

RESOLUTION #10-02

A Resolution authorizing the signing of an Interlocal Cooperation Agreement pursuant to KRS 65.210 et. seq. with the Fiscal Courts of Anderson, Bourbon, Boyle, Clark, Estill, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott, Woodford, and Lexington-Fayette Urban County Government for the purpose of establishing the Bluegrass Workforce Investment Board Consortium to administer programs in accordance with the Workforce Investment Act of 1998.

WHEREAS, the Workforce Investment Act of 1998, enacted by the Congress of the United States, provides for grants of federal funds to state and local governments for programs designed to alleviate workforce problems and with the view to serving Human Resources Development needs; and,

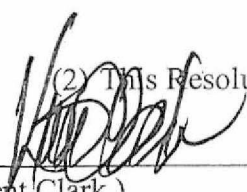
WHEREAS, the Madison County Fiscal Court recognizes that local workforce programs cannot be completely effective or implemented without intergovernmental coordination for the reason that such programs and their implementation cross governmental, departmental and agency lines at various government levels; and,

WHEREAS, the Fiscal Court desires to enter into an Interlocal Cooperation Agreement, pursuant to the provisions of KRS 65.210, et. seq., with Anderson, Bourbon, Boyle, Clark, Estill, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott, Woodford, and Lexington-Fayette Urban County Government, for the above stated purposes;

NOW, THEREFORE, BE IT RESOLVED BY THE FISCAL COURT OF MADISON COUNTY, KENTUCKY AS FOLLOWS:

- (1) That Kent Clark, Madison County Judge/Executive, is hereby authorized to enter into and execute an Interlocal Cooperation Agreement, pursuant to KRS 65.210, et. seq., with Anderson, Bourbon, Boyle, Clark, Estill, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott, Woodford, and Lexington-Fayette Urban County Government, a copy of which is attached hereto and made part hereof for the purpose of establishing the Bluegrass Workforce Investment Board Consortium to implement programs under the Workforce Investment Act of 1998.

(2) This Resolution shall take effect upon its passage and approval.



(Kent Clark)

Madison County/Judge/Executive
On Behalf of the Madison County Fiscal Court

APPROVED AS TO FORM AND LEGALITY:

Maureen Ralib
()
Madison County Attorney

Adopted by the Madison County Fiscal Court at its regular meeting on
Jan 12, 2009 and on the same occasion signed in open session by Kent Clark,
Madison County Judge Executive, pursuant to KRS 67.040 attested under seal by
Jan 12, Madison County Fiscal Court Clerk and declared to be in full
force and effect

ATTEST:
William E. Howard
(Madison)
Fiscal Court Clerk
Madison County, Kentucky

CERTIFICATION

I, William E. Zebard, Clerk of the Fiscal Court of Madison County, Kentucky, do hereby certify that the foregoing is true and correct copy of the Madison County Fiscal Court Resolution regarding establishment of an Interlocal Cooperation Agreement pursuant to KRS 65.210 et.seq., adopted by the Madison County Fiscal Court at its regular meeting on January 12, 2010

WITNESS my hand this January 12, 2010

William E. Zebard
(Madison)
Fiscal Court Clerk

INTERLOCAL COOPERATIVE AGREEMENT

AMONG

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

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

WITNESSETH:

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

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

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

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

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

2. Agreement Duration. This Agreement shall endure for a period equal to the period of the Grant or Grants to the Local Workforce Investment Area. The agreement shall continue in effect unless fifty-one percent of the parties shall certify in writing, pursuant to duly adopted resolution or ordinance, that the Agreement shall be terminated, such certification to be delivered to Chairman of the WIB 180 days prior to the expiration of the then current grant period.
3. Creation. Pursuant to Section 117 of the Federal Act and KRS 65.250 (b) and (c), the parties hereto create a Workforce Investment Board to be known as Bluegrass Workforce Investment Board. Bluegrass WIB shall serve the Workforce Investment Area of the Commonwealth of Kentucky encompassing the Counties of Anderson, Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott and Woodford.
4. Representatives. The representatives comprising the Bluegrass WIB shall be selected in accord with the provisions of Section 117(b)(1) of the Federal Act. The Chairman shall be selected by majority vote from among members of the Board who are representatives of the private sector. Vacancies shall be filled in the same manner as the original appointment.
 - 4.1 Private Sector Representation. Representatives from the private sector shall comprise a majority of the membership of the Bluegrass WIB and shall be owners of business, chief executives or operating officers of non-governmental businesses or other business executives or employers with optimum policy making or hiring authority. Representatives shall represent businesses with employment opportunities that reflect the employment opportunities of the local area and are appointed from among individuals nominated by local business organizations and business trade associations. No employee of a governmental unit or agency, even though otherwise qualified as a business owner or chief operating officer of a private Sector enterprise, shall be qualified as a Private Sector representative.
 - 4.2 Organized Labor Representation. Representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations), other representatives of employees.
 - 4.3 Community Based Organizations Representation. Representatives of community based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present).

- 4.4 Economic Development Agency Representation. Representatives of economic development agencies including private sector economic development entities.
- 4.5 One Stop Partner Representation. Representatives of each of the one stop partners (as defined by the US Department of Labor).
- 4.6 Local Educational Entity Representation. Representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities and post secondary educational institutions (including representatives of community colleges, where such entities exist), selected from among individuals nominated by regional or local educational agencies, institutions or organizations representing such local educational entities.
- 4.7 Local Elected Official Representation: Representatives of currently serving County Judge Executives and Mayors of incorporated cities located within the Bluegrass Area Development District. No more than two (2) Elected Officials shall be voting members of the WIB.
- 4.8 Other individuals or representatives of entities as the Chief Elected official in the local area may determine appropriate.
- 4.9 Nomination of Representatives. The Chief Elected Official Designee shall appoint members to the Board in accord with Section 117(b)(1) of the Federal Act.
- 4.10 Terms of Office. The term of office for each Membership position shall be fixed and the expiration dates shall be staggered according to a plan to be adopted by the Board. No full term shall be less than 1 year. In the event of a resignation or disqualification of a representative, his replacement shall serve for the balance of the unexpired term.
- 4.11 Incumbent Representatives. The existing sitting representatives shall continue to serve according to their present terms and until their successors are selected and seated.
- 4.12 Proxies. Duly certified Representatives may designate proxies to attend meetings of the Bluegrass WIB in their absence, but each representative attending or voting pursuant to a proxy must possess the same qualifications as the Representative for whom he acts. No employee of the Designated Administrative Entity shall attend or vote pursuant to a proxy.

- 4.13 Compliance with Law. In all respects, the WIB shall be established and organized according to the provisions of this Agreement and Section 117 of the Federal Act, and in the event of a conflict between this Agreement and the Act relating to such establishment and organization, the Federal Act and the regulations promulgated pursuant thereto shall control. Should any Representative, during his term of office, cease to be qualified to serve by virtue of a change in his employment or termination of the relationship which previously qualified him for representational membership on Bluegrass WIB, he shall within 60 days of the change or termination resign and shall be replaced, after appropriate certification, by a Representative who is in all respects qualified, pursuant to this Agreement and State Policy.
5. Chief Elected Official Designee. As authorized under Section 101(6)(A)(B) of the Federal Act, the Chief Elected Officials of each Party shall designate a Chief Elected Official Designee. The Parties do hereby designate the elected official currently serving as the highest ranking officer on the Bluegrass Area Development District Board of Directors as the Chief Elected Official.
- 5.1 Local Plan. To act in concert with the WIB to determine procedures for the development of the local plan;
- 5.2 Recommendations as to Membership. The Chief Elected Official Designee shall appoint members of the Board from nominations made by the Parties in accord with Section 117(b)(1) of the Federal Act.
- 5.3 Agreements. To enter into such agreements as are required by law or for purposes of expediting the efficient administration of programs supervised by Bluegrass WIB, including but not limited to the Chief Elected Official/WIB Agreement.
6. Program Property. The acquisition or disposal of any property, real or personal, used in connection with this Agreement, or in connection with the administration of programs supervised by Bluegrass WIB, shall be acquired or disposed of in accord with the requirements of a the State. In the event of the termination of this Agreement, and after paying or providing for all outstanding obligations and contingent liabilities, any surplus property or proceeds from the sale of surplus property, to the extent permitted by the Financial Management Guide then in effect, shall be disbursed proportionately to the Parties as their respective populations bear to the entire population of the Parties. For these purposes, the

population of any municipal Party shall be deducted from the total population of the county Party in determining distributions among county Parties.

7. Chief Elected Official/WIB Agreement. The BLUEGRASS WORKFORCE INVESTMENT AREA Chief Elected Officials/WIB Agreement is appended hereto as **Exhibit A**. The Parties hereto acknowledge and approve the contents of the said **Exhibit** and further acknowledge the authority granted to the Chief Elected Official Designee to enter into such agreements, modifying from time to time the terms thereof consistent with the Terms of this Agreement and the relevant federal and state statutes, and the duly promulgated rules and regulations thereunder.
8. Excluded Municipalities. The following incorporated municipalities with the geographic area of the Workforce Investment Area who are not participating in this Agreement are:
9. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original, it being understood that each County participating is not required to sign the copy or copies of the Agreement as may have been signed by each of the other Parties. All such counterparts executed by the Parties shall together constitute one and the same instrument.

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

JUDGE EXECUTIVE, ANDERSON COUNTY	DATE
JUDGE EXECUTIVE, BOURBON COUNTY	DATE
JUDGE EXECUTIVE, BOYLE COUNTY	DATE
JUDGE EXECUTIVE, CLARK COUNTY	DATE
JUDGE EXECUTIVE, ESTILL COUNTY	DATE
MAYOR, LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT	DATE
JUDGE EXECUTIVE, FRANKLIN COUNTY	DATE

JUDGE EXECUTIVE, GARRARD COUNTY	DATE
JUDGE EXECUTIVE, HARRISON COUNTY	DATE
JUDGE EXECUTIVE, JESSAMINE COUNTY	DATE
JUDGE EXECUTIVE, LINCOLN COUNTY	DATE
JUDGE EXECUTIVE, MADISON COUNTY	DATE
JUDGE EXECUTIVE, MERCER COUNTY	DATE
JUDGE EXECUTIVE, NICHOLAS COUNTY	DATE
JUDGE EXECUTIVE, POWELL COUNTY	DATE
JUDGE EXECUTIVE, SCOTT COUNTY	DATE
JUDGE EXECUTIVE, WOODFORD COUNTY	DATE

EXHIBIT A

BLUEGRASS WORKFORCE INVESTMENT AREA CHIEF ELECTED OFFICIAL AND WORKFORCE INVESTMENT BOARD AGREEMENT

In accordance with the Workforce Investment Act of 1998, the Chief Elected Official of the Workforce Investment Board in the Workforce Investment Area enter into this Agreement in order to establish the government structure and administrative procedures relative to the Local Plan for this area:

1. The Workforce Investment Area consists of the Counties of Anderson, Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott and Woodford.
2. The Bluegrass Workforce Investment Board as authorized and structured according to Section 117 of the Workforce Investment Act of 1998, the Kentucky Revised Statutes 65.210-300 and the Local Government Consortium Agreement, shall be the body for policy guidance and oversight to the Workforce Investment Area with Authority to establish the process for the development of the Workforce Investment Area Plan.
3. The Bluegrass Local WIA Plan shall be developed and maintained by Bluegrass Area Development District. The Plan and/or Executive Summary shall be reviewed by the Workforce Investment Board and the Chief Elected Official and will require approval of all parties prior to submission to the Governor.
4. The Grant recipient for the Bluegrass WIA shall be the Bluegrass Area Development District, which shall have roles and responsibilities and authority, including but not limited to, the following:
 - Receipt of funds from the Governor.
 - Disbursement of funds in accordance with the WIB's approved Plan and WIB decision.
 - Assume all responsibility and accountability for such funds.

- Establish standards for program performance.
 - Report on operations and expenditures.
5. Review and approval of projects shall be conducted by the Workforce Investment Board.
6. In accordance with Section 117 of the Workforce Investment Act of 1998 the responsibilities of the Workforce Investment Board shall be policy guidance and oversight of activities conducted under the Local Plan for the WIA, including selection of one stop operators and providers, selection of youth providers, identification of eligible providers of training services, and identification of eligible providers of intensive services. The WIB shall provide program oversight by the review of budget status, audits, contract status, participant enrollment and placement data, and by assessing progress toward meeting performance standards. All training contracts shall require the approval of the WIB.

The decision making process in the Bluegrass Workforce Investment Area shall be shared responsibility of the Workforce Investment Board and the Chief Elected Official. Review and approval of the Local Plan and modifications shall require concurrence by the authorized representative of the Chief Elected Official.

7. We, the authorized representatives of the Chief Elected Officials within the Bluegrass Workforce Investment Area and the Workforce Investment Board do hereby ratify this agreement by affixing our signatures below.

Chief Elected Official
Bluegrass Area Development District

Date

Chairperson
Bluegrass Workforce Investment Board

Date