

**The Oregon Consortium Board of Directors  
Executive Committee Meeting  
April 19, 2007  
10 am to 12 pm  
Great Hall – Heritage 1 & 2  
Sunriver, Oregon**

**TOC Board Members**

Judge Steve Grasty	Commissioner Bill Lennox
Commissioner Rita Bernhard	Commissioner Bill Brown
Commissioner Barbara Briggs	Commissioner Marlyn Schafer
Commissioner Nellie Hibbert	Commissioner Dan Shoun
Judge Dan Joyce	Commissioner Gary Thompson
Commissioner Joe Laurance	Commissioner Jeff Hazen

**OWA Members**

Patrick Davis	J.J. McLeod
Tom Erhardt	Tom Moore
Norm Gershon	Bob Schroth
Barb Higginbotham	Randy Scruggs
Matthew McCoy	Art Hill

**Youth Council**

Leonard Norris

**Guests**

Julie Gassner	Deborah Hayward
Michael McCoy	Kris Kennedy
Tere Tronson	Andrew Spreadborough
Marce Knight	Tara Bishop
Chad Freeman	Linda Manion
Earle Smith	Ray Worden
Tara Pritchard	Teri Simonis

**TOC Staff**

Kris Latimer	Melissa Metz
Jackie Cray	

**MEETING SUMMARY**

1. **Call to Order**

The meeting was called to order by Judge Steve Grasty at 10:00 am.

  - a. Minutes from January 2007 Executive Committee Meeting
  - b. Minutes from March 26, 2007 Emergency Meeting of TOC Executive Committee

**MOTION:** Commissioner Marlyn Schafer moved, seconded by Rita Bernhard to approve the consent agenda. Motion moved unanimously.

c. TEAM Oregon – WIRED Grant Proposal

Kris Latimer presented information on the five million dollar grant proposal related to Renewable / Sustainable Energy projects in Oregon.

**MOTION:** Commissioner Gary Thompson moved, seconded by Marlyn Schafer to support the WIRED proposal. Motion passed unanimously.

Judge Grasty stated for the record, that it would have been ideal for all counties to have been included from the beginning, as it is likely they would be denied once the grant is awarded.

Kris explained that this grant was one of only two that the Governor could submit related to the WIRED funding source, it could not encompass the entire state and could not be solely TOC county focused. This compromise (14 counties) will hopefully be a winning concept and counties not directly named in the grant will benefit through tertiary impact and technical assistance.

**2. Consortium Agreement – Periodic Review**

Judge Grasty provided information on the Consortium Agreement, which is reviewed every two years. Marlyn Schafer mentioned that the review of the agreement is a good way to learn about the organization and would be beneficial for new members. The Consortium's attorney, Barney Later, does not recommend any changes to the agreement at this time.

There was no action on this item, but a consensus agreement was reached that a review of the document would be appropriate as the Consortium moves ahead with a visioning process.

**Addition to the Agenda**

Judge Grasty added an agenda item for Consideration of an Appeal between items #5 and #6.

**3. TOC/OWA Policy Regarding OWA and RWIB Membership – 1<sup>st</sup> Reading**

Kris gave an overview of a proposed standardized policy for OWA and RWIB membership. This policy will provide a system and accountability for OWA and RWIB memberships.

The conversation around this policy is open to discussion. Please send questions and comments regarding this policy to Kris Latimer at: [Kris](#)

[@TOCOWA.org](https://www.tocowa.org). The policy will also be posted on the TOC/OWA Website at: <http://www.tocowa.org>

The goal is to have the policy in place for a second (and final) reading in July.

Commissioner Briggs asked Kris about the question included in the policy related to Native American Representation on the board. Specifically Kris would like to know if the TOC Board would like to define whether or not a tribal representative (tribal council member) may serve as a business / industry sector representative or an at-large (governmental representative). This is in contrast to an individual who is in a management position with a tribal industry (casino, mill, business park, etc.) – who might also be considered for a business/industry position on the Board.

Leonard Norris, Youth Council member and Director of the Organization of the Forgotten American stated that the TOC Board should not take a position directing Tribes on who they could assign to serve in specific roles and that US Department of Labor should be making that decision.

Kris pointed out that in an e-mail provided by OFA, from Guy Suetopka, Federal Project Officer with US DOL, that the recommendation was to take up the matter with the Local Elected Officials.

Board members asked Kris to complete further research regarding Tribal representation on the LWIBs. Kris agreed to survey other LWIB directors across the nation.

**4. OWA and Youth Council Member Appointments**  
Appointments to the OWA were approved as follows:

Region 11 - Private Sector: Tara Pritchard  
Region 13 – Private Sector: Kathy Gover-Shaw and Kolleen Carrel  
Title V of the Older American's Act – Teri Simonis  
Dept. of Human Services – Ted Swiggart and Betty Albertson

**MOTION:** Commissioner Marlyn Schafer moved, seconded by Rita Bernhard to approve the OWA appointments. Motion moved unanimously.

Appointment to the Youth Council was approved as follows:

Tongue Point Job Corps: Nikkol Nagle

**MOTION:** Commissioner Joe Laurence moved, seconded by Commissioner Rita Bernhard to approve the Youth Council appointment. Motion moved unanimously.

TOC/OWA Cross-board Membership

Region 1 – Commissioner Jeff Hazen. Jeff is a current member of the OWA and as a newly elected commissioner, was appointed by Clatsop County as their representative to the TOC Board. Kris explained that Jeff is willing to serve as a member of both Boards and that no prohibition can be found against a cross-board membership.

**MOTION:** Commissioner Marlyn Schafer moved, seconded by Rita Bernhard to approve the cross-board appointment. Motion moved unanimously.

Kris Latimer offered help with recruiting and board orientation materials. It is important to fill the remaining OWA vacancies.

Business/Private Sector vacancies:

Region 1  
Region 6  
Region 9  
Region 10  
Region 11  
Region 13  
Region 14 (2 positions)

At-Large/Public Vacancies:

Education  
Economic Development

**5. Overview of Budget Process**

Melissa Metz gave a brief update on the budget process. Oregon received a 13% reduction in the WIA allocation for PY '07. Melissa has scheduled a Budget Committee Meeting for May 17 at 11 am, and a Budget Hearing for June 8 at 11 am. A quorum is needed for this meeting. The budget must be adopted by June 30, 2007. The meeting and hearing will be held at the TOC/OWA office in Albany. Conference call capacity will be available.

Two executive committee members had conflicts with the above dates. Melissa will propose different dates to finalize the meetings. She will contact folks as soon as possible.

**6. Consideration of an Appeal**

Jeff Dickason explained that The Oregon Consortium issued a Request for Proposal's (RFP's) for WIA 1B Youth and WIA 1A Adult programs. The Organization of the Forgotten American has filed an appeal in Region 11 related to the selection and recommendation by staff of the awardee for the WIA 1B Adult and Dislocated Worker Programs.

Two proposals were received at the TOC Office for Region 11. One was from the Organization of the Forgotten American (OFA) and the other was from Central Oregon Intergovernmental Council (COIC). Both proposals were reviewed and scored in a two day meeting by the following committee:

Larry Blount, Chair, OWAYouth Council and OWA member;  
Chesta Bauer, Program Coordinator for the Enterprise for Employment and Education; Tanarae Greenman, Program Director, Community Services Consortium; and Mike McCoy, OCCWD Liaison to TOC.

Jeff explained that the RFP committee independently evaluated and scored the two Region 11 proposals, and took considerable time with each, dedicating an entire day to the discussion and scoring of the two proposals. The committee was provided the opportunity to discuss the merits of each proposal and the merits of each respondent's answers to the individual RFP criteria. Staff did not guide or engage in the discussions except to clarify the required criteria of the RFP. Consensus scoring was not the objective, and each member of the review committee independently scored each of the proposals (a complete appeal packet including scoring summary sheets was distributed to TOC Board members at the meeting).

The final results showed that all four reviewers scored the COIC proposal higher than the OFA in terms of program design and capacity, as did staff during the administrative review of response to the management and financial systems and capacity section of the RFP.

The scores for the proposals were as follows:  
COIC scored 89% overall, with a total of 1310 points. COIC averaged 327.5 across all four reviewers.

OFA scored 57% overall, with a total of 850 points. OFA averaged 212.5 across all four reviewers.

OFA has appealed on the following criteria:

**A.** Differing criteria was used to evaluate OFA's proposal.

**Response:** The same criteria was used to evaluate all proposals. The RFP was specific regarding required program design elements.

**B.** The Proposal Review Committee unfairly applied the evaluation criteria to OFA's proposal.

**Response:** The RFP committee, Larry Blount, Chesta Bauer, Tanarae Greenman and Michael McCoy, have been involved in the development of the Oregon workforce system for many years and each as significant experience with Workforce Investment Act (WIA) programs. Each is a recognized expert and professional in the operation and delivery of workforce services both within the state of Oregon and at a national level, and each thoroughly understands the RFP process and requirements.

The RFP review committee independently evaluated and scored the two Region 11 proposals. COIC earned an average of 89% of the possible points, while OFA earned 57%.

Based on the process, results of the evaluation and scoring, and the comments made by the individual review committee members of each respondent's answers to the individual criteria, it would appear that the evaluation criteria was consistently applied to the scoring of all proposals.

**C.** The criteria used to evaluate the proposals did not pertain to the services or products requested.

**Response:**

Despite the heading provided by OFA, this point seems to fall under criteria 3 for basis for an appeal: A member or members of the proposal review committee had a relationship with a responder to the RFP that represents a conflict of interest.

These statements do not seem relevant to the RFP evaluation and scoring process, membership of the proposal review committee, or to the merits of the OFA proposal. Any animosity of OFA against Mr. Blount acting in his capacity as an OWA board member seems to be contradictory as OFA in their proposal highlighted the partnership with Mr. Blount's company. Oregon Coast Llamas, as one of the key industry and business partnerships that OFA has in place to assure relevant business and industry connections to the proposed program.

**D.** Members of the Proposal Review Committee demonstrated bias toward OFA that is unrelated to the merits of the proposal.

- There is management structure in place providing appropriate supervision of staff and oversight of program activities and fiscal expenditures
- Fiscal capability
- Connection to the one-stop

**Response:**

Additional information, OFA's comments and TOC's responses is included in the packet distributed to the Executive Board.

The Executive Board discussed how to proceed and offered Leonard Norris the opportunity to address the Board directly. Leonard reiterated many of the points made in the OFA's written appeal.

**MOTION:** Commissioner Marlyn Schafer moved, seconded by Rita Bernhard to deny the Appeal, based on the information and processes identified. Motion moved unanimously.

For the record, Judge Steve Grasty abstained from the vote.

**7. Request for Proposals for WIA 1B Youth, Adult and Dislocated Worker Services – Process & Recommendations**

Jeff Dickason provided information on the RFP process for the WIA 1B Youth program. All current TOC regions responded to the RFP, based on a competitive procurement process. There were no appeals to this process.

Staff recommend the following for regional WIA 1B youth services:

Region 1	Management Training Corporation
Region 6	Umpqua Training & Employment
Region 7	South Coast Business Employment Corporation
Region 9	Mid-Columbia Council of Governments
Region 10	Central Oregon Intergovernmental Council
Region 11	Central Oregon Intergovernmental Council
Region 12	Community Action Program of East Central Oregon
Region 13	Training & Employment Consortium
Region 14	Training & Employment Consortium

**MOTION:** Commissioner Rita Bernhard moved, seconded by Commissioner Joe Laurence to approve and adopt the staff's recommendation for Youth Service Provider Selection. Motion moved unanimously.

Jeff Dickason provided information on the WIA Adult and Dislocated Worker programs. All current TOC regions responded to the RFP, and an appeal was received from the Organization of Forgotten American's for Region 11.

Staff recommend the following for regional WIA Adult & Dislocated Worker services:

Region 1	Management Training Corporation
Region 6	Umpqua Training & Employment
Region 7	South Coast Business Employment Corporation
Region 9	Mid-Columbia Council of Governments
Region 10	Central Oregon Intergovernmental Council
Region 11	Central Oregon Intergovernmental Council
Region 12	Community Action Program of East Central Oregon
Region 13	Training & Employment Consortium
Region 14	Training & Employment Consortium

**MOTION:** Commissioner Marlyn Schafer moved, seconded by Commissioner Rita Bernhard to approve and adopt the staff's recommendation for Adult and Dislocated Worker Service Provider Selection. Motion moved unanimously.

**8. TOC/OWA Organization Analysis (Visioning)**

Kris explained to the Board that she is looking for a group of 10-12 TOC and OWA Board members to serve on a visioning committee for the organization. Members of the committee will be building upon the excellent work that has gone into the Unifying Strategic Plan and will report at the July quarterly meetings. Kris shared that Diana Corder (OWA) has volunteered to facilitate this group.

Commissioners Rita Bernhard, Marlyn Schafer, Barbara Briggs and Nellie Hibbert, along with Judge Grasty volunteered to be part of this group.

**Executive Director's Contract**

Marlyn Schafer announced that the group had "homework" to do regarding Kris Latimer's contract for the current year. Bob Schroth reminded the group that there would be a OWA Executive Committee meeting on Friday to complete this task. Since not all Executive Committee members would be at the meeting the following day, the group decided to move that Kris' contract be approved for the current year.

**MOTION:** Commissioner Marlyn Schafer moved, seconded by Rita Bernhard to approve the Executive Director's contract for the current year. Motion moved unanimously.

**9. KLETI Revised Final Determination and Close Out Update**

Earle Smith, KOG Associates provided an update on the KLETI resolution process. Earle met for an informal resolution meeting with CCWD and TOC Staff on April 12. Earle reported that the final questioned cost amount is just over \$300,000 however, TOC is waiting for a final determination from the State. The State has 30 days to provide the report, but have agreed to get it to TOC by early May.

Joe Laurence requested a quick summary of what has happened so far. Earle replied with a brief explanation. Commissioner Schafer suggested that TOC send the Department of Justice Investigative Report and the initial final determination to the new TOC Board members, so that they have the appropriate documentation and are brought up to speed.

Earle went on to clarify that KLETI is first responsible for the questioned cost. If they are unable to pay, the burden moves to Klamath and Lake counties, then TOC, and then the rest of the counties that make up the Consortium.

Commissioner Schafer wants to get an “established debt” amount related to the cost of the resolution (consultant, attorney, auditor fees, and TOC Administrative Staff costs), and suggested that once the debt is established that a lien be placed on KLETI’s real property and other assets. Linda Manion, KOG Associates suggested getting an injunction to keep KLETI from selling their building. Commissioner Bill Brown offered the assistance of Klamath County to help recover equipment/property which is according to the law, property of the Consortium and federal government.

**MOTION:** Commissioner Marlyn Schafer moved, seconded by Bill Brown to direct Kris Latimer to work with TOC Counsel to establish a debt as described and pursue all avenues to assure that KLETI is not able to liquidate assets for reasons other than paying back the associated disallowed costs. Motion moved unanimously.

Judge Dan Joyce abstained from the vote.

Judge Steve Grasty asked Marlyn Schafer to work with TOC staff to stay informed between this meeting and the next, regarding KLETI issues.

**10. Adjourn**

The meeting was adjourned by Judge Steve Grasty at 12:30 pm.