



Board of Directors
Thursday, September 15, 2016 - 7:30 a.m.
PA CareerLink of Lancaster County - Liberty Place

Meeting Minutes

Present: Keith Baker, John Biemiller, B Thomas Cislo, Barry David, Gary Grube, Linda Kreider, Jean Martin, Robert Rhoads, Susan Richeson, Todd Shultz, Kurt Stillwagon, Robert Thomas, David Warren, and Jill Welch

Not Present: Thomas Baldrige, Brian Barnhart, James Black, Steven Bright, James Everhart, Eric Horn, Krista Jenkins, Donald Johnson, Rhonda Kurtz, John Paul, and Mike Sturla

Note: absentee ballots were provided by Brian Barnhart, James Everhart, Rhonda Kurtz, and John Paul

Guests: George Spiess, Office of Open Records

Staff: Valerie Hatfield, Mary Ann Kowalonek, Trish Link, Rae Miller, Stan Miller, Cathy Rychalsky, Hope Schmids, Yanie Serrano, Nancy Sharp, Gerald Simmons, An'Dionne Smith, Steve Tredinnick

Call to Order and Welcome

Bob Rhoads called the meeting to order at 7:33 a.m.

Consent Agenda

Approval of Minutes – July 21, 2016

Motion to approve the minutes was made by Jill Welch, seconded by Barry David, and passed unanimously.

Approval of July 2016 Financial Reports

Motion to approve the financial reports was made by John Biemiller, seconded by Jean Martin and passed unanimously.

Cathy provided an overview of the four newly created reports. Jill asked if the first and second pages were mutually exclusive. Steve Tredinnick responded that the Summary of Grant Expenditures pertained to the WIB budget and the Schedule of Obligations illustrated the grant alignment.

Approval of policies and procedures

- **HR #301 – Whistle Blower Policy**
- **FP #111 – Cost Allocation Plan**

Motion to approve the policies and procedures was made by Jill Welch, seconded by Tom Cislo and passed unanimously.

Jill expressed concern that charging costs monthly may present a time hardship. Steve reported this is not a problem since it is the current process.



Items for Action

Approval to hire Cathy Rychalsky as Executive Director

On a motion from Executive Committee, seconded by Barry David, the hiring was passed unanimously.

Approve retention of Robert Saidis as General Legal Counsel for LCWDB for one year

On a motion from the Executive Committee, seconded by David Warren, the retention was passed unanimously.

Approve purchase of New York Wired for one year

On a motion from the Executive Committee, seconded by Tom Cislo, the purchase was passed unanimously.

Approval to increase the IU-13 contract for remediation, TABE testing, and youth GED

On a motion from the Executive Committee, seconded by Bob Thomas, the increase was passed unanimously.

Approve funding for Adelante Education Forum

On a motion from the Executive Committee, seconded by Kurt Stillwagon, the funding was passed unanimously.

Sunshine Law Training

George Spiess, Chief of Outreach and Training for the Pennsylvania Office of Open Records provided Sunshine Law training and referenced their website, <http://www.openrecords.pa.gov/SunshineAct.cfm>, as a resource before he went on to cover four key points:

1. **Whom does the Sunshine act apply to?** It applies to any state or local body and all committees that exercise authority to take action. There is not a lot of case law and no central authority. Suits would take place in the Court of Common Pleas. There is not a legal action, but there is a lot of press. The press makes the public aware of violations, so err on the side of transparency because there are penalties for violating the Sunshine Act. If a committee provides recommendations to a governing body to take action, sunshine that committee meeting.
2. **What are the requirements of public notice?** At the beginning of the year, publish the meeting schedule, and remember you cannot create your own emergencies in order to meet. The law defines a meeting as "any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking official action." Note that the Sunshine Act applies any time a quorum deliberates agency business or takes official action, no matter the physical location of those deliberations or actions. The use of the term "prearranged" does not allow agencies to thwart the intent of the Sunshine Act simply by holding an unscheduled discussion about agency business.
3. **Can the public comment during public meetings?** The Sunshine Act gives the public the right to comment on issues "that are or may be before the board." Agencies must provide a reasonable opportunity for residents and/or taxpayers to comment on an issue before a decision takes place. Agencies are permitted to establish rules to oversee public comment by, for example, limiting the



time for each commenter. The OOR encourages agencies to take care when imposing time limits on public comment. Three minutes is a common limit, and may be more than enough at most public meetings. However, it may not be adequate at certain meetings, such as when a complex draft budget is being discussed. It may be a good practice to allow for flexibility in any policy imposing time limits on public comment, taking care to ensure that the agency does not show partiality to some commenters over others. You have the right to establish guideline for “public comment.” For example, you have the discretion to disallow public comment from those living outside the district or tax base. You have the right to limit the amount of time a person comments, but it has to be consistent, equitable. You can limit to a spokesperson instead of individuals in a group. You must provide a reasonable opportunity for public speaking. Providing advanced notice of agenda is recommended, but it is not legally required.

4. **Can an agency have closed executive sessions?** An agency may discuss certain matters in Executive Session, which is not held in public. Some reasons an agency may hold an Executive Session include discussing personnel matters; holding an information, strategy and negotiation session related to the negotiation of a collective bargaining agreement; considering the purchase or lease of real property; and consulting with an attorney about active or pending litigation. The specific reason for an Executive Session must be announced in the public meeting either before or directly after the Executive Session. No official action can be taken during Executive Session or a closed gathering; all official actions must be taken during the public portion of a meeting.

Agencies are required to record the time, date, and place of their meetings; the names of the members present, the substance of all official action taken during the meetings, and a record of how each individual voted. The minutes also must list all members of the public who participated in the meetings and a summary of their comments. There are no requirements to attach things to minutes.

An email to just the Board represents a public record. Make certain emails do not create deliberation because the public cannot witness the deliberation, and this would be a violation of their right to know. If it is one way communication, such as an information session, it is permissible. If the email leads to discussion, then consider the Sunshine Act. Also, when distributing documents for comments, be careful to consider the public input.

People do not have to be present at a meeting as long as there is two-way communication, and people can vote from remote location in real time.

Mr. Spiess said, “You must have full disclosure, and decisions and deliberation must take place in the public eye.”

Staff Reports

- WIOA Title I provider (An’Dionne Smith)
 - The fall job fair includes 66 employers and 10 partner agencies.
 - We are increasing outreach in the community and community agencies.
 - Creating a referral folder for WIOA ineligible because we want to offer a solution for everyone.
 - The first On the Job Training meeting was held.
 - EDSI’s umbrella has expanded since July.
- Youth Program Coordinator (Hope Schmidts)
 - Not certain there will be funding for scholarships for camps.
 - TANF contracts started July 1, so there are no numbers yet.
 - Jill appreciated the Activity Schedule
- Site Administrator (Valerie Hatfield)



- Created a metrics program, and the first quarter results will be presented at the next meeting.
- We are making more of an effort to be known in the community.
- Construction starts Monday, and it is a one month project.
- The Open House will be held in November.
- We are advertising the open space to get more partners.
- Executive Director (Cathy Rychalsky)
 - The Extraordinary Give will be tied to the open house.
 - Cathy noted that the upcoming PWDA Symposium includes bidding out one stop center and presents a new and different philosophy.
 - Cathy asked that all share opportunities through social media.

Items for Discussion

- Latest communication from L&I regarding unpaid finding related to Sheely severance package
 - Cathy reported there were four questions from the Feds who were generally okay with all but one response. This issue may be close to resolution.
- Board attendance, composition, 2017 meeting dates
 - Cathy said the by-law language is being rewritten, and by October 15, the empty board position must be filled or go for a waiver.
- Sector Strategies Work Groups
 - Cathy requested volunteers to lead the various Sector Strategy Work Groups. Cathy has a sign-up sheet, and the work groups will start in the fall with quarterly meetings. The work groups will discuss the work force system what LCWDB needs to do to support and compliment other services.

Robert Rhoads concluded the meeting by mentioning the L&I training and requirements to adjust by-laws to comply with the law. He said the Board meetings need to be more than a download of information.

Meeting was adjourned at 8:52 a.m.

NEXT MEETING
Thursday, November 17, 2016, at 7:30 a.m.