

Full Board Meeting
Thursday, March 28, 2024, 10:00 AM
Mountain

NALWDB Conference Room
525 Camino De Los Marquez
Suite 250
Santa Fe, NM 87505

Floyd Archuleta:	Present
Krutik Bhakta:	Present
Sarah Boisvert	Excused
Rebecca Estrada:	Excused
Maria Herrera:	Present
Vince Howell:	Present
Kristen Krell	Present
Mario Lucero:	Excused
Pablo Lujan	Present
Patricia Maule:	Present
Sean Medrano:	Present
Jolene Nelson:	Present
Dr. Lorenzo Reyes	Present
David Romero	Present
Jon Paul Romero:	Present
Kevin Romero:	Present
Art Sparks	Present
Joseph Weathers:	Present
Eileen Yarborough	Present

Present: 16, Absent: 3.

Also in attendance: NALWDB Staff: Lisa Ortiz - Executive Director, Barney Trujillo - Operations Manager, Kevin Boyar – Program/Policy Monitor, Brittany Valencia – Program Specialist, Amber Gomez- Program Assistant **Guests:** Margarito Aragon – DWS, Veronica Alonzo – DWS, Chanin Kelly – DWS, Waldy Salazar – DWS, Michelle Velarde – DWS, Mary Mylet – DWS, Rick Sandoval – Zlotnick & Sandoval, Ericka Van Eckhoutte – One-Stop Operator, Evangeline Touchine – HELP NM, Raughn Ramirez –HELP NM, Julio Garcia – Legal Counsel, Maxine Palomino – Gallup Area Manager DWS, Debbie Montano – Las Vegas Area Manager DWS, Kylee Ship – UNM Taos, Linda Nash – UNM Los Alamos, Henry Castillo – Southwest Key, Cecilia Romero – NNMC, Jenn Martinez-Maestas – SJC, Linda Bentson - Luna, Letty Naranjo – SFCC, Hugo Zurita, Laura

1. Call Meeting to Order

The meeting was called to order by Chairman Joseph Weathers at 10:01AM.

2. Roll Call and Determination of a Quorum

Rollcall was done by NALWDB Program Assistant Amber Gomez who indicated a quorum was present.

3. Pledge of Allegiance

The pledge of allegiance was recited by all in attendance.

4. Approval of Agenda

Motion to approve the agenda. This motion was made by Board Member Floyd Archuleta, seconded by Vice Chair Vince Howell, and passed unanimously.

5. Approval of Board Meeting Minutes

Motion to approve the 10/18/23 full board meeting minutes. This Motion was made by Vice Chair Vince Howell, seconded by Board Member Art Sparks, and passed unanimously.

6. Action Items

6.1 Budget Adjustment Request #1

Madam Executive Director informed the Board that we have a budget adjustment number one, to increase personnel services, wages, and fringe benefits. She mentioned that this adjustment was reviewed and approved during our last finance committee meeting, she then made a recommendation for approval of budget adjustment #1.

Chairman Weathers asked if there were any questions. There being no questions, he entertained a motion to approve the budget adjustment.

Motion to approve budget adjustment #1. This motion was made by Board Member Eileen Yarborough, seconded by Board Member Pablo Lujan, and passed unanimously.

6.2 MOU- NM WIOA Title II Adult Education

Madam Executive Director stated, next on the agenda is a MOU between WIOA Title II Adult Education and the Northern Area Local Workforce Development Board. She then made a recommendation for approval of the MOU.

Vice Chair Vince Howell asked what is stated in the MOU.

Madam Executive Director informed Vice Chair Howell that the MOU states that Title II Adult Education is a partner with the Northern Board. In the past there wasn't a signed MOU in place. Madam Executive Director mentioned that herself and the One Stop Operator Ericka Van Eckhoutte met with the Director of Higher Education and the MOU must be signed.

Motion to approve the MOU with Title II Adult Education WIOA. This motion was made by Vice Chair Vince Howell, seconded by Board Member Kristen Krell, and passed unanimously.

Chairman Weathers announced for the record that Board Members David Romero and Jolene Nelson joined the meeting at 10:07AM.

6.3 MOU - Santa Fe Public Schools

Madam Executive Director informed the Board that we met with Jose Villareal, who is the director of Santa Fe Public Schools, and he asked if they could be a partner. Therefore, she's recommending an MOU between the Northern Board and Santa Fe Public Schools to assist school dropouts and place them in an internship program. Madam Executive Director

mentioned that we will be working with our service provider to place those individuals. However, before we start this initiative an MOU must be in place.

Chairman Weathers stated that there is a recommendation and asked if there were any questions from the Board.

Board Member Eileen Yarborough asked her to repeat the purpose of the MOU.

Madam Executive Director stated that the MOU would be used for Santa Fe public Schools dropout recovery internship program to place those individuals into work experience.

NALWDB Program Assistant Amber Gomez announced for the record that Board Member Sean Medrano had joined the meeting at 10:09AM.

Motion to approve the MOU with Santa Fe Public Schools. This motion was made by Vice Chair Vince Howell, seconded by Board Member David Romero, and passed unanimously.

6.4 Taos Lease Agreement Renewal

Madam Executive Director informed the Board the Taos Lease Agreement is going to expire April 1st. She mentioned that herself and Ericka had a meeting with the Landlord for the Taos office. She then made a recommendation to renew the lease for the next four years.

Chairman Weathers asked if there were any questions for Madam Executive Director.

Motion to approve the Taos Lease Agreement Renewal. This motion was made by Board Member David Romero, seconded by Vice Chair Vince Howell, and passed unanimously.

6.5 Gallup Lease Expansion

Madam Executive Director stated, next we have the Gallup Lease Expansion. The purpose is to expand the property to add additional partners. She then asked Ericka to go into further detail.

Ericka informed the Board that this is an expansion or a move that has been in the works for quite a while. The office is currently in a great location. However, the only issue is that we have partners that are currently working outside of the building. She mentioned that the partners that are currently in the office are really stacked on top of each other. In order to make room for the services, they've had to remove some spaces that were really necessary, such as their testing room and conference room. She explained, with this expansion, all of those needs would be accommodated. This office is also one of the highest foot traffic and repeat customer offices due to the lack of broadband available throughout the area. She stated that this would move the space into a 10-year lease and the costs of the expansion would be rolled into that lease, therefore, there would be no upfront payment, and would be paid for via IFA through the lease agreements.

Madam Executive Director then made a recommendation for approval of the Gallup Lease Expansion.

Motion to approve the Gallup Lease Expansion. This motion was made by Board Member Jolene Nelson, seconded by Board Secretary Jon Paul Romero, and passed unanimously.

6.6 Travel Policy - Revision 5

Madam Executive Director requested to combine the following action items: 6.6 travel policy – revision 5, 6.7 financial policy – revision 3, 6.8 youth services policy – revision 1, and 6.9 customized training policy – revision 1. She mentioned that all of these policies have been reviewed and approved by the rules committee. She then made a recommendation for Board approval.

Motion to approve 6.6 travel policy, 6.7 financial policy, 6.8 youth services policy, and 6.9 customized training policy. This motion was made by Board Member David Romero, seconded by Vice Chair Vince Howell, and passed unanimously.

Chairman Weathers asked if there was any further discussion. There being none he asked to move on to item 6.10.

6.7 Financial Policy - Revision 3

6.8 Youth Services Policy - Revision 1

6.9 Customized Training Policy #18, Rev. 1

6.10 Award PY 24 Title I Services

Madam Executive Director stated that the next item on the agenda is the award of our PY 24. Title I Services, which will begin in our new program year. She then addressed an email sent out by a specific board member to Board Members, staff, our service provider, Adult Ed, Department of Workforce Solutions, and other individuals. Madam Executive Director assured the board that an evaluation committee was selected and assigned by Chairman Weathers, which is his role according to our bylaws, Article VI Section C Item 2. An evaluation process occurred on February 15th to evaluate (six) adult/dislocated worker proposals and (five) youth proposals. Each were assessed and evaluated by using an evaluation criteria and scored accordingly. Once completed, the score sheets were collected by Madam Executive Director who is a certified Procurement Officer, those score sheets were then compiled, and a selection of the top two scores were selected for an interview. An interview committee was then selected and assigned by Chairman Weathers and an interview occurred on February 21st. After further questions were asked to both Career Team and Southwest Key. A recommendation was made to select Southwest Key as the Title I Service Provider for Adult/Dislocated Worker and Youth. She then asked our Legal Counsel Julio Garcia if he had any additional comments.

Legal Counsel Julio Garcia reiterated what Madam Director indicated. He stated, “I did take a review of the process and review the authority by the Chairman to appoint those committees, that is typical process for any board of this nature in order to review any responses to an RFP. We reviewed that and believe that it is his authority according to the bylaws to appoint those committees. Additionally, in terms of the RFP process in regard to the communications that were sent out, 1) my concern was any establishment of a rolling quorum. It's my indication that no one has responded, much less a sufficient amount of members to respond to constitute a rolling quorum under the OMA. My finding is that it did not happen, therefore, we're in compliance with OMA. Also, in terms of the Procurement Code, in those communications, I did not find any information that was disclosed from the respondents' responses, particularly, therefore, no information was made public. And I think aside from that, there weren't any other concerns, everything was the usual process of an RFP, there's nothing out of the

ordinary. Like I said, there were a few things that stood out to me and I had to review them for legal sufficiency. I agree with Madam Directors timeline, everything does check out. I thought it was necessary for me to make that legal opinion in terms of the process that was carried out.” He then informed the Board that he stands for any questions.

Chairman Weathers asked if there were any questions for our legal counsel.

Board Member David Romero suggested moving forward on emails to include the verbiage “for information only” to prevent any board members from replying all and avoid potentially putting the board in a predicament.

Board Member Kristen Krell requested the opportunity for stakeholder input, and the opportunity to allow for questions regarding the statements. She stated that she has very significant concerns that she believes are important for the board members to be aware of and discussed. She mentioned that she invited some stakeholders to attend the meeting online and encouraged them to speak up if allowed at this point in time.

Chairman Weathers informed Board Member Krell that we are going to continue with the vote prior to listening to any stakeholders.

Board Member Kristen Krell stated, according to Robert's Rules, discussion and questions are a required part that allows for information to be shared prior to voting to ensure everyone is well informed of all of the information involved.

Board Member David Romero stated, based on Robert's Rules of Order, you must have a first and second.

Board Member Kristen Krell made a motion to allow for stakeholder input on the decision-making process of the selection of the Title I Service Provider and discussion and questions regarding information that we share.

Chairman Weathers entertained Board Member Krell’s motion and asked if there is a second by a board member?

Board Member Jolene Nelson seconded the motion based only on principle.

Legal Counsel Julio Garcia stated, there is a motion and second and asked what the purview of the board.

Chairman Weathers then asked for a vote by rollcall.

Board Member David Romero voted yes and explained that his reasoning for voting yes is because he thinks they should be following this under the action item that's on the agenda and discussion should have been in that item.

Board Member Kevin Romero voted no and explained his reason. He stated the only reason he voted no is because he’s also a certified procurement officer for his agency and he believes if this step is taken the board puts the award at jeopardy as this was done through an RFP. He added, the stakeholder input should have been done during that process and having this discussion during an open meeting puts that RFP at risk. There are remedies contained within the Procurement Code that allows bidders to protest an award, however, at this time he believes this wouldn’t be an appropriate action.

Eileen Yarborough voted no and explained that she was a member of the RFP committee and feels that they followed every step necessary in order not to compromise the RFP.

Legal Counsel Julio Garcia commented on the point made by Board Member Romero. He stated "I do believe that in order to open up any specifics, as the other board member mentioned, that would jeopardize the RFP because then we would be speaking about information contained within not only the RFP itself but the responses and that would completely jeopardize the process even though no award has been given. Also under the OMA, action items should be listed on the agenda according to the OMA." He then clarified, "I believe the only questions could be on that specific action item not necessarily a full open discussion about the RFP as that processes has already occurred."

Chairman Weathers asked for the results of the vote.

Program Assistant Amber Gomez informed Chairman Weathers that there were 6 Yays and 8 No's

Chairman Weathers indicated that the motion did not pass.

Madam Executive Director made a recommendation to select Southwest Key as the Board's Title I service provider for Adult/Dislocated Worker and Youth.

Chairman Weathers stated there's a recommendation from the Executive Director. He then asked if there were any questions for her or our Legal Counsel.

Amber Gomez announced that Board Member John Paul Romero had joined the meeting again and Dr. Reyes had left the meeting. She then restated the motion and asked Board Member Jon Paul Romero what his vote is for action item 6.10. He then voted yes.

Chairmen Weathers then asked for the results of the vote.

Amber Gomez informed him that there were 13 Yays and 2 No's.

Chairman Weathers made an announcement that we have awarded the Title I Services to Southwest Key.

7. Public Comments

Chairman Weathers asked if there were any public comments?

Ericka Van Eckhoutte stated that she signed up for public comment. She then informed everyone about some of the upcoming events that will be taking place across the region and encouraged board members, staff, and partner leaders to participate.

Chairman Weathers asked if there were any other comments from the public?

Board Member Kristen Krell asked if this is an appropriate time for comments in regard to this process. She stated that she'd like to express her concerns and make a recommendation.

Chairman Weathers informed her that she is recognized.

Board Member Kristen Krell stated that we are responsible for the oversight of WIOA Title I funds and the quality of services. She expressed that there's a very significant gap between what's happening on the ground across the region and the information that's provided to the Board. She

stated that this information is imperative in order for the Board to do their job properly. She suggested that the Board implement a survey of stakeholders prior to the start date of the new contract with the service provider to find out what's been working well and areas of improvement moving forward. She feels this information would benefit everyone involved.

Legal Counsel Julio Garcia wanted to give a blanket statement that he felt was important. He stated, "as a board of a governing body that is handling such an important aspect of our community and how it helps uplift our community, we want to make sure that we're doing everything right and that's primarily my job is to ensure that everything is ok from a legal standpoint." He added, we have great trusted professionals here that are generally knowledgeable about the process. He then made a comment specifically in regard to the email. He stated, "We put the Board at risk when we don't adhere to the processes that are normally used, not only under the law, but are standard and customary". He suggested that Board members take a training to refresh their knowledge on Procurement Code, OMA, and things of that nature. He mentioned that they are happy to offer the Board those refreshers to prevent jeopardizing those processes. He then gave an example, "If a processes is jeopardized and we do the things in a certain manner, so that way it's timely, the Board could continue doing what it does best, helping the community." He expressed the importance of having that line of communication and discussion is in terms of what needs to be done. He stated that he wants to make sure that the board is doing everything that they can, by also limiting the risk of liability for the Board. That concludes his statement and he announced that he's happy to take any questions.

Chairman Weathers allowed Board Member Kristen Krell another minute to speak.

Board Member Kristen Krell stated for the record, "I have expressed my concerns privately and directly and there was no response for being excluded from the process partway through". She informed the board that her request was to survey stakeholders, training providers, and students who are on the ground to get feedback so that the board members are aware of the quality of services. This information can be used as guidance to the new service provider to ensure quality services. She then expressed her disagreement with the decision that was made.

Board Member David Romero asked Madam Executive Director if negotiations could still be made with Southwest Key.

Madam Executive Director responded yes.

Board Member David Romero addressed Board Member Kristen Krell's concern and stated that a survey can be negotiated. He expressed that there shouldn't be concern as to the college's receiving money, nor who specifically receives the funding, but ensuring that those in the community in need receive services. He stated, if there's going to be a survey, that's something that should be worked out with the provider so that they can get us that information specifically.

Chairman Weathers thanked Board Member David Romero.

8. Next Meeting Date TBD

Madam Executive Director announced that we will try to schedule our next meeting in May or June.

9. Adjournment

Motion to adjourn at 10:4AM. This motion was made by Board Member Pablo Lujan, seconded by Board Member Sean Medrano, and passed unanimously.

- An Executive Session may be called at any time during the meeting. Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsections; (1) Meetings pertaining to issuance, suspension, renewal or revocation of a license, except that a hearing at which evidence is offered or rebutted shall be open. All final actions on the issuance, suspension, renewal or revocation of a license shall be taken at an open meeting; (2) Limited personnel matters; provided that for purposes of the Open Meetings Act, "limited personnel matters" means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; provided further that this paragraph is not to be construed as to exempt final actions on personnel from being taken at open public meetings, nor does it preclude an aggrieved public employee from demanding a public hearing. Judicial candidates interviewed by any commission shall have the right to demand an open interview; (3) Deliberations by a public body in connection with an administrative adjudicatory proceedings For purposes of this paragraph, "administrative adjudicatory proceeding" means a proceeding brought by or against a person before a public body in which individual legal rights, duties or privileges are required by law to be determined by the public body after an opportunity for a trial-type hearing. Except as otherwise provided in this section, the actual administrative adjudicatory proceeding at which evidence is offered or rebutted and any final action taken as a result of the proceeding shall occur in an open meeting; (4) The discussion of personally identifiable information about any individual student, unless the student or the student's parent or guardian requests otherwise; (5) Meetings for the discussion of bargaining strategy preliminary to collective bargaining negotiations between the policymaking body and a bargaining unit representing the employees of that policymaking body and collective bargaining sessions at which the policymaking body and the representatives of the collective bargaining unit are present; (6) that portion of meetings at which a decision concerning purchases in an amount exceeding two thousand five hundred dollars (\$2,500) that can be made only from one source is discussed and that portion of meetings at which the contents of competitive sealed proposals solicited pursuant to the Procurement Code are discussed during the contract negotiation process. (7) Meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become participant; (8) Meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body.