Memorandum

MIAMI-DADE COUNTY

Date: February 19, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 12(A)(2)

From: George M. Burgess
County Manager

Subject: Resolution Amending Interlocal Agreement with Monroe County

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached Resolution approving the Amendment to the Interlocal Agreement with Monroe County creating the South Florida Workforce Investment Board (SFWIB) for Region 23 and authorizing the Mayor of Miami-Dade County to execute the Amendment to the Interlocal Agreement for and on behalf of Miami-Dade County.

Currently, the Interlocal Agreement expires on June 30, 2008. Approval of the attached Resolution and Amendment will extend the term of the current Interlocal Agreement through and including June 30, 2012.

Scope

This item has a countywide impact.

Fiscal Impact

Adoption of this Resolution does not create an additional fiscal impact to the County.

Background

On March 7, 2006, the Board adopted Resolution No. R-315-06 (see attached) which approved an Interlocal Agreement between the chief elected officials of Miami-Dade and Monroe counties. The approval of the Interlocal Agreement created the SFWIB and its current administrative structure. Key elements of the original agreement included, but were not limited to:

- The roles and responsibilities of the SFWIB;
- The election of a chairperson and members of the SFWIB as required by the Workforce Investment Act of 1998;
- The roles and responsibilities of the SFWIB Executive Director; and
- Termination provisions of the agreement

Prior to the Board's approval in March of 2006, Region 23 was one of two workforce regions in the state that was not re-chartered by the state's Workforce Florida Board of Directors because the region's board and administrative structure was not in substantial compliance with the state's requirements. The Workforce Florida Board of Directors charters regional workforce boards to insure

that the local recipients of federal funding are in compliance pursuant to the requirements of the federal Workforce Investment Act and the state's Workforce Innovation Act of 2000.

Since the adoption of the abovementioned Interlocal Agreement, improvements were implemented to enhance employment and training services, as well as, operating model of the organization. New board members were appointed and a new chairperson was elected. In addition, a new committee structure was established in order to: a) provide more focused and expert assessment of the region's workforce needs and b) promote a climate of accountability and transparency.

The revamped committee structure now includes: the SFWIB Finance, Intergovernmental Affairs, Economic Development, Executive and Workforce Systems Improvement Committees. As a result of these improvements, Workforce Region 23 has been fully chartered by the state's Workforce Board of Directors for the first time since 2002.

In order to meet the range of challenges faced by the SFWIB and to ensure that services provided through South Florida Workforce (SFW) are responsive to the community's needs, the SFWIB and executive staff convened their annual Board Retreat in September 2007. Topics for discussion included, but were not limited to: a redefinition of the Board's core values and purpose and the development of strategic goals to address workforce challenges in our communities. As a result of these discussions, the SFWIB developed the 2008-2012 South Florida Investment Board Strategic Plan which includes the Board's Core Values, Core Purpose, Focus Areas, Goals, and Strategies.

Building upon the outcomes of this year's retreat, the SFWIB developed and presented their two-year local Workforce Services Plan for review and approval by the state. The Workforce Services Plan is required under Title I of the Workforce Investment Act (WIA), including Job Corps, Wagner-Peyser Act, Veteran, Migrant and Seasonal Farm Worker (MSFW), and Trade Adjustment Assistance (TAA). The Workforce Services Plan also includes the Welfare Transition (WT)/Temporary Assistance to Needy Families (TANF) and the Food Stamp Employment and Training (FSET) Programs. The development of the local Workforce Services Plan is critical to having a comprehensive plan consistent with the 2007-2009 State Workforce Investment Plan that will be submitted to the United States Department of Labor.

For the first time since enactment of the federal Workforce Investment Act of 1998, the proposed Workforce Services Plan was accepted and approved without any conditions attached. In addition, it is also important to note that the SFWIB has also made considerable investments in our community. During fiscal year 2006-2007, every dollar invested in the workforce system, provided an average return on investment of $12.14 back to the community. Moreover, approximately 37,147 South Floridians were placed in jobs with the assistance of SFW's Career Centers, with an estimated 6,966 employers tapping into SFW's employment and training resources.

In order to build upon the successes of the past fiscal year, and continue to provide workforce services to the residents of Miami-Dade and Monroe Counties, it is recommended that the Board approve the attached Resolution and Amendment to extend the term of the subject Interlocal Agreement through and including June 30, 2012.

Attachment

Cynthia W. Curry
Senior Advisor to the County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: February 19, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 12(A)(2)

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 12(A)(2)
02-19-08

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDMENT TO THE INTERLOCAL AGREEMENT WITH MONROE COUNTY CREATING THE SOUTH FLORIDA WORKFORCE INVESTMENT BOARD FOR REGION 23 OF THE STATE OF FLORIDA; AUTHORIZING MAYOR OF MIAMI-DADE COUNTY TO EXECUTE AMENDMENT

WHEREAS, this Board desires to accomplish the purposes set forth in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the Amendment to the Interlocal Agreement with Monroe County Creating The South Florida Workforce Investment Board for Region 23 of the State of Florida, in substantially the form attached hereto and made a part hereof, and authorizes the Mayor of Miami-Dade County to execute same for and on behalf of Miami-Dade County.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of February, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. for

Peter S. Tell

AMENDMENT TO INTERLOCAL AGREEMENT CREATING THE SOUTH FLORIDA WORKFORCE INVESTMENT BOARD FOR REGION 23 OF THE STATE OF FLORIDA

This Amendment to Interlocal Agreement is made and entered into by and between the Chief Elected Official of Miami-Dade County, a political subdivision of the State of Florida, and the Chief Elected Official of Monroe County, a political subdivision of the State of Florida, pursuant to the Florida Interlocal Cooperation Act, the Miami-Dade County Home Rule Charter, and applicable federal and state laws and regulations. In consideration of the covenants, conditions, mutual obligations and other good and valuable consideration, the parties hereto agree as follows:

1. Paragraph No. 6 of the Interlocal Agreement Creating The South Florida Workforce Investment Board For Region 23 of the State of Florida is hereby amended to read as follows:

> 6. This Interlocal Agreement shall become effective on March 1, 2006, after its execution by the Chief Elected Officials of Miami-Dade County and Monroe County and shall expire on June 30, 2012. Both Chief Elected Officials have been duly authorized by their respective governing bodies, the Board of County Commissioners of Miami-Dade County and the Board of County Commissioners of Monroe County, to execute this Interlocal Agreement for and on behalf of Miami-Dade County and Monroe County, respectively.

THIS AMENDMENT TO INTERLOCAL AGREEMENT IS ENTERED INTO ON BEHALF OF:

MIAMI-DADE COUNTY

WITNESSES:

_____ BY _____
Mayor

_____, Deputy Clerk

_____
Date

THIS AMENDMENT TO INTERLOCAL AGREEMENT IS ENTERED INTO ON BEHALF OF:

MONROE COUNTY

WITNESSES:

_____ BY _____
Mayor

_____, Deputy Clerk

_____
Date

Memorandum

MIAMI-DADE COUNTY

Date: March 7, 2006

Agenda Item No. 12(A)(5)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: South Florida Workforce Review and Restructuring

Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution relating to the restructuring of the local workforce investment board for Region 23. It is also recommended that the Board waive the requirements of Resolution No. R-377-04 with respect to this Resolution and Interlocal Agreement.

Background

Signed into effect on August 7, 1998, the federal Workforce Investment Act of 1998 (WIA) was created as a comprehensive reform legislation to affect the federal job training programs and to create a complete workforce investment system. To this end, the WIA has included seven key principles as a basis to accomplish these tasks:

- Streamlining services through better integration at the initial contact point, namely the One-Stop delivery system;
- Empowering individuals through financial information and support;
- Creating universal access to employment related services;
- Increasing accountability for state and local entities;
- Creating strong roles for local workforce investment boards and the private sector;
- Allowing for state and local flexibility to tailor services based on local and regional labor markets; and
- Improving youth programs as they relate to local market and community programs and services needs.

Under the federal WIA, each state is mandated to create a State Workforce Investment Board. Shortly after the enactment of the federal legislation, Florida created and passed the Workforce Innovation Act of 2000. The Workforce Innovation Act created Workforce Florida, Inc. and the Workforce Florida Board. Workforce Florida, Inc. monitors and oversees the administration of the state workforce policy, and all of its activities including designating local areas, reviewing local plans, and the programs and services implemented by the local boards.

There are currently twenty-four (24) local areas or regions, in Florida. Within each region, the federal WIA requires the creation of a Local Workforce Investment Board. The members

of the local board are appointed by the chief elected official(s) under the stipulations set forth by the governor and the Workforce Florida Board.

Role of South Florida Workforce Board

The local board, in conjunction with the local chief elected official(s), sets the policy for the portion of the statewide workforce investment system within the local area. The role of the local workforce board includes:

- Developing a five-year local plan and overseeing the one-stop system, youth employment, and training activities;
- Selecting one–stop operators;
- Selecting youth service providers;
- Developing a budget;
- Negotiating agreement on local performance measures;
- Collecting information to assist with the statewide statistical system;
- Promoting private sector involvement on the statewide investment system.

The South Florida Workforce Board (SFWB) is the regional workforce board for Region 23, which encompasses Miami-Dade and Monroe counties. SFWB assists employers and prospective employees with employment services, labor market information, and provides necessary training for the economically disadvantaged, youth, dislocated workers, individuals transitioning from welfare to work, and refugees.

The SFWB's members represent a cross section of the private sector, local elected officials, community based organizations, economic development agencies, private and public educational institutions, organized labor, public employment services, vocational rehabilitation, public assistance and one-stop delivery partners.

The cities of Miami, Miami Beach, Hialeah, and Miami-Dade and Monroe counties have entered into an interlocal agreement dated July 1, 2004 that continued the South Florida Employment and Training Consortium Board (SFETCB). Each chief elected official has a representative on the SFETCB. The liability structure of the interlocal agreement is divided among the members based on the Consortium agreement. The liability allocation as per the Consortium agreement is as follows:

Miami-Dade County	42.2%
City of Miami	33.3%
City of Hialeah	11.1%
City of Miami Beach	6.7%
Monroe County	6.7%
Total	100%

The purpose of the Consortium is to act on behalf of the local chief elected officials and conduct the programs set forth in the federal Workforce Investment Act of 1998. The key functions of the SFETCB are: to appoint the SFWB members, serve as local grant recipient,

designate the local fiscal agent; assume the financial liability in accordance with state and federal law.

The current members of the SFETC Board are:

South Florida Employment and Training Consortium		
Municipality	**Member**	**Representatives (Intergovernmental Liaison Officers)**
Miami-Dade County	George Burgess County Manager	Tony E. Crapp, Sr. Assistant County Manager
City of Miami	Joe Arriola, Chief Administrator/City Manager	David Rosemond Chief of Staff
City of Miami Beach	Jorge M. Gonzalez City Manager	Mayra D. Buttacavoli, Director, Human Resources and Risk Management
City of Hialeah	Julio Robaina Mayor	Frederick Marinelli, Director, Dept. of Grants & Human Services
Monroe County	Thomas J. Willi County Administrator	Jerry O'Cathey Community Services Division Director & County Project Manager

The South Florida Workforce staff provides administrative support to both the SFETC and the SFWB. Both boards are also responsible for selecting the Executive Director of the SFW, who in turn reports to both parties. Prior to the current Consortium agreement, the SFETC and the SFWB had separate Executive Directors and staff. However these functions were consolidated in the July 1, 2004 Consortium agreement.

Status of South Florida Workforce

While the purpose of the SFW is to provide assistance to employers and job seekers in Region 23, the governance of the organization is of some concern. There have been two prior reviews of the SFW commenting on the overall lack of coordination and effectiveness of the organization. The first review by the Public Policy Department of the South Florida Workforce mentions the two-organization format of the SFW. According to the study, this structure has created an unclear division of labor. The review goes on to state that the format of the SFW is contributing to the communication problems within the organization.

The second study requested by the SFW was conducted by the Metropolitan Center of Florida International University. This survey-based study also commented on the fragmented communications within the SFW and mentioned the need for SFWB reform, specifically within the areas of Board conduct, conflict of interests, and competence.

In recent months, Workforce Florida, Inc. (WFI) has also expressed some concerns over the South Florida Workforce Board and Consortium structure. In a letter dated December 14, 2004, WFI questioned the ability of the Consortium to function properly with the existing conflicts of interest between Board, Consortium and service provider activities, as well as the responsibilities of staff to the Board. The WFI also has some reticence with regard to the sharing of staff between the SFWB and the SFETC.

In specific terms, the letter from WFI stated the perspective that: "Essentially we have determined that there is one fundamental problem with the new governance design. It must be clear that the Board staff is answerable to the Board alone. While staff may be assigned to perform staffing functions for the consortium, it must be clear that the staff has responsibility to provide the Board with true and accurate information, even if such information reflects negatively upon consortium members. Concerns still exist at the state level as to the ability of the board to complete its functions efficiently and effectively if the staff is not only independent from those entities that deliver services, but also accountable only to the Board. This is particularly true when some of the consortium members are also service providers".

Staffing conflicts arise when Board duties and Consortium duties are at cross purposes. There is the question as to whether the Board can fulfill its mandate effectively if staff also reports to the Consortium. It is these issues that the President of the WFI feels will have a continuing and lasting impact on the accountability, performance, financial oversight, reporting accuracy and other operational functions.

In a recent meeting with the Office of the Mayor on June 24, 2005, the President of WFI specifically indicated that the issues that need to be addressed relative to SFW and SFETC are as follows:

1. Selecting and firing authority for board staff being shared with agencies performing contract work for the board is unacceptable; and
2. Local plans submitted by SFW must be followed in the transaction of local business.

At the conclusion of this meeting the President of WFI, after considerable discussion with the Mayor's staff, indicated his inclination to relax a proposed deadline of August 1, 2005 for changes to be implemented and to work with the Mayor, as one of the Region 23 Chief Elected Officials, in using this current budget year through June 30, 2006 to create a new, acceptable structure that addresses WFI's concerns such that Region 23 can be chartered and its FY 2005-07 Local Workforce Investment Plan approved.

Staff from my office and from the County Attorney's Office have been working with the SFW staff to address the issues raised by the studies and Workforce Florida Inc. In light of the current concerns raised by the WFI, possible legal issues of the SFWB and the need to have the possibility of other options available to the County, it is recommended that the BCC approve the proposed resolution to restructure the local workforce investment board for Region 23.

In recent weeks the ongoing effort to develop a proposed restructuring of the local workforce investment board for Region 23 has been accelerated pursuant to a letter dated December 28, 2005 (copy attached) from WFI that modified the previous target date for implementation from June 30, 2006 to February 1, 2006. In the letter of 12/28/05, WFI's President advised SFW regarding a recent meeting of the WFI Board that resulted in the WFI Board voting to disapprove the 2005-2007 plan as submitted by SFW, and also voting to instruct WFI and Agency for Workforce Innovation (AWI) staff to continue providing technical assistance so that an acceptable plan is submitted by February 1, 2006. Further, WFI advised that failure to correct the plan problems would require state staff to propose an alternative for providing workforce services in the region and may require the state board to ask the Chief Elected Officials and County Commissions of both Miami-Dade and Monroe Counties to propose a new oversight entity for workforce services in south Florida. The critically non-compliant elements identified by WFI include the following:

- The Region 23 Board needs to provide that the Executive Director of the Board must be selected by and accountable to the Board;
- Conflicts of interest, actual and potential, must be eliminated so that the counties would not be both exercising oversight authority and providing direct public workforce services funded through WFI; and
- Appointments to be made to the Region 23 Board are to comply with mandated statutory categorical representation

In follow-up to the letter of 12/28/05, staff has continued to work on the proposed restructuring proposal and has traveled to Tallahassee and met with WFI's President and staff to discuss the acceptability of the proposal on January 23, 2006. In a letter dated January 27, 2006 WFI's President indicated that, other than suggesting some minor language refinements/edits, WFI staff was satisfied that the language in the restructuring proposal complied with WFI's requirements regarding selection/supervision of the Executive Director by the regional workforce board (e.g. SFWIB) and prohibiting Miami-Dade and Monroe counties from directly providing public workforce services with funds received from/through WFI. Further, WFI staff also approved the general outline of intended categorical appointments to the regional workforce board.

The WFI staff approval of the proposed restructuring is contingent upon formal adoption of the implementing Interlocal Agreement by both counties in its current form. WFI staff intends to recommend contingent chartering of the reconstituted regional workforce board at the next WFI Board meeting on February 16, 2006 and not directing funding to an alternate recipient, if the Interlocal Agreement is adopted. In order to facilitate a smooth transition pursuant to the new Interlocal Agreement, WFI staff intends to recommend that the contingent chartering of the Miami-Dade/Monroe regional workforce board take effect March 1, 2006, with WFI staff monitoring the completion of the transition and appointment of full board membership before notifying the regional workforce board of full charter status, with a report to the WFI Board at its meeting in May 2006.

Under the attached resolution a South Florida Workforce Investment Board (SFWIB) will be created pursuant to an interlocal agreement between the Chief Elected Officials of Miami-Dade County and Monroe County. Under this resolution the SFWIB will be governed by all

legislation applicable to Miami-Dade County boards, including all state laws which will serve to alleviate some of the immediate concerns regarding ethics breaches and conflicts of interest.

The Executive Director of the SFWIB will be selected by the SFWIB. The Executive Director will be an employee of Miami-Dade County within the administrative service of the County and may be removed in the discretion of the SFWIB. Both the Executive Director and the staff of the SFWIB shall be employees of Miami-Dade County thereby removing any sovereign immunity liabilities for staff. The Executive Director will be the Chief Operating Officer of the SFWIB and, as such, will implement the policies, decisions, actions and directives of the SFWIB.

The staff of the SFWIB will implement the policies, decisions, actions and directives of the SFWIB under the supervision and control of the Executive Director of the SFWIB to resolve the issues that have been raised by the State WFI.

Assistant County Manager

Workforce Florida, Inc.

Curtis Austin, President

December 28, 2005

The Honorable Larry Hawkins, Chairman
South Florida Workforce

Mr. Rick Beasley, Executive Director
South Florida Workforce
7300 Corporate Center Drive
Suite 500
Miami, FL 33126

Dear Gentlemen:

Workforce Florida Board of Directors charters regional workforce boards to insure that the local recipients of federal funding are in compliance with federal and state law. In December, 2003, Workforce Florida determined that the administrative structure in Region 23 was not acceptable. All other regions were rechartered in 2003 or early 2004. South Florida Workforce was provided specific instructions to bring their board into compliance with the *state* board's requirements, The administrative staff asked for patience and time to bring the board into compliance, noting that this large region was experiencing many changes, including the changes of board chair, executive directors, chief elected officials, etc. Staff also noted the many program issues they were being asked to address which related to the regional performance.

Workforce Florida has been patient, but the state board has just completed another period of re-chartering and South Florida Workforce *is* one of only two regions that are not in substantial compliance. The Workforce Florida Board voted to disapprove the 2005-2007 plan as submitted by South Florida Workforce. Furthermore, the board voted to instruct AWI and WFI staff to continue providing technical assistance to these regions so that acceptable plans are submitted by February 1, 2006. Failure to correct the plan problems would require state staff to propose an alternative for providing workforce services in the region and may require the state board to ask the *County* Commissions of Miami-Dade and Monroe Counties to propose a new oversight entity for workforce services *in* south Florida,

To eliminate any confusion, Workforce Florida notes the major deficiencies in the South Florida Workforce plan include:

1. The Miami-DadelMonroe region is governed differently *than* any other local board. The existence of the consortium pxe-dates the Workforce Investment Act. The existence of the consortium, per se, is not directly the state's

business. However, when governments *that* are partners in the consortium both appoint members to the board and apply to do business with the board (as service providers) a conflict (perceived or real) occurs which is not acceptable to Workforce Florida and *is* in direct conflict with the principle enunciated by the Florida Legislature in section 445.007(5), Florida Statutes. The Legislature indicated the regional boards are not to be direct service providers in order to "exercise independent oversight." Miami's arrangement, with board staff providing services to both the board and the consortium (whose members provide direct services) seems to blur the lines if not directly crossing them. In either event, the state board has found this practice to be unacceptable and requires the members of the consortium to either refrain from providing services or agree to exclude the consortium from decisions relating to board appointments and all other decisions of direct conflict. In addition, staff selection decisions (including hiring and firing of the executive director) must be left exclusively to the regional workforce board. Your inter-local agreement will also have to be changed to insure the independent oversight capability of the workforce board. In order to facilitate such changes our office has been and will continue to be in direct contact with Mayor Alvarez's office to make the necessary modifications to the inter-local agreement.

2. The appointment of board members is dramatically behind. This office has been in direct conversation with Mayor Alvarez's office and notes both the great cooperation we have had from his office and the progress that has been made in moving board appointments forward. Nevertheless, as reported to the state board, due to the various local consortium members in the region, South Florida Workforce has 13 vacancies from its 45 member board. *An* additional 17 members are sitting in seats whose terms have expired. Most of the terms expired almost 18 months ago. The failure to appoint board members and to keep up with the appointment process has resulted in a board without a majority of business members making decisions over tens of millions of dollars, counter to the wishes of the Congress and the Legislature. The state board requires South Florida Workforce work with its local appointing authorities to bring the board into compliance with state and federal laws.

Please work with Helen Jones and Mike Switzer of my staff to address these issues.

Respectfully,

Curtis C. Austin

cc: The Honorable Carlos Alvarez, Mayor of Miami-Dade County
The Honorable Charles "Sonny" McCoy, Mayor of Monroe County

Workforce florida, inc.

Curtis Austin, *President*

RECEIVED
0 1 2006
Tony E. Crapp, Sr.
County Manager's Office

January 27, 2006

The Honorable Carlos Alvarez, Mayor
Miami-Dade County
Stephen P. Clark Center, 29th Floor
Miami, FL 22128

The Honorable Charles "Sonny" McCoy, Mayor
Monroe County
503 Whitehead St.
Key West, FL 33040

Dear Mayor Alvarez and Mayor McCoy:

Florida's workforce system is governed by federal and state laws that require Workforce Florida Inc. (WFI) Board, as the state board, to charter Regional Workforce Boards (RWBs). The chartering process gives the RWBs authority to design, direct and oversee workforce local services, receiving and distributing federal and state funds to local service providers.

The essential elements to be recognized as a Regional Workforce Board and entitled to continuing charter status are set out in the federal Workforce Investment Act, the state Workforce Innovation Act of 2000, and the policies adopted by the Workforce Florida Board of Directors. Due to expiration of previously approved 5-year plans effective June 30, 2005, and some new federal and state requirements, WFI directed all 24 current RWBs to submit new/continued 2-year plans and document continued compliance with RWB membership and other structural/governance requirements by September 30, 2005. All submissions were reviewed by state staff and submitted to the WFI Board of Directors meeting on December 1, 2005. Most current RWBs were granted continued charter status outright, with some given contingent approval to be finalized when some minor unfinished tasks were completed, such as appointment of a few Board vacancies.

The WFI Board declined to approve even contingent charter status for RWB 23 for non-compliance issues, noting that RWB 23 had not been fully chartered since 2002 due to similar shortcomings. Although funding had not been previously discontinued on the premise that the RWB was "in transition" and working on correction of deficiencies, at the December 1, 2005 meeting, the WFI Board unanimously voted to withhold charter status and terminate funding to the current RWB 23 Board if critical elements were not brought into compliance by February 1, 2006. The state board also directed WFI staff to arrange for an alternative entity to be designated to receive workforce funds and arrange for continuity of services to the citizens of Miami-Dade and Monroe Counties.

The critically non-compliant elements identified at the WFI Board meeting and further explained in a December 28, 2005 letter from WFI CEO Curtis Austin, were that:

- The Region 23 Board needs to provide that the Executive Director of the RWB Board must be hired by and accountable to the RWB Board;
- Conflicts of interest, actual and potential, be eliminated so that the counties would not be exercising both oversight authority and providing direct public workforce services funded through WFI; and

1974 Commonwealth Lane - Tallahassee, Florida 32303-3196 - Phone (850) 921-1119 - Fax (850) 921-1101

Partner: EMPLOY FLORIDA

- Appointments be made to the RWB Board to comply with mandated statutory categorical representation.

In early January, a draft revised Interlocal Agreement was submitted to WFI which would substantially revise governance, reconstitute the RWB, and eliminate some noted conflicts of interest involving board members. The draft substantially reduced potential for conflicts of interest by private sector members of the board. However the initial draft did not satisfactorily resolve the issue of board staff supervision or potential conflict at county-level. As a result of further dialogue between WFI staff and RWB/county staff, a meeting was held in Tallahassee, on Monday, January 23, involving WFI President Curtis Austin, WFI staff, RWB Executive Director Rick Beasley, Senior Mayoral Advisor Luis Gazitua, Assistant County Attorney Peter Tell and Assistant County Manager Tony Crapp (by telephone). The group did a line-by-line review of a revised draft Interlocal agreement. Other than suggesting some minor language refinements/edits, WFI staff expressed satisfaction that the language in the January 23 document complied with requirements regarding appointment/supervision of the RWB Executive Director and prohibiting the counties from directly providing public workforce services with funds received from/through Workforce Florida, Inc.

WFI staff also approved the general outline of intended categorical appointments to the RWB Board (not intending to approve/disapprove specific individuals.) While noting that the proposed Interlocal Agreement was drafted in consultation with staff of both counties, it is understood that it has not yet been formally adopted by either county, nor have any proposed board member appointments/reappointments been made. WFI staff approval is contingent upon formal adoption by both counties in its current form, and WFI staff would recommend contingent chartering of the reconstituted RWB at the next WFI Board meeting on February 16, 2006, and not directing funding to an alternate recipient, if the draft Interlocal agreement is adopted.

To allow for transitional activities, WFI staff intends to recommend that the contingent re-chartering of RWB 23 take effect March I, 2006 (if the agreement is adopted), with WFI staff monitoring completion of the transition and appointment of full board membership before notifying RWB 23 of full charter status, with a report back to the WFI Board at its next meeting in May, 2006.

This has been a difficult chartering/re-chartering process particularly for those most engaged in Miami-Dade and Monroe counties. And it has been a high priority for the WFI Board and staff due to the significance of your two counties to the state's overall workforce program. However considerable progress has been made in recent weeks, and we are on the verge of seeing resolution in a way that we hope will also improve services to the citizens of Dade and Monroe counties, a goal we all share.

Sincerely,

Curtis C. Austin

cc: Katherine Wilson, Chair of Workforce Florida
Rick Beasley, Executive Director, RWB 23
Susan Pareigis, Director, AWI
Tony Crapp, Assistant County Manager, M-D County
Michael Switzer, VP for Programs/Performance, WFI

Workforce florida, inc.

Katherine Wilson, Chairman
Curtis Austin, President

February 20, 2006

The Honorable Carlos Alvarez, Mayor
Miami-Dade County
111 N.W. 1st St, Ste. 2910
Miami, FL 33128

The Honorable Charles "Sonny" McCoy, Mayor
Monroe County
503 Whitehead St.
Key West, FL 33040

Dear Mayor Alvarez and Mayor McCoy:

On Thursday, February 16, 2006, the Workforce Florida, Inc. (WFI) Board of Directors voted to authorize the President of Workforce Florida to approve a charter for Region 23, provided the new interlocal agreement has been adopted in the form approved and appointments to the board have been made by March 1, 2006, contingent on several key tasks being completed by that date, namely approval and execution of the new Interlocal Agreement (ILA) by both Dade and Monroe Boards of County Commissioners, and appointments of the statutorily-required RWB Board members so that they can exercise authority over workforce programs and funds as of that date.

In order to avoid disruption of services to the citizens of Dade and Monroe Counties, the WFI Board directed WFI staff to arrange for discontinuation of workforce funding flowing to/through the current RWB Board (which has not been compliant since 2002), and designation of a state agent to take policy and funding responsibility for local workforce funds until the new board is fully approved and appointed by local action. Based on a member motion at the February 16, 2006, meeting, the WFI Board also directed that a transition audit be performed as of March 1, 2006, to clearly identify assets, liabilities, obligations and any financial problems at that point so that the outgoing RWB, the new RWB, the relevant local elected officials, the state and the public are fully informed of the true status of finances and operational issues as of the "change of command."

Staff of WFI has been advised that the new ILA has been unanimously and formally approved at a public meeting of the Monroe County Board of County Commissioners, and will be duly signed/executed promptly and a copy provide to WFI. WFI staff had previously reviewed the content of the new ILA and found that it satisfied the long-standing concerns articulated by the WFI Board regarding selection/supervision of Board executive staff, inherent and potential conflicts of interest for entities/individuals exercising both policy/oversight roles while also receiving workforce funds to provide direct services. We understand that the identical new ILA will be presented to the Miami-Dade County Board of County Commissioners on Tuesday, February 21, 2006, for approval and execution. Then pursuant to the terms of the new ILA,

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appointments to the newly constituted RWB Board will be made by both counties, and that Board will then be ready to assume authority and conduct business effective March 1, 2006, with its inaugural meeting to be conducted soon after that date.

In order to clarify current status, it is absolutely essential for the new ILA to be approved in current form by the Miami-Dade Board of County Commissioners at tomorrow's meeting. Deferral of action or adoption of an ILA that is substantially different from that approved by the Monroe BOCC will result in RWB 23 not having a chartered Regional Workforce Board, and triggering the "receivership" option directed by the WFI Board which may thereafter lead to the potential consolidation of the RWB 23 with a chartered Workforce Region. WFI staff has no authority or discretion to offer an extension for local action, but will follow the directions of the WFI Board to arrange for an alternative funding approval process. Workforce Florida will ensure that services to the residents of Miami-Dade and Monroe Counties will not be interrupted by the assignment of administrative responsibilities.

Assuming that favorable action is taken on the new ILA by the Miami-Dade BOCC, then the final major step is appointment of members to constitute the new RWB Board of Directors. At the request of local staff, WFI staff has reviewed the roster of intended appointees for legal sufficiency in terms of mandated representatives, percentage requirements and other provisions of federal and state law regarding such boards. WFI staff does not in any way approve, disapprove or express an opinion on the specific individuals to be appointed, but limited our examination to the compliance with the required categories. As such we find that the tentative roster submitted for review in compliance with all federal and state requirements.

This summary of past developments and current status is offered to clarify tasks at hand and reiterate the importance of timely completion of the local tasks needed for full chartering of a Regional Workforce Board for Miami-Dade and Monroe counties.

Please feel free to contact me or my staff for any further clarification as needed. We have been and continue to be willing to assist with these local tasks, but recognize that we must do so within the parameters of the oversight responsibility of the state Board and in compliance with its direct orders.

Sincerely,

Curtis C. Austin,

cc. Katherine Wilson, Chairman, Workforce Florida
Rick Beasley, Executive Director, South Florida Workforce Board
Luis Gazitua, Senior Advisor to Mayor Alvarez
Susan Pareigis, Director, Agency for Workforce Innovation

SOUTH FLORIDA WORKFORCE
INVESTMENT BOARD MEMBERSHIP 2006
Office of the Mayor of Miami-Dade County

Private Sector - Business	Miami-Dade County Mayor	Barry Johnson, President	Greater Miami Chamber of Commerce
Private Sector - Business	Miami-Dade County Mayor	Dr. Nora Hernandez - Hendrix, Vice President	CAMACOL
Private Sector - Business	Miami-Dade County Mayor	Bill Diggs, President	Miami-Dade Chamber of Commerce
Private Sector - Business	Miami-Dade County Mayor	William Talbert, President and CEO	Greater Miami Convention & Visitor's Bureau
Private Sector - Business	Miami-Dade County Mayor	Vivian Lopez - Blanco, Vice President	Pollo Tropical
Private Sector - Business	Miami-Dade County Mayor	Mike Tomas, President	The Astri Group
Private Sector - Business	Miami-Dade County Mayor	Bernard Adrover, Senior Vice President and Director of Small Business Banking	Bank United
Private Sector - Business	Miami-Dade County Mayor	Joseph M. Corradino, President	The Corradino Group
Private Sector - Business	Miami-Dade County Mayor	Thomas R. Roth, Project Director	Hines Interests Limited Partnership
Private Sector - Business	Miami-Dade County Mayor	Anne B. Freedman, President	Speak Out, Inc.
Private Sector - Business	Miami-Dade County Mayor	William Carpenter, Vice President	Community Bank
Private Sector - Business	Miami-Dade County Mayor	Jose Acosta, Director	United Parcel Service, UPS
Private Sector - Business	Miami-Dade County Mayor	Ray Castellanos, Vice President	GC HOMES
Private Sector - Business	Miami-Dade County Mayor	Jeffery Blacher, Esq.	Adorno & Yoss, PA
Private Sector - Business	Miami-Dade County Mayor, previous City of Miami appointee	Frank Carollo, CPA	Morrison, Brown, Argiz & Farra, LLP

WFI staff has approved the roster of intended appointees for legal sufficiency in terms of mandated representatives, percentage requirements and other provisions of federal and state law regarding such boards.

SOUTH FLORIDA WORKFORCE
INVESTMENT BOARD MEMBERSHIP 2006
Office of the Mayor of Miami-Dade County

Private Sector - Business	Miami-Dade County Mayor, previous City of Miami appointee	Joe L. Chi, President and CEO	Miami Dragon Boat Race & International Festival
Private Sector - Business	Miami-Dade County Mayor, previous City of Miami appointee	Daniel Fils-Aime, President	Miami Mini Bus Transportation Service
Private Sector - Business	Miami-Dade County Mayor, previous City of Hialeah appointee	Edward Margolis	Mast Realty
Private Sector - Business	Miami-Dade County Mayor, previous City of Hialeah appointee	Jorge Millan, Director	Hialeah Technology Center
Private Sector - Business	Miami-Dade County Mayor, per Miami Beach	George Feldenkreis, Chairman	Supreme International
Private Sector - Business	Miami-Dade County Mayor, per Miami Beach	Roberto Datorre, President	Miami Beach Community Development Corporation
Private Sector - Business	Monroe County Mayor	RESERVED*	RESERVED*
Private Sector - Business	Monroe County Mayor	RESERVED*	RESERVED*
Community Based Organization (1) - Mandated Partner	Miami-Dade County Mayor	Anne Manning, Executive Director	Habitat for Humanity of Greater Miami-Dade County
Community Based Organization (2) - Mandated Partner	Miami-Dade County Mayor, previous City of Hialeah appointee	Pedro Rodriguez, President	Spinal Cord Living Assistance & Job Development, Inc.
Economic Development - Mandated Partner	Miami-Dade County Mayor	Holly E. Wiedman, Executive Vice President	The Beacon Council

WFI staff has approved the roster of intended appointees for legal sufficiency in terms of mandated representatives, percentage requirements and other provisions of federal and state law regarding such boards.

SOUTH FLORIDA WORKFORCE
INVESTMENT BOARD MEMBERSHIP 2006
Office of the Mayor of Miami-Dade County

Private Education - Mandated ITA Agent Partner	Miami-Dade County Mayor	Andres M. Perez, Chief Financial Officer and Vice President	The Academy of South Fl., Microsoft Triple Gold Partner and CISCO Authorized Training Center
Private Education - Mandated Degree Seeking Institution	Miami-Dade County Mayor	Recommendation PENDING	University of Miami
Public Education (1) - Mandated Partner	Miami-Dade County Mayor, previous City of Hialeah appointee per the School System	Carlos A. Manrique, Workforce Development Education for Miami-Dade Public Schools	Miami-Dade Public Schools
Public Education (2) - Mandated Partner	Miami-Dade County Mayor, previous City of Miami appointee	Dr. Eddie Rivas, Dean of Workforce Development	Miami-Dade Community College
Traditional Partner (1)	Miami-Dade County Mayor, per the request of the City of Hialeah	Fred H. Marinelli, Director of Grants and Human Services	City of Hialeah
Traditional Partner (2)	Miami-Dade County Mayor, per the request of the City of Miami	David Rosemond, Director - NET	City of Miami
Traditional Partner (3)	Miami-Dade County Mayor, per the request of the City of Miami Beach	Mayra D. Buttacovoli, Director, Dept. of Grants and Human Services	City of Miami Beach
Traditional Partner (4)	Monroe County Mayor	Deb Barsell, Project Manager	Monroe County
Workforce Innovation Act - HUD Mandated Partner	Miami-Dade County Mayor	Alphonso K. Brewster, Director	Miami - Dade Housing Agency

WFI staff has approved the roster of intended appointees for legal sufficiency in terms of mandated representatives, percentage requirements and other provisions of federal and state law regarding such boards.

SOUTH FLORIDA WORKFORCE
INVESTMENT BOARD MEMBERSHIP 2006
Office of the Mayor of Miami-Dade County

Workforce Innovation Act - CSBG Mandated Partner	Miami-Dade County Mayor	Regina Giles, Division Director	Community Action Agency
Workforce Innovation Act - Title V Mandated Partner	Miami-Dade County Mayor	Ivonne Socorro, Area Manager	AARP/Senior Community Service Employment Program
Workforce Innovation Act - Vocational Rehabilitation Services Mandated Partner	Miami-Dade County Mayor	Cynthia Gaber, District Director	Florida Department of Education, Vocational Division
Workforce Innovation Act - Veterans Programs Mandated Partner	Miami-Dade County Mayor	Alvin W. Roberts, Senior Vice Commander	Veterans of Foreign Wars Liberty Post #1105
Workforce Innovation Act - Food Stamps/TANF Mandated Partner	Miami-Dade County Mayor	Gilda Ferradaz, District Director	Department of Children and Families
Workforce Innovation Act - Job Corps Mandated Partner	Miami-Dade County Mayor	Luis Cerezo, Director	Homestead Job Corps Center
Military Base Representation	Miami-Dade County Mayor	Victoria DuBois, Family Support Center Director	U.S. Army Garrison
Organized Labor (1) - Mandated Partner	Miami-Dade County Mayor	Monica Russo, President	Sanitation Employees International Union, SEIU
Organized Labor (2) - Mandated Partner	Miami-Dade County Mayor	Fred Frost, President	South Florida AFL-CIO

WFI staff has approved the roster of intended appointees for legal sufficiency in terms of mandated representatives, percentage requirements and other provisions of federal and state law regarding such boards.

SOUTH FLORIDA WORKFORCE
INVESTMENT BOARD MEMBERSHIP 2006
Office of the Mayor of Miami-Dade County

Organized Labor (3) - Mandated Partner	Miami-Dade County Mayor	William Riley, Financial Business Manager	International Brotherhood of Electric Workers, IBEW

TOTAL PRIVATE SECTOR: 23
TOTAL OTHER SECTORS: 21

*** PENDING FINAL CONFIRMATION**

WFI staff has approved the roster of intended appointees for legal sufficiency in terms of mandated representatives, percentage requirements and other provisions of federal and state law regarding such boards.

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: March 7, 2006

FROM: Murray A. Greenberg, County Attorney

SUBJECT: Agenda Item No. 12(A)(5)

Please note any items checked.

_____	"4-Day Rule" ("3-Day Rule" for committees) applicable if raised
_____	6 weeks required between first reading and public hearing
_____	4 weeks notification to municipal officials required prior to public hearing
_____	Decreases revenues or increases expenditures without balancing budget
_____	Budget required
_____	Statement of fiscal impact required
_____	Bid waiver requiring County Manager's written recommendation
_____	Ordinance creating a new board requires detailed County Manager's report for public hearing
_____	Housekeeping item (no policy decision required)
✓	No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 12(A)(5)

03-07-06

RESOLUTION NO. _____

RESOLUTION APPROVING INTERLOCAL AGREEMENT WITH MONROE COUNTY CREATING THE SOUTH FLORIDA WORKFORCE INVESTMENT BOARD FOR REGION 23 OF THE STATE OF FLORIDA; AUTHORIZING AND DIRECTING COUNTY MANAGER TO IMPLEMENT AGREEMENT; AUTHORIZING MAYOR OF MIAMI-DADE COUNTY TO EXECUTE AGREEMENT, EXERCISE PROVISIONS OF AGREEMENT INCLUDING TERMINATION PROVISION THEREIN; WAIVING REQUIREMENTS OF RESOLUTION NO. R-377-04

WHEREAS, this Board desires to accomplish the purposes set forth in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the Interlocal Agreement Creating the South Florida Workforce Investment Board for Region 23 of the State of Florida, in substantially the form attached hereto and made a part hereof, and authorizes and directs the County Manager to implement same for and on behalf of Miami-Dade County, Florida and authorizes the Mayor of Miami-Dade County to execute same for and on behalf of Miami-Dade County and to exercise all the provisions contained therein, including the termination provision, for and on behalf of Miami-Dade County, Florida. Upon the recommendation in writing of the County Manager, the requirements of Resolution No. R-377-04 are hereby waived pursuant to Section 4 of said resolution.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of March, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.

PST

Peter S. Tell

By:_____
Deputy Clerk

INTERLOCAL AGREEMENT CREATING THE SOUTH FLORIDA WORKFORCE INVESTMENT BOARD FOR REGION 23 OF THE STATE OF FLORIDA

This Interlocal Agreement is made and entered into by and between the Chief Elected Official of Miami-Dade County, a political subdivision of the State of Florida, and the Chief Elected Official of Monroe County, a political subdivision of the State of Florida, pursuant to the Florida Interlocal Cooperation Act, the Miami-Dade County Home Rule Charter, and applicable federal and state laws and regulations. In consideration of the covenants, conditions, mutual obligations and other good and valuable consideration, the parties hereto agree as follows:

1. The Chief Elected Officials who have executed this Interlocal Agreement have caused to be created hereby a Local Workforce Investment Board for Region 23 of the State of Florida in accordance with federal and state laws and regulations. This Local Workforce Investment Board shall be known as the South Florida Workforce Investment Board (hereinafter sometimes referred to as the "SFWIB"). The SFWIB shall be a separate public body, corporate and politic, and a governmental agency and governmental instrumentality of both Miami-Dade County and Monroe County. The SFWIB shall be a governmental body in all respects and shall be an organization eligible to exclude income under Section 115 of the Internal Revenue Code of the United States and contributions to which are deductible under Section 170(c)(1) of the Internal Revenue Code of the United States.

   a. The SFWIB shall have the power to sue and be sued, to plead and to be impleaded, to contract and be contracted with, to enforce contracts and

agreements, to accept grants, gifts or other resources, to engage an independent auditor, to have an official seal and alter same, and to incur tort liability to the extent permitted by Section 768.28, Fla. Stat. The SFWIB may exercise all of the powers specifically granted herein. Except as limited in this Interlocal Agreement, the SFWIB shall exercise all of the powers granted to Local Workforce Investment Boards by the Workforce Investment Act of 1998, as amended from time to time, and Chapter 445, Florida Statutes, as amended from time to time. Nothing herein shall be construed to limit or affect, in any way, the laws relating to sovereign immunity, Section 768.28, Florida Statutes, with respect to the SFWIB.

b. The Executive Director of the SFWIB shall be selected by the SFWIB. The Executive Director shall be an employee of Miami-Dade County within the administrative service of Miami-Dade County and may be removed from the position of Executive Director of the SFWIB in the discretion of the SFWIB. The Executive Director shall be the Chief Operating Officer of the SFWIB and, as such, shall implement the policies, decisions, actions and directives of the SFWIB.

c. The staff of the SFWIB shall all be employees of Miami-Dade County and who shall serve the SFWIB under the supervision and control of the Executive Director of the SFWIB. The staff of the SFWIB shall implement the policies, decisions, actions and directives of the SFWIB under the supervision and control of the Executive Director of the SFWIB.

d. Legal counsel for the SFWIB shall be the Miami-Dade County Attorney's Office. With the approval of the Chief Elected Official of Miami-Dade County, the SFWIB may from time to time engage special legal counsel for specific legal matters.

e. The members of the SFWIB shall elect a chairperson of the SFWIB, as required by the Workforce Investment Act of 1998, as amended from time to time, and such other officers as may be deemed necessary and appropriate by the SFWIB. All such officers shall serve in office for a term not to exceed two years. No such officer shall serve more than two terms in office or four years, which ever is less. The chairperson shall serve as the presiding officer at all meetings of the SFWIB.

f. The organization, operating procedures, and by-laws of the SFWIB shall be determined by the SFWIB and shall become effective upon approval by the Chief Elected Official of Miami-Dade County. The organization, operating procedures, and by-laws of the SFWIB shall comply with the applicable federal, state, and local laws, ordinances, and regulations.

g. The SFWIB and its members, the Executive Director of the SFWIB, the staff of the SFWIB and members of any and all committees of the SFWIB shall be subject to the jurisdiction of the Miami-Dade County Commission on Ethics and Public Trust and the Office of the Miami-Dade County Inspector General. SFWIB members, the Executive Director of the SFWIB, the staff of the SFWIB and members of any and all committees of the SFWIB shall comply with the Miami-Dade County Code of Ethics

Ordinance, Conflict of Interest Ordinances, Lobbyist Registration and Reporting Ordinances, and the Citizens' Bill of Rights. The SFWIB and its members, the Executive Director of the SFWIB, the staff of the SFWIB and members of any and all committees of the SFWIB, shall be subject to and shall comply with Florida's Public Records and Open Meetings Laws, Section 286.011 et seq., Fla. Stat., and Section 119.01 et seq., Fla. Stat.

h. No lobbying or legislative activity of any kind in or before any body or person of any kind shall be undertaken by the SFWIB, any member of the SFWIB acting as such or any staff member of the SFWIB acting as such except by making legislative requests as a board to the Miami-Dade County Office of Intergovernmental Affairs as required by Miami-Dade County Ordinance #04-219 or as may be authorized in writing by said Office from time to time.

i. Notwithstanding any provision of State or federal law, a majority of the appointed members of the SFWIB or a majority of the appointed members of any committees of the SFWIB, who are physically present in the public meeting room or other place of the public meeting, shall constitute a quorum necessary for taking any action at the public meeting. Notwithstanding any provision of State or federal law, only appointed members of the SFWIB or appointed members of a committee of the SFWIB who are physically present in the public meeting room or other place of the public meeting shall constitute a quorum necessary for taking any action at the public meeting. Notwithstanding any provision of State

or federal law, only appointed members of the SFWIB or appointed members of a committee of the SFWIB who are physically present in the public meeting room or other place of the public meeting shall be permitted to participate in such meeting, take any action at such meeting, or vote at such public meeting. Any such appointed member of the SFWIB or any such appointed member of a committee of the SFWIB who is not physically present in the public meeting room or other place of the public meeting and who, nevertheless, participates in such public meeting, or takes any action at such public meeting or votes at such public meeting, while not being physically present in the public meeting room or other place of the public meeting, shall automatically, by operation of this Interlocal Agreement, be deemed to have thereupon resigned forthwith from membership on the SFWIB, if a member of the SFWIB and from membership on any and all committees of the SFWIB.

j. SFWIB members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties upon approval in writing by the Miami-Dade County Manager, or the Miami-Dade County Manager's designee. All of the aforesaid expenses shall be reimbursed in accordance with federal and state laws and regulations and Miami-Dade County ordinances and policies. All travel expenses for SFWIB members or any other person traveling for and on behalf of or at the request of the SFWIB shall be in conformance with state law relating to travel expenses of public officers

and public employees and Miami-Dade County ordinances and policies relating to travel expenses and shall be submitted in writing to the Miami-Dade County Manager or the Miami-Dade County Manager's designee for approval or denial by the Miami-Dade County Manager or the Miami-Dade County Manager's designee.

k. The SFWIB shall consist of a sufficient number of members and shall be composed of members in such a manner as to meet the requirements of State and federal law. The number of members of the SFWIB and the composition of the SFWIB shall be determined by the Chief Elected Official of Miami-Dade County in accordance with the criteria set forth in State and federal law. Members of the SFWIB shall serve at the pleasure of the Chief Elected Official who appointed the member and for such term as determined by the Chief Elected Official who appointed the member. However, no member of the SFWIB shall be appointed to serve a term greater than two years. SFWIB members may be reappointed by the Chief Elected Official who appointed the SFWIB member. Any SFWIB member, regardless of whether or not the SFWIB member is chairperson or other officer of the SFWIB, may be removed for cause or without cause, at any time, in the sole discretion of the Chief Elected Official who appointed the SFWIB member. The Chief Elected Official of Monroe County shall appoint two of the private sector members of the SFWIB and the Chief Elected Official of Miami-Dade County shall appoint all of the other members of the SFWIB. Representatives of businesses appointed to

the SFWIB by the Chief Elected Official of Miami-Dade County or by the Chief Elected Official of Monroe County shall not include representatives of businesses which are providers of public workforce services with funds provided through or from Workforce Florida, Inc. Furthermore, representatives of businesses appointed to the SFWIB by the Chief Elected Official of Miami-Dade County or by the Chief Elected Official of Monroe County shall automatically forfeit membership on the SFWIB if the business so represented provides public workforce services with funds provided through or from Workforce Florida, Inc. during the representative's period of membership on the SFWIB. The Chief Elected Official of Miami-Dade County may, solely in his or her discretion, from time to time, consider the recommendations, if any, of the City of Hialeah, the City of Miami, and the City of Miami Beach with respect to the appointment of members of the SFWB by the Chief Elected Official of Miami-Dade County.

l. The SFWIB shall comply with the procurement and expenditure procedures required by federal law for the expenditure of federal funds. To the extent not in conflict with federal law and regulations, the SFWIB shall comply with the procurement laws and regulations of the State of Florida which may be applicable to Miami-Dade County and with the applicable procurement ordinances, administrative orders, and policies of Miami-Dade County.

m. The County Manager of Miami-Dade County and the administrative service of Miami-Dade County is hereby designated as the local fiscal agent for Region 23 of the State of Florida.

n. The Chief Elected Official of Miami-Dade County for and on behalf of Miami-Dade County and the Chief Elected Official of Monroe County for and on behalf of Monroe County shall be the local grant recipients for Region 23 of the State of Florida and shall be liable for any misuse of the grant funds allocated to Region 23 of the State of Florida under Sections 128 and 133 of the Workforce Investment Act of 1998, as amended from time to time.

o. The administrative entity for all Workforce Investment Act, TANF, and other workforce programs implemented by the SFWIB within Region 23 of the State of Florida shall be the administrative service of Miami-Dade County. The administrative service, acting as the administrative entity for the SFWIB, shall serve the SFWIB under the supervision and control of the Executive Director of the SFWIB and shall implement the policies, decisions, actions and directives of the SFWIB under the supervision and control of the Executive Director of the SFWIB.

p. In order to exercise independent oversight, Miami-Dade County and Monroe County, respectively, agree that Miami-Dade County and Monroe County shall not be a direct provider of public workforce services with funds provided through or from Workforce Florida, Inc.

2. Monroe County and Miami-Dade County hereby agree to assume financial liability for any misuse of grant funds in accordance with State and federal law: Monroe County agrees hereby to assume 6.7% of any financial liability for any misuse of grant funds; Miami-Dade County agrees hereby to assume 93.3% of any financial liability for any misuse of grant funds.

3. Each Chief Elected Official for and on behalf of their respective jurisdiction agrees hereby to promptly contribute to any SFWIB financial liability or any other financial liability incurred under this Interlocal Agreement as follows:

   a. No liability of any kind arising out of this Interlocal Agreement shall be paid by the SFWIB or by SFWIB staff or by the administrative entity or by either of the parties to this Interlocal Agreement unless ordered by a court of competent jurisdiction or other superior State or federal governmental entity acting within the scope of its powers and jurisdiction or unless otherwise approved by both parties hereto. Nothing herein shall be construed to waive any rights of the SFWIB or the parties hereto to seek legal or administrative relief from any such liability.

   b. Tort liability incurred by the SFWIB or incurred by any member of the SFWIB or an member of any committee of the SFWIB or incurred by the Executive Director or by a member of the staff of the SFWIB or of the administrative entity, through or on account of the performance of the lawful acts authorized or required by this Interlocal Agreement shall, to the extent permitted by Section 768.28, Fla. Stat, be solely the

responsibility of the SFWIB and does not and shall not constitute the tort liability of the parties hereto or their respective jurisdictions.

In the event such tort liability is so incurred by any of the foregoing entities or persons, then and only then shall both Miami-Dade County and Monroe County contribute a sum to the SFWIB for the satisfaction of such tort liability incurred which shall equal 6.7% from Monroe County and 93.3% from Miami-Dade County, all of which contributions for a single tort liability claim when aggregated together shall not exceed the limit for a single tort liability claim as set forth in Sec. 768.28, Fla. Stat.

c. Costs and other expenses disallowed by the State or federal government or by the SFWIB with respect to contracts between the SFWIB and Monroe County or between the SFWIB and Miami-Dade County for the provision of workforce services shall be paid by and shall be the financial liability solely of the contracting county. Nothing herein shall be construed to authorize the SFWIB to be a direct provider of intake, assessment, eligibility determinations, or other direct provider services.

d. Costs and other expenses disallowed by the State or the United States or any other grantor of grant funds with respect to any contracts or agreements between the SFWIB and any service providers or other entities or caused by errors of the SFWIB or of the administrative entity or caused by misuse of grant funds shall be paid by and shall be the financial liability of Monroe County and Miami-Dade County in accordance with

the following percentages: Monroe County - 6.7%; Miami-Dade County - 93.3%.

3. Nothing in this Interlocal Agreement shall be construed to impose personal financial liability of any kind upon any Chief Elected Official. Nothing in this Interlocal Agreement shall be construed to waive sovereign immunity in tort, except to the extent permitted by Sec. 768.28, Fla. Stat.

4. The members of the SFWIB and the members of any committees of the SFWIB shall deal with the employees of the administrative entity and SFWIB staff solely through the Executive Director and no such member shall give orders to any employees of the administrative entity or SFWIB staff either publicly or privately. No employee of the administrative entity or SFWIB staff shall respond to or undertake any action to comply with any request by any such member which violates the provisions of the preceding sentence. The Executive Director shall not knowingly allow any such member to deal with any employee of the administrative entity or SFWIB staff in violation of the provisions of the first sentence of this Paragraph #4. No member of the SFWIB or any member of any committee of the SFWIB shall direct or request the appointment of any person to, or his or her removal from office or employment by the Executive Director or by the Miami-Dade County Manager or by any subordinate of the Executive Director or by any subordinate of the Miami-Dade County Manager or participate in the appointment or removal of officers and employees of the administrative entity or of SFWIB staff nor shall the Executive Director or the Miami-Dade County Manager or any member of the administrative entity or of SFWIB staff or any

subordinate of any of the foregoing accede to such direction or request. Any violation of any of the provisions of this Paragraph #4 by any of the members of the SFWIB or members of any SFWIB committee shall cause the removal forthwith of such member from the SFWIB or the SFWIB committee or both, as applicable, by operation of this Interlocal Agreement.

5. Notwithstanding any provision of this Interlocal Agreement, the SFWIB shall not engage in any activities of any kind unless permitted to be carried on by an organization eligible to exclude income under Section 115 of the Internal Revenue Code of the United States and contributions to which are deductible under Section 170(c)(1) of the Internal Revenue Code of the United States. Notwithstanding any provision of this Interlocal Agreement, the SFWIB is authorized and empowered to pay reasonable compensation for services rendered and to make payments to advance SFWIB's activities for the benefit of the residents of Region 23 of the State of Florida. Notwithstanding any provision of this Interlocal Agreement, no part of the net earnings of the SFWIB shall inure to the benefit of or be distributable to the officers or members of the SFWIB or any other private person. Notwithstanding any provision of this Interlocal Agreement, in the event of the dissolution, liquidation, termination or expiration of the existence of the SFWIB, after promptly paying or adequately providing for the debts and obligations of the SFWIB, all monies, properties assets, and rights, of any kind whatsoever, shall be forthwith transferred, delivered and conveyed to Miami-Dade County for exclusively public purposes. Notwithstanding any provision of this Interlocal Agreement, the SFWIB shall only exercise essential

governmental functions on behalf of and accruing to the State of Florida or any political subdivision thereof. Notwithstanding any provision of this Interlocal Agreement, the Chief Elected Officials and their respective jurisdictions who are parties to this Interlocal Agreement shall have the powers and interests of an owner of the SFWIB. Notwithstanding any provisions of this Interlocal Agreement, no private interest shall materially participate in any of the functions, duties, or responsibilities of the SFWIB. Notwithstanding any provision of this Interlocal Agreement, all assets and income of the SFWIB shall accrue to the Chief Elected Officials in their official capacity and their respective jurisdictions who are parties to this Interlocal Agreement. Notwithstanding any provision of this Interlocal Agreement, the SFWIB shall provide an annual report, including annual financial audit by an independent auditor, to both Chief Elected Officials and both respective jurisdictions who are parties to this Interlocal Agreement. Notwithstanding any provision of this Interlocal Agreement, control, supervision and authority of the SFWIB shall at all times be vested in public authorities, to wit, the Chief Elected Officials and their respective jurisdictions who are parties to this Interlocal Agreement.

6. This Interlocal Agreement shall become effective on March 1, 2006, after its execution by the Chief Elected Officials of Miami-Dade County and Monroe County and shall expire on June 30, 2008. Both Chief Elected Officials have been duly authorized by their respective governing bodies, the Board of County Commissioners of Miami-Dade County and the Board of County Commissioners

of Monroe County, to execute this Interlocal Agreement for and on behalf of Miami-Dade County and Monroe County, respectively.

7. Upon expiration of this Interlocal Agreement, the SFWIB shall be deemed dissolved and no longer in existence. Upon the expiration date of this Interlocal Agreement and dissolution of the SFWIB or upon the dissolution, liquidation, or termination of the existence of the SFWIB prior to such expiration date, after promptly paying or adequately providing for the debts and obligations of the SFWIB, all monies, properties, assets, and rights, of any kind whatsoever, shall be forthwith transferred, delivered and conveyed to Miami-Dade County for exclusively public purposes. This Interlocal Agreement may be renewed in writing upon execution by both the Chief Elected Official of Miami-Dade County and the Chief Elected Official of Monroe County for an additional period of time but no such renewal shall be effective until both Chief Elected Officials have been duly authorized by their respective governing bodies, the Board of County Commissioners of Miami-Dade County and the Board of County Commissioners of Monroe County. This Interlocal Agreement and any renewals or amendments thereto shall be executed in counter-part originals by each party and each such counter-part original shall be deemed an original for all purposes.

8. This Interlocal Agreement may be amended by the parties hereto, from time to time, during the term of this Interlocal Agreement or any renewals thereof, upon the execution of the written amendment by both the Chief Elected Official of Miami-Dade County and the Chief Elected Official of Monroe County but no such written amendment shall be effective until both Chief Elected Officials have

been duly authorized by their respective governing bodies, the Board of County Commissioners of Miami-Dade County and the Board of County Commissioners of Monroe County.

9. The Chief Elected Official of Miami-Dade County and the Chief Elected Official of Monroe County are authorized hereby by their respective governing bodies to exercise the right to terminate this Interlocal Agreement at any time but in accordance with the conditions set forth below:

   a. The notice of termination shall be received by the other Chief Elected Official not later than sixty (60) days before the end of the current Workforce Investment Act fiscal year.

   b. The terminating party shall not be deemed released from any current or past financial obligations or any other current or past obligations of any kind whatsoever incurred or agreed to by the terminating party which arise out of this Interlocal Agreement.

   c. Upon the effective date of termination set forth in the termination notice described in a. above, the SFWIB shall be deemed dissolved and no longer in existence.

THIS INTERLOCAL AGREEMENT IS ENTERED INTO ON BEHALF OF:

MIAMI-DADE COUNTY

WITNESSES:

_____ BY _____
Mayor

_____, Deputy Clerk

_____
Date

THIS INTERLOCAL AGREEMENT IS ENTERED INTO ON BEHALF OF:

MONROE COUNTY

WITNESSES:

_____ BY _____
Mayor

_____, Deputy Clerk

_____
Date