

**STATE OF NEVADA**  
**GOVERNOR'S WORKFORCE DEVELOPMENT BOARD**  
**EXECUTIVE COMMITTEE MEETING**

**Thursday, September 18, 2019 - 2:00 p.m.**

**Grant Sawyer Building  
555 East Washington Avenue, Ste 4900  
Las Vegas, NV 89101**

**MINUTES OF MEETING**

**Present:** Larry Fagerhaug (Chair), Ann Silver, Marilyn Kirkpatrick, Hugh Anderson, William "Bill" Stanley, Dr. Tiffany Tyler Garner, Ryan Cordia, Craig von Collenberg, Executive Director, Governor's Office of Workforce Innovation

**Absent:** Jim New, Robert Cunningham

**1. CALL TO ORDER - OPENING REMARKS**

Larry Fagerhaug, Chair, called the meeting to order and welcomed participants.

**2. ROLL CALL - CONFIRMATION OF QUORUM**

Craig Von Collenberg took roll call and confirmed a quorum was present.

**3. VERIFICATION OF PUBLIC POSTING**

Craig Von Collenberg affirmed that the agenda and notice of the Governor's Workforce Development Board Executive Committee meeting on September 18, 2019, was posted pursuant to Nevada's Open Meeting Law, NRS 241.020.

**4. FIRST PUBLIC COMMENT(S)**

There were no members of the public who wished to speak at this time.

**5. MOMENT OF SILENCE**

Governor's Workforce Development Board Members observed a moment of silence in remembrance of Grant Nielson.

**6. \*FOR POSSIBLE ACTION**

Approval of GWDB Executive Committee's  
June 20, 2019 meeting minutes

It was moved by Hugh Anderson and seconded by Ryan Cordia to approve the June 20, 2019 meeting minutes as submitted. Motion carried with a vote of five. Marilyn Kirkpatrick abstained. Ann Silver was not yet present.

**7. DISCUSSION/INFORMATIONAL ONLY**  
GWDB Vision and Priorities

Chair Fagerhaug recognized Craig Von Collenberg, Executive Director, Governor's Office of Workforce Innovation, and invited him to present information on the upcoming GWDB retreat.

Craig Von Collenberg discussed steps leading up to the Governor's Workforce Development Board retreat, scheduled for September 25, 2019. He reviewed the background behind the formation of a committee to review the Board's visions and priorities statement. The committee determined that in addition to working on the visions and priorities statement, the powers and duties of the Board should be reviewed. The retreat will include guidance of representatives from the National Governors' Association. They are expected to help the group establish priorities, a vision statement and mission statement, and to work on selecting three or four priorities for the Governor's Workforce Development Board to focus on.

## 8. DISCUSSION/INFORMATIONAL ONLY

### Nevada 2020 State Plan

Mr. Von Collenberg said that the Nevada 2020 State Plan is in its initial stages. Once a final determination of what has to be in the plan is announced by DOL, the draft document will be finalized.

There has been a lot of interest in making significant changes in the plan to make it more of an active document instead of a compliance document. It is hoped that in addition to the State Plan, a State Action Plan for Workforce Development can be created that can at some point in the future potentially be incorporated into the State Plan. A separate Workforce Development Plan will hold the GWDB accountable for the groups that it oversees.

It is anticipated that the draft plan will be ready for GWDB to review during the November meeting. The final plan is due in March of 2020.

Marilyn Kirkpatrick expressed frustration that after ten years on the board, she feels like things are going backward. She said that the initial state plan was submitted three times in an attempt to be in compliance with WIOA requirements. She is concerned that the current version of the WIOA will not allow for changes to be made to the State Plan.

Tiffany Tyler Garner said there is a great emphasis on system integration and as a community getting to a place with a clear sense of continuum and formally identifying individuals and working on the support they need. WIOA is always followed, so the focus should be on working in a coordinated manner to periodically communicate with the 17 entities that are at the table.

She said that she has been in communication with Ms. Kirkpatrick regarding establishing campus and partnership with the Juvenile Justice Service where TANF, Workforce Development and other partners could be located. As a more actionable plan is considered, the establishment of campus and partnerships could be included in the discussion.

Hugh Anderson also felt that the board has been doing a lot of planning and not much in the way of actionable progress.

Mr. Von Collenberg noted that a priority of the GWDB vision statement is going to be to ask what should the Board be doing? What is within the Board's purview? And outlining a plan to accomplish those goals. Another goal is to create measures that the GWDB can use to hold partners accountable.

Marilyn Kirkpatrick gave a brief overview of the past history involved in trying to hold partners accountable. The Board was informed that it is up to the elected officials to hold local boards accountable.

Bill Stanley said that from the beginning of his time on the Board he has asked for an organizational chart showing how the funds are distributed. The questions are: Where is the money? How is it being used? What is the charge of the GWDB? And is the money being put into the buckets that matter? Is the money being put into places with no outcomes?

Hugh Anderson said that all the most successful nonprofits produce data. This organization has the Governor's name and GWDB needs to have the Governor as a partner to help push back on those who do not like the GWDB to have any authority.

Marilyn Kirkpatrick said that before the formation of the OWINN office, the Board only met once a year. One primary problem with maintaining data is that the GWDB has historically had high member turnover. Ms. Kirkpatrick agreed to provide Governor's Workforce Development Board historical information for the past ten years in time for the retreat.

9. DISCUSSION/INFORMATIONAL ONLY  
Workforce Connections Update

Chair Fagerhaug read a statement from Parker, Nelson Regarding Nevada Partners Incorporated vs. Workforce Connections into the record:

Mr. Fagerhaug,

At the request of Workforce Connections, the following is a summary of the status of the complaint filed in the U.S. District Court of Nevada by Nevada Partners Incorporated.

The nature of the claim, NPI, Nevada Partners Incorporated, contends that the Workforce Connections improperly awarded ResCare contracts that it and others competed for in the 2018 RFP cluster for Title 1 youth and Title 1 adult services

NPI does not necessarily contend that it was entitled to receive the \$2.2 million they had applied for, although that is a natural conclusion. NPI's focus is on ResCare not being entitled to any of the \$10 million that it was rewarded

NPI contends that the Workforce Connections eliminated consideration for past performance (it did not) and gave ResCare preferential treatment, including free rent and had Workforce Connections change the practice for a cash match requirement to make it more difficult for NPI to apply for additional contracts

It contends that the timing of its audit was unfair. It also contends that people who voted on the contracts had conflicts of interest.

So on the procedural posture, NPI also sued Jaime Cruz individually. Mr. Cruz has been dismissed from the case - also dismissed from the case were causes of action for violation of procedural due process, conflict of interest, violation of substantive due process, and injunctive relief. The court denied the motion for an injunction to prevent the funds from being distributed.

The remaining causes of action are for violation of equal rights protection, violation of Nevada's open meeting law, NRS 241.020, violation of WIOA's competitive process requirement, 29 USC and 3122, and violation of WIOA's performance accountability measurements requirement - this is 29 USC and 341.

With the exception of the open meeting law claim, monetary damages are at stake. The open meeting law claim seeks to nullify the decisions made at the April 2, 2019 meeting, due to the alleged failure to provide adequate notice.

So in the discovery process, we have exchanged potential witnesses and various documents that are relevant to the litigation. We are in the process of responding to a request for production of documents sent by NPI counsel wherein they seek documents surrounding the decision-making process, past discipline, and other areas of interest to them.

We are in the process of propounding written discovery on NPI. No depositions have occurred.

Discovery is slated to close on January 13, 2020.

Thank you for your attention to this matter,  
Yours Truly,  
Parker, Nelson, and Associates

10. DISCUSSION/INFORMATIONAL ONLY  
State Board Membership

Chair Fagerhaug announced the item would be tabled until a future date.

11. SECOND PUBLIC COMMENT(S)

Irene Adams from Las Vegas reminded the group that although their focus is on Title 1, there are 16 other partners in the system. She expressed appreciation for the work of the Board and was confident that the Board holds all entities accountable so that the public is better served.

Ann Silver, Board Member and Reno-Sparks Chamber of Commerce member commented in reference to the letter from Parker, Nelson, and Associates. She suggested that it would be helpful to hear from Sherry Hill, Chair of the Board of Nevada Works. Sherry Hill has raised an issue as to how KRA was given a \$274,000 contract to run the One-Stop. It may be important in strategic conversations for the GWDB to understand the organizational flow of money from the top down and who is making decisions about allocations.

12. ADJOURNMENT - The September 18, 2019 meeting was adjourned.

**Notice of this meeting was posted on or before 9 a.m. on the third day prior to the meeting on the Internet at:**

[http://owinn.nv.gov/GWDB /GWDB Workforce Meetings/ and](http://owinn.nv.gov/GWDB/GWDB%20Workforce%20Meetings/)

[Nevada's Public Notice website at https://notice.nv.gov/](https://notice.nv.gov/) as required by NRS 232.2175.

Supporting public material provided to Committee members for this meeting is posted on OWINN's Website at <http://owinn.nv.gov/> and may be requested from the Executive Director's Office at 555 E. Washington Ave, Las Vegas, Nevada or call (702) 486-8080 if hearing impaired, dial TTY (800) 326-6868 or Nevada Relay 711; as soon as possible and **no later than close of business on Thursday, September 12<sup>th</sup>, 2019.**