

**WORKFORCE CONNECTIONS**  
**LOCAL ELECTED OFFICIALS CONSORTIUM**  
**MINUTES**

**Tuesday, April 14, 2015**  
**1:00 p.m.**

**One-Stop Career Center**  
**6330 W. Charleston Blvd., Suite 190**  
**Las Vegas, NV 89146**

**Members Present**

Commissioner Lawrence Weekly  
Councilwoman Anita Wood  
Councilwoman Gerri Schroder  
Councilman Bob Beers  
Commissioner Butch Borasky  
Commissioner Ralph Keyes (phone)

**Members Absent**

Councilwoman Peggy Leavitt  
Commissioner Adam Katschke

**Staff Present**

Ardell Galbreth  
Heather DeSart  
Suzanne Potter  
Jaime Cruz  
Jim Kostecki  
Brett Miller  
Jake McClelland  
Kenadie Cobbin Richardson

**Others Present**

Michael Oh, City of Henderson  
John Chamberlin  
Carol Turner, WC Consultant  
Tom Wilson, Clark County  
Catherine Jorgenson, Clark County District Attorney's Office  
Bethany Sanchez, North Las Vegas City Attorney's Office  
Tamara Collins, Las Vegas Urban League

(It should be noted that not all attendees may be listed above)

**1. CALL TO ORDER, confirmation of posting, roll call, Pledge of Allegiance**

The meeting was called to order by Chair Commissioner Lawrence Weekly at 1:10 p.m. Staff confirmed the meeting had been properly posted in accordance with the Nevada Open Meeting Law. Roll call was taken and a quorum was present.

**2. DISCUSSION AND POSSIBLE ACTION: Approve the agenda with inclusions of any emergency items and deletion of any items**

Ardell Galbreth, Executive Director requested the removal of items 7 and 9 for housekeeping per legal counsel.

*A motion was made to approve the agenda with deletion of items 7 and 9 by Councilman Bob Beers and seconded by Councilwoman Gerri Schroder. Motion carried.*

**3. FIRST PUBLIC COMMENT SESSION:**

None

**4. DISCUSSION AND POSSIBLE ACTION: Approve the Local Elected Officials Consortium minutes of March 10, 2015**

*A motion was made to approve the Local Elected Officials Consortium minutes of March 10, 2015 by Councilwoman Gerri Schroder and seconded by Commissioner Butch Borasky. Motion carried.*

**5. DISCUSSION AND POSSIBLE ACTION: Review and discuss Workforce Innovation and Opportunity Act's board members qualification criteria and direct staff accordingly to formulate board members' applications with recommendations to the Chief Elected Officials for appointment consideration**

Mr. Galbreth provided background and read the following:

Department of Labor Notice of Proposed Rulemaking §679.120 explains what is meant by “optimum policy-making authority” and “demonstrated experience and expertise” for members of the Local Board under sec. 107(b)(5) of the Workforce Innovation and Opportunity Act. Paragraph (a) defines an individual with “optimum policy-making authority” as someone who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action. In order for the decisions of the board to have the greatest possible impact, all board members must be able to speak authoritatively when committing their organization to a decided course of action. Paragraphs (b)(1) through (3) define the qualifications that satisfy the “experience and expertise” requirement for the Local Board members. The CEO (Chief Elected Official) has a duty to appoint only those board members that have the skills and practical knowledge to contribute fully to the strategic vision of the local area’s workforce system.

Staff distributed a one-page document with the different categories that must be represented on the Local Board to meet the requirements under WIOA. Mr. Galbreth stated the board membership applications received have been made available to the LEOs and public.

Chair Weekly requested Mr. Galbreth to explain how the board membership increases if more than 19 members are selected. Mr. Galbreth referred the question to John Chamberlin, WC legal consultant. Mr. Chamberlin stated that WIOA has two percentage requirements: 1) majority (51%) of the board must be private sector business representatives, and 2) 20% must be workforce representatives from organized labor or community based organizations that represent a significant slice of the community, for instance veteran’s and youth advocacy groups. Adding a non-business representative to the board would require three additional members in order to meet the percentage requirements. For a board size of 19 members, adding a non-business representative would increase

the board size to a minimum of 23 members, and if you add two non-business representatives, the board size would increase to 27, and so on. Board members come on in multiples of four.

Councilwoman Schroder inquired about optimum policy making authority for a business of one versus a large business. Mr. Chamberlin stated that according to the draft regulations that cover not just the workforce programs, but vocational rehabilitation and adult literacy, state that the private sector business members should come from the demand industries most likely to need a skilled workforce in order to succeed and grow. The LEOs should look at large demand industries, include one or two small business representatives, and policy makers from key industries in the target sectors that will help serve the purpose of the Act, which is to grow local job, wages and businesses.

Councilman Beers asked if the LEOs should be strategically selecting sectors before selecting board members. Mr. Chamberlin stated that the WC Board has been doing sector work for quite some time and the LEOs certainly should be considering the key sectors that have been identified. Beers stated that the period to submit applications has ended, but it sounds like there should be a recruitment process. Mr. Chamberlin agreed and stated that staff has been doing some outreach and solicitation of applications but it will be necessary to do ongoing recruitment. Beers suggested forming a board recruitment committee. Mr. Galbreth stated that a recruitment committee can be added to the Board By-laws.

Councilman Beers motioned to abey this item and requested staff to provide the full language under §679.120 as well as detail for criteria for which board member recommendations will be based and a listing of applicants as they are judged in each of those criteria areas.

To Chair Weekly, Mr. Galbreth stated that staff can make board member recommendations in the next week or so at the LEO's request.

Councilman Beers reiterated Councilwoman Schroder's question regarding how to evaluate and rank the scope of an organization of one. Mr. Chamberlin stated that it is a workforce system and if an individual does not have hiring authority and employees, it is not quite what we are looking for. The Act does not provide a great amount of specificity, but some of the language talks about optimum hiring authority. Small businesses representatives should be individuals who hire and employ. Primarily look at types of business in the demand sectors that are going to grow the economy in the years to come. One of the primary jobs of the Board is to work with the community to adopt a four-year strategic plan that focuses on the demands of the local businesses and employers. What jobs will be created locally over the next four years? What are the workforce gaps? What are the training needs to bridge these gaps? With that level of strategic planning you want a Board that will reach out and bring those types of businesses to the table that will be hiring and growing over the four years. This does not sound like businesses with a staff of one or independent consultants; however, the regulations do not provide great precision so you have to kind of look at the purpose of the law and the guidance in it. The feds determine small businesses to be two or more employees, but more importantly the Board should have small businesses that are going to grow, active groups like Chambers of Commerce that represent many businesses, or healthcare representatives that represent many hospitals. The Board needs representatives that have the drive, inclination, and ability to reach out to the whole sector if possible and not just represent their business.

Councilwoman Wood inquired about outreach to a chamber. Mr. Galbreth replied that staff has not actively recruited a member of a chamber, but there are chamber individuals that have been nominated.

Councilman Beers stated that the Board could have 20 members if the additional member beyond 19 is a business representative because the four-by-four rule applies on if a non-business representative is added. Mr. Chamberlin agreed.

Mr. Chamberlin stated that he likes the idea of having a board development committee that looks at what members are missing, what might be added, and maybe also look at fund raising of public, non-federal funds.

Councilman Beers restated the motion to abey this item until the next LEO meeting while staff flushes out for the LEOs the criteria that is described in the law in detail so that the LEOs can understand how the evaluation process is taking place and also have staff provide the sector associated with the business representative applicants in their recommendation to the LEOs.

Chair Weekly stated that he does not have a problem with the motion as long as it does not take away the flexibility to make changes if the LEOs disagree with some of the staff's recommendations. He further stated that he understands what Mr. Chamberlin has said; however, he disagrees with some of it, particularly getting big movers and shakers on the board because they are only figureheads and he would rather see boots-on-the-ground folks, who are aware of what is going on with the services providers and have the time to understand the target populations we serve and are trying to reach. Chair Weekly stated that the LEOs have to be careful how they look at this process as it will have a long-lasting impact. Mr. Chamberlin stated that the LEOs are the appointing authority and it is their call. The term "optimum policy-making authority" is not crystal clear so it provides some leeway. On the other hand, you do not want a board made up of a large number of individuals who do not have any employees.

Councilwoman Schroder agreed with the Chair's comments and stated that whatever large businesses are considered hopefully will nominate people on their staff who are the boots-on-the-ground people because they actually do the work.

Councilwoman Wood also agreed, but stated that the difficulty becomes that WIOA requires individuals to have hiring and some budget authority within their organizations. She asked if applicants are made aware of the requirements and expectations for board members. Mr. Galbreth stated that the board membership application and current Board By-laws clearly spell out the qualifications, expectations, and time requirements for board members. Councilman Beers suggested that the new Board By-laws be more explicit about attendance. For example, language that states board members will (not may) be removed after a certain number of absences. With a smaller Board and the LEOs having less oversight because they are not a part of it, there should be hard and fast rules about participation.

Councilwoman Wood stated that the LEOs need to give some direction to staff regarding what specifically the LEOs will be looking for at the next meeting. Councilman Beers requested Ardell to repeat what he heard. Mr. Galbreth stated that what he understands is that the LEOs would like staff to develop some type of criteria based on the application and the criteria outlined in WIOA and present some sort of tool or matrix that identifies applicants' qualifications and the sector they fit it based on the sectors identified for the local area. Also mentioned, was a board development/recruitment committee. Councilman Beers added to the motion a list of applicants most qualified for each of the seats based on criteria developed by staff for a Board of 19 seats.

***A motion was made to abey and direct staff as noted above by Councilman Bob Beers and seconded by Councilwoman Gerri Schroder. Motion carried.***

**6. DISCUSSION AND POSSIBLE ACTION: Review, discuss, and approve Workforce Connections' staff WIOA implementation plan**

Jaime Cruz, Chief Strategy Officer presented the staff WIOA implementation plan on the overhead screen. The document tracks the multiple tasks in play for the implementation of WIOA.

Councilwoman Wood asked staff if a copy of the document will be provided to the LEOs. Mr. Galbreth stated that it is a huge document and staff will make it available for the LEOs on WC's website. Chair Weekly requested that in the future these types of things be provided to the LEOs in advance for review because it is difficult to receive things in the present time and have to vote on it. Councilwoman Schroder stated that she prefers to be briefed beforehand so that she has a full understanding. Mr. Galbreth stated that there is no urgency to this matter at all and staff will schedule a briefing with each of the LEOs regarding the details of the staff WIOA implementation plan. Councilman Beers stated that a quorum minus one is briefed and a quorum minus one is then briefed and anybody left is briefed to ensure that no briefing is with a quorum. A briefing structure like this will be useful since there will be an ongoing basis of complex issues with the implementation of WIOA and it will maximize the LEOs and staffs' time. Chair Weekly requested the LEOs to check with their offices, check their schedules and make sure they can avail themselves for a conference call to move this process forward.

Mr. Oh requested staff to make the document available online for the public as well as the LEOs and stated that any documents made available to the LEOs need to be made available to the public within 24 hours. As an option to a briefing, Mr. Oh suggested that the legal and administrative teams represented by the four major jurisdictions meet with Mr. Galbreth and then the teams can brief their respective elected official. For the other jurisdictions, perhaps Mr. Galbreth can reach out to them and schedule those briefings. Chair Weekly agreed and stated for the record that the document Mr. Cruz presented today was not entirely shown to the LEOs for review.

*A motion was made to abey this item until the next meeting after the LEOs are briefed by Councilman Bob Beers and seconded by Commissioner Butch Borasky. Motion carried.*

**8. DISCUSSION AND POSSIBLE ACTION: Review, discuss, accept and refer Southern Nevada Workforce Development Area Chief Local Elected Officials Consortium Agreement to each participating local jurisdiction's governing board for approval**

Michael Oh presented two versions of the cooperative agreement under NRS 277.045 that allows local governments to enter into a cooperative agreement for purpose of things such as this Local Elected Officials Consortium. The two agreements are very similar to what was implemented in the past under the Workforce Investment Act. The only key difference in the law is housekeeping to change a lot of the provisions to be consistent with the Workforce Innovation and Opportunity Act. The liability formula has remained the same as it was under the old inter-local cooperative agreement. In the first version, the document numbered 77748, under subsection G (p. 5) is language regarding termination proposed by one of the jurisdictions and is a little more general:

*Amendments to this Agreement may be adopted by approval by all parties to this Agreement. This Agreement may be terminated in whole or in part in accordance with applicable provisions of state and federal law.*

The other version is a little more detailed in terms of the ability to terminate this agreement and is consistent with the existing cooperative agreement currently in place. Subsection G (p. 5) reads:

*Amendment to this Agreement may be adopted through concurrence of the Commissions and City Councils of each county and city party hereto. The LEO Consortium may be dissolved and this agreement may be rescinded with a unanimous vote of the LEO Consortium membership, and a two-thirds vote of the participating counties' and cities' governing body, and subject to the Governor's acceptance.*

Mr. Oh stated that the reason this provision is lengthier is because for this agreement to be dissolved would require unanimous vote of all the LEOs, then it would go back to the respective cities' and counties' governing body for a two-thirds vote. Also, it would be subject to the Governor's acceptance because the Governor certifies or decertifies a board, so if the Board is disbanded, the Governor would then have to certify a new board and reorganize and restructure under the new Act. Mr. Oh reported that everything else between the two versions is the same. Essentially what this vote is going to do is allow each of the LEOs and the jurisdictions that are a part of this Local Elected Officials Consortium go back to their respective governing Boards to have the agreement voted on and the agreement will get signed and will be effective as of July 1, 2015.

Chair Weekly requested to hear from the other legal counsels.

Catherine Jorgenson, Clark County District Attorney's Office stated that Clark County does not have additional comments but has some concerns about the liability and language was inserted from the statute. Ms. Jorgenson recommended the language that is a little more general from the first version of the agreement that Mr. Oh read. That way they are not tied down to certain additional provisions that may not be required by law.

Bethany Sanchez, Legal Counsel from North Las Vegas City stated that she prefers the longer version because it is more consistent with the agreement between the LEOs and the Workforce Connections Board, and with regard to the rest of the agreement, North Las Vegas does not have any additional comments.

Mr. Oh stated that the legal and administrative teams have worked and come together with this agreement and briefed their respective LEO to the extent that they were able to. Mr. Oh pointed out that throughout the history of this there has been some confusion as to what the actual name of the Board is, whether it is the Southern Nevada Workforce Investment Board or under the new Act, Southern Nevada Workforce Development Area, or as it is also known and referred to as the Workforce Connections Board. Mr. Oh requested permission to use the name that is submitted to the Governor for consistency to identify the Board going forward, before forwarding the agreement to the other LEOs jurisdictions. Mr. Galbreth stated that staff will research the appropriate legal document that supports the official name of the Board.

Chair Weekly asked Ms. Jorgenson to comment regarding the LEOs going with the longer version. Ms. Jorgenson replied that her initial concern, the reason she proposed different language, is that it felt like it added additional requirements that were not necessarily required by the statute or by maybe federal or state law; however, it is at the LEOs pleasure whether or not they want to add additional requirements...unanimous vote by the LEOs, two-thirds vote by the jurisdictions. Arguably, if only half the jurisdictions agree then even though all the LEOs were unanimous, they would all still have to remain as a group.

Councilwoman Schroder stated that she prefers the longer version because it allows our governing bodies to know what is going on, otherwise with the shorter version, it does not go back to the governing bodies for a vote and there could be other members of the bodies that may not want to dissolve.

Addressing Schroder's comment, Ms. Jorgenson stated that it would need to go back to the governing bodies because this agreement will be approved by all the other governing bodies, so if it is going to be terminated, the other bodies would need to be involved. The language is vaguer, but it does allow some flexibility because it would have to be done in accordance with federal and state law, including the WIOA, NRS 277.045, and any other additional laws that may apply.

*A motion was made to accept and refer Southern Nevada Workforce Development Area Chief Local Elected Officials Consortium Agreement to each participating local jurisdiction's governing board for approval including the flexibility in paragraph 3 that Mr. Oh discussed with the longer version of termination clause as with the existing Agreement by Councilman Bob Beers and seconded by Commissioner Butch Borasky. Commissioner Lawrence Weekly opposed. Motion carried.*

**10. INFORMATION: Strategic Initiatives Update ~ Jaime Cruz, Chief Strategy Officer**

Mr. Cruz presented the Strategic Initiatives Update provided on page 58 of the agenda packet and announced the unveiling of the Mobile One-Stop on April 28<sup>th</sup> after the Board and LEO Consortium meetings. Chair Weekly thanked Kenadie Cobbin-Richardson for working with RTC to have the two buses donated. Commissioner Borasky stated that the rurals could use four buses.

**11. DISCUSSION AND POSSIBLE ACTION: Accept and approve Executive Director's Report ~ Ardell Galbreth, Executive Director**

Mr. Galbreth presented the Executive Director's report provided on page 60 of the agenda packet and confirmed that the staff WIOA implementation plan will be made available to the LEOs and public on WC's website.

*A motion was made to accept and approve Executive Director's Report by Councilwoman Gerri Schroder and seconded by Commissioner Butch Borasky. Motion carried.*

**12. SECOND PUBLIC COMMENT SESSION:**

None

**13. INFORMATION: LEO Consortium Member Comments**

Chair Weekly congratulated Councilwoman Schroder on her reelection into office.

Councilwoman Schroder reported on the recent NAWB Conference in Washington D.C. and stated that some of the existing Board members may not meet the new WIOA criteria for board membership and it would be great to recognize these individuals for their long-time service and dedication. She also suggested that staff create a one-page document summarizing WC's training, employment, wage, and retention outcomes for the LEOs to use as a reference tool.

Commissioner Borasky stated that he can get four buses, but needs someone to bring them down from Salt Lake City. He reported that Nye County is gearing up for the NaCo conference next year in Pahrump and invited the LEOs to up for a personal guided tour of the area. He reported on Holiday Inn construction project (moving too slowly) and a recent RV event in Pahrump with 200 RV'ers in attendance.

Councilwoman Wood reported on yesterday's meeting with Mr. Galbreth to discuss the possibility of supporting Judge Shu's program and getting some assistance with grants and connections, and announced the upcoming Taste-n-Tunes event on Founder's Day, May 2<sup>nd</sup> out at Craig Ranch Park.

Commissioner Keyes requested an update regarding Nye and Esmeralda Counties.

Chair Weekly inquired about WC's efforts to help the employees who are being laid off due to the closure of the Riviera Hotel and Casino. Ms. DeSart reported that staff is working with DETR on getting a Rapid Response event scheduled for these individuals and Debra Collins will reach out to the service providers. Chair Weekly requested staff to see if a special event can be set up to provide immediately assistance. Mr. Galbreth stated that staff can work with the Rapid Response team to go onsite and meet with the employees to give them some resources, discuss their qualifications, and connect them to employment opportunities.

**14. ACTION: Adjournment**

*The meeting adjourned at 2:21 p.m.*