



Nevada Governor's Office of the Western Regional Education Compact

for the

Nevada Western Interstate Commission for Higher Education (WICHE)

Commission Meeting Minutes

May 16, 2018

7:30 AM

In Attendance:

Fred Lokken: Executive Commissioner, Nevada WICHE

Chester Burton: Commissioner, Nevada WICHE

Gillian Barclay: Commissioner, Nevada WICHE

Jeannine Warner: Director, Nevada WICHE

Colleen Lennox: Accountant Technician 1, Nevada WICHE

David Gardner: Senior Deputy Attorney General (DAG), Office of the Attorney General, Nevada WICHE

Brian Mitchell: Director, Governor's Office of Science, Innovation and Technology (OSIT)

Guests: No guests were present.

1. **Call to order.** The meeting was called to order by Commissioner Lokken at 7:30 AM. This meeting was posted in accordance with Nevada's Open Meeting Law (OML).
2. **Public Comment.** There were no members of the public present. Colleen mentions that WICHE has a new DAG, David Gardner, in Las Vegas. He is a Senior Deputy Attorney General, previously with Clark County School District. He has as an invitation as well as Greg. DAG Greg Ott will transition out as David transitions in.

3. Discussion, recommendations and action regarding the minutes from the February 1, 2017, February 1, 2018 and March 13, 2018 Nevada WICHE Commission meetings.

Commissioner Burton commented that the minutes are in an abbreviated versus narrative style. He was concerned that there was only one commissioner at the Feb 1, 2017 meeting and is not certain it would be beneficial to revise the minutes at this time.

Commissioner Burton made a motion to approve the 2/1/17 meeting minutes. Commissioner Lokken seconded the motion and called for the vote. Commissioners Lokken and Burton both voted aye. Commissioner Barclay abstained as she was not present at the time. The motion carried.

Commissioner Burton motioned to defer approval of meeting minutes from February 1, 2018 and March 13, 2018. As stated by staff, they were incomplete at this time. Commissioner Lokken seconded the motion and called for the vote. All were in favor, the motion carried unanimously.

4. Discussion regarding the administrative authority of the WICHE budget accounts.

Commissioner Lokken discussed that WICHE needs more structure. The legislative action shows transfer from Nevada System of Higher Education (NSHE) to the Governor's Office and the affiliation with the Governor's Office of Science, Innovation and Technology (OSIT) however, the legislation does not explain this relationship. He stated that as we were asked to shift operations, this recognizes our autonomous existence as an agency. Commissioner Lokken suggested a Memorandum of Understanding (MOU) however, he does not believe this is the correct vehicle. In discussions with Director Mitchell about WICHE's role with OSIT through the Governor's Office, there still needs to be some clarity.

Commissioner Burton is concerned that there have been a lot of required functions without resources that were available in previous years. It does not appear to him that the workload, now with the emphasis on workforce development, has actually increased.

Commissioner Lokken commented that there was discussion at the meeting in Montana about the evolving nature of WICHE. Workforce development was not in the original intent; it had a different role. However, WICHE has been trying to adapt be responsive to its members and this has resulted in a demanding workload.

Commissioner Barclay stated that there is a lack of clarity on how the WICHE budget administrative authority addresses the changing focus on meeting workforce development needs.

Commissioner Lokken stated that there is a software solution in the works that will provide help in the process, however the program has expanded beyond PSEP to include Mental Health and Social Worker projects. There is more that WICHE could be doing to support economic

development and the Nevada growth spurt. Regarding budget authority, he asked Director Mitchell to help clarify his scope of duties regarding budget operations.

Director Mitchell stated that when WICHE was moved to the Governor's office in 2015, the Governor chose to give oversight to him. Given the shared workforce development/education mission, it was decided that it would be a good fit. He clarified that OSIT and WICHE are separate organizations and separate budgets. As a member of the staff, there is a chain of command that the Director of WICHE reports to him. This is structured no different than other departments; each Director with the state reports to the Governor's Office. When WICHE was with NSHE he believed there was a closer connection, given that Vic Redding was both the Commissioner and had supervisory authority over WICHE. At that time, he gave administrative approval. When WICHE moved to the Governor's Office, it was his recommendation in discussions with the two previous commissioners, who agreed and recommended that some of the daily functions of WICHE administrative oversight be formally given to him.

He wanted to clarify that the WICHE administrative budget was not transferred to OSIT. He provides administrative oversight for functions such as travel, office supply purchases and vacation time requests. In some cases such as the need to purchase software to alleviate administrative burden, he worked with WICHE in conjunction with Purchasing and the Administrative Services Division on reviewing recommendations on where to fund the money within the budget.

Director Mitchell agrees that WICHE is very complicated and encouraged further discussion about possible options for reducing these complexities and administrative burdens. He complimented Colleen Lennox in researching and finding a software solution. This will alleviate some of the administrative burden that WICHE has currently and also will be an opportunity to re-evaluate the administrative office requirements. At that time a determination can be made whether to make further adjustments.

Commissioner Barclay admitted that she still is learning this unique organizational structure. In her past experience she has not been familiar with this. She commented that WICHE needs to better clarify administrative authority. She sees administrative decisions being made that do not align with the population of Nevada.

Director Mitchell asked which administrative decisions she was referring to.

Commissioner Barclay was referring to office capacity issues, looking at the changing programs and increased workload, for example. What may have worked 15 years ago may not be applicable currently. She questioned how the office is able to function with only two staff members.

Director Mitchell stated that he would welcome a thorough discussion on what the Commissioners would recommend as appropriate regarding capacity, and would welcome clarity

on the scope of work in the office. Ultimately the WICHE administrative and program budgets are, as with each state agency, ultimately up to the Governor and the Legislature to determine. Currently nobody has the authority to hire additional staff. Adding state employees is one of the most difficult things to obtain approval for and there has to be a lot of justification and strong rationale.

Commissioner Lokken stated that that we have ample documentation to show we could do more if we had an additional position. He would like to take this to the next step for review by the Governor's office. He adds that there needs to be better communication between WICHE and the Governor's staff.

Commissioner Burton states that the problem is what he describes as ownership and in that part of the issue there are no clear lines of responsibility and authority. This is not conducive to fully exploit and leverage the money appropriated and the mission of the WICHE organization.

Director Mitchell stated that he will follow up with the Governor's office to request what information they would like from the Commissioners about adding staff and to start discussion on this and report back to the Commission.

Colleen Lennox states that she can provide Director Mitchell with any support documentation regarding this.

5. Discussion, recommendations and action regarding annual evaluation of the WICHE director.

Commissioner Lokken said he always believed that the Commission should have input regarding evaluations of the Director.

Director Mitchell referred back to the MOU that Commissioner Lokken suggested and proposed that they determine how the evaluation process should be in the future. He stated the Commission has not established any goals for the evaluation of WICHE Directors since at least 2014, per his review of the previous minutes. He proposed a meeting with Commissioner Lokken to discuss goals and establish a measurement for an evaluation, taking into account all of the Director's duties, and then have a shared evaluation on an annual or semi-annual basis. He also suggested an evaluation form that each of the Commissioners could share with the Director.

Commissioner Lokken stated that the lack of evaluation just reinforces the confusion we have had since 2015, that a Director should have an annual work plan to at least identify what the yearly functions are and document any possible areas of improvement. The Commission's role includes all functions of the Director. He sees more of an input role from OSIT. He suggested that legal counsel have input to ensure that we are interpreting the two pieces of legislation effectively.

Commissioner Burton stated that he disagrees somewhat with Commissioner Lokken, and sees our role as more broad oversight in policy direction. For example in his case, he works for his supervisor who is the Chancellor, who provides goals/objectives as well as performance standards. There needs to be clear lines of authority relating to this and it is appropriate for the Commission to provide direction on goals, but ultimately, it comes down to the supervisor/employee relationship to set forth those expectations, monitor them and provide feedback.

Commissioner Lokken stated that perhaps the Chancellor plays a similar role that OSIT plays. However, the WICHE Commission has not been brought into any dialogue with the Governor's office, or any state agencies, regarding economic development nor has it been asked to provide educational expertise. There needs to be a very honest and frank conversation on this.

Director Mitchell responded that he completely agrees and would welcome having a more specific conversation to clarify this as soon as possible. This is a unique relationship and requires that everybody is on board, and ultimately reiterated that he wants WICHE to be successful and provide great value to Nevada and require little oversight from him.

6. Discussion, recommendations and action regarding refining authority, responsibilities and interagency relationship between OSIT and WICHE.

Commissioner Lokken stated that Agenda Item No. 6 was discussed prior, reiterating that a meeting was proposed to be scheduled immediately will be scheduled with Director Mitchell and the Commission.

7. Discussion, recommendations, and action regarding resignation of Nevada WICHE Director.

Director Warner stated she has been with the agency for 14 years and it has been her honor to do so, and to serve the Governor's office. She thanked the Commissioners for their guidance and support, and stated this is one of the strongest Commissions WICHE has had. She wishes the new incumbent success in their new role. The agency offers unique opportunities in a unique way, and makes a huge impact on the workforce and economics of the state. She is happy to hear that discussions and communications are opening up and wishes the Commission and staff success in meeting its goals.

Commissioner Burton made a motion that they work with the outgoing Director to refine the position description relating to this position and then expedite the process, under the auspices of the Governor's office to fill this recruitment as soon as possible. Director Warner is working on a position description and a work plan that will cover everything over the next year, which she will distribute to all parties before she leaves.

Commissioner Barclay stated that as a new commissioner she has only had the opportunity to work with Director Warner for a few months, but thanked Director Warner for all of her hard work and stated she was impressed with her quality and commitment.

Commissioner Lokken stated his regrets regarding Director Warner's departure, noting that over the past three years that he has served as Commissioner it has been a struggle in dealing with the transition, coupled with departure of staff members who had expertise and knowledge regarding the loan program. When the agency loses critical staff, it takes time to train new staff members. Commissioner Lokken stated that there is concern regarding the gap in staff and Director Mitchell has expressed his willingness to serve as Interim.

Commissioner Barclay stated that the Commission needs to look at Agenda Item No. 6, to define the authorities and responsibilities first prior to considering this action. She is not certain how long WICHE can function without an acting Director. She believes the Commission needs to review the position description and duties and find someone as soon as possible.

Director Mitchell clarified that he would prefer not to serve as Interim acting Director and agrees with Commissioner Barclay that we should find a permanent director as soon as possible. He notes that it would be helpful to know if there were any urgent items on the Director's to-do list and functions that need to be done to figure out a plan for that. If necessary, he can provide assistance but does not want to make any decisions. Commissioner Burton suggested reaching out to previous Commissioners for recommendations. Commissioner Lokken suggested extending the deadline of the resignation. Director Mitchell responded that he did not want to jeopardize the transition with Taxation, as he wanted to be fair to them and would like to consider other options.

8. Discussion, recommendation, and action regarding a Bill Draft Request to end practice of annual reversion of loan payments to the general fund.

Commissioner Lokken confirmed that Director Mitchell will meet with the Governor's office soon to discuss the reversion, and with their support include the Commissioners involvement.

9. New business: Propose future meeting dates. Overview of May 2018 Commission meeting in Missoula Montana.

Discussion regarding Agenda No. 9 was deferred due to time constraints.

It was requested that Colleen Lennox send out a Doodle poll for June in order to better coordinate the preferred available day and time for the next Commission meeting. Commissioner Lokken discussed some of the agenda items including recommendations from Jeannine, developing a work plan for the next year, and the Director's job description. He states he may request of the Department of Taxation to allow for more time regarding Jeannine's resignation.

Jeannine added that she will work for the remainder of the time in her position to try to fill the slots as much as she can. Her recommendation is for the Commission to begin working on budget development. She will make herself available to Colleen for any questions. Colleen requested a temporary staff member to help with duties that do not require expertise, so that she can meet statutory deadlines.

Director Mitchell responded that he will look into this option.

9. **Public comment***. No public comment was received.

11. **Adjournment.** Having no further business and receiving no public comment the meeting adjourned at 8:52 a.m.