

NCBV Meeting Minutes  
2-17-2017  
3:30

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

Richard Saperstein, Chairperson  
Bert Hansen, Vice Chair  
Carol Ewing, Secretary  
Harold Petrofsky, Southern Representative  
Bill Schley, Northern Representative

Benita McHenry  
Mikie Yamada  
Marcos Hurado Vilar  
Jason Coleman  
Ben Giron  
Frank Pezzimenti  
Alan Chao  
Nels Brown

**Staff:**

Drazen Elez, Chief Enterprise Officer, Rehabilitation Division/DETR/BEN  
David Furse, BEO II, Rehabilitation Division/DETR/BEN  
Andy Chao, BEO I, Rehabilitation Division/DETR/BEN  
Marina Bucalo, BEO I, Rehabilitation Division/DETR/BEN  
Janette Parish, AA IV, Rehabilitation Division/DETR/BEN

Robert Whitney, Deputy Attorney General/State of Nevada

**II. Verification of Posting, Jeanne Clark**

David Furse confirmed that the Agenda was posted in a timely and correct manner and was currently on file.

**III. First Public Comment Session, Richard Saperstein**

Drazen Elez announced that Steven McDonald is now the Deputy Administrator beginning 2/27/17 working here in Las Vegas. Mr. McDonald comes with a wealth of experience; he has a law degree, MBA as well as working in several offices within the State of Nevada. Mr. McDonald will probably come around to meet everybody after the close of the Legislative Session.

**IV. Welcome and Introduction of Guests, Richard Saperstein**

Frances Baker, Merri Hightowe, Gloria Giron and Allison Schnitzer (SNHD) were present.

**V. For Possible Action- Approval of Minutes for the Committee of Blind Vendors meeting, December 16, 2016, Richard Saperstein**

**Bill Schley made a motion to approve these amended minutes and Carol Ewing seconded the motion and it carried unanimously. [There was an error on the prior**

**Agenda announcing a February date for approving meeting minutes which has been corrected.]**

## **VI. Old Business**

### **A. Discussion- Update on new, waived and in progress sites, David Furse, Business Enterprise Officer**

David reported the following:

#### **[Recently Established Sites]**

Family Court House Snack Bar- Ivan Delgado reopened this site February 1<sup>st</sup> and has done a great job keeping the location stocked and clean as-well-as establishing a positive relationship with the employees at the Courthouse. There was a news spot covering the opening which reflected well on Ivan and the Program.

#### **[Potential New Sites]**

Clark County/Las Vegas Libraries- the Bureau had an initial meeting in order to design snack bar/coffee shop locations which are currently being reviewed by the developers. A subsequent meeting is planned for next month.

It was asked which library was being discussed. Drazen Elez answered that the Program signed an agreement with the Las Vegas/Clark Co Libraries in order to develop BEN sites in all of the libraries; currently two are being reviewed for development. One is a brand new library in Mesquite, NV and is supposed to open next year and another in East Las Vegas which plans to open next year as well. There are perhaps some which will be developing the second part of the fiscal year 2017 and beginning of 2018; W. Sahara Library or Windmill Library which are similar and the first of our entry into this project.

Mr. Elez commented that the traffic numbers are the determining factor of those to be developed next as some libraries have 48,000 people visiting each month- busier than some of our other BEN locations. Mr. Elez stated that when there is more concrete information the Bureau will share at the next meeting or the one after that.

#### **[Existing Sites with Challenges or Successes]**

Legislative Caucus Building Library- (Spanish Springs Library--Satellite to the LCB Building) David Furse reminded all of the issues which existed at this location. The main issue was low foot traffic which almost closed this site. An alternative presented itself in the way of a premium coffee machine which was installed allowing patrons to use a type of wireless credit card machine which is attached to the wall so no staff is needed. The library staff is helping Marjorie Olaes, Operator, with cleaning the machine and replenishing it on a daily, weekly basis so that patrons can still get their coffee and revenue is still earned at this location.

Federal Court House Café- This café was recently updated and is now successfully operated by Jason Coleman. Grand Opening for this site is scheduled for March 1<sup>st</sup>.

## **VII New Business**

### **A. Discussion/For Possible Action- Overview State Biennial Budget Process SFY 18/19 and BEN's Biennial Budget, Drazen Elez,**

Drazen Elez reminded all that the budget was approved by the committee last April and following our approval it was submitted to the Governor's budget office; the governor published the budget and submitted to the Legislature. The difference between what was submitted and what was published and approved by the Governor's budget was the request for one additional BEO. The Committee approved a new BEO to be hired which would focus on training; however, that was not approved by the budget office and was not included for the 18/19 fiscal year. The budget due to this absence of this approval is smaller and except for some slight changes is similar to those budgets sent in past years. Richard Saperstein asked why the request for the additional BEO was rejected; Drazen Elez explained that many of the positions requested statewide met with the same lack of approval as the BEN Program on this matter. He added that this request was probably the most scrutinized statewide.

Mr. Elez continued, stating that going forward our plan is to work on what we currently have. When there comes the need to hire another person, the Bureau can always go through the work program process and try to get additional staffing that way. The state was cutting various positions requests and we happened to be an easy agency because many do not realize that the BEN Program does not take money out of the State Budget as we are self-funded.

### **B. For Possible Action-Approval of Updated BEN Strategic Plan 2016, Drazen Elez**

In 2013 we developed the Strategic Plan, which is a road map for operators and staff, so that we all move in the same direction and identify priorities. Several of the priorities have been met- approximately 80%- therefore when meeting with Operators we have decided to update and refocus goals and develop new goals. During the In-Service last summer it was determined that many of the priorities set a few years before were met and that it was time to update, re-focus and develop new goals and rank them accordingly. The eight that were identified were in order of importance:

1. Accessibility
2. Recruitment
3. Business performance
4. Growth
5. Branding
6. Policies/Procedures
7. Community Outreach
8. Involvement in National Issues

**Carol Ewing made a motion to approve this BEN Strategic Plan for 2016 while Bert Hansen seconded it passing this motion unanimously.**

### **C. For Possible Action- Approval of New BEN Funds Dissolution Policy, Carol Ann Ewing, Finance Subcommittee Chair and NCBV Secretary**

Carol Ewing mentioned that this proposed policy is included in that day's handouts and an subject which has been discussed more than once, but is now on paper. The distribution is proposed to work exactly as it did with the One-Time Retirement policy. Ms. Ewing then invited Drazen Elez to add to this.

Drazen Elez announced that this Dissolution Policy is developed in line with the NAC 426.675 which he believed was developed in the late 2000s. If the Program is dissolved/terminated, for whatever reason, the funds should be in some form be given back to the Operators and that the Bureau was to develop a policy as to how those funds would be distributed. Instead of reinventing the wheel and since the Program spent a lot of time working on the Retirement Policy the Program decided to use the same calculations used in dividing these Dissolution funds as was used for the Retirement Policy. Bert Hansen stated that this additional policy has been desired for years to codify a remedy so that funds would be returned to the people that paid into it and not go into the state general fund. Richard Saperstein agreed commenting that it had been discussed for 15-20 years. Drazen Elez reminded all of the time spent working on the Retirement Policy and the equitable way in which the funds were distributed that it was decided to use the same mode, to "set it on paper" and become part of the BEN procedure used in calculating and dividing those BEN funds for this **Dissolution Policy:**

**Point system proposed:**

<b>1-10 years&gt;</b>	<b>1 share</b>
<b>10 yrs. (plus one day) -20 years&gt;</b>	<b>2 shares</b>
<b>Over 20 years&gt;</b>	<b>3 shares</b>

Marcos Hurtado inquired as to whether this was a state of federal policy; Richard Saperstein responded that he believes that it was in reference to a state policy. Mr. Elez stated he believed this to be correct that there is nothing in the Randolph-Sheppard Act as to funds belonging to vendors and also that in the NAC 426.675 item #4 which mentions the set aside funds actually belonging to blind vendors. Mr. Saperstein mentioned the significance of this policy in having the funds return to the Operators rather than remain in the state funds. Mr. Hurado expressed the sadness and concern that he would feel if the Program did end citing that he recently read that the number of operators nationwide has decreased from previous years. Richard Saperstein stated that he did not believe the Randolph Sheppard act mention anything regarding plans for dissolution to which Bert Hansen agreed. Mr. Hansen expanded his earlier report that the root of this proposed policy was because there was specific language in the NRSs which called for funds to revert to the state general fund in case of termination. Harold Petrofsky asked if this language still exists in the NRS or removed. Richard Saperstein thought it was removed when the law changed 2-4 years ago. Bill Schley said he thought that it was more than 2 years ago while Janette Parish thought it was 2-4 years ago.

Richard Saperstein returned his attention to Marcus Hurtado to describe this policy as a new, significant development for all to appreciate considering that amongst all blind vending programs, ours is unique- It comes from the exceptional ability to determine that this money belongs to the Operators. This concept comes from the fact that the Program does not accept Federal monies as it is self-funded and that all funds come directly from vendors and those commissions from the companies who participate on state and local

properties. This proposed policy will assure a pathway in which these funds are returned to the Operators after everything is paid.

**Bert Hansen made a motion to approve the policy and Harold Petrofsky seconded it. The motion passed unanimously.**

#### **D. For Possible Action- Approval of new BEN Nutrition Standards Policy, Carol Ann Ewing**

Carol Ann Ewing initiated this discussion by reporting the significant amount of time she spent at Sagebrush with the Randolph-Sheppard vendors from across the nation discussing nutrition. According to Ms. Ewing various discussions regarding the labeling, interpretation, transitioning of products, etc. existed during this conference. She gave a thank you to our Nevada BEN leaders for a policy that gives suggestions, “dos and don’ts” and ways to set up. Our BEN Program is ahead of every other state as we now have suggestions outlining our procedure to proceed in putting the Program into this nutritional standard.

Drazen Elez discussed why the policy was developed by explaining that rather than be challenged by the confusing task of meeting county, municipalities, states and federal departments of their version of nutritional standards, he went to the Southern Nevada Health District and establish Nevada’s standards with their cooperation. About 3 years ago the City of Las Vegas approached the Bureau regarding the development of healthy foods in which the Program must follow. The GSA was the entity whose request actually superseded them all with their requests a few years prior. Then along came the City of Henderson and the City of North Las Vegas with their own separate demands. The possibility of our ability to follow all of these demands was perplexing, therefore the Bureau decided to consult with the largest health district in Nevada- the Southern Nevada Health District with whom we enjoyed a great working relationship. A year and a half later a policy was developed between the BEN Program and So Nevada Health District which extracts the best of various standards and different policies throughout the United States to produce the policy proposed to the Committee on that day. Considerations were made to what applies to cafes, vending machines with two goals in mind. The first is to set up the operation, the second dedicated to the education regarding healthy foods of the consumer in those buildings in order to drive the demand. The health district would then work with the HR departments in those buildings to ensure that the demands are met for our people.

Drazen Elez ended his presentation by stating that a survey was done of our BEN sites which found that throughout the state the Program is meeting a large percentage of these items on this policy except for a few minor changes needed.

Carol Ewing stated her observation in finding that Allison Schnitzer, representative from the health district, was present and nodding her head as Mr. Elez’s speaks indicating her approval. Ms. Schnitzer expressed her delight in working with the BEN Program on the proposed policy and learning about the Randolph-Sheppard Act. She explained that not only was the BEN Program way ahead of the game for this trend, but there was with a great deal of grant money available for healthy vending with the strong push by the CDC. She indicated that as certified dietician she, with the help of Mr. Elez, will be reaching out

to various vending companies which serve the BEN locations directly and to also promote healthier products and in educating Operators about healthy recipes, etc.

**Bill Schley made a motion to approve this policy as written; Carol Ewing seconded it and the motion passed unanimously.**

**E. Discussion/For Possible Action- Suggestions of New and/or Updated policies, Carol Ann Ewing**

Carol Ewing initiated this item by acknowledging all members have been thinking of the Program and have noticed the updates on many policies in the last few years. She and Richard Saperstein then asked if there were any issues or situations that anyone wished to address for consideration. Richard Saperstein announced that due to the absence of action at this time the item should be left to move on to Item VIII as there was no action to take. The Chair concluded that since there were no suggestions there was no action taken they would move on to the next item.

**VIII. Second Public Comment, Richard Saperstein**

Bert Hansen agreed with Richard Saperstein's earlier comments when he spoke of the advancement of the Program and its policies praising Drazen Elez and the BEN Staff. Richard Saperstein agreed and wished to thank everybody including Bert Hansen in helping him to acclimate to his transition to So. Nevada over the past 3 months. He added that he could not have done it without the aid of Drazen Elez, David Furse and the rest of the BEN Staff.

Carol Ewing reminded all of her recent association with people around the nation during the Sagebrush Conference with whom she sat with during the past 4-5 days talking about the Randolph-Sheppard program and the business of being in business. With so much recent activity she suggested to all to contact their elected officials in order to make them aware of the Program and ask for their support. She asked that they show up in person with their canes, dogs and make their presence known to these elected officials who have no idea blind people did anything. With legislature, in Carson City, currently in session until the first of June it was important to contact them and possibly visit them to let them know that blind people are "out and about". Richard Saperstein asked Ms. Ewing if she had an idea of the dates for issues being discussed which may affect the BEN Program. Ms. Ewing answered that she did not however Finance would be an excellent one to be involved in and that the Committee know their areas being involved in the work of their subcommittees with their areas of vigilance. She asked the assembly for them to explore these matters with their elected officials. Richard Saperstein stated that he has been involved in the Program for 30 years and Bert Hansen 40-45 years and their ongoing issue is to make them aware of the blind and their concerns asking all to make the officials aware of the blind vending program, no matter how minimal this action may be in obtaining the necessary support this Program needs. Mr. Saperstein then acknowledged Bert Hansen efforts in this cause during Committee, Finance and Legislative meetings, sitting in Senators offices to advocate for blind vendor causes and ask that this support keeps going forward. Mr. Saperstein mentioned that since he and Bert Hansen, Harold Petrofsky, Bill Schley and Beth Perring have been around championing the Program's for several years, they will not be around forever and asked others take this cause seriously to participate by getting involved, know what is required with this portion of being a BEN Operator as they will have to turn over the reins to them at some point.

Bill Schley stated that he felt that adopting the BEN nutritional standards policy was a big step for the Program and the fact that we can control the quality to our customer through vending, coffee cart and cafes, etc. gives us the control in our products and is quite significant. Richard Saperstein remarked that it was better to be proactive than reactive and we have gotten ahead of this concern rather than behind. Nevada traditionally has gotten ahead of the game in many respects. Carol Ewing remarked that this policy was greater than proactive. It is setting the standard and when seen nationwide they will follow it quickly because it's a great path to follow. Ms. Ewing gave compliments to the BEN Staff.

Drazen Elez wished to add a comment to Carol Ewing's discussion regarding reaching out to [state] Senators. He began this discussion by warning all that there was currently a regulation in development, Senate Bill 106 now having to do with minimum wage and its anticipation to increase the minimum wage \$1.25 per year until it reaches \$14-\$15 an hour and begin with state fiscal year 2018 and move forward each year.

Beginning this week the Bureau wrote out and submitted what impact that would have on the BEN Operators as well as the set aside, the Program and the budget. Because the BEN Program is part of the state government, we cannot continue to champion this issue. The need for individual voices is needed. He urged all to call their state senators and other elected officials who continue voting on this. A bill similar to this did not pass two years ago and so far not knowing the fate of this one Mr. Elez asked all to keep in mind that the current minimum wage is now \$8.25 and would increase \$1.25 per year. Richard Saperstein added that the bottom line is always affected by an increase in payroll.

Bill Schley reported that the minimum wage in Seattle, Washington in 2016 increased to \$11 per hr. and by January 1, 2017 went to \$15 per hr. He declared with this increase, it is costing jobs and costing quality of life. Richard Saperstein remarked that with that information all should feel the necessity of getting involved with this bill.

**IX. Discussion- Date for Next NCBV Meeting, Richard Saperstein  
April 14, 2017 at 3:30 has been chosen for this next meeting.**

**X. Adjournment, Richard Saperstein  
Carol Ann Ewing made a motion to adjourn; Bill Schley seconded it and the motion passed unanimously.**

**This meeting adjourned at 4:19pm.**