

*workforce***CONNECTIONS**
Local Elected Officials Consortium
AGENDA

January 8, 2013
1:00 pm

*workforce***CONNECTIONS**
Conference Room
7251 W. Lake Mead Blvd., Ste. 200
Las Vegas, NV 89128

Voice Stream Link: <http://www.nvworkforceconnections.org/mis/listen.php>
(This link provides listening capabilities only)

This meeting has been properly noticed and posted in the following locations:

City of North Las Vegas, 2200 Civic Center Dr., North Las Vegas, NV
Clark County, County Clerk's Office 500 S. Grand Central Parkway, Las Vegas, NV
Esmeralda County Courthouse, 233 Crook Street, Goldfield, NV
Henderson City Hall, 240 Water Street, Henderson, NV
City Hall, Boulder City, 401 California Ave., Boulder City, NV
Workforce Connections, 7251 W. Lake Mead Blvd., Suite 200, Las Vegas, NV
Nevada JobConnect, 3405 S. Maryland Pkwy., Las Vegas, NV
Lincoln County 181 Main Street Courthouse, Pioche, NV
Nye County School District, 484 S. West St., Pahrump, NV
Pahrump Chamber of Commerce, 1302 S. Highway 160, Pahrump, NV

This Agenda is also available at www.nvworkforceconnections.org

COMMENTARY BY THE GENERAL PUBLIC

This Board complies with Nevada's Open Meeting Law, by taking Public Comment at the beginning of the meeting immediately after the Board approves the Agenda and before any other action is taken and again before the adjournment of the meeting.

As required by Nevada's Open Meeting Law, the (Board, Committee or Council) may only consider items posted on the agenda. Should you wish to speak on any agenda item or comment on any other matter during the Public Comment Session of the agenda; we respectfully request that you observe the following:

1. Please state your name and home address for the record
2. In fairness to others, groups or organizations are requested to designate one spokesperson
3. In the interest of time, please limit your comments to three (3) minutes. You are encouraged to give brief, non-repetitive statements to insure that all relevant information is presented.

It is the intent of the (Board, Committee or Council) to give all citizens an opportunity to be heard.

Welcome to our meeting.

Auxiliary aids and services are available upon request to individuals with disabilities by notifying Dianne Tracy, in writing at 7251 W. Lake Mead, #200, Las Vegas, NV 89128; or by calling (702) 638-8750; or by fax (702) 638-8774. The TTY/TDD access number is (800) 326-6868 / Nevada Relay 711. A sign language interpreter may also be made available with twenty-four (24) hours advance notice.

An Equal Opportunity Employer/Program.

NOTE: MATTERS IN THIS AGENDA MAY BE TAKEN OUT OF ORDER.

Local Elected Officials Consortium Members: Commissioner Lawrence Weekly, Chair; Councilwoman Anita Wood, Vice-Chair; Councilwoman Peggy Leavitt; Councilwoman Gerri Schroder; Commissioner Andrew “Butch” Borasky; Councilman Bob Coffin

All items listed on this Agenda are for action by the Local Elected Officials Consortium unless otherwise noted. Action may consist of any of the following: approve, deny, condition, hold or table. Public Hearings may be declared open by the Chairperson, as required for any of the items on this Agenda designated for discussion or possible action or to provide direction and recommendations to Workforce Connections.

AGENDA

1. Call to order, confirmation of posting and roll call
2. **DISCUSSION AND POSSIBLE ACTION:** Approve the agenda with inclusions of any emergency items and deletion of any items3
3. **FIRST PUBLIC COMMENT SESSION:** Members of the public may now comment on any matter posted on this Agenda, which is before this Board for consideration and action today. Please clearly state and spell your name and state your address for the record. Each public comment will be limited to three (3) minutes4
4. **DISCUSSION AND POSSIBLE ACTION:** Approve the Minutes from the Local Elected Officials Consortium meeting of November 13, 20125
5. **DISCUSSION AND POSSIBLE ACTION:** Approve New Board Member Application for Matt Cecil, Fisher & Phillips, LLP representing the business category 11
6. **DISCUSSION AND POSSIBLE ACTION: LEO Consortium Closed Session**
Pursuant to NRS 241.015(2)(b)(2), the LEO Consortium may have a closed session to receive information from the Counsel for Workforce Connections Board regarding potential or existing litigation involving matters over which the LEO Consortium has supervision, control, jurisdiction or advisory power, and to deliberate toward a decision on the matter.....16
7. **SECOND PUBLIC COMMENT SESSION:** Members of the public may now comment on any matter or topic, which is relevant to or within the authority or jurisdiction of the Board. You may comment now even if you commented earlier, however, please do not simply repeat the same comment you previously made. Please clearly state and spell your name and state your address for the record. Each comment will be limited to three (3) minutes17
8. **LEO Consortium Member Comments**..... 18
9. Adjournment

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4. DISCUSSION AND POSSIBLE ACTION: Approve the Minutes from the Local Elected Officials Consortium meeting of November 13, 2012

*workforce*CONNECTIONS
Local Elected Officials Consortium

MINUTES

November 13, 2012

1:00 p.m.

*workforce*CONNECTIONS
7251 W. Lake Mead Blvd.
Suite 200 Conference Room
Las Vegas, NV 89128

Members Present

Commissioner Lawrence Weekly
Councilwoman Peggy Leavitt
Councilwoman Anita Wood
Councilwoman Gerri Schroder (Phone)
Commissioner Bill Kirby (Phone)

Members Absent

Councilman Bob Coffin
Commissioner Tommy Rowe
Commissioner Butch Borasky

Staff Present

Ardell Galbreth
Heather DeSart
Peter Bacigalupi
Suzanne Potter
Emilio Pias
Maggie Mendez
Jim Kostecki
Madelin Arazoza

Others Present

Sandra Douglas Morgan, Legal Counsel
Derrick Berry, DETR
Jack Eslinger, City of Las Vegas
Earl McDowell, DETR
Keith Hosannah, DETR/WISS
LeVerne Kelly, DETR
Chris Clifford, TEG
Erin R. Barnett, Marquis, Aurbach & Coffing
Scott A. Marquis, Marquis, Aurbach & Coffing

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

1. CALL TO ORDER, confirmation of posting, roll call

The meeting was called to order by Chair Commissioner Lawrence Weekly at 1:07 p.m. Staff confirmed the meeting had been properly noticed and 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

A motion was made to approve the agenda as presented by Commissioner Bill Kirby and seconded by Councilwoman Peggy Leavitt. Motion carried.

3. FIRST PUBLIC COMMENT SESSION

None

4. DISCUSSION AND POSSIBLE ACTION: Approve the Minutes from the Local Elected Officials Consortium Meeting of September 11, 2012

Councilwoman Anita Wood noted an error in the minutes on page six, paragraph two, which should read:

Commissioner Weekly will be holding a workforce training event jointly with Councilwoman Wood and Assemblywoman Kirkpatrick.

A motion was made to approve the Minutes from the Local Elected Officials Consortium Meeting of September 11, 2012 with the above changes by Councilwoman Anita Wood and seconded by Commissioner Bill Kirby. Councilwoman Peggy Leavitt abstained. Motion carried.

5. DISCUSSION AND POSSIBLE ACTION: Approve Staff and Workforce Connections' Legal Counsel's recommendation to enter into a lease agreement with National Solutions, LLC for the purpose of housing Southern Nevada Workforce Investment Area's Comprehensive One-Stop Center and Southern Nevada Workforce Investment Board's (Workforce Connections) staff offices

Workforce Connections' legal counsel, Scott Marquis and Erin Barnett, provided a brief overview of the lease and addressed questions.

The lease is for a six year initial term and two optional five year terms. The initial term will start off at \$1.41 per sq. ft. inclusive of all CAM (Common Area Maintenance) charges and will increase at 3% per year through the initial term. Following the initial term, there is a re-evaluation of the market rate for the property and that rate will be effective year seven through twelve if the lease extension is exercised. The same will apply for the final five year lease term.

The following concerns were addressed:

Commissioner Bill Kirby commented that the 3% annual increase is substantial and suggested that the agency negotiate the annual increase to be 3% or the National Cost of Living Index, whichever is less.

Scott Marquis replied that especially with the initial term, part of the 3% annual increase is with regard to the payback of the contribution by the landlord to Workforce Connections' for tenant improvements in the amount \$550,000. The approximate amount of tenant improvements will be \$800,000 to \$1,100,000.

Kirby: Section 3.03 Additional rent

Marquis: This is for any additional money due from the tenant to the landlord for small potential charges that can occur (i.e., abandoned cars). A definition is provided in the lease.

Kirby: Section 5.02 Personal property tax payments to landlord

Marquis: This is only in the event that personal property taxes become comingled with real property taxes. This is probably a nonevent.

Kirby: Are we adequately protected for down-time adjustments reducing our rent in the event of damage to the property occasioned by natural events and fires of unknown origin or because of faulty electrical wiring, etc., and the option out of the lease as of the date the event makes the place untenable?

Marquis: This is addressed in section 9.02 in that the agency can use any such events to abate the rent that is due. For instance, Workforce Connections can cover the cost to fix an event and reduce the monthly rent accordingly.

Kirby: Is Workforce Connections purchasing insurance to cover natural disasters or other events for which the landlord should be responsible for?

Marquis: Yes, Workforce Connections is purchasing general liability insurance to ensure that the building is operational and to protect all assets. The landlord is insuring the building itself.

Ardell Galbreth added, risk management insurance is to protect Workforce Connections against damage of its equipment (i.e., computers and equipment).

Kirby: Upon notice of condemnation under eminent domain we should have the option of leaving at our convenience without penalty?

Marquis: Yes, Workforce Connections has the option to leave at its convenience without penalty in the event of condemnation. If Workforce Connections cannot reasonable do its work there, the lease can be terminated.

Kirby: Is there an escape clause for adjustments for termination of our funding prorated to some date?

Marquis: Yes, there is an escape clause for termination of funding that is prorated to some date. Essentially, the way it works is there is about \$100,000 per year that is worked off the tenant improvements that have been contributed by the landlord. This is why the initial lease is a secure lease, so after it secures the tenant has repaid all the tenant improvements back to the landlord. If Workforce Connections needs to terminate the lease prior to the end of the six year term, then that sum is prorated by month throughout the lease. It breaks down to about \$8,000 per month that is worked off of the tenant improvements. For instance, if Workforce Connections needed to terminate the lease after the fourth year, the amount to be paid back to the landlord would drop by about \$400,000.

Kirby: Should we leave the security deposit in escrow subject to adjustment by arbitration if there is a disagreement on the amount to be returned?

Marquis: It was agreed by both parties to allow the security deposit to remain in the landlord's general fund and the landlord agreed to grant Workforce Connections its requests regarding the free rent. Workforce Connections is getting a good deal with regard to the free rent; the One-Stop needs to open by April 2013, which is when rent commences for the 8,000 sq. ft. section of the building for the One-Stop. For the other 10,000 sq. ft. area for the staff offices the rent will not start until October 1, 2013.

Kirby: In the current economy is \$1.41 per square foot the best one could do for a comparable facility?

Marquis: The \$1.41 includes the CAM charges. The cost per square foot is about \$.97, which is right in the range for the area and property type. The property is unique in that it has both retail and office space and so it's a little difficult to find comps.

Kirby: I believe the maintenance of the heating and air should be responsibility of the landlord along with adequate parking area maintenance.

Marquis: The landlord warranties the heating and air for a period of 12 months from the execution date of the lease. After that period, it's the responsibility of the tenant. The parking area maintenance is the landlord's responsibility.

Kirby: Are personal property taxes prorated to the day of our exit?

Marquis: There are not any personal property taxes that are applicable to Workforce Connections.

Kirby: What is the difference in the rent?

Marquis: For the new location rent will be about \$26,000 to \$27,000 per month compared to over \$30,000 per month for the existing and much smaller location.

A motion was made to approve Staff and Workforce Connections' Legal Counsel's recommendation to enter into a lease agreement with National Solutions, LLC for the purpose of housing Southern Nevada Workforce Investment Area's Comprehensive One-Stop Center and Southern Nevada Workforce Investment Board's (Workforce Connections) staff offices by Commissioner Bill Kirby and seconded by Councilwoman Anita Wood. Motion carried.

6. DISCUSSION AND POSSIBLE ACTION: PY2012 WIA Formula Budget July 1, 2012 through June 30, 2013 and PY2012 Budget Narrative

Jim Kostecki presented the PY2012 WIA Formula Budget and Budget Narrative.

A motion was made to approve PY2012 WIA Formula Budget July 1, 2012 through June 30, 2013 and PY2012 Budget Narrative by Councilwoman Peggy Leavitt and seconded by Councilwoman Anita Wood. Motion carried.

7. REVIEW, DISCUSS, and ACCEPT

a. Budget vs. Actual Finance Report (Workforce Connections Operations) for the Period July 1, 2011 through June 30, 2012 (Formula WIA)

Mr. Kostecki provided a brief overview of the report on page 49 of the agenda packet.

b. PY2011/PY2012 Awards & Expenditures Report – Monthly Update

Mr. Kostecki provided an overview the PY2011 Awards & Expenditures Report on page 50 of the agenda packet.

Councilwoman Wood requested staff to provide a column on this report for the number of participants served.

Ms. DeSart replied that an additional report will be provided to the LEOs monthly with this information that is already provided to the ADW Committee; however, adding a column to the Awards & Expenditure report would make the report too busy and the font would be too small.

c. Audit Findings for Program Year 2010 (Year Ended June 30, 2011) Report

Mr. Kostecki provided an overview of the Audit Findings Report for PY2010 on page 53 of the agenda packet.

d. INFORMATION: Workforce Connections' Standing Professional Services Contracts

The Professional Services Contracts report is provided on page 57 of the agenda packet.

A motion was made to accept agenda item 7a. - 7d. by Commissioner Bill Kirby and seconded by Councilwoman Peggy Leavitt. Motion carried.

8. Executive Director's Report ~ Ardell Galbreth

Ardell Galbreth thanked the consortium for allowing staff to move forward with lease agreement for the One-Stop Center and also relocate staff offices next year. This will allow the agency to be in full compliance with the Workforce Investment Act.

Commissioner Kirby noted that he would like legal staff to pursue some of the items mentioned previously regarding the lease that may possible present a cost saving for the agency.

Mr. Galbreth agreed stating that every effort will be taken to try and reduce costs that are included. Negotiations have been going on for some time and staff believes that this is a good opportunity.

9. SECOND PUBLIC COMMENT SESSION

None

10. LEO Consortium Member Comments

Councilwoman Wood thanked staff for assisting with the workforce training event and requested that staff provide a report with the number of attendees as well as provide some follow-up.

Commissioner Kirby said he had a great time working with the LEOs and that this will probably be his last LEO meeting as his commission will be ending effective January 2013; however, he looks forward to continue serving on the Workforce Connections' Board.

Commissioner Weekly thanked Commissioner Kirby for his service and stated that he is truly an example of a great leader in Nevada.

Councilwoman Wood said thank you to Commissioner Kirby and that he will be missed.

Councilwoman Schroder wished everyone a Happy Thanksgiving.

Councilwoman Leavitt thanked Commissioner Kirby for his service and also noted that he is a great example to all.

11. Adjournment

The meeting adjourned at 1:49 p.m.

5. DISCUSSION AND POSSIBLE ACTION: Approve New Board Member Application for Matt Cecil, Fisher & Phillips, LLP representing the business category

*workforce*CONNECTIONS

Board Member Application and Requirements Overview

MISSION: *workforce*CONNECTIONS develops a world-class workforce through innovative market driven strategies that are relevant to Southern Nevada's employers and job seekers.

VISION: All Southern Nevadans have the tools to succeed in the workplace.

To accomplish the mission and vision, and to remain in compliance with federal and state guidelines, the Chief Elected Official Consortium of *workforce*CONNECTIONS seeks the most qualified participants.

The following criteria are established by the federal government that *workforce*CONNECTIONS follows.

Membership of the local board will include:

1. Representatives of business in the local area, who:
 - Are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;
 - Represent businesses with employment opportunities that reflect the employment opportunities of the local area; and
 - Are appointed from among individuals nominated by local business organizations and business trade associations.
2. Representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities and postsecondary educational institutions (including representatives of community colleges, where such entities exist), selected from among individuals nominated by regional or local educational agencies, institutions or organization representing such local educational entities.
3. Representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations), other representatives of employees.
4. Representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present).
5. Representatives of economic development agencies, including private sector economic development entities.
6. Representatives of each of the one-stop partners.
7. Other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

¹
Workforce Investment Act of 1998: Public Law 105-220-Aug. 7, 1998 112 Stat. 936 105th Congress

PLEASE INCLUDE A CURRENT RESUME

Name (Last, First, Middle): Cecil, Matthew T.	Title: Associate Attorney	Agency/Organization Represented: Fisher & Phillips, LLP
Address (Street, City, State, Zip Code): 3800 Howard Hughes Parkway, Suite 950, Las Vegas, NV 89169		
Phone Number: (702) 252-3131	Alternate Phone: (702) 862-3817	Email Address: mcecil@laborlawyers.com
Manager/Supervisor: Mark Ricciardi	Phone Number: (702) 252-3131	Manager/Supervisor Email Address: mriccardi@laborlawyers.com
# of employees supervised: n/a	# of employees in your organization: 200+	
Nominating Agency/Organization:		

CATEGORY REPRESENTED (CHECK ALL THAT APPLY):

- BUSINESS
- EDUCATION
- LABOR ORGANIZATION
- COMMUNITY BASED ORGANIZATION
- ECONOMIC DEVELOPMENT AGENCY
- REQUIRED ONE-STOP PARTNER
- Other determined appropriate

Please return completed form to:

Suzanne Potter
Workforce Connections
7251 W. Lake Mead, Ste. 250
Las Vegas, NV 89128
 Email: spotter@snavwc.org
 Fax: (702) 636-4371

DATE OF APPOINTMENT/REAPPOINTMENT: _____

ATTENDANCE POLICY

ANY BOARD MEMBER OF *workforce*CONNECTIONS SHALL BE REMOVED FROM THE BOARD AFTER THREE CONSECUTIVE ABSENCES FROM REGULARLY SCHEDULED BOARD MEETINGS.

COMMITTEE ASSIGNMENT

ALL BOARD MEMBERS OF *workforce*CONNECTIONS ARE REQUIRED TO SERVE ON A STANDING COMMITTEE.

PLEASE INDICATE A COMMITTEE YOU ARE WILLING TO SERVE (*PLEASE CHECK AT LEAST ONE*):

YOUTH COUNCIL

ADULT & DISLOCATED WORKERS COMMITTEE

BUDGET COMMITTEE

SIGNATURE:



DATE: Nov. 8, 2012

Please return completed form to:

Suzanne Potter
Workforce Connections
7251 W. Lake Mead, Ste. 250
Las Vegas, NV 89128
Email: spotter@snnwc.org
Fax: (702) 636-4371

workforceCONNECTIONS

Board Member Conflict of Interest Guidance and Acknowledgement Certification

- Your current relationship with *workforceCONNECTIONS* (Check all that apply)
- Have Relatives Working for *workforceCONNECTIONS*
- Any Partnership(s) with *workforceCONNECTIONS* Staff or Board Members (Current/active contracts or vendor business)
- Any Partnership(s) with *workforceCONNECTIONS* Local Elected Officials
- I currently have no partnership with any Board or Staff member of *workforceCONNECTIONS*
- Other (Please Explain: _____)

Conflict of Interest

A member of a local board may not:

- a) Vote on a matter under consideration by the local board:
 - i. Regarding the provision of services by such member (or by entity that such member represents); or
 - ii. That would provide direct financial benefit to such member or the immediate family of such a member; or
- b) Engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

1. Will your appointment/reappointment to *workforceCONNECTIONS* potentially violate any of the criteria listed above?

Yes x No

If yes, please provide an attached letter explaining your potential conflict of interest.

I would abstain from voting to award funds to firm client.

2. Please provide a letter from a supervisor/manager or from an elected official verifying provided information.

I certify that the statements provided are, to the best of my knowledge, true, complete and correct. If appointed/reappointed, I understand that any misrepresentation or material omission of fact on this or any other document required by *workforceCONNECTIONS* may be considered as constituting grounds for disqualification and/or dismissal.

Matthew Cecil
Applicant's Name

[Signature]
Signature of Applicant

Nov. 11, 2012
Date

I verify the information provided herein.

[Signature]
Mark Ricciardi, Managing Partner

11/19/12
Date

6. DISCUSSION AND POSSIBLE ACTION: LEO Consortium Closed Session

Pursuant to NRS 241.015(2)(b)(2), the LEO Consortium may have a closed session to receive information from the Counsel for Workforce Connections Board regarding potential or existing litigation involving matters over which the LEO Consortium has supervision, control, jurisdiction or advisory power, and to deliberate toward a decision on the matter

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