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CLARK COUNTY STAFF REPORT

DEPARTMENT: Board of Clark County Commissioners
DATE: June 20, 2013
REQUEST: Approve an amendment to the current Interlocal agreement forming the Southwest Washington Workforce Investment Area (SWWIA)

CHECK ONE: X Consent CAO

BACKGROUND: The Southwest Washington Workforce Development Council (SWWDC) Board of Directors and the Executive Board of County Commissioners have voted to approve an amendment to the current interlocal agreement to which Clark County is a party. The amendment eliminates a phrase in the current agreement that prohibits the SWWDC from providing direct workforce development services. This action is being taken to help the agency diversify their funding options given reductions in federal funding. Some of the possible funding sources require that the applicant provide direct services. The council is cognizant that by taking this action they must be careful not to compete with their current contractors.

COMMUNITY OUTREACH: This is an internal matter of the SWWDC.

BUDGET AND POLICY IMPLICATIONS: None for Clark County.

FISCAL IMPACTS

Yes (see attached form) No

ACTION REQUESTED: Approve the proposed amendment to the SWWDC Interlocal agreement.

DISTRIBUTION:
SWWDC
Board of Commissioners Office

Bill Barron

Bill Barron
County Administrator

Approved: *July 2, 2013*

CLARK COUNTY
BOARD OF COMMISSIONERS

SR 125-13



**INTERLOCAL AGREEMENT AMONG
CLARK, COWLITZ, AND WAHKIAKUM COUNTIES
TO FORM THE SOUTHWEST WASHINGTON
WORKFORCE INVESTMENT AREA**

WITNESSETH:

WHEREAS, the Workforce Investment Act of 1998, hereinafter referred to as the "WIA," authorizes the Governor of the State of Washington to establish local workforce investment areas with local workforce investment boards to plan and set policy for a local workforce investment system; and

WHEREAS, the Revised Code of Washington, Chapter 39.34, titled "Interlocal Cooperation Act" authorizes the local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby provide workforce development and related services in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, the political boundaries of Clark, Cowlitz, and Wahkiakum Counties have been designated a local workforce investment area by the Governor; and

WHEREAS, the WIA requires the appointment of local workforce investment board members by local elected officials; and

WHEREAS, the WIA requires local elected officials and the local workforce investment board to jointly approve the job training plans for the service delivery area; and

WHEREAS, in 2002 the undersigned parties created the Southwest Washington EBOCC of County Commissioners, hereinafter referred to as the "EBOCC," for the purposes of establishing a process for fulfilling local elected officials' responsibilities under the WIA for the local workforce investment area; such purposes are to be accomplished and said common power exercised in a manner hereinafter set forth;

NOW, THEREFORE, in consideration of the mutual promises and covenants herein, the parties desire to amend and extend this agreement.

I. DURATION

This Agreement is made effective the 1st day of June 2011, and shall be in full force and effect for five (5) years from the effective date.

VI. FISCAL AGENT

The Southwest Washington Workforce Development Council, through its Board of Directors, and with the consent of the EBOCC, shall either retain an independent private sector Certified Public Accountant or hire a Certified Public Accountant on its own staff to serve as its fiscal agent and Chief Financial Officer. The fiscal agent shall be responsible for receipt and disbursement of funds awarded the Southwest Washington Workforce Development Council, under the supervision of the Executive Director.

VII. EXECUTIVE BOARD OF COUNTY COMMISSIONERS

The undersigned parties delegate their authority in all matters requiring local elected official involvement under the Workforce Investment Act or other workforce development legislation to the EBOCC. Any action requiring elected official representation in the development or approval of the workforce investment system plan shall involve the EBOCC as that representation.

The EBOCC shall consist of one (1) elected commissioner from each county. Each county shall be responsible for designating its representative.

The EBOCC shall meet quarterly and conduct business according to its own rules, which include operating by consensus. When consensus cannot be achieved and a vote must be taken, a majority vote is all that is needed to carry the vote. When a tie vote occurs, the tie will be broken in favor of the counties with the combined largest total population voting together on any particular issue.

Three absences by an EBOCC Member over the course of one year shall require the county represented by that EBOCC Member to select another appointee to represent that county on the EBOCC.

VIII. CHIEF ELECTED OFFICIAL

One member of the EBOCC representing the various counties shall serve as the chief elected official to represent the views and interests of local government to the Governor, the Department of Labor, the Workforce Development Council, and other stakeholders in all matters pursuant to the Workforce Investment Act.

The Chief Elected Official shall be chosen at the first meeting held after January 1 of even numbered years. The Chief Elected Official shall serve for a term of two years. The Board of County Commissioners of the county where the Chief Elected Official serves shall appoint a replacement if the Chief Elected Official is unable to fulfill his/her term. The Chief Elected Official may be removed from the position for any reason by a vote of 66% of the members of the EBOCC.

allowed by law, the debts, liabilities, and obligations incurred by the Southwest Washington Workforce Development Council shall not pass through the counties. Liability shall remain with the Southwest Washington Workforce Development Council and its contractors. All contractors entering into agreements with the Southwest Washington Workforce Development Council in order to perform part or all of the obligations created by the Workforce Investment Act or other revenue sources shall agree to indemnify and hold harmless the EBOCC, the individual elected officials, the counties, and county employees from any and all liability arising from the work performed.

The Southwest Washington Workforce Development Council and any contractors entering into agreements with the Southwest Washington Workforce Development Council shall demonstrate sufficient proof of insurance with the persons and entities named above listed as additional named insureds.

In the event that the Southwest Washington Workforce Development Council and the contractors incur liability over and above the combined total assets, any remaining liability that should flow through to the counties involved in this agreement shall be apportioned based upon funds expended on behalf of residents of the counties.

Approved as to Form:

BOARD OF COUNTY COMMISSIONERS
Cowlitz County, Washington

Deputy Prosecuting Attorney

George Raiter, Chair

ATTEST:

Michael A. Karnofski, Commissioner

Vickie M. Musgrove, Clerk of the Board

James R. Misner, Commissioner

The Southwest Washington Workforce Development Council acknowledges and agrees to perform those duties set forth in sections IV, V, VI and XII of this agreement.

Lisa Nisenfeld, Executive Director
Southwest Washington Workforce Development Council

Approved as to Form:

BOARD OF COUNTY COMMISSIONERS
Clark County, Washington

By Christine Cook DPA
Tony Golik, Prosecuting Attorney

SSA
Steve Stuart, Chairman

ATTEST:

Rebecca Tilton
Rebecca Tilton, Clerk of the Board

Tom Mielke, Commissioner

David Madore, Commissioner



June 3, 2013

Clark County Commission Chair, Steve Stuart
Clark County Commissioner David Madore
Clark County Commissioner Tom Mielke
Clark County Commissioners' Office
PO Box 5000
Vancouver, WA 98666-5000

Dear Commissioners,

Recently, the Southwest Washington Workforce Development Council (SWWDC) Board of Directors took action to approve an important change in the SWWDC Bylaws that would specifically allow the Council to provide direct workforce development services under special circumstances, subject to the approval of the Board of Directors. This change in the SWWDC Bylaws would allow the Council to apply for and receive grants for specialized workforce development services that would otherwise be prohibited by the Bylaws and also by the current *Interlocal Agreement Among Clark, Cowlitz, and Wahkiakum Counties to Form the Southwest Washington Workforce Investment Area* (the "Interlocal Agreement"), which is enclosed.

Following the action of the SWWDC Board of Directors, the Executive Board of County Commissioners (EBOCC), consisting of Commissioner Madore from Clark County, Commissioner Karnofski from Cowlitz County, and Commissioner Cothren from Wahkiakum County, met and approved this same change in the current Interlocal Agreement.

Specifically, the requested change applies to Section IV: ADMINISTRATIVE ENTITY as follows:

As the administrative entity, the Southwest Washington Workforce Development Council's authority shall include: the recruitment, selection, organization, and training of staff; the administration of the budget; monitoring of program operations and performance; grant and contract management; planning; evaluation; contract negotiation and compliance; grievance procedures; affirmative action; EEO; and other duties as deemed necessary by the EBOCC. ~~The Southwest Washington Workforce Development Council is specifically prohibited from providing direct workforce development services.~~ Pursuant to the Workforce Investment Act, and consistent with Chapter 42.23 Revised Code of Washington, no Council member or director shall cast a vote on the provision of services by that member or director (or any organization which that member represents) or vote on any matter which would provide direct or indirect financial benefit to that member or director (or to any agency or organization that member or director represents). To the extent possible, Council members and directors shall avoid the appearance of a conflict.

Accordingly, SWWDC requests that each county approve this change to the current Interlocal Agreement as highlighted above. A copy of the current agreement with this change noted is provided for your convenience and for purposes of comparison. A revised copy of the Interlocal Agreement is also enclosed, along with updated signature pages for each county provided to the Clerk of the Board. SWWDC requests that each county execute the signature pages forthwith so that this change may go into effect as soon as possible.

If, after careful review, you have questions or concerns regarding the requested change to the Interlocal Agreement, please feel free to contact me directly. My contact information is noted below.

Thank you for your consideration and prompt response to this request. SWWDC looks forward to providing a variety of additional workforce services to the region as a result of new grant funding that would otherwise not have been possible.

Respectfully,



Jeanne Bennett
Executive Director
SWWDC
(360) 567-1073
jbennett@swwdc.org

CC: Clark County Clerk of the Board, Rebecca Tilton

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