

**Workforce Solutions Deep East Texas
Board Meeting Minutes
415 S. First Street, Suite 110B, Lufkin, TX 75901
March 14, 2023**

I. ROBERT FITZPATRICK CALLED THE BOARD MEETING TO ORDER AT 2:32 P.M.

ON A MOTION MADE BY GENE LEE, AND SECONDED BY JAMES GENTRY, ROBERT FITZPATRICK WAS APPOINTED TEMPORARY PRESIDING OFFICER IN THE ABSENCE OF THE BOARD CHAIR AND VICE CHAIR.

MR. FITZPATRICK ANNOUNCED IN ACCORDANCE WITH GUIDANCE FROM THE TEXAS WORKFORCE COMMISSION (WD LETTER 28-19) DATED NOVEMBER 19, 2019, REGARDING THE TEXAS OPEN MEETINGS ACT GOVERNMENT CODE CHAPTER 551 ALLOWING THE USE OF VIDEO-CONFERENCING AS A METHOD FOR CONDUCTING BOARD MEETINGS, THE BOARD IS PROVIDING FOR PUBLIC PARTICIPATION IN ITS BOARD MEETING AT THE ADDRESS LISTED ABOVE AND VIA VIRTUAL MEETING WEB LINK. HE ALSO SAID THE MEETING IS BEING RECORDED AND THE OPEN SESSION PORTION OF THE MEETING IS AVAILABLE TO THE PUBLIC UPON REQUEST. THE BOARD SERVES TWELVE (12) COUNTIES AND LISTED THE HOST LOCATION; AND PRESIDING OFFICER, ROBERT FITZPATRICK, WAS PHYSICALLY PRESENT.

AFTER THE ROLL CALL, MR. FITZPATRICK CONFIRMED THAT A QUORUM WAS PRESENT:

Members Present: Joe Clyde Adams, Lisa Balty, Rebekah Burkhalter, TJ Colwell, Tyane Dietz, Robert Fitzpatrick, James Gentry, Phyllis Grandgeorge, Ethan Herr, Eddie Hopkins, Malcom Ifoezeh, Kotosha Jeffery, Gene Lee, Benjamin Mott, Quincy Martindale, Rich Scott, John Allen Slocomb, John White

Members Absent: Tim Ditoro, Wayne Haglund, Staci Hodges, Anita Humphreys, Garvey Jackson, Matthew Lowery, Kelli Marshall, Ellen Mills, Marisa Phillips, Randall Roberts, Jessica Rogers

Board Staff Present: Mark Durand, Debb Homman, Lauren Phipps, Karen Stubblefield, Misty Woodard

Visitors: Jessica Blair, LaTreasar Cartwright, Rhonda Cartwright, Amy David, Paul Dunn, Michelle Kennedy, Linda Parker, Shakia Roberts

ROBERT FITZPATRICK REMINDED THE BOARD MEMBERS OF THE CONFLICT OF INTEREST DECLARATION.

Mr. Fitzpatrick asked that all members sign a conflict of interest declaration regardless of whether they have a conflict and return the form to Board staff.

WELCOME OF GUESTS:

Mark Durand welcomed Ms. Linda Parker from Representative Trent Ashby's office and mentioned Ms. Parker and Representative Ashby's support and involvement with the Workforce Solutions Deep East Texas Board.

- II. Presentation of Resolution from Representative Trent Ashby**
 Ms. Linda Parker from Representative Trent Ashby's office gave a presentation of resolution to the Board in appreciation for all the Board does for Deep East Texas. Ms. Parker reiterated the willingness of Representative Ashby's office to help the Board any way they can.
- III. Public Comments**
 None
- IV. Discussion/Action: Approval of Minutes – January 17, 2023**
 Motion: Lisa Balty made the motion to approve the minutes as presented.
 Second: Quincy Martindale
 In Favor: All
 Oppose: None
 Abstain: None
 Motion: Passes
- V. Information Item**
- A. Board Appointment of Benjamin Mott**
 Mr. Durand introduced Benjamin Mott, who has been appointed and approved to serve on the Deep East Texas Local Workforce Development Board as a representative of the private sector. Eight Board Members were reappointed to serve another term on the Board: Rebekah Burkhalter, Timothy Ditoro, Phyllis Grandgeorge, Anita Humphreys, Kelli Marshall, Jessica Rogers, Rich Scott, and John Allen Slocomb. Per TWC requirements, the Board is in compliance with the structure of 29 board members. Mr. Durand also noted 11 of the 12 Deep East Texas counties are represented by Board Members.
- B. 2023 Committee List**
 Mr. Durand presented the 2023 Committee List reflecting the list of committee members for Executive/Finance, Business Services, and Operations committees.
- VI. Board Members Comments on Activity in their Respective Areas**
 Mr. Durand reported Sabine County signed a contract for broadband internet services which will have a positive economic impact on residents and business of that county.
- VII. Executive Director's Report**
- A. Contracts/Agreements**
 New/amended contracts included Dynamic Workforce Solutions (DWFS) contract amendment 2 adding RESEA Operations funding (\$3,000) to print flyers in color and DWFS Operations Budget amended to perform Basic Eligibility for Teacher Externship applications (\$1,500); contract executed with DWFS to perform the duties of conducting the Summer Earn and Learn (SEAL) program during the summer of 2023; and Philadelphia Insurance Cyber Security Liability Renewal Application for \$500,000 coverage (Premium \$4,300).
- B. Performance**
- Child Care:**
 TWC issued a mid-year adjustment target for the average number of children in care due to the increase in the cost of care per day (target average number of children per day for Oct 2022 – March 2023 is 2,277 and April – Sept 2023 will be 2,349). The December 2022 children per day actual was 2,234, which is 98.10% of 2,277 target. Current enrollment is 2,252 children in 97 child care centers. There are currently 41 Texas Rising Star (TRS) providers serving 1,197.
- Workforce:**
 The October 2022 MPR reflected 10 measures exceeded performance targets, 5 measures met targets, and 5 missed measures. The expectation is that one measure will be met in February, two measures

met in March, and one in June. WIOA Youth Credential had one (1) in-school participant that received the credential after the exit date period and is counting negatively. Based on the performance period, this measure is not expected to be met this program year.

C. Contacts and Coordination Efforts

Mr. Durand and other Board staff represented Workforce Solutions Deep East Texas (WSDet) at various events and projects including “Venture Global” Informational Meeting regarding natural gas pipeline being added between Jasper County and Lake Charles, the Angelina College Career Event for Health Care Professional students, Rapid Response event for Buckner Children and Family Services Mary Jo Gorden Child Development Center, and TAWB Legislative Day in Austin. The Board hosted a meeting with SFA CARRI, Angelina Habitat for Humanity, and Legacy Institute for Financial Education’s Next Chapter to discuss Carpentry Apprenticeship grant. The Jasper Economic Development Corporation presented the Board with a check for \$56,172 to support the Deep East Texas College and Career Academy High Demand Grant.

D. Rules and Legislation Update

Mr. Durand mentioned various new legislative items, some of which will directly affect the Board, including HB 3203 relating to the sunset review of Local Workforce Development Boards, HB 1979 relating to workforce board membership representatives of the child care workforce to constitute not less than 25 percent of the membership of the Board, HB 535 relating to indicators of achievement under the public school accountability system, and HB 2836 relating to the eligibility for supplemental nutrition assistance benefits. Ms. Tyane Dietz pointed out she has never seen so many bills filed that could interrupt the day to day operations of what workforce boards do.

E. Funding

Additional funding for this reporting period included: TWC Grant Award 1723EXT001 (\$69,940) for the Board to conduct the Teacher Externship program (grant period March 1, 2023 – February 28, 2024) and TWC Grant Award 1723WOS001 (\$52,986) Middle Skills Employment Supplies Pilot Project for the Board to support Texans joining the workforce who are not enrolled in WIOA, but have a letter of intent to hire. TWC received notice that the State will not receive the additional ABAWD funding this year and due to this action, the Boards will not receive ABAWD funding.

F. Other Activity and Administrative Matters not requiring action by the Board

Mr. Durand reported the January 2023 unemployment rate of 5.2% increased from the month prior, with the December 2022 rate being 4.5%. The 2022 annual unemployment rate was released, with a rate of 5.0% (a significant decrease from the 2021 rate of 6.9% and the 2020 rate of 8.1%). Mr. Durand also reported on the efforts by Board staff to increase outreach via social media, which has resulted in a significant increase in people reached through social media and WSDet website traffic.

VIII. Committee Reports

A. Operations Committee

1. Committee Activity

No items to bring before the Board.

B. Business Services Committee

1. Committee Activity

Ms. Dietz stated she wanted to thank DWFS staff on behalf of the Business Services Committee for their report from the previous committee meeting. Ms. Dietz stated she would like to bring some of their report to the next Board meeting.

a. NAWB Video Link

Committee Chair, Tyane Dietz, shared a video link with the Board that summarizes the responsibilities of workforce boards. The video was played for the Board. Ms. Dietz encouraged Board members to save the video link in their phones as a useful tool when opportunity arises to explain to individuals and employers the purpose of workforce boards.

2. Discussion/Possible Action

a. Action Item 23-07 Measure What Matters

No action taken. Informational only.

C. Executive/Finance Committee

1. Committee Activity

a. Goodwill Program and Fiscal Monitoring Reports

Mark Durand summarized the fiscal and program review of the Board's Child Care Services contractor, Goodwill Industries of Central East Texas (GWI). The monitoring review was performed by Diaz, Smith & Associates (DSA). Mr. Durand noted no reportable findings were determined for both fiscal and program reviews; however, DSA addressed a couple areas of concern in the program review. DSA does not require a response to areas of concern; however, Board staff requested responses from GWI staff to ensure adequate measures are in place to correct these areas. Additional training and measures were implemented.

b. DWFS Program and Fiscal Monitoring Reports

Mr. Durand summarized the fiscal and program review of the Board's workforce contractor, Dynamic Workforce Solutions (DWFS), performed by DSA. Mr. Durand stated no reportable findings were determined for the fiscal review, but some findings were noted during the program review in the following programs: Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T), Temporary Assistance to Needy Families (TANF/CHOICES), Temporary Assistance to Needy Families/Non-Custodial Parents (NCP), and Workforce Innovation and Opportunity Act (WIOA). These findings consisted of contractor staff not adhering to documentation requirements of the various programs. The workforce contractor has taken corrective action, including staff training. DSA has accepted the corrective actions and concluded the actions are sufficient to resolve the findings. These areas will be reviewed during the next monitoring cycle to assess the effectiveness of the implementation of the corrective actions. Board staff will also review areas noted in the DSA report in monthly case reviews.

2. Discussion/Possible Action

a. Action Item 23-02 PII Policy Changes

Board staff recently reviewed and updated the Board's Protection of Personally Identifiable Information (PII) Policy following review of TWC's Board PII Questionnaire and PII Walk-Through Checklist. The TWC PII Questionnaire includes questions regarding use of personal portable storage devices. The PII Policy was updated to include verbiage to prohibit the use of personal devices, such as USB/thumb drives and cellphones. The PII Questionnaire also includes questions regarding internal PII monitoring. The Board and contractor staff did not previously have an internal PII monitoring schedule. A section was added to the policy stating internal PII monitoring will now be conducted at the contractor and Board level at least bi-annually. The policy was also updated to reflect the current and correct TWC email address for incident reports to be submitted in cases of breach or suspected breach of PII or other sensitive information.

Motion: The Executive/Finance Committee recommended for acceptance of the PII Policy as presented.

Second: Tyane Dietz

In Favor: All

Oppose: None

Abstain: None

Motion: Passes

b. Action Item 23-03 Prohibited Technologies Security Policy

Governor Greg Abbott directed every state agency in Texas to ban its officers and employees from downloading or using TikTok on any government-issued devices, including cell phones, laptops, tablets, desktop computers, and other devices capable of internet connectivity. TikTok is a video-sharing mobile application that has been determined to be a potential security issue for any entity using it. Per TWC guidance, boards must ban the use of TikTok on all Board-issued systems and devices. Boards must also prohibit the use of personal devices (personal computing devices and removable media, including, but not limited to, smart phones) to access or store agency data. As a result of this guidance, the Board developed a Prohibited Technologies Security Policy.

Motion: The Executive/Finance Committee recommended for acceptance of the Prohibited Technologies Security Policy as presented.

Second: Joe Clyde Adams

In Favor: All

Oppose: None

Abstain: None

Motion: Passes

c. Action Item 23-04 WIOA Policy Update

Board staff recently reviewed the Board's WIOA Policy for technical changes and clarifications, as follows: "Education-related expenses will be determined by using the established "Cost of Attendance" for the chosen training facility for the time period needed to complete the course of study, if applicable."

Motion: The Executive/Finance Committee recommended for acceptance of the WIOA Policy as presented.

Second: Joe Clyde Adams

In Favor: All

Oppose: None

Abstain: None

Motion: Passes

d. Action Item 23-05 Proposal Selection for Angelina County Workforce Center Lease Space

The Board released Request for Proposal (RFP) 22-417 on January 4, 2023, soliciting proposals for lease space for the Angelina County Workforce Center. The Board received three (3) proposals from AWC Family Partnership, Ltd. The Board currently pays \$8,970 per month (\$0.78 per square foot). The Board conducted an independent estimate and projected cost per square foot to increase to \$1.00 or more based on comparable properties. Based on the evaluation scoring of the three proposals, Proposal #3 from AWC Family Partnership rated the highest. The following strengths were noted: current Angelina County Workforce Center location, Texas Accessibility Standards (TAS) and Americans with Disabilities Act (ADA) compliant, floor plan provided to accommodate additional staff, cost reasonable per square foot, adequate temperature control for server room, adequate parking, and a 10-year lease. Board staff met with AWC Partnership and discussed an intermittent plan prior to and during construction, if needed. AWC Partnership agreed to a price of \$0.95 per square foot if construction is not ready to begin by June 1, 2023. On the first of the following month after construction begins, rent will be amended to \$1.05 per square foot. (Cost of new lease: Prior to construction: rent per square foot \$.95 x 11,500 = \$10,925. Effective the month following the start of construction: rent per square foot \$1.05 x 11,500 = \$12,075.)

Motion: The Executive/Finance Committee recommended for approval of the selection of the Angelina County Workforce Center lease space as presented.

Second: Eddie Hopkins

In Favor: All

Oppose: None

Abstain: Malcolm Ifoezeh, Ethan Herr
Motion: Passes

Board members, Malcolm Ifoezeh and Ethan Herr, abstained from voting on Action Item 23-05 due to a possible conflict of interest.

e. Action Item 23-06 Modified Strategic Plan

The Board previously approved the draft version of the modified Strategic Plan during the December 13, 2022 Board meeting. The draft version of the modified plan was then made available on the Board's website for public comment from January 6, 2023 through February 6, 2023. No public comments were received. Board staff presented the modified Strategic Plan to the Board for final approval to submit to TWC.

Motion: The Executive/Finance Committee recommended for acceptance of the modified Strategic Plan as presented.

Second: Tyane Dietz

In Favor: All

Oppose: None

Abstain: None

Motion: Passes

f. Action item 23-08 Staffing Plan Proposal

The Board approved 19 full time employees (FTEs) in the FY'23 budget to perform and carry out the job responsibilities to fulfill the mission and goals of the organization. Currently, the Board is staffed with 17 FTEs and requested the following proposal to reallocate staffing to meet the needs contingent upon creating a high-performing Board. The two (2) positions vacant are Child Care Business Services Specialist (CCBSS) and Accountant. Board staff requested to reallocate the CCBSS position to an Executive Administrative Assistant position. Mr. Durand noted the exceptional productivity and outreach results by one (1) CCBSS, therefore, a second specialist is not needed. The increase in requirements of Fraud Investigation, Equal Opportunity, Policy/Planning, and Procurements has required full-time attention. As a result, Board staff wish to transition the office admin duties from the Policy/Planner to the Executive Administrative Assistant. Based on the most recent financial report (January 2023) the Board is projecting to be under budget in salaries, \$142,509, and total personnel, \$216,733. The reallocation of the position does not increase the number of FTEs or increase the budget for personnel. The Executive Administrative Assistant will be a full-time, non-exempt position reporting directly to the Executive Director with responsibilities of assisting all Board staff in areas such as travel arrangements, board meetings, social media platforms and websites, and other general office duties as assigned.

Motion: The Executive/Finance Committee recommended for approval of the staffing plan proposal as presented.

Second: Benjamin Mott

In Favor: All

Oppose: None

Abstain: Ethan Herr

Motion: Passes

Board member, Ethan Herr, abstained from voting on Action Item 23-08 due to a possible conflict of interest.

g. Open Session Action, if any, as a result of Closed Session

None

3. Discussion and Acceptance of Financial Reports

a. Financial Reports for December 2022 and January 2023

- **Statement of Financial Position**
- **Budget vs. Actual**
- **Grant Report**

Misty Woodard provided financial updates for December 2022 and January 2023. Ms. Woodard referenced the variance narrative. Ms. Woodard reviewed the Contracts Outstanding report, stating no concerns. The Board accepted the December 2022 and January 2023 financial reports.

IX. Adjourn

Robert Fitzpatrick adjourned the meeting at 3:48 p.m.

Duly passed and approved on this 9th day of May 2023

Kelli Marshall

Kelli Marshall, Chair

Attest

Lauren Phipps

Lauren Phipps, Planning and Policy Specialist