

**Council Meeting: June 11, 2013****SUBJECT: Approval of the Renewed Agreement on the Roles and Responsibilities Between the NOVA Workforce Board and the Sunnyvale City Council Serving as the Chief Local Elected Official****BACKGROUND**

The federal Workforce Investment Act (WIA) of 1998 stipulates the roles and responsibilities of and calls for an agreement between the local workforce investment board and the chief local elected official. It is the joint authority and responsibility of both the workforce board and the chief local elected official to ensure effective programs that provide the most beneficial mix of services to eligible residents and private employers of the workforce investment area, and to stimulate active participation of all sectors in the community in the provision of such services.

In January of 2000, the Sunnyvale City Council approved the recommendation to implement WIA, which included agreement to serve as the Chief Local Elected Official (CLEO), with the City of Sunnyvale serving as the administrative entity. In June of 2000, the Council approved the Joint Powers Agreement (JPA) between the cities of Cupertino, Los Altos, Milpitas, Mountain View, Palo Alto, Santa Clara and Sunnyvale that comprise the North Valley (NOVA) Job Training Consortium. Also in June of 2000, the Council approved the initial Agreement on the Roles and Responsibilities Between the NOVA Workforce Board and the Sunnyvale City Council and, in September of 2007, renewal of this Agreement. This Agreement is now due to be renewed again.

EXISTING POLICY

The proposed activities are consistent with the City of Sunnyvale's Socio-Economic Goal 5.1F: Provide job training and employment services, within constraints of operative Federal regulations and available Federal funding, to address the locally-determined employment and training needs of economically disadvantaged residents and others with special needs.

DISCUSSION

The process for extending the current Agreement on the Roles and Responsibilities Between the NOVA Workforce Board and the Sunnyvale City Council is defined in its text: "It may be amended or extended in writing at any time upon mutual consent of the parties." The NOVA Workforce Board has reviewed the Agreement and considers its content to be current and relevant and, at its May 22, 2013 Board meeting, approved extending the period of agreement until June 30, 2018, with no additional changes to the document. Staff is recommending that the Sunnyvale City

Council concur with the NOVA Workforce Board and approve the renewed Agreement on the Roles and Responsibilities Between the NOVA Workforce Board and the Sunnyvale City Council (Attachment).

FISCAL IMPACT

Since the Sunnyvale City Council has approved serving as the Chief Local Elected Official for the consortium, with the City of Sunnyvale acting as the administrative entity, there will be financial risk assumed by the City of Sunnyvale. Historically, this financial risk has not materialized. Since 1983 with the creation of NOVA, the City of Sunnyvale has administered over \$200,000,000 in grants and contracts for the NOVA Consortium and there have been no disallowed costs to date associated with any of these expenditures. In addition, since funds are obligated to programs only based upon appropriations dedicated to NOVA, sufficient Workforce Investment Act funds will exist to cover all anticipated obligations of day-to-day program operations. If funding is cut, then staffing and program services will be accordingly reduced.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

RECOMMENDATION

Staff recommends that the Sunnyvale City Council concur with the NOVA Workforce Board and approve the renewed Agreement on the Roles and Responsibilities Between the NOVA Workforce Board and the Sunnyvale City Council (Attachment) that extends the period of agreement until June 30, 2018.

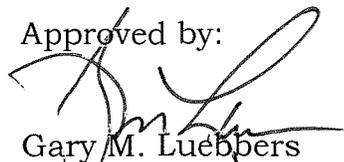
Reviewed by:



Kris Stadelman, Director, NOVA Workforce Services

Prepared by: Eileen Stanly, Analyst

Approved by:



Gary M. Luebbers
City Manager

Attachment:

Renewed Agreement on the Roles and Responsibilities Between the NOVA Workforce Board and the Sunnyvale City Council

**ATTACHMENT
AGREEMENT ON THE ROLES AND RESPONSIBILITIES
BETWEEN THE
NOVA WORKFORCE BOARD AND THE SUNNYVALE CITY COUNCIL**

THIS AGREEMENT is made and entered into by and between the NOVA Workforce Board, hereinafter referred to as NOVA WB, and the City Council of the City of SUNNYVALE, hereinafter referred to as CITY.

WHEREAS, the Workforce Investment Act of 1998 (29 USC 2801 Et. Seq., Public Law 105-220, 112 Stat. 936), hereinafter referred to as WIA, authorizes expenditure of federal funds for job training programs in locally determined Workforce Investment Areas; and

WHEREAS, the State of California has designated a Consortium of the Cities of Cupertino, Los Altos, Milpitas, Mountain View, Palo Alto, Santa Clara and Sunnyvale as a Workforce Investment Area; and

WHEREAS, the Consortium, via a Joint Powers Agreement, has vested the City to act on behalf of the Consortium; and

WHEREAS, the Act requires the Consortium to establish a workforce investment board to provide policy guidance for, and exercise oversight with respect to activities under the Strategic Local Plan for the Local Workforce Investment Area; and

WHEREAS, it is a joint authority and responsibility of both the NOVA WB and the CITY to ensure effective programs which provide the most beneficial mix of services to eligible residents and private employers of the Workforce Investment Area; and

WHEREAS, it is further the shared responsibility and authority of the NOVA WB and the Workforce Investment Area to stimulate the active, effective participation of all sectors of the community in the provision of workforce development services; and

WHEREAS, the Act requires a partnership between the NOVA WB and the consortium cities; and

WHEREAS, the Act requires the NOVA WB and the CITY to define the scope of the partnership by means of an agreement;

NOW, THEREFORE, be it resolved that this Agreement, pursuant to the Act, be made and entered into by and between the NOVA WB and the CITY.

Grant Recipient.

The CITY is designated as the grant recipient and shall receive and disburse funds.

Administrative Entity.

The CITY will administer the activities described by the Strategic Local Plan, subject to the terms of this Agreement.

Roles and Responsibilities of the NOVA Workforce Board.

1. Jointly, with the concurrence of the City and assistance of its staff, the NOVA WB shall:
 - a. Identify employment and training opportunities for economically disadvantaged individuals served by the Workforce Investment Area, and translate those opportunities into programs which meet the labor needs of the private sector;
 - b. Determine overall program goals, objectives and policies, and design programs to meet them;
 - c. Develop and approve the Strategic Local Plan, and subsequent modifications, for submittal to the Governor;
 - d. Approve the annual budget, via the Strategic Local Plan;
 - e. Approve training contracts in excess of \$50,000;
 - f. Develop appropriate standards for programs funded by the Workforce Investment Act.

2. The NOVA WB shall:
 - a. Select a one-stop operator(s), with the agreement of the Sunnyvale City Council, annually review the operations and, when warranted, terminate for cause the eligibility of such operator(s);
 - b. Elect a chairperson(s) and vice chairperson from among those NOVA WB members representing the private sector, and a vice chairperson from among those WB members representing the public sector;
 - c. Conduct public meetings and solicit public input on appropriate issues related to the Strategic Local Plan and funding of programs;
 - d. Establish criteria for the acceptance of proposals from groups which desire to submit such proposals to the NOVA WB for funding consideration;
 - e. Evaluate proposals submitted to the NOVA WB for funding, and select service providers, with the agreement of the CITY, consistent with its adopted criteria;
 - f. Annually evaluate program effectiveness of programs funded by the Workforce Investment Area, based on negotiated performance measures, and the performance of the Workforce Investment Area itself;
 - g. Solicit public and private support for and participation in the employment and training programs and other programs designed to meet the purposes of the Workforce Investment Area;
 - h. Solicit direct involvement in the operation of employment and training projects from private sector organizations and companies and public agencies which can increase the effectiveness of the employment and training program; encourage active participation from these same sectors in statewide workforce investment efforts;

- i. Solicit direct involvement from businesses and employers in forging collaborative relationships and partnerships with other businesses, professional associations and community organizations;
- j. Identify and disseminate key economic development and labor market trends that impact the Silicon Valley economy;
- k. Disseminate information to the private sector on other supporting activity such as Targeted Jobs Tax Credits, On-the-Job Training, and supportive services which can further increase the participation of the private sector in employment and training activities for economically disadvantaged persons;
- l. Appoint a Youth Council, as a subgroup of the NOVA WB, and coordinate youth plans and activities of this Council.

Roles and Responsibilities of the Sunnyvale City Council.

1. Subject to other terms of this Agreement, the CITY shall:
 - a. Serve as the Chief Local Elected Official for the Workforce Investment Area being authorized to speak and act on behalf of the NOVA consortium of cities through a joint powers agreement;
 - b. Appoint members to the NOVA WB;
 - c. As Chief Local Elected Official, review the NOVA WB's selection of one-stop operators(s);
 - d. Provide an appropriate level of staff support to the NOVA WB such that it may carry out its designated functions;
 - e. Recommend policies and procedures to the NOVA WB in order to carry out the Strategic Local Plan;
 - f. Carry out all administrative functions necessary to ensure sound management of programs and program funds;

- g. Prepare and implement an administrative budget, subject to the restrictions of the various cost categories of the various grants received through NOVA;
- h. In compliance with WIA Section 117(d), be responsible for allocation of funds and the eligibility of those enrolled in its programs and have responsibility to take action against its subcontractors, subgrantees, and other recipients to eliminate abuse in the programs they are carrying out, and to prevent any misuse of funds by such subcontractors, subgrantees, and other recipients.

Resolution of Disagreements.

All issues between the NOVA WB and the CITY shall be negotiated by both parties until a mutually satisfactory agreement is reached.

Period of Agreement.

This Agreement shall become effective July 1, 2000 and shall remain in full force and effect until June 30, 2018. It may be amended or extended in writing at any time upon mutual consent of the parties.

Interpretation of Agreement.

This agreement has been reached in furtherance of the parties respective obligations under the Workforce Investment Act and federally-adopted regulations enacted thereunder. The terms used herein shall be interpreted consistently with the definitions contained therein, in accordance with the purposes of said Act and regulations, as the same hereafter may be amended, which are hereby incorporated by this reference

CITY OF SUNNYVALE

NOVA WORKFORCE BOARD

Anthony (Tony) Spitaleri
Mayor

Van Dang, Co-Chairperson

Steve Van Dorn, Co-Chairperson