. All local workforce development board members shall be appointed in accordance with the criteria established between the Governor and the Kentucky Workforce Investment Board in accordance with the Federal Act and state regulations and policies as amended or modified from time to time.

ii. Local workforce development board members who no longer hold the position or status that made them eligible local board members must resign or be removed by the Co-CLEOs immediately as a representative of that entity; i.e. no longer work in the private sector, or no longer with an educational institution, For example, an appointee serving because of his or her employment in the private sector must resign or be removed if he or she retires or move to the public sector.

iii. The local workforce development board members must be actively engaged in the sector in which they were appointed to represent.

iv. Local workforce development board members replacing out-going member's mid-term will serve the remainder of the out-going member's term.

v. Local workforce development board vacancies must be filled within a reasonable amount of time of the vacancy as determined by the local workforce development area, but no later than 90 days from occurrence. The Co-CLEOs are authorized to make all reappointments of members. Reappointments must be made within a reasonable time of the term expiration, but no later than 90 days thereafter. Waivers are to be requested in writing to the Director of Workforce and Employment Services, Office of Employment and Training with an explanation of why a vacancy was not filled in the defined timeframe and a description of the process underway to fill the vacancy.

vi. Local workforce development board members must be removed by the Co-CLEOs if any of the following occurs: documented violation of conflict of interest, failure to meet local workforce development board member representation requirements defined in the Federal Act and state regulations and policies as amended or modified from time to time, or documented proof of fraud and /or abuse. Local workforce development board members will be removed for not meeting attendance guidelines as set forth in local workforce development board bylaws.

vii. Local workforce development board appointments do not require the signature of the LEOs, but rather only the signature of the Co-CLEOs.

D. The term of office for local workforce development board members shall be staggered three years. Term limits will be determined by blind draw.

E. Local workforce development board members or members of a standing committee in accordance with Section 107(h)(i)(1) and (2) of the Federal Act as amended or modified from time to time, may not: vote on a matter under consideration by the local board

i. Regarding the provision of services by such member (or by an entity that such member represents); or

ii. That would provide direct financial benefit to such member or the immediate family of such member; or

iii. Engage in any activity determined by the Governor to constitute a conflict of interest as specified in the state plan.

13. SELECTION OF A NEW CO-CLEO. When a new Co-CLEO is selected in accordance with this Agreement, the newly selected Co-CLEO must submit to the local workforce development board and the Education and Workforce Development Cabinet, Office of Employment and Training, a written statement acknowledging that he or she:

A. Has read, understands and will comply with the current Interlocal Agreement; and

B. Has apprised the Office of Employment and Training of the change in Co-CLEO designation.

14. SELECTION OF A NEW LEO. When a new LEO is elected within the local workforce development area, the newly elected official must submit to the local workforce development board a written statement acknowledging that he or she:

A. Has read, understands, and will comply with the current Interlocal Agreement; and

B. Reserves the option to request negotiations to amend the Interlocal Agreement at any time during the official's tenure as a LEO.

15. AMENDMENT. This Agreement may be amended by written consent of all the parties subject to approval and recording in accordance with the State Act as amended or modified from time to time. A copy of any amendment approved in accordance with the State Act as amended or modified from time to time, shall be submitted to the Education and Workforce Development Cabinet, Office of Employment and Training and the local workforce investment board.

16. INCORPORATION BY REFERENCE. The following documents, as such may be amended, modified or replaced in the future, are incorporated herein by reference and made a part of this agreement: the Federal Workforce Innovation and Opportunity Act; Kentucky Workforce Investment Board Policy 15-001; Kentucky Workforce Investment Board Policy 15-002; and Kentucky Workforce Investment Board Policy 15-003.

17. SIGNATURES. By signing this Agreement, each local elected official certifies that his or her signature has been duly authorized by official action of his/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 subject to approval by the Department for Local Government.

ANDERSON COUNTY	BOURBON COUNTY
______________________________ COUNTY JUDGE/EXECUTIVE (DATE)	______________________________ COUNTY JUDGE/EXECUTIVE (DATE)
BOYLE COUNTY	CLARK COUNTY
______________________________ COUNTY JUDGE/EXECUTIVE (DATE)	______________________________ COUNTY JUDGE/EXECUTIVE (DATE)
ESTILL COUNTY	FRANKLIN COUNTY
______________________________ COUNTY JUDGE/EXECUTIVE (DATE)	______________________________ COUNTY JUDGE/EXCUTIVE (DATE)
GARRARD COUNTY	HARRISON COUNTY
______________________________ COUNTY JUDGE/EXECUTIVE (DATE)	______________________________ COUNTY JUDGE/EXECUTIVE (DATE)
JESSAMINE COUNTY	LEXINGTON-FAYETTE URBAN COUNTY GOVT
______________________________ COUNTY JUDGE/EXECUTIVE (DATE)	______________________________ MAYOR (DATE)
LINCOLN COUNTY	MADISON COUNTY
______________________________ COUNTY/JUDGE EXECUTIVE (DATE)	______________________________ COUNTY JUDGE/EXECUTIVE (DATE)
MERCER COUNTY	NICHOLAS COUNTY
______________________________ COUNTY JUDGE/EXECUTIVE (DATE)	______________________________ COUNTY JUDGE/EXECUTIVE (DATE)
POWELL COUNTY	SCOTT COUNTY
______________________________ COUNTY JUDGE/EXECUTIVE (DATE)	______________________________ COUNTY JUDGE/EXECUTIVE (DATE)

WOODFORD COUNTY

____
COUNTY JUDGE/EXECUTIVE (DATE)

This Interlocal Agreement is in proper form, and is compatible with the Laws of the Commonwealth of Kentucky; therefore, it is approved this ___________ day of _____________, 2015.

____
COMMISSIONER, DEPARTMENT FOR LOCAL GOVERNMENT
COMMONWEALTH OF KENTUCKY

Kentucky Career Center POLICY	**POLICY NAME: Workforce Innovation and Opportunity Act - Interlocal Agreements, Chief Local Elected Official and Local Elected Official Roles and Responsibilities** **Policy Number: 15-002** **Date of Issue: March 4, 2015** **Effective Date: March 4, 2015** **For more info contact: Division Director, Workforce and Employment Services, Office of Employment and Training (OET), 502-564-5331**
	Applies /Of Interest To: Local Workforce Development Boards (LWDBs), Local Workforce Development Areas (LWDAs) staff, Chief Local Elected Officials and Local Elected Officials

Subject	**Workforce Innovation and Opportunity Act– Interlocal Agreements and Chief Local Elected Official and Local Elected Official Roles and Responsibilities**

Purpose	This policy provides guidance and clarification to LWDAs relating to the Interlocal Agreement process and the roles and responsibilities under WIOA.

Definitions	**Chief Local Elected Official (CLEO) -** The CLEO is the chief local elected official(s) elected among the consortium of Local Elected Officials representing the Local Elected Officials in the local Workforce Development Area (LWDA). **Local Elected Official (LEO) -** The LEOs are the local elected officials of a county. The highest elected official in counties and counties with merged government shall be considered the LEO for their respective county. **Local Workforce Development Board (LWDB) -** means a local workforce development board established under section 107, subject to section 107(c)(4)(B)(i). **Interlocal Agreement -** a written agreement that specifies the responsibilities of the CLEO and the individual LEO(s).

Background	The Workforce Innovation and Opportunity Act (WIOA) of 2014 (Public Law 133-128, July 22, 2014) enacted by the Congress of the United States, provides for federal funds to be granted to states, and for each state's Governor to designate LWDA within the state for the delivery of services and programs under the Act. WIOA Section 107 provides guidance and direction on the role of the CLEO and LEO in the LWDA as designated by the Governor. OET issuances provide support and clarification to the Act. Realizing that local employment and training programs cannot be fully effective or implemented without intergovernmental coordination for such reasons that programs

	and their implementation cross governmental, departmental, agency and political jurisdictions, the LEOs shall enter into a written Interlocal Agreement. The Kentucky Interlocal Cooperation Act, KRS 65.210 through 65.300, permits local governmental units, upon approval by each fiscal court and the Department for Local Government, 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 a manner and form that will best accord with geographic, economic, population and other factors which influence the needs and development of local communities.

Policy	**INTERLOCAL AGREEMENT** As noted in WIOA Section 107(c)(1)(B), when a LWDA includes more than one unit of government, the LEO of each unit may execute a written agreement that specifies the responsibilities of the CLEO and the individual LEO(s): *WIOA Section 107(c)(1)(B) MULTIPLE UNITS OF LOCAL GOVERNMENT IN AREA.—* *(i) IN GENERAL.—In a case in which a local area includes more than one unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials—* *(I) In the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under subsection (b); and* *(II) In carrying out any other responsibilities assigned to such officials under this title.* *(ii)LACK OF AGREEMENT.—If after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended*. **Additional OET Guidance/Clarification:** An Interlocal Agreement is required for each LWDA. The above policy applies except in such areas designated as Concentrated Employment Programs: *In the case of an area that was designated as a local area in accordance with section 116(a)(2)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), and that remains a local area on that date, the governing body of the concentrated employment program involved shall act in consultation with the chief elected official [CLEO] in the local area to appoint members of the local board, in accordance with the State criteria established under subsection (b), and to carry out any other responsibility relating to workforce investment activities assigned to such official under this Act. (WIOA § 107(c)(1)(C)).* All LEOs in a workforce area must enter into an agreement that determines how the LWDB nominees will be selected, appointed, removed or reappointed. The process must

be documented in the Interlocal Agreement. The LEOs shall enter into an Interlocal Agreement as a requirement to appoint the LWDB.

In addition to the Interlocal Agreement, the LEOs also shall enter into a Partnership Agreement with the LWDB. The Interlocal Agreement and the Partnership Agreement which are the two governing documents must be consistent. The requirement for consistency applies to any item that is addressed in both governing documents. Both agreements are dynamic documents that can, and should, be amended when a need or desire arises and the respective signatories agree.

Interlocal Agreement Required Inclusions. LEOs must enter into an agreement with each other that, at a minimum, include the following sections:

(1) **State the purpose of the Agreement.** Describe the purpose and the term of the Interlocal Agreement (not to exceed five years).

(2) Designation of a Chief Local Elected Official. The CLEOs are required by WIOA to approve or provide guidance on a number of LWDB activities. Therefore the Commonwealth requires LEOs to select a CLEO who will act on behalf of the other LEOs and to include the following information in the Interlocal Agreement:

a) Selection/appointment process and term of the CLEO, which must include steps to ensure that his/her duties would not create or be perceived to create a conflict of interest between the consortium of LEOs, LWDB, fiscal agent or administrative entity; and
b) The designation of the CLEO to serve as the signatory for the LEOs;
c) Outline decisions that may be made by the CLEO on behalf of the LEOs; and
d) Name, title, and contact information of the appointed CLEO.

To avoid conflict of interest, the CLEO shall not serve as the highest ranking officer on any Board or other entity that governs the fiscal agent or service delivery provider.

(3) Participating Local Elected Officials. The agreement must contain the name, representation, contact information and signature of each LEO in the local area. The Interlocal Agreement shall require a governing board of LEOs and bylaws and shall not be administratively attached to the fiscal agent, grant subrecipient, one-stop operator, or service provider.

The LEO governing board shall require a 65% supermajority to take the following actions:

- Selection of the CLEO;
- Designation of the fiscal agent or grant subrecipient;
- Authorization for the CLEO to request the Governor's consent for the LWDB to be the direct service provider;
- Approval of the LWDB annual budget; and
- Selection of the one-stop operator.

(4) Dispute Resolution. The Interlocal Agreement must state how disputes among LEOs will be resolved regarding LWDB board appointments and carrying out other responsibilities under WIOA.

(5) Fiscal Agent or Grant Subrecipient Designation. The LEO governing board may designate an entity to serve as the local fiscal agent or local grant subrecipient for WIOA funds. In making such designation, the LEOs shall carry out a competitive procurement process conducted by the Department of Workforce Investment for fiscal agent services or grant subrecipient services, including a Request for Proposals that has been reviewed and approved by the Department of Workforce Investment and which provides that proposals will be evaluated and ranked based upon criteria including but not limited to quality of services, demonstrated experience of quality service delivery, cost, conflict of interest policies, and history of fiscal integrity.

Such designation shall not relieve the LEOs of the liability for any misuse of grant funds as apportioned in the Interlocal Agreement.

(6) Grant Recipient/Liability of Funds. The Interlocal Agreement must indicate the LEOs' acknowledgement of financial liability as noted in WIA 107(d)(12)(B)(i)(I) and outline the process for determining each LEO's share of responsibility. This determination could be based on allocation, population, expenditures, or other criteria determined by the LEOs. The Interlocal Agreement must contain a detailed process for reconciling disallowed costs. In most cases, liability for costs which are recommended for disallowance and which are not resolved, rest with the entity responsible for incurring the cost. In the event the entity responsible cannot or will not assume the liability, the Interlocal Agreement must provide the process on how funds will be reimbursed.

(7) Local Area Service Delivery Provider. As authorized in WIOA Section 107(g)(2), a LWDB may provide career services described in WIOA Section 134(c)(2) through a one-stop delivery system or be designated or certified as a one-stop operator only with the agreement of the CLEO and the Governor. See WIOA Policy regarding LWDB Member Nomination Guidelines, OET Confirmation Process and Board Certification by the (effective 7/1/2015) for conditions to obtain the Governor's consent including a competitive procurement.

In cases where the LWDB does not seek to provide career services, WIOA Section 121(d)(2) states that to be eligible to receive funds under this subtitle to operate a one-stop center, an entity (which may be a consortium of entities) shall be designated or certified as a one-stop operator through a competitive process. This process shall be outlined in the Partnership Agreement between the LEOs and the LWDB.

(8) Communication. Describe the process and procedures the CLEO will utilize to keep the LEOs informed regarding LWDB activities. Determine how many times a year the LEOs will meet and how often a joint meeting with the LWDB will be held.

(9) LWDB Budget Approval. Describe the process for reviewing and approving the LWDB annual budget among the LEOs. (WIOA Section 107(d)(12)(A).

(10) LWDB Member Representation. Outline how LEOs will ensure LWDB representation is fair and equitable across the LWDA and in accordance with WIOA Policy regarding

	LWDB Member Nomination Guidelines, OET Confirmation Process and Board Certification—effective 7/1/2015. Describe the process for determining the initial size of the LWDB and for selecting, appointing, removing or reappointing LWDB members. Describe the process to determine the terms of office for Board members. LWDB appointments do not require the signature of all the LEOs, but rather only the signature of the designated CLEO is required, as stated in the Interlocal Agreement. **(11) Selection of a New Chief Local Elected Official.** When a new CLEO is selected in accordance with the Interlocal Agreement, the newly selected CLEO must submit to the LWDB and the OET, a written statement acknowledging that he/she: a) Has read, understands and will comply with the current Interlocal Agreement; and b) Apprises OET of the change in CLEO designation. **(12) Election of a New Local Elected Official**. When a new LEO is elected within the LWDA, the newly elected official must submit to the LWDB a written statement acknowledging that he or she: a) Has read, understands, and will comply with the current Interlocal Agreement; and b) Reserves the option to request negotiations to amend the Interlocal Agreement at any time during the official's tenure as a LEO. **(13) Amendment or Change to the Interlocal Agreement.** Outline the process to be used for amendments or changes to the Interlocal Agreement. All amendments or changes must be submitted to the LWDB and the OET after approval by the Department of Local Government in accordance with KRS 65. 210 through 65.300. **(14) Single County Local Areas**. If any single county local area is designated, the LEO shall execute a written agreement that specifies his or her liability in accordance with WIOA. **(15) Interlocal Agreement KRS requirements.** Upon completion of the Interlocal Agreement and all LEO signatures have been recorded on the Interlocal Agreement and approved by each fiscal court, the Agreement shall be sent to the Department for Local Government for approval in accordance with the provisions of KRS 65.210 through 65.300.

Required Action	Upon final approval by all LEOs and the Department for Local Government, the final document shall be submitted to the OET.

Other References	Workforce Innovation and Opportunity Act (WIOA) of 2014 (Public Law 133-128, July 22, 2014); WIOA—LWDB Member Nomination Guidelines, OET Confirmation Process and Board Certification (effective 7/1/2015); The Kentucky Interlocal Cooperation Act, KRS 65.210 through 65.300.

Kentucky Career Center POLICY	POLICY NAME: Workforce Innovation and Opportunity Act (WIOA) – Local Workforce Development Board (LWDB) Member Nomination Guidelines, Office of Employment and Training (OET/agency) Confirmation Process and Board Certification Policy Number: 15-001 Effective Date: July 1, 2015 OET Division Director, 502-782-3147
	Applies /Of Interest To: Local Workforce Development Boards (LWDBs), Local Workforce Development Areas (LWDAs) staff, State Workforce Investment Board, Chief Elected Officials (CEOs) and Chief Local Elected Official (CLEO)

Subject	Policy on Local Workforce Development Board Member Nominations and Appointments process, OET confirmation process, and Board Certification

Purpose	This policy provides guidance and clarification to LWDBs regarding local board membership, OET board confirmation process and board certification

Background	Replaces Workforce Investment Act (WIA) guidance, policies and processes relating to Local Workforce Investment Boards (LWIBs) - referred to as "Local Workforce Development Boards" in WIOA.

Definitions	See Attachment 1 for most relevant definitions relating to this topic.
Attachments:	Attachment 1, A and B

Policy	LOCAL WORKFORCE DEVELOPMENT BOARDS (Sec. 107.) ESTABLISHMENT (WIOA Sec. 107 (a)); Except as provided in subsection (c)(2)(A), there shall be established, and certified by the Governor of the State, a local workforce development board in each local area of a State to carry out the functions described in subsection (d) (and any functions specified for the local board under this Act or the provisions establishing a core program) for such area. MEMBERSHIP (WIOA Sec. 107(b)(1) (2) (3) (4)(5) (6)) (1)STATE CRITERIA.— The Governor, in partnership with the State board, shall establish

criteria for use by chief elected officials in the local areas for appointment of members of the local boards in such local areas in accordance with the requirements of paragraph (2).

(2)**COMPOSITION**.—Such criteria shall require that, at a minimum—

(A) BUSINESS REPRESENTATIVES- A majority [51%] of the members of each local board shall be representatives of business in the local area, who—(i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority; (ii) represent businesses, including small businesses, or organizations representing businesses described in this clause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and (iii) are appointed from among individuals nominated by local business organizations and business trade associations.

Additional OET Guidance/Clarification

- Representatives from private not-for-profit entities that operate as businesses and are employers may be considered business sector members on the local WDB. The not-for-profit entities should align with the key industry sectors for the state and the local area, as identified in the WDB local plan.
- Representatives from proprietary schools cannot be considered a business sector member.
- **MINIMUM** number of business representatives: Ten (10)

(B) WORKFORCE REPRESENTATIVES (Labor, Community Based Organization and Youth Serving Organizations) - Not less than **20 percent** of the members of each local board shall be representatives of the workforce within the local area, who—(i) shall include representatives of labor organizations (for a local area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees; (ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;(iii) may include representatives of community based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and (iv) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth;

Additional OET Guidance/Clarification

- **MINIMUM** number of workforce representatives: Four (4)
- Where possible, align membership with designated state and/or local sectors.

(C) EDUCATION AND TRAINING REPRESENTATIVES - Each local board shall include representatives of entities administering education and training activities in the local area, who— (i) shall include a representative of eligible providers administering adult education and literacy activities under title II; (ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges); (iii) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;

Additional OET Guidance/Clarification

- **MINIMUM** number of education and training representatives: Two (2)

(D) GOVERNMENT AND ECONOMIC DEVELOPMENT REPRESENTATIVES - Each local board shall include representatives of governmental and economic and community development entities serving the local area, who—(i) shall include a representative of economic and community development entities; (ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area; (iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area; (iv) may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and (v) may include representatives of philanthropic organizations serving the local area.

Additional OET Guidance/Clarification

- **MINIMUM** number of government and economic development representatives: Three (3)

E) OTHER MEMBERS - Each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

(3) **CHAIRPERSON.**—The members of the local board shall elect a chairperson for the local board from among the representatives described in paragraph (2)(A) [BUSINESS]

4) STANDING COMMITTEES —

A) IN GENERAL—The local board may designate and direct the activities of standing committees to provide information and to assist the local board in carrying out activities under this section. Such standing committees shall be chaired by a member of the local board, may include other members of the local board, and shall include other individuals appointed by the local board who are not members of the local board and who the local board determines have appropriate experience and expertise. At a minimum, the local board may designate each of the following: (i) A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include members representatives of the one-stop partners. (ii) A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which shall include community-based organizations with a demonstrated record of success in serving eligible youth. (iii) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing programmatic

	and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities. **(B) ADDITIONAL COMMITTEES.**—The local board may designate standing committees in addition to the standing committees specified in subparagraph (A). **Additional – OET Guidance/Clarification** • Committees are encouraged to include non-board members • Committees should be private-sector led **(C) DESIGNATION OF ENTITY.**—Nothing in this paragraph shall be construed to prohibit the designation of an existing (as of the date of enactment of this Act) entity, such as an effective youth council, to fulfill the requirements of this paragraph as long as the entity meets the requirements of this paragraph. **(5) AUTHORITY OF BOARD MEMBERS.**—Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. The members of the board shall represent diverse geographic areas within the local area. **(6) SPECIAL RULE.**—If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board described in clause (i) or (ii) of paragraph (2)(C), respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively. **Additional – OET Guidance/Clarification** **1) Quorum** - A quorum shall be defined as : • A simple majority (51%) of members, excluding vacancies AND • Of those members in attendance, no fewer than 51% are a combination of business and workforce representatives. **2) Appointments** – LWDB member appointments must be signed by the appointing CLEO and submitted to the Administrative Entity. (Attachment A) **3) Change in Status** – Acknowledgement that LWDB members who no longer hold the position or status that made them eligible Local Board members must resign or be removed by the CLEOs immediately as a representative of that entity; i.e. no longer work in the private sector, or no longer with an educational institution, etc.; **4) Mid-Term Appointment** – LWDB members replacing out-going members mid-term will serve the remainder of the out-going member term. **5) Vacancies** - LWDB vacancies must be filled within a reasonable amount of time of the vacancy as determined by the LWDA, but no later than 90 days from occurrence. The CLEO in a LWDA is authorized to make all reappointments of members. Reappointments must be made within a reasonable amount of time of the term expiration, but **no later than 90 days**. Any action taken by a LWDB, with a vacancy or term expiration beyond the time period described

	in the LWDB by laws or later than the 90 days per this policy shall be void unless the LWDB has an approved waiver from the Office of Employment and Training prior to the LWDB meeting. Waivers are to be requested in writing to the Division Director of Workforce and Employment Services, Office of Employment and Training with an explanation of why a vacancy was not filled in the defined timeframe and a description of the process underway to fill the vacancy. **6) Removal** - LWDB members must be removed by the CLEO if any of the following occurs: documented violation of conflict of interest, failure to meet LWDB member representation requirements defined in the WIOA and this policy, or documented proof of fraud and/or abuse. LWDB members may be removed for other factors outlined in the LWDB bylaws such as attendance. **OET strongly encourages LWDBs to establish and enforce attendance guidelines for its members**. The bylaws must define the specific criteria that will be used to establish just cause for such removal and the process that will be required to document proof, and the steps regarding filing an appeal and arbitration. **7) Proxy -** If a member of a local board is unable to attend a meeting and wishes to send a proxy, that proxy must be from the same category of representation/membership as the member. APPOINTMENT AND CERTIFICATION OF BOARD – **(WIOA Sec. 107 (c))** **(1) APPOINTMENT OF BOARD MEMBERS AND ASSIGNMENT OF RESPONSIBILITIES.—** (A) IN GENERAL.—The chief elected official in a local area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b) [MEMBERSHIP]. (B) MULTIPLE UNITS OF LOCAL GOVERNMENT IN AREA.—(i) IN GENERAL.—In a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials— (I) in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under subsection (b); and (II) in carrying out any other responsibilities assigned to such officials under this title. (ii) LACK OF AGREEMENT.—If, after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended. (C) CONCENTRATED EMPLOYMENT PROGRAMS.—In the case of an area that was designated as a local area in accordance with section 116(a)(2)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), and that remains a local area on that date, the governing body of the concentrated employment program involved shall act in consultation with the chief elected official in the local area to appoint members of the local board, in accordance with the State criteria established under subsection (b), and to carry out any other responsibility relating to workforce investment activities assigned to such official under this Act. **(2) CERTIFICATION** (A) IN GENERAL.—The Governor shall, once every two years, certify one local board for each local area in the State. (B) CRITERIA.—Such certification shall be based on criteria established under subsection (b), and for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the corresponding performance accountability measures and achieve sustained fiscal

	integrity, as defined in section 106(e)(2). (C) FAILURE TO ACHIEVE CERTIFICATION.—Failure of a local board to achieve certification shall result in appointment and certification of a new local board for the local area pursuant to the process described in paragraph (1) and this paragraph. **(3) DECERTIFICATION** (A) FRAUD, ABUSE, FAILURE TO CARRY OUT FUNCTIONS.—Notwithstanding paragraph (2), the Governor shall have the authority to decertify a local board at any time after providing notice and an opportunity for comment, for— (i) fraud or abuse; or (ii) failure to carry out the functions specified for the local board in subsection (d). (B) NONPERFORMANCE.—Notwithstanding paragraph (2), the Governor may decertify a local board if a local area fails to meet the local performance accountability measures for such local area in accordance with section 116(c) for 2 consecutive program years. (C) REORGANIZATION PLAN.—If the Governor decertifies a local board for a local area under subparagraph (A) or (B), the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area and in accordance with the criteria established under subsection (b). **FUNCTIONS OF LOCAL BOARD (WIOA Sec. 107 (d))** Consistent with section 108 [LOCAL PLAN], the functions of the local board shall include the following: (Details for each function listed below are in Sec. 107 (d)) 1. Local Plan 2. Workforce Research and Regional Labor Market Analysis 3. Convening, Brokering, Leveraging 4. Employer Engagement 5. Career Pathways Development 6. Proven and Promising Practices 7. Technology 8. Program Oversight 9. Negotiation of Local Performance Accountability Measures 10. Selection of Operators and Providers 11. Coordination with Education Providers 12. Budget and Administration 13. Accessibility for Individuals with Disabilities **Additional – OET Guidance/Clarification** • LWDBs By-laws to include: LWDB and CLEO agreements with the fiscal agent or grant subrecipient on payment processes and procedures • LWDBs establish by-laws reflecting regional focus per WIOA guidelines **SUNSHINE PROVISION (WIOA Sec. 107 (e))** The local board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request,

minutes of formal meetings of the local board.

STAFF (WIOA Sec. 107 (f))

(1) IN GENERAL.—The local board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4).

(2) QUALIFICATIONS.—The local board shall establish and apply a set of objective qualifications for the position of director that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.

(3) LIMITATION ON RATE.—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

LIMITATIONS (WIOA Sec. 107 (g))

(1) TRAINING SERVICES.

(A) IN GENERAL.—No local board may provide training services.

(2) CAREER SERVICES; DESIGNATION OR CERTIFICATION AS ONE-STOP OPERATORS.
—A local board may provide career services through a one-stop delivery system or be designated or certified as a one-stop operator only with the agreement of the chief elected official in the local area and the Governor.

Additional – OET Guidance/Clarification

To secure the Governor's agreement, the local board must:

- conduct a competitive procurement process facilitated by the Department of Workforce Investment for the provision of career services or designation/certification as the one-stop operator;
- use a process and RFP that has been reviewed and approved by the Department of Workforce Investment;
- be identified as the highest scorer at the completion of the process; and
- in cases where the local board has previously provided services, have met performance accountability measures and achieved sustained fiscal integrity.

(3) LIMITATION ON AUTHORITY.—Nothing in this Act shall be construed to provide a local board with the authority to mandate curricula for schools.

CONFLICT OF INTEREST (WIOA Sec. 107 (h)

A member of a local board, or a member of a standing committee, may not (1) vote on a matter under consideration by the local board—(A) regarding the provision of services by such member (or by an entity that such member represents); or (B) that would provide direct financial benefit to such member or the immediate family of such member; or (2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

ALTERNATIVE ENTITY (WIOA Sec. 107 (i)

The State will not recognize or use any alternative local entity.

	OET PROCESSES AND PROCEDURES **OET developed form, Attachment A,** must be completed for all LWDB member nominations/appointments and be signed by the appointing CLEO and submitted to the Administrative Entity. <u>**OET Review and Confirmation Process**</u> OET will review and confirm that the composition of each LWDB, including the nomination and appointment process, complies with the criteria outlined in Section 107 of the WIOA and with OET policy. The composition of each LWDB will be evaluated annually during the local planning cycle/annual monitoring, reflected in the Appointment and Certification of Board (WIOA Sec. 107 (b) and (c)) and of this policy. This includes the review of: • The OET created Nomination/Appointment form that must be completed for all LWDB member nominations/appointments, be signed by the appointing CLEO and submitted to the Administrative Entity. **(Attachment A)** • LWDB Roster Forms to be kept current and electronically updated as vacancies are filled, by a designated LWDA staff on the OET/"Team of Experts" website. **(Attachment B)**

Procedural	*Available for OET monitoring*
Guidance	*Workforce Innovation and Opportunity Act (WIOA) H.R. 803*

Required Action	*LWDAs should review current processes and procedures for compliance per effective date of this policy.*

Supersedes/ Replaces	Public Law 105-220 Workforce Investment Act (WIA) of 1998; WIA Regulations, 20 CFR Part 652 et al,WIA Guidance Memo #03B

Other References	WIA Guidance Memo #03B

Technology Implications	Approved policy located on the Kentucky Career Center website/Team of Experts page.

ATTACHMENT 1 – WIOA LOCAL BOARDS POLICY

SEC. 3. DEFINITIONS (Most relevant to Boards). Workforce Innovation and Opportunity Act, 29 U.S.C. 3101 et.seq.

(1) ADMINISTRATIVE COSTS.—The term ''administrative costs'' means expenditures incurred by State boards and local boards, direct recipients (including State grant recipients under subtitle B of title I and recipients of awards under subtitles C and D of title I), local grant recipients, local fiscal agents or local grant subrecipients, and one-stop operators in the performance of administrative functions and in carrying out activities under title I that are not related to the direct provision of workforce investment services (including services to participants and employers). Such costs include both personnel and nonpersonnel costs and both direct and indirect costs.

(9) CHIEF ELECTED OFFICIAL.—The term ''chief elected official'' means—
(A) the chief elected executive officer of a unit of general local government in a local area; and
(B) in a case in which a local area includes more than 1 unit of general local government, the individuals designated under the agreement described in section 107(c)(1)(B).

(12) CORE PROGRAM.—The term ''core programs'' means a program authorized under a core program provision.

(13) CORE PROGRAM PROVISION.—The term ''core program provision'' means—
(A) chapters 2 and 3 of subtitle B of title I (relating to youth workforce investment activities and adult and dislocated worker employment and training activities);
(B) title II (relating to adult education and literacy activities);
(C) sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (relating to employment services); and
(D) title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741) (relating to vocational rehabilitation services).

(14) CUSTOMIZED TRAINING.—The term ''customized training'' means training—
(A) that is designed to meet the specific requirements of an employer (including a group of employers);
(B) that is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and
(C) for which the employer pays—

(i) a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and
(ii) in the case of customized training (as defined in subparagraphs (A) and (B)) involving an employer located in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.

(23) In-demand industry sector or occupation.—
(A) In general.—The term ''in-demand industry sector or occupation'' means—
(i) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or
(ii) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.
(B) Determination.—The determination of whether an industry sector or occupation is in-demand under this paragraph shall be made by the State board or local board, as appropriate, using State and regional business and labor market projections, including the use of labor market information.

(26) Industry or sector partnership.—The term ''industry or sector partnership'' means a workforce collaborative, convened by or acting in partnership with a State board or local board, that—
(A) organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership—
(i) representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable;
(ii) 1 or more representatives of a recognized State labor organization or central labor council, or another labor representative, as appropriate; and
(iii) 1 or more representatives of an institution

of higher education with, or another provider of, education or training programs that support the industry cluster; and

(B) may include representatives of—

(i) State or local government;

(ii) State or local economic development agencies;

(iii) State boards or local boards, as appropriate;

(iv) a State workforce agency or other entity providing employment services;

(v) other State or local agencies;

(vi) business or trade associations;

(vii) economic development organizations;

(viii) nonprofit organizations, community-based organizations, or intermediaries;

(ix) philanthropic organizations;

(x) industry associations; and

(xi) other organizations, as determined to be necessary by the members comprising the industry or sector partnership.

(33) LOCAL BOARD.—The term ''local board'' means a local workforce development board established under section 107, subject to section 107(c)(4)(B)(i).

42) ONE-STOP PARTNER.—The term ''one-stop partner'' means—

(A) an entity described in section 121(b)(1); and

(B) an entity described in section 121(b)(2) that is participating, with the approval of the local board and chief elected official, in the operation of a one-stop delivery system.

(47) PAY-FOR-PERFORMANCE CONTRACT STRATEGY.—The term ''pay-for-performance contract strategy'' means a procurement strategy that uses pay-for-performance contracts in the provision of training services described in section 134(c)(3) or activities described in section 129(c)(2), and includes—

(A) contracts, each of which shall specify a fixed amount that will be paid to an eligible service provider (which may include a local or national community-based organization or intermediary, community college, or other training provider, that is eligible under section 122 or 123, as appropriate) based on the achievement of specified levels of performance on the primary indicators of performance described in section 116(b)(2)(A) for target populations as identified by the local board (including individuals with barriers to employment), within a defined timetable, and which may provide for bonus payments to such service provider to expand capacity to provide effective training;

(B) a strategy for independently validating the achievement of the performance described in subparagraph (A); and

(C) a description of how the State or local area will reallocate funds not paid to a provider because the achievement of the performance described in subparagraph (A) did not occur, for further activities related to such a procurement strategy, subject to section 189(g)(4).

(67) WORKFORCE DEVELOPMENT SYSTEM.—The term ''workforce development system'' means a system that makes available the core programs, the other one-stop partner programs, and any other programs providing employment and training services as identified by a State board or local board.

LWDB: ____________________

MEMBERSHIP NOMINATION FORM
LOCAL WORKFORCE DEVELOPMENT BOARD – ATTACHMENT A

NOMINATED ☐ BY: Name:______________________________
OR Agency:______________________________
RECOMMENDED ☐ Position:______________________________
Address:______________________________
Phone:______________________________

*Nominee to Represent Following:______________________________ Term:
(Business, Education, Organized Labor, CBO, Economic Development, One-Stop Partner) (Beginning & Ending Dates)
Workforce Sector (if representing Business)______________________________

Representing: (Check all that apply)

________Labor/Representative of Labor	________Adult Education
________Employee Representative (Labor)	________Vocational Rehabilitation
________Community Based Organization	________Higher Education
________Youth Serving Organization	________Local Education Agencies
________Joint Labor-Management Apprenticeship Program	________Other (Specify below)
________Community Based Organization	____________________

Category member represents:
________Business
________Workforce
________Education and Training
________Government and Economic Development
________Other ____________________

*Entity represented is primary employer of nominee.
Nominee is an individual with optimum policy and decision making authority for the organization.

Name of Nominee: Mr. or Ms. ______________________________ Title:____________________
(Please circle one)

Business Address:____
(Street)

____
(City) (State) (Zip Code) (County)

Employer: ____________________ Business Phone:______________

Home Phone:____________________ E-mail Address:______________________________

Explain Basic Responsibilities:____

____

____

Organization Affiliations (Civic & Professional):______________________________

____

Qualifying Experience (Background information which reflects experience in human resource activities or Workforce Development related programs):______________________________

____

☐ New Nomination *or* ☐ Replacement:
(Name of Former Member) (Group Represented)

For use by Chief Local Elected Official

Appointed By:____
(CLEO Signature) (County) (Date)

, Judge/Executive (CLEO Typed or Printed Name)

Local Workforce Development Board Roster Certification Policy - Attachment B

WDB: ____________________ Date of this Submission/Update: ____________________

LWDA: ____________________

Indicate any vacant positions or other constituency represented as well.
(To add a row, highlight entire row, copy and paste. To delete a row, highlight entire row, and cut)

Name/Address/Email Phone/Fax	Organization	Position	Business/Industry Represented (Private Sector Only)	Business Representation From Targeted Industry/ Occupation? (Yes/No)	Term Start and Term End/New Nomination or Replacement For:	
A.BUSINESS REPRESENTATIVES						
B. WORKFORCE REPRESENTATIVES						

C. EDUCATION & TRAINING REPRESENTATIVES						
D. GOVERNMENT & ECONOMIC DEVELOPMENT REPRESENTATIVES						
E. OTHER REPRESENTATIVES						

Kentucky Career Center POLICY	**POLICY NAME: Workforce Innovation and Opportunity Act – Local Elected Official(s) and Local Workforce Development Board Partnership Agreement** **Policy Number: 15-003** **Date of Issue: March 4, 2015** **Effective Date: October 1, 2015** **For more info contact: Division Director, Workforce and Employment Services, Office of Employment and Training (OET), 502-564-5331**
	Applies /Of Interest To: Local Workforce Development Boards, Local Workforce Development Boards' staff, and Local Elected Officials

Subject	Policy on Local Elected Official (LEO) and Local Workforce Development Boards (LWDBs) Partnership Agreement

Purpose	This policy provides additional guidance relating to the LEOs and LWDBs per Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128. The governance and operation of the Local Workforce Development System is contingent on a successful partnership between the LEOs and the LWDB related to their respective roles which are outlined in this policy and partnership agreement template. This policy and template are provided to ensure that the necessary regulatory and operational elements are described, included and understood by both parties. LEOs and LWDBs may include additional agreed upon expectations. This partnership agreement will facilitate the delivery of optimal workforce development services for individuals and employers within the Local Workforce Development Areas.

Definitions	**Chief Local Elected Official (CLEO) -** The CLEO is the chief local elected official(s) elected among the consortium of LEOs representing the LEOs in the Workforce Development Area. **Local Elected Official (LEO) -** The LEOs are the local elected officials of a county. The highest elected official in counties and counties with merged government shall be considered the LEO for their respective county. **Local Workforce Development Board (LWDB) -** means a local workforce development board established under section 107, subject to section 107(c)(4)(B)(i).

Background	This policy and template provide the initial foundation for understanding the separate and shared functions of LEOs and LWDBs envisioned under WIOA.

Policy	**LEOs and LWDBs PARTNERSHIP AGREEMENT** This LEO-LWDB partnership agreement policy reflects the definitions contained in the Interlocal Agreement Policy (Policy Number 15-002, Issued March 4, 2015), which states: "The LEOs are the local elected official of a county and the CLEO is the chief local elected official selected among the consortium of LEOs representing the LEOs in the Workforce Development Area." This agreement is between the LEOs, represented by the CLEO, and the LWDB, represented by the designated Chair. Its purpose is twofold: (1) to define their operating relationship; and (2) to confirm that the LEOs and the LWDB have read, understood and agree on the functions, duties and responsibilities of the LEOs (represented by the CLEO) and the LWDB (represented by the Chair) as outlined in WIOA, Public Law 113-128 and in the policies issued by the (OET). The Interlocal Agreement, a written agreement that specifies the responsibilities of the CLEO and the individual LEO(s), must be consistent with the Partnership Agreement insofar as any item addressed by both agreements is concerned. Both governing agreements are dynamic documents that can, and should, be amended when a need or desire arises and the respective signatories agree. The partnership agreement template is in the form of an Attachment: • Section I includes all required contents of the agreement, the joint duties, functions and responsibilities of the parties; • Section II includes other additional topics the parties may choose to address; AND • Section III records updates and amendments to the initial agreement as the need arises. The initial agreement must be submitted to OET no later than 30 days prior to the effective date of the agreement for approval. The approved agreement must be shared with each new LEO and LWDB member. Subsequent updates and amendments must be recorded and submitted to OET for review, approval and recording, using Section III as described above prior to the effective date.

Procedural Guidance	Available for OET monitoring and posting to designated OET "Team of Experts" website, if/as requested.

Required Action	LEOs and LWDBs should review current processes and procedures for compliance per effective date of this policy.

Supersedes/ Replaces	NA

Other References	Interlocal Agreement Policy, effective 7-1-15 and WIOA-Board Member Guidelines Policy, effective 7-1-15

Technology Implications	Approved policy located on the Kentucky Career Center website/Team of Experts page.

SECTION I –

REQUIRED PARTNERSHIP AGREEMENT CONTENTS –

JOINT DUTIES FUNCTIONS AND RESPONSBILITES

Describe how the LEOs and LWDB will develop and submit a local plan and collaborate with other LWDBs and LEOs to prepare a regional plan for submission to the Governor (WIOA Section 107(d)(1)).

Describe how the LEOs and LWDBs will:

Conduct oversight for local youth workforce investment activities, local employment and training activities, and the one-stop delivery system in the local area. (WIOA 107(8)(A)(i)).

Ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i) and for workforce development activities. (WIOA 107(8)(A)(ii)).

Ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116. (WIOA 107(8)(B)).

Describe how the LEOs and LWDB will prepare for negotiations with the State on local performance accountability measures. (WIOA Section 107(9)).

Describe how the LEOs and LWDB will designate or certify one-stop operators and the grounds and process for any subsequent termination for cause of the eligibility of such operators. (WIOA 107(10)(A)(i,ii)).

Describe how the LWDB will develop a local area budget and the process for obtaining CLEO approval. (WIOA 107(12)(A)).

Describe how operational issues and concerns relating to the designated fiscal agent/grant subrecipient shall be addressed.

Describe the process and procedures to be followed in the event there are unresolved disputes between the LEOs and the LWDB.

SECTION II -
OTHER ADDITIONAL TOPICS THE PARTIES MAY CHOOSE TO ADDRESS

This confirms that the CLEO, representing the LEOs and the Chair, representing the LWDB, are authorized to sign this agreement, understand the agreement, and agree to the terms and conditions contained in this agreement.

This also confirms that the LEOs and the LWDB have read, understood and agree on the functions, duties and responsibilities of the LEOs (represented by the CLEO) and the LWDB (represented by the Chair) as outlined in WIOA, Public Law 113-128 and in the policies issued by the Office of Employment and Training (OET).

It is further understood that updates and changes that affect this agreement (e.g. changes of CLEO, LWDB chair, policy revision/updates/additions), will require that this agreement be updated and reflect those amendments in Section III of this document. Any amendment must be submitted to OET for prior approval.

CLEO – Print name:	Board Chair – Print Name:
CLEO – Signature:	Board Chair – Signature:
Date:	Date:

SECTION III - UPDATES AND AMENDMENTS TO THE INITIAL AGREEMENT AS NEEDED.

LEOs-LWDB AGREEMENT UPDATE To be completed each time an amendment or update is required to the initial WIOA- LEO-Board Partnership Agreement Record as Amendment #_____of________ (amendment(s) to the initial agreement); Date __________________	
Explain/Detail the change/update to this agreement:	
Explain/Detail the reason for this change/update:	
Current authorized signatures to make this change:	
Except as amended above, all other terms and conditions of the partnership agreement are hereby ratified and confirmed.	
CLEO – Print name:	Board Chair – Print Name:
CLEO – Signature:	Board Chair – Signature:
Date:	Date:

RESOLUTION NO. 614 - 2014

A RESOLUTION OF THE LEXINGTON-FAYETTE URBAN COUNTY COUNCIL RELATED TO THE BLUEGRASS WORKFORCE INVESTMENT AREA, RECOMMENDING THAT THE MAYOR NOT SIGN THE PROPOSED AMENDED INTERLOCAL COOPERATIVE AGREEMENT AND RECOMMENDING THAT THE URBAN COUNTY GOVERNMENT TAKE THE NECESSARY STEPS TO HAVE LEXINGTON-FAYETTE COUNTY AREA DECLARED A WORKFORCE INVESTMENT AREA.

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

Whereas, on March 4, 2014, the Commonwealth of Kentucky Auditor of Public Accounts released findings of a recent examination of the Bluegrass Area Development District which identified serious deficiencies in the oversight of the operations of the Bluegrass Area Development 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 Bluegrass Workforce Investment Board and the Bluegrass Area Development District; and

Whereas, by Resolution Number 213-2014, passed by the Urban County Council on April 24, 2014, this Council requested that the Chief Elected Official of the Bluegrass Workforce Investment Area identify and retain a fiscal and administrative agent for the Bluegrass Workforce Investment Board other than the Bluegrass Area Development District; and

Whereas, there seems to be a reluctance on the part of the chief elected official to remove the Bluegrass Area Development District as the fiscal agent; and

Whereas, there continues to be a dysfunction and disconnect between the chief elected official, the Bluegrass Workforce Investment Board and the Bluegrass Area Development District; and

Whereas, the proposed Amended Interlocal Cooperative Agreement does not resolve the issues related to operation of the Bluegrass Workforce Investment Board; and

Whereas, Commerce Lexington/Business & Education Network has been engaged to conduct a workforce analysis for Lexington-Fayette County; and

Whereas, we, the elected representatives of the people of Lexington-Fayette County, continue to be dissatisfied with the relationships among the parties involved and the services provided to Lexington-Fayette County.

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 recommends that the Mayor not sign the proposed Amended Interlocal Cooperative Agreement.

Section 2 – That the Lexington-Fayette Urban County Council hereby recommends that the Lexington-Fayette Urban County Government take the steps necessary to have Lexington-Fayette County area declared a workforce investment area.

Section 3 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: October 23, 2014

Jim Gray

MAYOR

ATTEST:

Meredith Nelson

CLERK OF URBAN COUNTY COUNCIL

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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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61

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

RESOLUTION NO. 418 - 2013

A RESOLUTION REQUESTING THAT THE PRESIDENT OF THE KENTUCKY SENATE AND THE SPEAKER OF THE KENTUCKY HOUSE OF REPRESENTATIVES TAKE THE NECESSARY STEPS TO REFER TO THE PROGRAM REVIEW AND INVESTIGATION COMMITTEE EXAMINATION OF THE FOLLOWING: THE BUSINESS PRACTICES OF THE BLUEGRASS AREA DEVELOPMENT DISTRICT AND ALL OTHER AREA DEVELOPMENT DISTRICTS, THE STRUCTURE OF THE AREA DEVELOPMENT DISTRICTS, AND THE RELEVANCE OF THE AREA DEVELOPMENT DISTRICTS IN TODAY'S ECONOMY; AND DIRECTING THAT A COPY OF THIS RESOLUTION BE SENT TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE.

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, 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, Area Development Districts have been referred to as political subdivisions of the State; and

Whereas, the Program Review and Investigations Committee ("the Committee") is a 16-member bipartisan committee of the Kentucky General Assembly; and

Whereas, the Committee is authorized to review the operations of state entities and to determine if funds are being spent for the purposes for which they were appropriated; and

Whereas, the Committee is also authorized to evaluate the efficiency of program operations; and

Whereas, Area Development Districts have not been recently reviewed by this Committee;

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 the President of the Kentucky Senate and the Speaker of the Kentucky House of Representatives take the necessary steps to refer to the Program Review and Investigation Committee examination of the following: the business practices of the Bluegrass Area Development District and all other Area Development Districts, the structure of the Area Development Districts, and the relevance of the Area Development Districts in today's economy.

Section 2 – That the Clerk of the Urban County Council is directed to deliver a copy of this resolution to the President of the Senate and the Speaker of the House.

Section 3 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 9, 2013

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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Lexington-Fayette Urban County Government
OFFICE OF THE COUNCIL CLERK

Jim Gray
Mayor

Susan Lamb
Council Clerk

July 11, 2013

Representative Greg Stumbo
Kentucky Speaker of the House
702 Capitol Avenue
Annex Room 303
Frankfort, KY 40601

Dear Speaker Stumbo:

I have been directed by the Lexington-Fayette Urban County Council to send you a copy of Resolution No. 418-2013, which was passed at a meeting of the Council, held on July 9, 2013.

Resolution No. 418-2013 requests that the President of the Kentucky Senate and the Speaker of the Kentucky House of Representatives take the necessary steps to refer to the Program Review and Investigation Committee examination of the following: the business practices of the Bluegrass Area Development District and all other Area Development Districts, the structure of the Area Development Districts, and the relevance of the Area Development Districts in today's economy.

Your attention to this matter is greatly appreciated.

Sincerely,

Susan Lamb

Susan Lamb
Clerk of the Urban County Council

Enclosure

Lexington-Fayette Urban County Government
OFFICE OF THE COUNCIL CLERK

Jim Gray
Mayor

Susan Lamb
Council Clerk

July 11, 2013

Senator Robert Stivers
Kentucky Senate President
702 Capitol Avenue
Annex Room 236
Frankfort, KY 40601

Dear Senate President Stivers:

I have been directed by the Lexington-Fayette Urban County Council to send you a copy of Resolution No. 418-2013, which was passed at a meeting of the Council, held on July 9, 2013.

Resolution No. 418-2013 requests that the President of the Kentucky Senate and the Speaker of the Kentucky House of Representatives take the necessary steps to refer to the Program Review and Investigation Committee examination of the following: the business practices of the Bluegrass Area Development District and all other Area Development Districts, the structure of the Area Development Districts, and the relevance of the Area Development Districts in today's economy.

Your attention to this matter is greatly appreciated.

Sincerely,

Susan Lamb

Susan Lamb
Clerk of the Urban County Council

Enclosure

ADAM H. EDELEN
AUDITOR OF PUBLIC ACCOUNTS

Executive Summary
March 4, 2014

Examination of the Bluegrass Area Development District

Examination Objectives

On July 3, 2013, we notified the Bluegrass Area Development District (BGADD) that matters had come to our attention which warranted further review from our office. The purpose of the APA examination was to determine if BGADD funds are administered in a manner to ensure BGADD objectives are met and accountability and transparency exist. The examination was not to perform a financial statement audit of BGADD.

BGADD Background

BGADD was created per KRS 147A.050-147A.140 for the purpose of developing a partnership with local governments to assist in regional planning for economic growth in the Commonwealth.

BGADD's mission is to enhance the economy of communities in its area through planning to maximize resources, projects to promote development and programs to improve the quality of life for the citizens of the region.

Findings and Recommendations

Finding 1: BGADD Governance Practices Are Not Conducive To Proper Oversight. During the review of BGADD, questionable oversight activities prompted the evaluation of current board governance practices. These procedures, along with other testing throughout the examination, identified governance concerns related to compliance with its by-laws, as well as transparency and accountability weaknesses due to problems meeting the intent of open meetings and open records laws. The evaluation included interviews with BGADD Board members and employees, and reviews of meeting minutes, BGADD documented policies, and BGADD by-laws.

Recommendation: BGADD should strengthen agency controls to ensure that established policies and procedures are followed, including agency by-laws. BGADD should further ensure that the roles of the committees are clearly defined and all transactions receive proper review and approval prior to action being taken.

Finding 2: BGADD Engaged In Activities That Were Beyond Its Statutory Authority And/Or Activities That Appeared To Create Conflicts Of Interest. The examination identified numerous concerns related to certain activities of BGADD. Auditors identified several organizations either created by a former BGADD executive director or others which appeared to be mechanisms used by BGADD to expand into activities that do not appear to be within the scope of BGADD's statutory authority.

Recommendation: BGADD should adequately document and evaluate potential conflicts of interest as required by BGADD's policy and federal regulations. Conflicts of interests in relation to BGADD's fiscal agent responsibility with the Workforce Investment Board should be eliminated since it is unable to fully exclude its Board Chair from matters involving the Workforce Investment Act funds.

Finding 3: 3: BGADD Did Not Report Possible Criminal Violations To Law Enforcement Authorities. In Finding 2, the examination reported concerns regarding the

BGADD's authority to operate an offender re-entry program, Steppin' To A New Beat (STANB). BGADD employed an individual to act as a "re-entry specialist" to manage this program. Allegations of possible misconduct by this employee prompted BGADD to retain a law firm to conduct an investigation into the allegations in April 2013. Auditors requested a copy of the investigation, which was provided by BGADD. Auditors noted numerous concerns in the report, prompting further examination of the matters noted.

Recommendation: We recommend BGADD report the findings of the investigation into the actions of its former employee to law enforcement authorities immediately. Due to the auditors' concerns over these matters, this finding will be referred to the Kentucky Office of the Attorney General, the Kentucky State Police and the Federal Bureau of Investigation. We further recommend BGADD determine the amounts due to federal programs for unallowable costs, and implement internal controls that would prevent other employees from utilizing BGADD resources for non-BGADD activities.

Finding 4: BGADD Violated Procurement Policies. Auditors received concerns that appropriate procurement procedures were not followed at BGADD. The examination identified instances in which certain transactions did violate BGADD procurement policies.

Recommendation: BGADD should ensure all contracts for services are properly procured in accordance with established policies and procedures. Also ensure reasonable procedures are in place to avoid conflicts of interest in contracting for services.

Finding 5: BGADD Did Not Have Internal Controls In Place To Prevent Excessive And Unnecessary Expenditures, Including Travel And Business Reimbursements. Allegations were brought to the attention of the APA related to excessive or unallowable expenditures by BGADD, prompting auditors to perform procedures to review credit card expenditures, reimbursed travel costs, and other expenditures.

Recommendation: We recommend the BGADD Board clarify and follow existing BGADD policies to eliminate excessive or unnecessary spending. Revised policies should provide further guidance to ensure transactions and travel allowances are reasonable in amount, necessary, and properly supported by receipts or other appropriate documentation. The Board should consider eliminating the travel allowance for the executive director in favor of a reimbursement policy which would improve monitoring of total travel costs and reduce the risk of waste, fraud, or abuse.

Finding 6: Significant Noncompliances Were Identified Related To Management Of Federal Grants. During the examination, auditors found numerous instances in which BGADD did not properly account for or manage its federal grants. Federal grants are critical to BGADD's mission, and, therefore, it is critical that the agency has significant expertise in federal grant management. Auditors acknowledge that BGADD receives a federal compliance audit in accordance with OMB Circular A-133 each year, and that the purpose of the APA examination is not to opine on federal compliance. However, many of the weaknesses noted appear to be matters of noncompliance that should be addressed in the next audit of BGADD.

Recommendation: BGADD should implement policies and procedures to comply with state and federal regulations to demonstrate proper fiscal responsibility of public funds. This should include reconciling draw downs to actual expenditures which are allowable for the federal program reimbursing the agency. Accounting ledgers should show a clear and direct link to the amount of requests for reimbursement.

Finding 7: BGADD Paid Bonuses To Employees. During the examination of BGADD, testing of payroll expenditures identified that selected employees received year-end bonuses. Inquiry into these bonuses determined that they were funded with unobligated grant funds. BGADD staff indicated management referred to the bonuses as "One Time Salary Adjustments" because they were aware that bonuses are not allowable costs for federal grants. Bonuses are also not permitted by the Kentucky Constitution for public employees.

Recommendation: The BGADD Board should not approve the payment of employee bonuses. The BGADD Board and employees should review federal regulations governing allowable costs, both direct and indirect, and treat salary adjustments in accordance with those requirements. Specifically, BGADD should adhere to 2 CFR 225 and consistently assign direct and indirect costs when incurred for the same purpose and like circumstances. BGADD should maximize the use of unobligated balances for the participants of the federal programs it administers. Salaries adjustments may be planned and approved, but there should not be an incentive for staff to underfund or under-serve grant participants as part of this plan.

Finding 8: BGADD Utilized An Outdated Accounting System Leading To A Lack Of Internal Controls Over This System. The financial activities of BGADD are accounted for using a system named RESULTS, which was designed in the 1980s. The RESULTS system utilized by BGADD came with a standard business systems package, including accounts receivable, accounts payable, etc.; however, BGADD modified the software for its purposes. Auditors learned this was the case for the majority of RESULTS clients. The accounting system is used for recording, processing, and transmitting financial transactions, as well as supporting the financial planning and budgeting activities, and financial statement preparation.

Recommendation: We recommend BGADD implement internal controls over the financial accounting system that ensure that assets are safeguarded, transactions are processed in accordance with applicable laws and regulations, transactions are properly recorded, reconciled, processed and summarized to permit the preparation of reliable financial data.

Conclusion

The findings indicate a weak control environment within BGADD which promoted unnecessary and/or excessive spending, inefficient operations, and noncompliance with state and federal regulations.

Ordinance No. 271-2009 Proposed Changes

Council General Government & Social Services Committee

July 7, 2015

Council Clerk's Office

Ord. 271-2009

- Ordinance passed December 8, 2009
- Directs all appointees to boards, agencies and commissions requiring Council confirmation to take an oath of office.
- Oath to be administered by the Clerk of the Urban County Council or an Oath by Affidavit.

Ord. 271-2009 Con.

- Appointees are not to take office until after completion of the oath.
- Language states that appointee's office shall be vacated should the oath not be completed within 30 days after Council confirmation of the appointment.
- Oath by affidavit forms are to be submitted to the Council Clerk's Office within 14 days after completion.

Oath Language

- "I________, do solemnly swear or affirm that I will attend training offered by the Urban County Government relating to members of boards and commissions and that I have reviewed the governing documents relating to the board, agency or commission to which I have been appointed. I further solemnly swear or affirm that I will discharge, to the best of my ability, the duties and responsibilities of the board, agency or commission to which I have been appointed."

Numbers

- 637 Current Members of LFUCG Boards, Commissions and Agencies (as of 6-17-2015), including some members serving on several entities
- 170 outstanding forms
- 134 outstanding with ex-officio or non-voting members removed from list

Numbers Con.

- 113 appointments since Jan. 1, 2015
  - 18 forms outstanding
  - 8 forms outstanding since April 30, 2015
- 220 appointments in 2014
  - 41 forms outstanding

Process

- Prior to May, 2015, forms sent separately from Council Clerk's Office to appointees
- Forms now included in Board & Commission packet issued by Mayor's Office
- In 2014, visited 38 boards or commissions to update oaths for all members in attendance

Challenges

- Began in 2010 with oath sheets, similar to constitutional oath book
  - Difficult to track down all members of a board, left gaps in books
  - Not enough man-power to deploy to all boards and commissions
  - 2012 mass training recorded for future board & commission members to view online
- Completed legal review and approval of Oath by Affidavit form in 2013-14

Challenges Con.

- Rely on members to return forms
- Members must have forms notarized, not always simple.
- Board or commission may meet ‘as needed’, so difficult to arrange in-person completion of oath.
- Process has become more streamlined with inclusion of form in main packet issued to appointee.

Recommendations

- Amend ordinance language to require oath by affidavit form completed and returned within 60 days of Council confirmation.
- Strike language regarding Council Clerk administration of oath.
- Change notarization requirement to witness requirement on form.

Questions?

ORDINANCE ________-2015

AN ORDINANCE AMENDING SECTION 2-19 (1) OF THE CODE OF ORDINANCES, DELETING THE REQUIREMENT THAT THE CLERK OF THE URBAN COUNTY COUNCIL ADMINISTER THE OATH OF OFFICE TO BOARD, AGENCY, AND COMMISSION APPOINTEES AND EXTENDING THE TIME REQUIRED TO COMPLETE AND SUBMIT THE OATH OF OFFICE BY AFFIDAVIT.

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

Section 1 – That Section 2-19 (1) of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

(1) All appointees to the boards, agencies and commissions covered by the provisions of Article 7 of the Charter and which require council confirmation for appointment of members shall [~~take an oath of office administered by the clerk of the Urban County Council or~~] complete an oath of office by affidavit, unless exempt by law. Appointees shall not take office until after completion of the oath. If the oath is not completed within [~~thirty (30)~~] sixty (60) days after council confirmation, the office shall be vacated and another appointment to the office shall be made by the mayor subject to council confirmation. The oath by affidavit form shall be submitted to the council clerk's office within [~~fourteen (14)~~] thirty (30) days after completion.

Section 2 - That this Ordinance shall become effective upon the date of its passage.

PASSED URBAN COUNTY COUNCIL

____
MAYOR

ATTEST:

____

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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ORDINANCE NO. 271 -2009

AN ORDINANCE REQUIRING APPOINTEES TO BOARDS, AGENCIES AND COMMISSIONS COVERED BY THE PROVISIONS OF ARTICLE SEVEN (7) OF THE CHARTER AND WHICH REQUIRE COUNCIL CONFIRMATION FOR APPOINTMENT OF MEMBERS TO TAKE AN OATH OF OFFICE OR OATH BY AFFIDAVIT, UNLESS EXEMPT BY LAW, WITHIN THIRTY (30) DAYS OF COUNCIL CONFIRMATION AND REQUIRING THAT THE OATH BY AFFIDAVIT FORM BE SUBMITTED TO THE OFFICE OF THE COUNCIL CLERK WITHIN FOURTEEN (14) DAYS OF COMPLETION.

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

Section 1 – That Section 2-19 of the Code of Ordinances be and hereby is created to read as follows:

(1) All appointees to the boards, agencies and commissions covered by the provisions of Article 7 of the Charter and which require council confirmation for appointment of members shall take an oath of office administered by the Clerk of the Urban County Council or an oath by affidavit, unless exempt by law. Appointees shall not take office until after completion of the oath. If the oath is not completed within thirty (30) days after council confirmation, the office shall be vacated and another appointment to the office shall be made by the mayor subject to council confirmation. The oath by affidavit form shall be submitted to the Council Clerk's Office within fourteen (14) days after completion.

(2) The requirements set forth in subsection (1) shall not apply to board and commission members whose appointment began prior to the effective date of this ordinance.

(3) The oath taken by appointees to boards, agencies and commissions shall state as follows:

I, ____________, do solemnly swear or affirm that I will attend training offered by the Urban County Government relating to members of boards and commissions and that I have reviewed the governing documents relating to the board, agency or commission to which I have been appointed.

I further solemnly swear or affirm that I will discharge, to the best of my ability, the duties and responsibilities of the board, agency or commission to which I have been appointed.

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

PASSED URBAN COUNTY COUNCIL: December 8, 2009

Jim Newberry

MAYOR

ATTEST:

Susan Lamb

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: December 17, 2009-1t

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LFUCG – Cellular Tower Installation Request Presentation

July 7, 2015

General Government and

Social Services Committee

Agenda

- KRS Overview
- LFUCG Zoning Ordinance Overview
- Role of General Services
- Previous Process Challenges
- New Process
- Questions

Some Key Provisions of KRS

- Statewide Uniform Application requirements
- Applicant must submit a copy of the Uniform Application to the local Planning Commission
- If local government does not act on the application within 60 days of filing, the PSC assumes local approval
- Planning Commission is the local body with authority (towers on private property)

Local Government's Authority Over Wireless Towers

- Federal Law: Telecommunications Act of 1996
- State Law: KRS 100.985 thru 100.987
- Our Local Law: Zoning Ordinance Article 25 (Must conform to Federal and State requirements)

Towers on Public vs. Private Property

- Local Government is exempt from its own zoning requirements
- Council can set its own procedures for consideration of a tower on LFUCG property
- Any proposed tower to be located on public property should be referred to the Planning Commission for a Public Facility Review under KRS 100.324
  - Commission has no approval authority – advisory only
  - No public notification required
  - Review limited to whether or not the Commission believes the facility is in conformance with the Comprehensive Plan
  - 60 day time limit for review

Key Provisions of Lexington's Zoning Ordinance

- Location Criteria, including:
  - Can be located in any Zoning District
  - Discouraged in Residential & Agricultural Districts
  - Every attempt to locate where there are minimum adverse effects on a residential district
  - Not to be located in floodplains, environmentally sensitive areas, geologic hazard areas, historic districts, or along or within 1200' of scenic byways (unless on an existing tower or as an acceptable alternate design)

Key Provisions of Lexington's Zoning Ordinance

- Design Standards, including:
  - Setback restrictions (greatest in residential and agricultural zones)
  - Monopole design permitted in all zones; guyed and lattice towers only in Office, Warehouse, Industrial and Agricultural Zones
  - Security fence and screening of ground level equipment required
  - Not to be lighted unless required by the Federal Aviation Commission
  - Potential for collocation should be maximized

Local Review Process

- Within 60 days of application:
  - Division of Planning review and written recommendation
  - Planning Commission public meeting to Approve, Conditionally Approve, or Disapprove the request
  - Planning Commission's decision communicated in writing to the PSC by the applicant

General Services Role

- Receive requests from Cell Tower Companies for potential cell tower locations on Government property
- Send, receive, and distribute application
- Negotiate lease and request a legal review from the Law Department

Why General Services

- Traditionally Cell Towers on Government Property have been handled through General Services because:
  - Previous staff member was an expert in technological fields
  - Several sites identified have been on Park Property and two were on top of the Government Center building
  - Not a natural fit for another Department

Previous Process Challenges

- Lack of review by Departments and Divisions with the exception of the Law Department
- Confusion on the part of Cell Tower companies regarding the process for applications
- Requests from Cell Tower companies for long term leases
- Desire to maximize potential revenue

Current Process & Procedures

- Developed an Application
- Developed a Process
  - Process starts with a review of the application by the Department of General Services and notification of District Council Member
  - If approved, it moves to several Departments and Divisions for feedback before a draft lease is negotiated
- Drafted a Lease
  - Consultant and Law Department helped us draft the first lease which has been used as a template

Questions

General Government Social Services Committee Referrals

Referral Item:		Referred By:	Date Referred:	Status:
1	**Workforce Investment & Training**	**Henson**	**Nov. 2012**	**Ongoing -- March 2015; July 2015**
2	Aquatics Program Design	Scutchfield	July 2014	February 2015; update after completed
3	Parks Foundation	Scutchfield	July 2014	Sept. 2014
4	Review of Ethics Ordinance	Evans	Oct. 2014	February 2015; May 2015; in subcommittee
5	Bluegrass International Center	Lamb	Jan. 2015	February 2015; May 2015; update after completed
6	**Cell Towers -- Location Approval and Revenue**	**Lamb**	**May 2015**	**July 2015**
7	**Ord. No. 271-2009 -- Oath of Office for Council Boards & Committees**	**Lamb**	**May 2015**	**July 2015**
8	Extended Social Resource (ESR) Process	Bledsoe	June 2015	
Current as of June 16, 2015				