

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: June 9, 2015 CUT OFF DATE: \_\_

RESOLUTION X ORDINANCE \_\_\_ PUBLIC HEARING \_\_\_

ITEM TITLE:

A RESOLUTION TO AUTHORIZE THE APPROVAL OF THE SHENANDOAH VALLEY CHIEF ELECTED OFFICIALS CONSORTIUM AGREEMENT EFFECTIVE JULY 1, 2015

STAFF RECOMMENDATION:

Proceed with Resolution approval

PUBLIC NOTICE AND HEARING:

None required.

ADVISORY BOARD RECOMMENDATION:

NA

FUNDING DATA:

No funding requested.

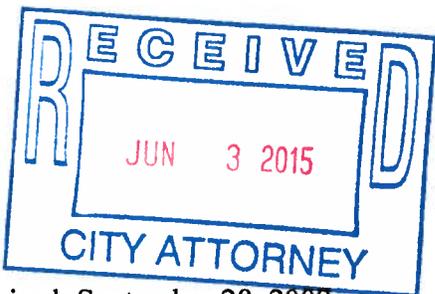
INSURANCE:

N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	<i>[Signature]</i>	_____	6/3/2015
6. City Manager	<i>[Signature]</i>	_____	16 June 2015
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: *[Signature]* Date: 6/2/15  
 Economic Redevelopment Director



APPROVED AS TO FORM:

*[Signature]* 6/3/2015  
 CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council

**From:** Kimberly L. Murray, Economic Redevelopment Director

**Date:** June 9, 2015

**Re: A RESOLUTION TO AUTHORIZE THE APPROVAL OF THE SHENANDOAH VALLEY  
CHIEF ELECTED OFFICIALS CONSORTIUM AGREEMENT EFFECTIVE JULY 1, 2015**

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**THE ISSUE:** Changes to the current agreement have been added because of the implementation of the new federal Workforce Innovation and Opportunity Act (WIOA) which replaces the Workforce Investment Act (WIA). The Winchester Common Council signed the last agreement September 11, 2012.

**RELATIONSHIP TO STRATEGIC PLAN:** Will assist in the City's desire to encourage sustainable economic growth and partnerships through business and workforce development.

**BACKGROUND:** The purpose of the Consortium shall be to plan, establish, and operate a Local Workforce Development Area (LWDA) and Workforce Development Services Delivery System according to the provisions of the Workforce Innovation and Opportunity Act of 2014, and the Federal Regulations issued by the U.S. Department of Labor for the implementation of the Act together with any and all other subsequent and relevant federal and Commonwealth of Virginia statutes, policies and interpretations.

**BUDGET IMPACT:** No additional costs at this time.

**OPTIONS:** Council may approve the resolution to support the Consortium Agreement, decline the resolution, or provide comments to the Shenandoah Valley Workforce Investment Board Inc. on the Agreement if support is not given.

**RECOMMENDATIONS:** City Staff recommends the approval of the attached Resolution to support the Consortium Agreement and appoint an elected official to the Consortium and an alternate, if appropriate. It is an opportunity to further collaborative efforts around workforce needs and issues.

**A RESOLUTION TO AUTHORIZE THE APPROVAL OF THE SHENANDOAH  
VALLEY CHIEF ELECTED OFFICIALS CONSORTIUM AGREEMENT  
EFFECTIVE JULY 1, 2015**

WHEREAS, the Winchester Common Council desires to create a positive business environment and encourages sustainable economic growth and partnerships through business and workforce development;

WHEREAS, on September 12, 2012, the Winchester Common Council approved a motion approving the Shenandoah Valley Chief Elected Officials Consortium Agreement which established the Shenandoah Valley Workforce Investment Area for the purpose of planning, establishing and operating a local workforce services delivery system;

WHEREAS, in accordance with Public Law 113-128, the Workforce Innovation and Opportunities Act of 2014, Section 106, the Shenandoah Valley Workforce Investment Area has been renamed the Shenandoah Valley Workforce Development Area and the Shenandoah Valley Workforce Investment Board shall be renamed the Shenandoah Valley Workforce Development Board;

WHEREAS, the Council needs to appoint an elected official to the Consortium and if so desired, an alternate; and

WHEREAS, the following changes to the attached Agreement are proposed:

1. Change of name from the Chief Local Elected Officials to the Chief Elected Officials; and
2. Change in the member composition of the Workforce Development Board, so that no less than 20% of the Board must consist of labor organizations, representatives from registered apprenticeship programs, and community based organizations (page 4 of the agreement).

NOW THEREFORE BE IT RESOLVED, that the Winchester Common Council does hereby support these changes, appoints the Honorable Mayor to the Consortium, and approves this resolution accordingly.

**Shenandoah Valley  
Chief Elected Officials  
Consortium Agreement**

**Shenandoah Valley  
Workforce Development Area**

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**May, 2015**

## Consortium Agreement

### Shenandoah Valley Workforce Development Area

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*The purpose of this Agreement is to formalize the creation of the **Shenandoah Valley Workforce Development Area**, the **Shenandoah Valley Chief Elected Officials Consortium**, and the **Shenandoah Valley Workforce Development Board** in accordance Public Law 113-128, the **Workforce Innovation and Opportunity Act of 2014, Section 106**. It is Made and Entered into by and between **Augusta County, Bath County, the City of Buena Vista, Clarke County, Frederick County, the City of Harrisonburg, Highland County, the City of Lexington, Page County, Rockbridge County, Rockingham County, Shenandoah County, the City of Staunton, Warren County, the City of Waynesboro, and the City of Winchester**.*

**WHEREAS**, the respective Boards of Supervisors of the Counties of Augusta, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Rockingham, Shenandoah and Warren, and the City Councils of the Cities of Buena Vista, Harrisonburg, Lexington, Staunton, Waynesboro and Winchester have adopted resolutions authorizing the execution of this Consortium Agreement;

**NOW THEREFORE THIS AGREEMENT FURTHER WITNESSTH:** That for and in consideration of the promises and of the mutual benefits to be derived hereunder, that each and all of the jurisdictions enumerated immediately above, do hereby reciprocally agree as follows:

#### **SECTION 1: CREATION OF THE CONSORTIUM**

**THERE IS HEREBY CREATED**, BY THE UNDERSIGNED Chief Elected Official of the Counties and Cities, the **Shenandoah Valley Chief Elected Officials Consortium** (Consortium), which shall exist under and be subject to the terms and conditions of this **Consortium Agreement** (Agreement), and which constitutes the agreement by the listed participating political subdivisions of the Commonwealth of Virginia. The purpose of the **Consortium** shall be to plan, establish, and operate a Local Workforce Development Area (LWDA) and Workforce Development Services Delivery System according to the provisions of the Workforce Innovation and Opportunity Act of 2014, and the Federal Regulations issued by the U.S. Department of Labor for the implementation of the Act together with any and all other subsequent and relevant federal and Commonwealth of Virginia statutes, policies and interpretations.

#### **SECTION 2: AREA TO BE SERVED**

The Local Workforce Development Area to be served shall be known as the **Shenandoah Valley Workforce Development Area**, and shall include the jurisdictions of Augusta County, Bath County, the City of Buena Vista, Clarke County, Frederick County, the City of Harrisonburg, Highland County, the City of Lexington, Page County, Rockbridge County, Rockingham County, Shenandoah County, the City of Staunton, Warren County, the City of Waynesboro and the City of Winchester.

## **SECTION 3: STRUCTURE, DUTIES AND RESPONSIBILITIES OF CONSORTIUM**

### **3.01: MEMBERSHIP**

The voting members of the Consortium shall be the Chief Elected Official of each jurisdiction that is a party to this agreement, or that official's duly appointed designee. The Chair of the Shenandoah Valley Workforce Development Board (SVWDB), formerly the Shenandoah Valley Workforce Investment Board, or the Chair's duly appointed designee, shall serve as a voting member of the Consortium.

### **3.02: TERMS OF OFFICE**

The term of office for a Consortium member or designee shall coincide with the member's term as chief elected official for the member jurisdiction.

### **3.03: OFFICERS**

The Consortium shall elect from its membership a Chair, a Vice-Chair and such other officers as may be provided in the Consortium by-laws to serve for a term as may be prescribed in the By-Laws.

### **3.04: VOTING RIGHTS**

Each member jurisdiction shall have one (1) vote on all matters considered by the Consortium.

### **3.05: MEETINGS**

The Consortium shall hold meetings as prescribed in the By-Laws. A quorum is required for the Consortium to conduct business. A simple majority of the membership of the Consortium constitutes a quorum. Actions of the Consortium shall be approved by a simple majority of the members present at the meeting.

### **3.06: DUTIES AND RESPONSIBILITIES**

A. The Consortium shall collectively perform the following functions established for the Chief Elected Official, as specified in Public Law 113-128:

- (1) Shall, at its annual organization meeting, designate a member jurisdiction to serve as local grant recipient for the WIOA funds, and further may designate another entity to serve as fiscal agent for the Consortium;
- (2) Receive member nominations and make appointments of members to the SVWDB in accordance with State criteria. Each member jurisdiction of the Consortium shall recommend nominees and coordinate with other member jurisdictions to ensure appropriate geographic representation. Diversity considerations should be given when appointing members to the SVWDB to ensure racial, ethnic, and cultural diversity, as well as the diversity of individuals with disabilities from labor markets within the LWDA;

- (3) Set policy for the local workforce development system in partnership with the SVWDB;
- (4) Collaborate with the SVWDB to provide oversight of local Youth, Adult and Dislocated Worker programs and regional workforce development initiatives;
- (5) Approve the budget developed by the SVWDB;
- (6) Perform other duties as may be prescribed from time to time for Chief Elected Officials (CEO) under the Act or as prescribed by the Commonwealth of Virginia; and,
- (7) Establish such by-laws and such other rules as it deems necessary to govern its operations.

B. In partnership with the SVWDB, the Consortium shall develop, approve and submit all workforce development plans for the Shenandoah Valley Workforce Development Area.

#### **SECTION 4: THE SHENANDOAH VALLEY WORKFORCE DEVELOPMENT BOARD**

The Consortium hereby establishes the **Shenandoah Valley Workforce Development Board**. The Shenandoah Valley Workforce Investment Board (SVWIB) shall take the necessary steps to change its name to the Shenandoah Valley Workforce Development Board (SVWDB), incorporated under the laws of the Commonwealth of Virginia as a private, non-profit corporation.

##### **4.01: APPOINTMENT OF MEMBERS TO THE SVWDB**

A. The Consortium shall appoint at least one representative from each of the following public sector categories to the SVWDB:

- (1) Economic and Community Development Entities;
- (2) Department of Aging and Rehabilitative Services
- (3) Eligible providers administering adult education and literacy activities under title II, including a representative from a secondary public school's Career and Technical Education program;
- (4) Community Colleges
- (5) Virginia Employment Commission
- (6) Labor Organizations
- (7) Training Director or labor representative from a joint labor-management apprenticeship program

B. Not less than 20 percent of the members shall be from categories A(6) and A(7) above, or from community based organizations that have a demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities or in addressing the employment, training, or education needs of eligible youth, including organizations that serve out-of-school youth.

C. The Consortium shall appoint a sufficient number of private industry members to the SVWDB to ensure that the total membership shall be comprised of at least a 51% majority of private industry members, who are owners, chief executives or operating officer with policy

making or hiring authority. These businesses, including small businesses, provide employment opportunities that include high-quality, work relevant training and development in high demand industry sectors or occupation in the local area. The Consortium shall appoint members in compliance with Section 107 (b) (2) (A) of the Workforce Innovation and Opportunity Act. In order to maintain a majority of private industry members, it may be necessary for some jurisdiction members to have more than one private industry member. In determining the allocation of additional private industry members the Consortium shall consider the relative populations of the member jurisdictions and Sub-Regions.

D. Subject to the limitations imposed by the mandatory representation outlined above, the Consortium may appoint representatives of other agencies or community based organizations providing regional planning, housing assistance, public assistance, educational services, employment training services, and other services and other individuals as the chief elected officials may determine to be appropriate.

#### **4.02: DUTIES AND RESPONSIBILITIES**

The SVWDB shall perform such duties and responsibilities as required under the Workforce Innovation and Opportunity Act and other laws and regulations promulgated by the Commonwealth of Virginia. The SVWDB shall carry-out its functions in a collaborative manner with the Consortium. The duties and responsibilities of the SVWDB include, but are not limited to:

- A. Establish such by-laws and such other rules as it deems necessary to fulfill its responsibilities under the Workforce Innovation and Opportunity Act.
- B. Select eligible providers of services for adults and dislocated workers.
- C. Select eligible providers of youth services with consideration of recommendations from the Youth Council.
- D. Select training providers.
- E. Assist the Governor in developing a statewide employment statistics system.
- F. Link private sector employers with local and statewide workforce activities in collaboration with local offices of economic development and secondary education, and institutions of higher education.
- G. Hire staff as necessary, and as funding permits, to support the program of the SVWDB.
- H. Direct the disbursement of all funds dispersed under the ACT for the Shenandoah Valley Workforce Development Area and the subsequent dispersion of such funds to designated service providers and/or subcontractors in accordance with the approved Workforce Development Plan.
- I. Prepare and recommend the following for consideration and approval of the Consortium:

- (1) A local strategic workforce plan.
- (2) Selection of the One Stop Operator or a One-Stop Consortium
- (3) An annual local operating budget
- (4) Local performance measures for approval by the Governor
- (5) Candidates for a Youth Council to serve as a subgroup of the SVWDB
- (6) A youth work plan

J. Work collectively with the Consortium to monitor and evaluate all programs initiated under this agreement.

#### **4.03: TERMS**

Beginning with program year July 1, 2015, the term of appointment for SVWDB members shall be four (4) years, with terms ending on June 30 of the year the term ends. Members may be eligible to serve two full consecutive terms,

#### **4.04: VOTING RIGHTS**

Each SVWDB member shall have one (1) vote on all matters before the SVWDB. Members shall be present to vote and voting by proxy shall not be permitted.

#### **4.05: OFFICERS**

The officers of the SVWDB shall include Chair, Vice Chair, and Secretary/Treasurer. Each officer shall serve for one (1) year; and, may be eligible for re-election. Only private industry members shall be eligible for election to the office of Chair and Vice Chair.

#### **4.06: MEETINGS**

The SVWDB shall hold regular or called meetings at such times, dates, and places as may be established in the by-laws of the SVWDB.

### **SECTION 5: LIABILITY**

#### **5.01: LIABILITY**

In accordance with the Workforce Innovation and Opportunity Act, the Consortium shall be liable for any misuse of funds received under this agreement. Designation of a member jurisdiction or other entity as local grant recipient or fiscal agent does not relieve the member jurisdictions of the Consortium from liability for any misuse of WIOA grant funds. Each consortium member jurisdiction shall be liable only for its share of any loss equal to its respective share of WIOA funding.

#### **5.02: INSURANCE REQUIREMENT**

The Board shall procure and maintain *Directors and Officers Liability Insurance* sufficient to safeguard the Consortium, member jurisdictions, SVWDB officers and members, and SVWDB

employees from errors, omissions, and misuse of funds received and held by the Consortium, its grant recipient, fiscal agent, and the SVWDB.

## **SECTION 6: TERMINATION**

This Agreement shall be terminated upon the repeal of the Workforce Innovation and Opportunity Act or successor legislation pertaining to Workforce Development or upon mutual consent of at least two-thirds (2/3) of the members of the Consortium.

## **SECTION 7: ADDITION TO/WITHDRAWAL FROM CONSORTIUM MEMBERSHIP**

### **7.01: NEW MEMBERS**

A political subdivision or municipal corporation of the Commonwealth of Virginia may petition the Consortium for membership provided that such local jurisdiction is part of the LWDA, as designated by the Governor in accordance with the provisions of the Workforce Innovation and Opportunity Act.

### **7.02: WITHDRAWAL**

Any party to this Agreement shall have the right to withdraw from the Consortium after providing at least ninety (90) days written notification to the Consortium.

## **SECTION 8: AMENDMENT**

This Agreement may be amended with the approval by resolution of the governing body of two-thirds (2/3) of the members of the Consortium.

## **SECTION 9: SEVERABILITY**

If any of the provisions of this Agreement shall be found void or unenforceable for whatever reason by any court of law or equity, it is expressly intended that such provision(s) be severable and the remainder of the Agreement shall remain in force and effect.

## **SECTION 10: EFFECTIVE DATE**

This amended Agreement shall become effective July 1, 2015.

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This agreement is approved by resolution by the following member jurisdictions of the Commonwealth of Virginia:

Augusta County Board of Supervisors

By \_\_\_\_\_

Title \_\_\_\_\_

City of Buena Vista, Virginia

By \_\_\_\_\_

Title \_\_\_\_\_

Highland County Board of Supervisors

By \_\_\_\_\_

Title \_\_\_\_\_

Page County Board of Supervisors

By \_\_\_\_\_

Title \_\_\_\_\_

Rockingham County Board of Supervisors

By \_\_\_\_\_

Title \_\_\_\_\_

City of Waynesboro, Virginia

By \_\_\_\_\_

Title \_\_\_\_\_

Clarke County Board of Supervisors

By \_\_\_\_\_

Title \_\_\_\_\_

Bath County Board of Supervisors

By \_\_\_\_\_

Title \_\_\_\_\_

City of Harrisonburg, Virginia

By \_\_\_\_\_

Title \_\_\_\_\_

City of Lexington, Virginia

By \_\_\_\_\_

Title \_\_\_\_\_

Rockbridge County Board of Supervisors

By \_\_\_\_\_

Title \_\_\_\_\_

City of Staunton, Virginia

By \_\_\_\_\_

Title \_\_\_\_\_

Frederick County Board of Supervisors

By \_\_\_\_\_

Title \_\_\_\_\_

Shenandoah County Board of Supervisors

Warren County Board of Supervisors

By \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

City of Winchester, Virginia

By \_\_\_\_\_

Title \_\_\_\_\_

The Shenandoah Valley Workforce Development Board at its meeting on \_\_\_\_\_, 2015 considered the duties and responsibilities outlined in this agreement and consents to perform such duties and responsibilities in accordance with this agreement.

Shenandoah Valley Workforce Development Board

By \_\_\_\_\_

Title \_\_\_\_\_