

NCBV Meeting Minutes
8-15-2014
4:00 PM

I. Roll Call and Confirmation of a Quorum, Richard Saperstein
A Quorum was present for this meeting.

Operators Present:

Richard Saperstein, Chairperson
Bert Hansen, Vice Chairperson
Bill Schley, Secretary
Harold Petrofsky, Southern Representative

Benita McHenry
Carol Ewing
Mikie Yamada
Nels Brown
Ed Hopkins
Dustin Varnell, Interim Operator
Lee Weiss, Operator Trainee

Staff Present::

Shelley Hendren, Administrator, Rehabilitation Division
Melaine Mason, Deputy Administrator, Rehabilitation Division
Drazen Elez, Program Chief, Rehabilitation Division, DETR/BEN
Scott Haag, BEO II, Rehabilitation Division, DETR/BEN
Russell Smith, BEO I, Rehabilitation Division, DETR/BEN
Susie Park, BEO I, Rehabilitation Division, DETR/BEN
Janette Parish, AA IV, Rehabilitation Division, DETR/BEN
Jeanne Clark, AA II, Rehabilitation Division, DETR/BEN
Robert Whitney, Deputy District Attorney, State of Nevada

II. Verification of Posting, Jeanne Clark

Jeanne Clark confirmed that the agenda was posted in a timely and correct manner and was presently on file.

III. First Public Comment, Richard Saperstein

There were no public comments at this time.

IV. For Possible Action- Vote to Accept the Agenda, Richard Saperstein

Bert Hansen made a motion to accept the agenda and Bill Schley seconded the motion and the motion passed unanimously.

V. Welcome and Introduction of Guests, Richard Saperstein

There were no guests present at this meeting.

VI. For Possible Action- Approval of the minutes for the Nevada Committee of Blind Vendors meeting, June 20, 2014

Bill Schley made a motion to approve these minutes and Bert Hansen seconded that motion and it passed unanimously.

VII. Old Business

A. Discussion-Update on new, waived and in progress sites, Drazen Elez

Drazen Elez initiated his presentation with highlights regarding the following site matters:

Potential Sites:

Sunset Park, Las Vegas: The Bureau is presently working with Clark County Parks and Recreation on developing an Interlocal agreement after which the Bureau would go forward with the preparation of this site. The Bureau is eager to begin the seasonal operation, and later is anticipating the opportunity for a year-round operation.

Existing Sites with Challenges:

Department of Transportation, Carson City:

Congratulations were given to Scott Haag and Carol Ewing on their work in the July reopening of the first micro market which was reportedly starting off as a successful operation. NDOT staff has been very positive with this new concept.

Mills Lane Justice Center, Reno:

Bill Schley chose a new partner for this site and the employees seem excited about this new operation. The site is expected to reopen on Monday August 11th.

B. Reports from subcommittees listed below:

1. **Finance**, Carol Ewing
Ms. Ewing passed on an update report.
2. **Policies & Procedures**, Harold Petrofsky
Harold Petrofsky expressed his appreciation to all members for their participation during the recent Policies and Procedures meeting [Friday, July 25, 2014] in which a new retirement policy was discussed and developed. He expressed his appreciation to the several members for their participation in carving out what he felt were a fine revision. Richard Saperstein requested the amended policy from Drazen Elez; Mr. Elez agreed to send it out to everyone upon completion and requested that once it is received for members to give their input and then set up another subcommittee meeting if there was more input. In the event that there were no changes requested, it would then go to the NCBV Committee.
3. **Training**, William Schley
Mr. Schley stated he had nothing new to report.
4. **Legislative Watchdog**, Kawana Pohe
Absent from this meeting.
5. **Future Planning**, Bert Hansen
Mr. Hansen stated he had nothing new to report.

VIII. New Business

A. For Possible Action- Vote to build the 2016-2017 Budget to include Federal Section 110 funds in support of the BEN Program relative to the soft match generated by the Program, Richard Saperstein

This discussion was deferred by Melaine Mason to Shelley Hendren who launched into an update on this issue. Ms. Hendren stated that the Administration took the Committee's request very seriously to use Federal Section 110 dollars to revert matching funds back into the Rehabilitation Division, which includes the BEN Program. Ms. Hendren reported that internal meetings were held with the Financial Management Department and Dennis Perea, DETR's Interim Director, in order to research the viability of the impact of the BEN Program as well as other DETR programs.

Ms. Hendren reported that in reviewing this request there were several considerations found.

- ✓ There were a few crucial deadlines that were missed. The first deadline was for the budget planning for the 2016-2017 session as well as the deadline to build the budget initiatives and submit this to the Governor's office by May 2014 along with the enhancement units which were due about a month ago. Feasibility of this issue can be revisited at a future date in order to present to the budget.
- ✓ The most important issue found, relating to this issue, was the danger to the BEN Program. This initiative was viewed from a legal perspective and that of the Legislature. The fear in going forward with this would open up the Business Enterprise to the budget cycle and perhaps the sweeping of those funds if somehow the Legislature thought the Bureau was bringing General fund into the BEN Program. Ultimately the thinking was that this issue requires more scrutiny and some legal research before proceeding.

When Benita McHenry asked for a clearer explanation Ms. Hendren asked Melaine Mason to clarify since it was her area of expertise. Ms. Mason explained that the issue comes down to accounting and legal principles; how the State manages money and what abilities, legal rights that the State has to access funds. Since BEN is an enterprise account, it is self-funded and does not contain Federal or State funds. She reminded all that in the last Legislative session the BEN Program made certain to express to the Legislature that BEN funds were that of the licensed operators in the event that if the fund were to dissolve, BEN monies were to revert to the licensed Operators. Pursuant to Shelley Hendren's earlier discussion Ms. Mason conveyed wishes to put more research and effort into this subject in so far as the risks of bringing other sources of funds into the budget and opening up the BEN account for activities by the State which would undo all past efforts or at least impede those already put forth in that Legislative session.

Bert Hansen theorized that since deadlines were already missed he felt that it was worth it to review this item a bit closer and revisit the subject at a later time after more research. **Bert Hansen made a motion to schedule this item for further discussion to determine exactly how those 110 monies will affect the BEN account. Bill Schley seconded the motion and the motion carried unanimously.**

IX. Second Public Comment, Richard Saperstein

Melaine Mason had two public comments she wished to share. For the first comment Ms. Mason wished to encourage the Finance Subcommittee to become involved in the pursuit of the information and activities around the discussion of the Federal Section 110 funds after which they can bring relative findings forth to the full Committee which would then be a great forum for active participation. Secondly Ms. Mason reminded and encouraged all of the NAC (Nevada Administrative Code) regulation change which was in discussion during this meeting and that the next final meeting regarding this issue will be conducted **September 3, 2014** for a final public discussion after which the policies and procedures would be submitted along with the draft to the Legislative Counsel Bureau in the event there were no suggested changes to that draft during the Hearing process. It would then be sent off to RSA for their review and consideration with which she plans to track closely to see how quickly they can return that review. Upon approval from RSA the regulation would then go to the Legislative Subcommittee for regulation changes. Legislative Counsel Bureau meets every other month so once it goes through that committee and they adopt it, that is when this process would end and that regulation would be in effect. She reminded everyone that prior to this regulation revision, the current regulation will hold precedence. It could take up to approximately four months in the review process..

X. Discussion- Date for Next NCBV Meeting, Richard Saperstein

Initially Richard Saperstein proposed the date of August 29th at 3:30pm for a special meeting to adopt this policy change. Melaine Mason cautioned Richard Saperstein about the time factor in posting meeting agendas. Mr. Saperstein then asked Robert Whitney the lawful time for posting agendas to which Mr. Whitney replied that legally three business days were required [under the NRS 241] due to the various levels of approval of the Agenda, however the administrative internal process for approval of the agenda must be considered.

Richard Saperstein addressed the assembly announcing that the NCBV meetings are for the Operators, though it welcomes the State to propose items for the agenda, etc. but the meetings are for the Operators and that is stated in the Randolph Sheppard Act. He asked Melaine Mason if it would take a week to get this posting process completed if it would give them adequate amount of time to post for the next meeting. Ms. Mason assured Mr. Saperstein that the State would provide every measure of support to achieve this on that Monday as noted to meet in two weeks; however she wished to schedule this meeting successfully so that a postponement or different date would not ultimately be required. Mr. Saperstein then questioned if he misunderstood the need for another meeting prior to September 3 hearing to which Ms. Mason answered that the process of adopting the regulation does not require any approval by the NCBV. She added that the Workshop that was conducted prior to this meeting and the Hearing on September 3rd will provide the path for public input and that a meeting was not needed for that purpose. Unsure of the outcome specifics of the 7/25/14 Finance Subcommittee meeting, Ms. Mason did not know whether or not a meeting to review the policy was agreed upon or needed prior to this Hearing. Ms. Mason acknowledged that she thought that he wished to schedule the meeting to review the policy and procedures along the lines to get them submitted to the RSA. This would be that meeting which could be done past September 3rd or approximate to that date. Mr. Saperstein apologized; he thought a meeting must be scheduled immediately. Ms. Mason reiterated that the hearing was conducted as a public meeting in open meeting law and does not require a meeting of the Nevada Committee of Blind Vendors. Mr. Saperstein then asked if the Legislative changes must be approved by the NCBV Committee, Ms. Mason deferred that

question to Robert Whitney for confirmation of her last statement to Attorney Whitney stating that she knew of no reference during her research that this process requires the Committee to vote on the Legislative regulation change. Mr. Whitney answered that the NCBV would not have to vote on any regulation change. With that statement Mr. Saperstein then allowed that even though there was no need for an immediate meeting, a meeting was scheduled for 4 weeks later.

When a date was chosen Richard Saperstein announced that on that meeting's agenda an action item to vote to adopt the policy and procedure change plus any other item requested. Mr. Saperstein expressed his wish for the email addresses of all members asking Drazen Elez to provide those for him in order to solicit comments from those who wish to present their input on matters to be discussed. Mr. Elez agreed to provide these addresses to him.

Friday, September 12, 2014 at 3:30pm was chosen for the next NCBV Meeting.

XI. Adjournment, Richard Saperstein

Bert Hansen made a motion to adjourn this meeting at 4:32pm and Bill Schley seconded the motion and it passed unanimously.