

ENROLLED ORDINANCE 173-034

APPROVE WOW CONSORTIUM AGREEMENT AND AUTHORIZE WAUKESHA COUNTY AS THE FISCAL AGENT OF THE WORKFORCE DEVELOPMENT BOARD

WHEREAS, Waukesha County pursues collaborations and partnerships when it is in the interest of Waukesha County and the other parties; and

WHEREAS, the Workforce Innovation and Opportunity Act encourages collaboration and partnerships to maximize efficiencies; and

WHEREAS, the Waukesha-Ozaukee-Washington Workforce Development Board (WOW-Board) is one of Wisconsin's eleven regional boards originally established by the Workforce Investment Act of 1998, and is charged with addressing local economic workforce issues in Waukesha, Ozaukee, and Washington Counties; and

WHEREAS, the WOW-Board works in collaboration with local elected officials, economic development corporations, businesses, and the community to address macroeconomic workforce issues in the three-county area; and

WHEREAS, the WOW-Board receives its funding through federal Workforce Innovation and Opportunity Act annual allocations and no County tax funding is used to operate the board or its programs; and

WHEREAS, the Workforce Innovation and Opportunity Act defines the allowable workforce development board, fiscal agent, and board staffing structures; and

WHEREAS, a workgroup of WOW-Board staff and board members, Waukesha County staff, Waukesha, Ozaukee, and Washington County Board Chairs, and workforce system stakeholders evaluated allowable board, fiscal agent and staffing structures and best practices to determine the most efficient and cost effective model; and

WHEREAS, Waukesha, Ozaukee, and Washington Counties had previously entered into a Consortium Agreement, pursuant to the Workforce Innovation and Opportunity Act, to define the three-county workforce development area and the roles of the counties under the Workforce Innovation and Opportunity Act; and

WHEREAS, it is now desirable that Waukesha County serve as the Administrative Entity, Grant Recipient and Fiscal Agent ("Fiscal Agent") for the WOW-Board; and

WHEREAS, the WOW-Board has unanimously approved the recommendation to move the fiscal agent and board staffing structure to Waukesha County; and

WHEREAS, in light of these changes, it is necessary to update the Consortium Agreement, and for Waukesha County as Fiscal Agent, the Consortium and the WOW-Board to define their respective responsibilities under the Workforce Innovation and Opportunity Act in a new written agreement.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Waukesha County is authorized to serve as the WOW-Board's Fiscal Agent, effective October 1, 2018.

BE IT FURTHER ORDAINED that an updated Consortium Agreement of the Waukesha-Ozaukee-Washington Wisconsin Counties Consortium Under The Workforce Innovation and Opportunity Act (P.L. 113-128) ("Consortium Agreement") in a form substantially similar to that on file with the Waukesha County Corporation Counsel is hereby approved.


BE IT FURTHER ORDAINED that a Joint Agreement Between Waukesha-Ozaukee-Washington Wisconsin Counties Consortium and Waukesha-Ozaukee-Washington Workforce Development Board and Waukesha County, as Administrative Entity, Local Grant Sub-Recipient and Local Fiscal Agent ("Joint Agreement") in a form substantially similar to that on file with the Waukesha County Corporation Counsel is hereby approved.

BE IT FURTHER ORDAINED that the Waukesha County Corporation Counsel is authorized to finalize negotiations over the form of the Consortium Agreement and the Joint Agreement and that the Waukesha County Executive or his designee is authorized to execute the final Consortium Agreement and Joint Agreement, and any and all other documents necessary to effectuate the intent of the same.

APPROVE WOW CONSORTIUM AGREEMENT AND AUTHORIZE WAUKESHA COUNTY AS THE FISCAL AGENT OF THE WORKFORCE DEVELOPMENT BOARD

Presented by:
Executive Committee

Approved by:
Finance Committee


Paul L. Decker, Chair


James A. Heinrich, Chair


James A. Heinrich


Timothy Dondlinger


Christine M. Howard


Tyler J. Foti



Larry Nelson

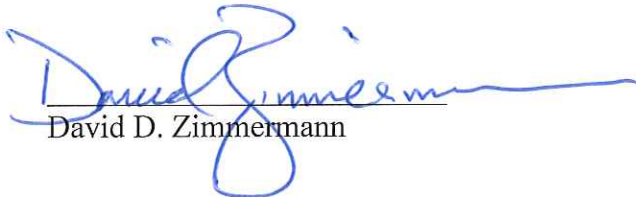

Thomas A. Michalski

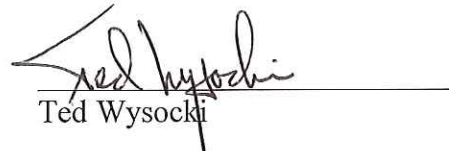

David W. Swan


Richard Morris



Peter M. Wolff


Duane E. Paulson


David D. Zimmermann


Ted Wysocki

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 8/28/18, 
Kathleen Novack, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X
Vetoed: _____

Date: 9/4/18, 
Paul Farrow, County Executive

CONSORTIUM AGREEMENT
of the
WAUKESHA-OZAUKEE-WASHINGTON WISCONSIN COUNTIES CONSORTIUM
under the
WORKFORCE INNOVATION AND OPPORTUNITY ACT (P.L. 113-128)

THIS AGREEMENT, made and entered into as of the 1st day of October, 2018 by and between the counties of Waukesha, Ozaukee, and Washington in the State of Wisconsin (hereinafter, the “Counties”) and supersedes and replaces any and all prior consortium agreements or charters between or among the Counties related to the implementation of the Workforce Investment Act and/or its successor the Workforce Innovation and Opportunity Act within the three-county area:

WHEREAS, when 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: 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 in the Workforce Innovation and Opportunity Act (29 U.S.C. Chapter 32); in carrying out any other responsibilities as described in subchapter II of 29 U.S.C. Chapter 32; and in the duties included in Appendix A hereto; and

WHEREAS, the County Board of Supervisors of each of the aforementioned Counties did previously adopt resolutions authorizing the County Board Chairperson to sign a charter creating the Waukesha-Ozaukee-Washington Wisconsin Counties Consortium under section 66.30 [now 66.0301], Wisconsin Statutes, in order to administer the provisions of Public Law 105-220, the federal Workforce Investment Act; and

WHEREAS, the Workforce Investment Act was amended by Congress and reauthorized as the Workforce Innovation and Opportunity Act (“WIOA”) on July 22, 2014 (Public Law 113-128; 29 U.S.C. §3101 et. seq.); and

WHEREAS, in light of the implementation of the WIOA, in 2015 the Counties each executed that certain LEO Consortium Agreement Modification of the Waukesha-Ozaukee-Washington Counties Consortium under the Workforce Innovation and Opportunity Act (P.L. 113-128); and

WHEREAS, the Counties now deem it appropriate and advisable to revise and update their charter in the form of this Consortium Agreement; and

WHEREAS, the County Board of Supervisors of each of the aforementioned Counties has adopted a resolution authorizing the County Board Chairperson or County Executive to sign this “Consortium Agreement of the Waukesha-Ozaukee-Washington Wisconsin Counties Consortium under the Workforce Innovation and Opportunity Act (P.L. 113-128)” (hereinafter, the “Consortium Agreement”) to operate as the Consortium’s new/revised charter.

NOW, THEREFORE, in consideration of the above premises and the mutual covenants of the parties hereinafter set forth, the receipt and sufficiency of which each party acknowledges, the Counties do hereby agree to the following:

AGREEMENT

- SECTION 1: That the Counties of Waukesha-Ozaukee-Washington, under the authority granted by Section 66.0301, Wisconsin Statutes, do hereby constitute themselves to be a consortium for the purposes of jointly implementing and exercising their powers and duties under the Workforce Innovation and Opportunity Act of 2014, 29 U.S.C. Chapter 32; Public Law 113-128 (the “WIOA”).
- SECTION 2: The Chairpersons of the County Boards of Supervisors for Ozaukee and Washington Counties and the County Executive of Waukesha County (each a “Local Elected Official”) or their designees shall constitute the Workforce Development Area Consortium of Commissioners (hereinafter, the “Consortium”) which shall appoint the Workforce Development Board (“Board”) pursuant to 29 U.S.C. §§ 3122(b) and 3122(c)(1)(B) (WIOA Sections 107(b) and (c)(1)(B)).
- SECTION 3: The Consortium shall elect from its membership a Chairperson, a Vice Chairperson and such other officers as may be provided in the by-laws. Vacancies shall be filled by election for the remainder of the unexpired term. The Chairperson shall appoint a staff person of one of the Consortium member counties or the administrative entity to serve as board clerk.
- SECTION 4: The Consortium shall name a Chief Elected Official (“CEO”) from its membership. This person shall have signatory authority and authority to speak for the Consortium in all matters regarding the WIOA, and shall perform the duties identified in Appendix A. The term of this designation shall be for the entirety of the selected Local Elected Official’s term in office.
- SECTION 5: Roberts Rules of Order, Newly Revised, shall govern the procedures of the Consortium insofar as they do not conflict with applicable law or administrative rules or by-laws duly adopted by the Consortium.
- SECTION 6: The Consortium may adopt operational and procedural by-laws consistent with this Consortium Agreement, applicable federal and state laws, and rules or regulations pursuant thereto, including by-laws with respect to the procedure for selection of Workforce Development Board members. By-laws or amendments thereto may be adopted by the affirmative vote of 2/3 of the entire membership of the Consortium at any regular meeting called for that purpose, provided that written copies thereof are delivered to each member 15 days prior to consideration.
- SECTION 7: The Consortium shall appoint the Workforce Development Board of the area, in accordance with the requirements of 29 U.S.C. §§ 3122(b) and 3122(c)(1)(B)

(WIOA Sections 107(b) and (c)(1)(B)) and applicable rules thereunder, and consistent with any procedures set forth in Appendix A or any by-laws that may be adopted by the Consortium. When a vacancy occurs on the Board in a position representing a particular county, the Local Elected Official for that county shall be entitled to select the qualified replacement member and the CEO shall facilitate appointment of that member to the Board.

SECTION 8: The Consortium shall execute an agreement with the Workforce Development Board requiring the performance of the functions of a “local board” under 29 U.S.C. § 3122(d) (WIOA Section 107(d)), and shall in partnership with the Workforce Development Board, develop and submit Local Plans to the Governor that meet the requirements of 29 U.S.C. § 3123 (WIOA Section 108).

SECTION 9: The Consortium shall perform all functions for “chief elected officials” as contained in the WIOA.

SECTION 10: The Consortium serves as the local grant recipient for and is liable for any misuse of the grant funds allocated to the local area under 29 U.S.C. § 3122(d)(12)(B)(i)(I) and (II) (WIOA Section 107(d)(12)(B)(i)(I) and (II)). The Consortium shall require any administrative entity, local grant sub-recipient and local fiscal agent to provide reasonable protection against liability claims by: requiring directors and officers be covered by insurance; ensuring that the administrative entity maintains appropriate internal controls over the use of grant funds; utilizing language in subcontracts regarding disallowed costs; and conducting routine annual independent audits.

SECTION 11: In the case of any misuse of grant funds allocated to the local area, the Consortium agrees, in accordance with 20 C.F.R. § 683.710(b)(2), to allocate liability as follows: Liability will be determined based upon the particular facts of the situation as to the responsibility of individual Consortium members for the particular funds. For example, if WIOA funds are misused only by the employee(s) or subcontractor(s) of one member of the Consortium, then only that county shall be held liable for the repayment of the misused funds. If more than one Consortium member is involved, then the respective counties will attempt to reach an agreement as to relative liabilities based upon the facts of the situation. If the counties are unable to reach agreement, then the Wisconsin Department of Workforce Development shall make the determination as to respective liabilities.

SECTION 12: This Consortium Agreement shall be effective when executed by the Local Elected Official of each county, following approval and authorization by each respective County Board of Supervisors thereof, and shall thereupon act to repeal and supersede any and all prior written or oral consortium agreements.

SECTION 13: Amendments to this Consortium Agreement may be adopted with the concurrence of the Board of Supervisors of each county party hereto. The Consortium may be dissolved and this agreement may be rescinded only with the consent of all the Boards of Supervisors of each county party hereto and the Governor.

IN WITNESS WHEREOF, the parties hereto have caused this Consortium Agreement to be executed by their respective Local Elected Official.

WAUKESHA COUNTY

Done this ___ day of _____, 2018.

In the City of _____, WI.

By: _____

ATTEST: _____

Commission Expires: _____

OZAUKEE COUNTY

Done this ___ day of _____, 2018.

In the City of _____, WI.

By: _____

ATTEST: _____

Commission Expires: _____

WASHINGTON COUNTY

Done this ___ day of _____, 2018.

In the City of _____, WI.

By: _____

ATTEST: _____

Commission Expires: _____

APPENDIX A
Chief Elected Official (“CEO”) Powers and Responsibilities

A. Designation and membership of the local area board

1. The CEO is required to submit a request for initial designation of a workforce development area and consult with the Governor on the initial designation or redesignation of the workforce development area. (29 U.S.C. §§ 3121(b)(2) and 3121(b)(1)(A)(ii); WIOA Section 106(b)(1)(A)(ii) and (b)(2)).
2. In accordance with the requirements established by the Governor, the criteria established under 29 U.S.C. § 3122(b), and the Consortium Agreement, the CEO shall facilitate appointments of the members of the local board from the individuals nominated or recommended to be such members. (29 U.S.C. § 3122(c)(1)(B); WIOA Section 107(c)(1)(B)(i)(I)).

B. Local and regional planning

1. Work with the local board to develop and submit to the Governor a comprehensive 4-year local plan that is consistent with the State plan and meets the requirements of 29 U.S.C. § 3123. (29 U.S.C. §§ 3122(d)(1) and 3123; WIOA Sections 107(d)(1) and 108).
2. Consult with the State to identify regions, consistent with the considerations described in 29 U.S.C. §§ 3121(a)(1) and (b)(1)(B). (WIOA Sections 106(a)(1) and (b)(1)(B)).
3. Engage in a regional planning process and prepare, submit, and obtain approval of a single regional plan consistent with the requirements in 29 U.S.C. § 3121(c). (WIOA Section 106(c)).

C. Budget and grant administration responsibilities

1. Use funds available as described in section 29 U.S.C. § 3163(b)(4) (WIOA Section 128(b)(4)) and use non-federal funds available to the local area that the CEO and local board determine are appropriate and available for that use. (29 U.S.C. § 3131(b); WIOA Section 111(b)).
2. Review and approve of the local board’s budget for the activities of the local board. (29 U.S.C. § 3122(d)(12)(A); WIOA Section 107(d)(12)(A)).
3. Serve as a local grant recipient, or designate an entity to serve as the local grant sub-recipient or a local fiscal agent. (29 U.S.C. § 3122(d)(12)(B); WIOA Section 107(d)(12)(B)).
4. In cooperation with the local board, the CEO as local grant recipient (or the local grant sub-recipient designated by the CEO) shall disburse funds for WIOA activities at the direction of the local board pursuant to the requirements of 29 U.S.C. Chapter 32,

subchapter II. (29 U.S.C. § 3122(d)(12)(B)(i)(III); WIOA Section 107(d)(12)(B)(i)(III).

D. Program oversight

1. Work with the local board to conduct oversight with respect to local programs of youth activities authorized under 29 U.S.C. § 3164(c) (WIOA Section 129(c)), local employment and training activities authorized under 29 U.S.C. § 3174(c) and (d) (WIOA Section 134(c)), and the one-stop delivery system in the local area under 29 U.S.C. § 3151 (WIOA Section 121); ensure the appropriate use and management of the WIOA funds provided for these activities and one-stop delivery system; and for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 29 U.S.C. § 3141 and 3122(d)(8) (WIOA Sections 116 and 107(d)(8)).
2. Consistent with 29 U.S.C. § 3151(d) (WIOA Section 121(d)), in cooperation with the local board, competitively designate or certify One-Stop Operators, as described in 29 U.S.C. § 3151(d)(2) (WIOA Section 121(d)(2)) or terminate for cause the eligibility of such operators. (29 U.S.C. § 3122(d)(10)(A); WIOA Section 107(d)(10)(A)).
3. Review and approve a memorandum of understanding (MOU) between the local board and the One-Stop partners, relating to the operation of the One-Stop delivery system in the local area, consistent with the requirements in 29 U.S.C. § 3151(c)(1) and (2) (WIOA Sections 121(c)(1) and (2)).
4. In agreement with the local board, conduct oversight of the One-Stop delivery system (29 U.S.C. § 3151(a)(3); WIOA Section 121(a)(3)) and consult with the State as it establishes objective criteria and procedures used to evaluate the operation of the One-Stop center as described in 29 U.S.C. § 3151(g) (WIOA Section 121(g)).
5. Consult with the local board, the One-Stop Operator, and the One-Stop partners regarding funding of the One-Stop infrastructure as described in 29 U.S.C. § 3151(h) (WIOA Section 121(h)).
6. Consult with the Governor as he or she establishes guidance for infrastructure One-Stop funding (29 U.S.C. § 3151(h)(1)(B); WIOA Section 121(h)(1)(B)) and determines funding as described in 29 U.S.C. § 3151(h)(2)(C) (WIOA Section 121(h)(2)(C)).
7. Consult with the Governor as he or she determines funding allocation for youth activities and statewide workforce investment activities under 29 U.S.C. §§ 3162(b)(1)(C) and 3163(b) (WIOA Sections 127(b)(1)(C) and 128(b)).
8. Consult with the Governor as he or she determines funding allocation for adult employment and training activities and statewide workforce investment activities under 29 U.S.C. §§ 3172(b)(1)(B) and 3173(b) (WIOA Sections 132(b)(1)(B) and 133(b)).

E. Performance measurements

1. Work with the local board and the Governor to negotiate and reach agreement on local performance measures. (29 U.S.C. § 3122(d)(9); WIOA Section 107(d)(9)).
2. Determine whether to appeal a gubernatorial reorganization determination made under 29 U.S.C. § 3141(g)(2)(A) to the Governor under 29 U.S.C. § 3141(g)(2)(B)(i) and to the Secretary of the U.S. Department of Labor under 29 U.S.C. § 3141(g)(2)(B)(ii). (WIOA Section 116(g)(2)).

D1 - Foti	AYE	D14 - Wood	AYE
D2 - Zimmermann	AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - Grant	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	(M) AYE	D22 - Wysocki	(2) AYE
D10 - Swan	AYE	D23 - Hammitt	Notified
D11 - Howard	AYE	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

173-O-034

Passed (24 Y - 0 N - 1 Absent)

Majority Vote >