



## Board & Elected Officials Consortium Board Meeting & Annual Winter Convening

February 27, 2025

Lucky Eagle Casino & Hotel | 12888 188<sup>th</sup> Ave SW, Rochester, WA 98579

- |                 |   |
|-----------------|---|
| 8:00a – 9:00a   | Breakfast & Networking  |
| 9:00a – 11:00a  | <b>Joint Board and Consortium Meeting</b>   |
| 11:00 – 11:15a  | <i>Break</i>  |
| 11:15a – 11:45p | Lucky Eagle Casino & Hotel Tour   |
| 12:00p – 1:00p  | <i>Networking Lunch</i>   |
| 12:30p – 1:00p  | Professional Headshots Available  |
| 1:00p – 1:45p   | <b>Board Functions &amp; System Performance</b> - A deeper dive into governance vs. operations, performance goals and key Board responsibilities.   |
| 1:45p – 2:30p   | <b>Operationalizing the One-Stop System MOU</b> - Discussions led by Shannon Hassan, PacMtn Community Engagement Director to ensure alignment and collaboration among system partners.        |
| 2:30p – 2:45p   | <i>Break</i>  |
| 2:45p – 3:30p   | <b>Sector Strategy &amp; One Workforce Investment</b> - An interactive session with Jeff Bowe & Matt Hanusa, PacMtn Directors of Sector Strategies, on the impact of our investment strategy. |
| 3:30p – 4:15p   | <b>Opportunity Begins Here</b> - An update from Wes Smith, PacMtn Project Director and PointNorth on communications and outreach efforts.   |
| 4:15p – 4:30p   | Closing Remarks/Reflections   |



## **PacMtn WDC Joint Board Meeting**

02/27/2025 ▪ 9:00a-11:00a

Lucky Eagle Casino & Resort and Online via Microsoft Teams

Meeting ID: 249 824 758 77

Passcode: 2Rq9Eu98

### **I. Welcome & Check-In Items**

- A.** Introductions & Establish Quorum
- B.** Board Chair Comments
- C.** [CEO Report](#)

### **II. Action: Consent Agenda**

*The Consent Agenda is a SINGLE item for Board consideration that encompasses items the Board would typically approve with little comment. Procedural items such as approval of Minutes, or other legal or housekeeping items are appropriate for a Consent Agenda. There can be explanation of items, but there is no discussion of the Consent Agenda. If discussion is warranted or requested ANY item can be immediately removed and placed on the regular Agenda for full board discussion.*

- A. Action Item:** Motion to Approve January 23, 2025 Board Minutes ([Attachment #1](#))
- B. Action Item:** Motion to Approve Updates to Procurement Policy #1.4.2v4 ([Attachment #2](#))

### **III. Discussion & Action Items:**

- A. Discussion & Action Item:** Board Member Appointment ([Attachment #3](#))
  - i. **Action Item:** Motion to Approve Nomination and Recommend Do Pass to the Consortium
    - Marika Bertolini, Project Manager - Outreach & Recruitment Initiatives, Providence Centralia Hospital, 3-year term - Expiring June 30, 2027
  - ii. **Consortium Action Item:** Motion to Approve and Confirm Nominee, Marika Bertolini to the PacMtn WDC Board
- B. Discussion & Action Item:** Incoming Board Chair Nomination ([Attachment #4](#))
  - i. **Action Item:** Motion to Approve Incoming Board Chair Nomination
- C. Discussion & Action Item:** Community Reinvestment Project (CRP) Incentive Policy #9300 Update ([Attachment #5](#))
  - i. **Action Item:** Motion to Approve Updates to Community Reinvestment Project (CRP) Incentive Policy #9300 as Presented
- D. Discussion & Action Item:** One-Stop Operator Procurement
  - i. **Action Item:** Motion to Approve Career Team as the One-Stop Operator and Begin Contract Negotiations ([Attachment #6](#))
  - ii. **Consortium Action Item:** Motion to Approve Career Team as the One-



Stop Operator and Begin Contract Negotiations.

**E. Discussion Item:** ESD WorkSource Services Program Update ([Attachment #7](#))

**IV. Fiscal Items:**

**A. Discussion Item:** PacMtn Financial Position ([Attachment #8](#))

**B. Discussion Item:** PY24 Financial Statement ([Attachment #9](#))

**V. Executive Session**

*The Board can move to close the meeting for select and appropriately limited conversation on matters best conducted in confidence including meeting with an auditor on sensitive financial issues, handling top-level personnel matters including the CEO's compensation and performance review, planning for an important transaction like a real estate deal or a merger, matters where "personal or organizational confidentiality is requested or prudent", dealing in a preliminary way (including investigation) with crisis situations or with allegations of improper conduct by the CEO or a board member - before disclosure to staff or others who ordinarily attend full board meetings. Any specific action requiring a vote will be taken in the public portion of the meeting.*

**VI. Committee & Task Force Updates** (Committee Leads)

- A.** One Stop Operations Committee
- B.** Priority Populations Committee
- C.** Business and Sector Engagement (BaSE)

**VII. Good of the Order & Announcements**

**2024-2025 WDC Board Members**

Name	Employed by/Serving	Represents
1. Michael Cade <i>Chairperson</i>	Thurston County EDC	Business & Economic Development Representative <i>Committee Assignment: EFC, BaSE</i>
2. Dr. Lorie Thompson <i>Vice-Chairperson</i>	Capital STEM Alliance	CBO/Workforce Representative <i>Committee Assignment: EFC</i>
3. Christina Riley <i>Secretary/Treasurer</i>	Labor and Apprenticeship Representative	Labor-Apprenticeship/ Workforce Representative <i>Committee Assignment: EFC, Priority Populations</i>
<i>Grays Harbor County Representatives</i>		
4. Alissa Shay <i>Previous Chair</i>	Port of Grays Harbor	Business Representative <i>Committee Assignment: BaSE</i>
5. Stacie Vaughan	Vaughn Company	Business Representative
6. Darrin Raines	Greater Grays Harbor Inc	Business & Economic Development

		Representative
<i>Lewis County Representatives</i>		
7. Richard DeBolt	Lewis County EDC	Business & Economic Development Representative <b>Committee Assignment: BaSE</b>
8. Peter Lahmann	Port Commissioner	Business & Economic Development Representative <b>Committee Assignment: One-Stop, Priority Populations</b>
9. Marika Bertolini (Nominee)	Providence Centralia Hospital	Business Representative
<i>Mason County Representatives</i>		
10. Jacquelin Earley	Sierra Pacific Industries	Business Representative <b>Committee Assignment: BaSE</b>
11. Derek Epps	Seattle Shellfish	Business Representative <b>Committee Assignment: EFC</b>
12. Kevin Shutty	Economic Development Council of Mason County	Business & Economic Development Representative
<i>Pacific County Representatives</i>		
13. Sue Yirku	Pacific County EDC	Business & Economic Development Representative <b>Committee Assignment: BaSE</b>
14. Jeanne Brooks	Azure Strategy	Business Representative <b>Committee Assignment: BaSE</b>
15. Jovon Vaughn	Willapa Harbor Chamber	Business Representative <b>Committee Assignment: BaSE</b>
<i>Thurston County Representatives</i>		
16. Angela White	Olympia Master Builders	Business Representative <b>Committee Assignment: BaSE</b>
17. David Schaffert	Thurston County Chamber	Business Representative <b>Committee Assignment: EFC, BaSE</b>
<i>Regional Representatives</i>		
18. Jonathan Pleger	Morningside	CBO-Serves Disabled Populations/Workforce Representative <b>Committee Assignment: EFC, Priority</b>

		<i>Populations</i>
19. Clint Bryson	IBEW Local 76	Labor Organization/ Workforce Representative Committee Assignment:
20. Joe Vansyckle	Employment Security Department	Wagner Peyser Employment Service <b>Committee Assignment: One Stop</b>
21. Cheryl Heywood	Timberland Regional Library	CBO-Serves All Populations/Workforce Representative <b>Committee Assignment: EFC, One-Stop, ABEL</b>
22. Vacant		Basic Education Acquisition (BedA) <b>Committee Assignment:</b>
23. Dr. Carli Schiffner	Grays Harbor College	Higher Education Representative Committee Assignment:
24. Bob Guenther	Thurston, Lewis, Mason Counties Labor Council	Labor Organization/Workforce Representative <b>Committee Assignment: BaSE</b>
25. Jason Reed	WA DSHS/Community Services	DSHS/Workforce Representative <b>Committee Assignment: Priority Populations</b>
26. Tricia Wiltse	WA DSHS/DVR	Vocational Rehabilitation Representative <b>Committee Assignment: One-Stop, Priority Populations</b>

### **2025 Consortium Members**

<b>Name</b>	<b>Representing County</b>
Commissioner Sharon Trask <b>Consortium Chair-Chief Local Elected Official</b>	Mason
Commissioner Patrick "Jerry" Doyle	Pacific
Commissioner Sean Swope	Lewis
Commissioner Rick Hole	Grays Harbor
Commissioner Rachel Grant	Thurston



**Workforce Development Speak (Commonly Used Acronyms)**

<b>ABE</b>	Adult Basic Education	<b>IFA</b>	Infrastructure Funding Agreement
<b>CBO</b>	Community Based Organizations	<b>ITA</b>	Individual Training Account
<b>CJ</b>	Community Jobs	<b>MOU</b>	Memorandum of Understanding
<b>CLEO</b>	Chief Local Elected Official	<b>MyJob</b>	My Journey Out Beyond
<b>CSO</b>	Community Service Offices	<b>OJT</b>	On the Job Training
<b>DOL</b>	Department of Labor	<b>OURR</b>	Opioid Use Reduction & Recovery
<b>DSHS</b>	Department of Social of Health Services	<b>TAA</b>	The Trade Adjustment Assistance
<b>DVR</b>	Division of Vocational Rehabilitation	<b>TANF</b>	Temporary Assistance for Needy Families
<b>ESD</b>	Employment Security Department	<b>WDA</b>	Workforce Development Areas
<b>DW</b>	Dislocated Worker	<b>WEX</b>	Work Experience
<b>ESD 113</b>	Educational Service District - Capital Region	<b>WIOA</b>	Workforce Innovation & Opportunity Act
<b>ETPL</b>	Eligibility Training Provider List	<b>WTECB</b>	Workforce Training & Education Coordinating Board

**PacMtn Board Member Values**

**Customer needs are priority #1.  
Innovate and be creative.**

**Ensure all counties are included.  
Honor diverse perspectives.**

**In all things demonstrate: Integrity, honesty, transparency, personal excellence,  
constructive self-assessment, continuous self-improvement, and mutual respect**

**Duty of Attention**= Full participation and Practical inquiry

**Duty of Allegiance**=Address conflict of interest & confidentiality, care about funding sources & potential opportunities

**Duty of Agreement** = abide by Federal, State & Local laws and PacMtn mission, vision, values, services, policies & programs

**Board Member Reminders**

**Conflict of Interest:** In accordance with the Workforce Innovation and Opportunity Act and the standards of honorable business practice. Workforce Development Council members (WDC), as well as members of WDC Committees and Task Forces, who directly represent, are employed by, or act as consultants to organizations or agencies having business before the Council shall not vote on any matter or issue regarding said organization or agency. Any member having a conflict of interest will declare the conflict prior to any discussion on the matter and must recuse themselves from any formal action related to the conflict.

**Concern about misuse of public resources:** PacMtn Board of Directors takes seriously all matters of fiscal integrity and the ethical and lawful conduct of its business. Any concerns about fraud, abuse or unethical conduct should be reported to a Board Officer, the CEO or the [State Auditor's Office \(SAO\)](#).



## PacMtn WDC Board Meeting Minutes

01/23/2025 ▪ 2:00-4:00p

PacMtn Offices & Online Via Microsoft Teams

**Attendees:** Michael Cade, Christina Riley, Alissa Shay, Darrin Raines, Peter Lahmann, Jaquelin Earley, Kevin Shutty, Jeanne Brooks, Jovon Vaughn, David Schaffert, Joe Vansyckle, Jonathan Pleger, Clint Bryson, Cheryl Heywood, Bob, Guenther, Jason Reed, Tricia Wiltse, Commissioner Jerry Doyle

**Staff:** William Westmoreland, Matt Hanusa, Jeannie House, Jeff Bowe, Wes Smith, Dan Cooling, Wil Yeager, Shannon Hassan, Arissa De Lima, Christina Gorman

**Guests:** Timothy McGann (DSHS), Jason Hoseney (ESD), Erin Wilson (Equus), Kayl Flint (Equus), Andrew Garate (Thurston Chamber)

### I. Welcome & Check-In Items

#### A. Introductions & Establish Quorum

Michael Cade called the meeting to order at 2:05. Quorum was established.

#### B. Board Chair Comments

Michael began the meeting with a reminder of the PacMtn Boards Mission and Vision and encouraged members to review the principles.

#### C. [CEO Report](#)

William Westmoreland reviewed highlights from his CEO report. Full report can be found on the PacMtn website at [www.pacmtn.org](http://www.pacmtn.org)

### II. **Action: Consent Agenda**

#### A. **Action Item:** Motion to Approve September 26, 2024 Board Minutes as edited ([Attachment #1](#))

#### B. **Action Item:** Motion to Approve November 7, 2024 Board Minutes ([Attachment #2](#))

#### C. **Action Item:** Motion to Approve the Business and Sector Engagement Committee Charter for July 2024 – June 2026 as reviewed by EFC ([Attachment #3](#))

*Peter Lahmann Motioned to approve the Consent Agenda as presented. Bob Guenther Seconded. **Motion Carries.***

### III. Discussion & Action Items:

#### A. **Discussion & Action Item:** Board Member Reappointment ([Attachment #4](#))

- i. **Action Item:** Motion to Approve Reappointment and Recommend Do Pass to the Consortium



- Richard DeBolt, Director of the Economic Alliance of Lewis County, 3-year term – Expiring June 30, 2026

Arissa De Lima led this discussion and reviewed current Board Reappointment position and term.

*Jonathan Pleger Motioned to Approve Reappointment and Recommended Do Pass to the Consortium. Christina Riley Seconded. **Motion Carries.***

**B. Discussion & Action Item:** Incoming Board Chair Nomination ([Attachment #5](#))

- Action Item:** Motion to Approve Incoming Board Chair Nomination

Michael Cade led this discussion. He called for a Motion to Postpone the Incoming Board Chair Nomination to the February Board Meeting to give all Board members additional time to have discussion with himself or past Board Chairs regarding a nomination and the Board Officer role.

William reviewed the position and qualifications with the Board.

*Pete Lahmann Motioned to Postpone the Incoming Board Chair Nomination to the February Board Meeting. Bob Guenther Seconded. **Motion Carries.***

**C. Discussion Item:** Current RFPs and Process Overview ([Attachment #6](#))

Dan Cooling reviewed the Current RFPs and Process Overview. He explained that community meetings were held at different locations throughout the region, and feedback was received. He states the RFP will be launched 1/24/2025 and Bidder conferences will be held. RFPs will be due on February 24<sup>th</sup> at 5pm. William added that all RFPs listed require full board action on approval of contracts. Additionally, input by Board Members during committee meetings and additional key partner input will be complied and recommendations can be made by the group.

Joe Vansyckle queried on involvement of Board members during review and design of RFP.

Willaim informed the Board that there will be committees that include Board members during the competitive process, as long as there is no conflict of interest.

Michael asked for a motion to amend the agenda and add a discussion item for Workforce



Fund Data and Report Out.

*Bob Guenther Motioned to Amend the Agenda and add a discussion item on Workforce Fund Data and Report Out. Jeanne Brooks Seconded. **Motion Carries.***

**D. Discussion Item: Workforce Fund Data and Report Out**

William reviewed the data reporting with the Board explaining the tables and graphics and the relation to WIOA Title IB resources. He reviewed various reports and data that can also be viewed. PacMtn intends to start a monthly email to the Board where they will be able to access this data and filter by county, program, etc.

Jeanne Brooks asked 360 degree feedback look to inform the processes we learned?

William mentioned that the 360 feedback process is under development.

Michael queried on how PacMtn would like the Board to engage in this data. William would like the board to inform the PacMtn staff as lead in the system, what they want to know more about on the programs they're responsible for overseeing. He added that it is important to remember that this is not system reporting but reporting on our programs.

Joe Vansyckle expressed hesitation on accuracy of data that supports the strategy. He also would like to have conversations on successes and challenges that are faced.

William reiterated that the presented data is not system data but program data that is more than WIOA Title 1B. William encouraged partners in the system such as ESD, DSHS, DVR, etc to provide transparent data on their program operations to contribute to the system conversation as a Board and supports the partners in achieving their performance outcomes.

Michael supported the open conversation with a deeper discussion at upcoming board meetings with proper time to present.

William encouraged additional feedback on these reports as continuous improvement.

**IV. Executive Session**

*The Board can move to close the meeting for select and appropriately limited conversation on matters best conducted in confidence including meeting with an auditor on sensitive financial issues, handling top-level personnel matters including the CEO's compensation and performance review, planning for an important transaction like a real estate deal or a*



merger, matters where “personal or organizational confidentiality is requested or prudent”, dealing in a preliminary way (including investigation) with crisis situations or with allegations of improper conduct by the CEO or a board member – before disclosure to staff or others who ordinarily attend full board meetings. Any specific action requiring a vote will be taken in the public portion of the meeting.

## **V. Committee & Task Force Updates (Committee Leads)**

### **A. One Stop Operations Committee-**

Cheryl Heywood reported out that the last couple meetings focused on the reset of the One-Stop; they discussed a vision for collaboration and are beginning discussions on roles and responsibilities. The committee has had team-building exercises and briefly discussing data and referral systems. For additional information the One Stop Committee has a PowerPoint presentation that can be shared upon request.

### **B. Priority Populations Committee-**

Johnathan Pleger reports that the committee is meeting quarterly with a recent brainstorming session in December discussing a task force to influence the committee’s work. They are focusing on reengaging with youth. Christina Riley asks for Board member assistance in recruiting people working in the communities that are doing the work to gather relevant information to bring back to the board.

### **C. Business and Sector Engagement (BaSE)-**

David Schaffert reported that the committee will be meeting out at TruFab in Shelton. TruFab is a complete metal fabrication and manufacturing facility. They have some very specific skill sets and needs for their employees and are hiring. Part of our success as a Board to employers in the region is having a good understanding of specifics around what their needs are and staying informed, then ongoing development of training and skill set development in direct support of that industry sector. David invites anyone who would like to attend and be informed.

## **VI. Good of the Order & Announcements**

Jovon Vaughn invites all to the 21<sup>st</sup> annual banquet. Information can be found on the Willapa Harbor Chamber website under the events.

Bob Guenther shared that Napavine Highschool’s CTE program is wanting to sponsor a pre-apprenticeship program for water testers.

Cheryl Heywood announced that Mountain View TRL opened January 11<sup>th</sup>. She states this is the first new library built in 25 years with TRLs own funds. This is the 13<sup>th</sup> library with expanded access hours. She also shared that the Tumwater library is temporarily closed until the end of May for a refresh but the meeting room is open to drop off and pick up. She showed gratitude to the Willapa Chamber of Commerce and Jovon and his board TRL staff in Pacific County have been nominated for best business of the year award.

Peter Lahmann shared his appreciation to Andrew Garate and the WorkEx program for the work they are doing to transitioning service members and families. He encourages



the board to take advantage of the program and give a transitioning service member a chance to get started on post military career.

Meeting adjourned at 3:21pm

Submitted by: Arissa De Lima, WDC Board Liaison

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<i>Grays Harbor County Representatives</i>		
4. Alissa Shay	Port of Grays Harbor	Business: Logistics Cross Sector <i>Committee Assignment: BaSE</i>
5. Stacie Vaughan	Vaughan Co. Inc	Business: Private Sector Enterprise Committee Assignment:
6. Darrin Raines	Greater Grays Harbor Inc	Business: Economic Development <i>Committee Assignment: BaSE</i>
<i>Lewis County Representatives</i>		
7. Richard DeBolt	Lewis County EDC	Business: Economic Development <i>Committee Assignment: BaSE</i>
8. Peter Lahmann	Port Commissioner	Business: Economic Development <i>Committee Assignment: One-Stop, Priority Populations</i>
9. Vacant		
<i>Mason County Representatives</i>		
10. Jacquelin Earley	Sierra Pacific Industries	Business: Wood Products Manufacturing <i>Committee Assignment: EFC, BaSE</i>
11. Derek Epps	Seattle Shellfish	Business: Aquaculture/ Food Production <i>Committee Assignment: EFC</i>
12. Kevin Shutt	EDC of Mason County	Business: Economic Development <i>Committee Assignment: BaSE</i>
<i>Pacific County Representatives</i>		

13. Sue Yirku	Pacific County EDC	Business: Economic Development <b>Committee Assignment: BaSE</b>
14. Jeanne Brooks	Azure Strategy	Business: Private Sector Committee Assignment:
15. Jovon Vaughn	Willapa Harbor Chamber	Business: Private Sector Enterprise <b>Committee Assignment: BaSE</b>
<i>Thurston County Representatives</i>		
16. Angela White	Olympia Master Builders	Business: Construction Trades <b>Committee Assignment: BaSE</b>
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**Board Member Reminders**

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**Concern about misuse of public resources:** PacMtn Board of Directors takes seriously all matters of fiscal integrity and the ethical and lawful conduct of its business. Any concerns about fraud, abuse or unethical conduct should be reported to a Board Officer, the CEO or the [State Auditor's Office \(SAO\)](#).



To: PacMtn Board  
Date: February 27, 2025  
Subject: Update of Procurement Policy to Align with Updated Federal Regulations

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### **Recommendation and/or Recommended Motion**

Recommend Motion to Approve Updates to Procurement Policy #1.4.2-v4

**Overview:** The purpose of this memo is to inform the Executive Finance Committee and Board of the need to update our procurement policy to align with recent revisions to federal regulations, including those in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200). These changes took effect on October 1, 2024, and impact thresholds, documentation requirements, and procurement methods.

**Key Updates in Federal Regulations:** The following changes necessitate updates to our procurement policy:

1. **Micro-Purchase Threshold**
  - Increased from \$10,000 to \$15,000 (effective October 1, 2024).
  - Documentation must demonstrate the reasonableness of price without requiring competitive quotes.
2. **Simplified Acquisition Threshold (SAT)**
  - Remains at \$250,000 for most federal awards.
  - Requires informal solicitation from an adequate number of qualified sources for purchases below the SAT.
3. **Formal Procurement Methods**
  - Clear guidelines for sealed bids and competitive proposals for procurements exceeding the SAT.
  - Emphasis on full and open competition and objective evaluation criteria.
4. **Noncompetitive Procurement**
  - Revised conditions for sole source procurements, including public exigency and emergency requirements.
  - Requires written approval from awarding agencies when applicable.
5. **Conflict of Interest and Competitive Practices**
  - Expanded guidance to ensure fairness, eliminate organizational conflicts of interest, and prevent restrictive competition practices.
6. **Use of State-Approved Vendors**



*building community prosperity*

- The procurement policy allows the use of a state-predetermined approved vendor without requiring three bids.
- Vendors must be vetted and designated as approved suppliers through the state's procurement process.
- This exemption streamlines purchasing by eliminating the need for competitive bidding.
- Approved vendors must meet the state's criteria for pricing, quality, and compliance to ensure accountability.
- The policy enhances efficiency while maintaining transparency and fiscal responsibility in procurement practices.

**Impact on Current Policy:** Our current procurement policy does not fully reflect these updates. Key areas requiring revision include:

- Adjusting micro-purchase and simplified acquisition thresholds.
- Enhancing documentation standards for procurement decisions.
- Aligning noncompetitive procurement procedures with revised conditions.
- Strengthening compliance with conflict-of-interest provisions.

### **Recommended Action Steps**

1. **Policy Review and Revision:**
  - Initiate a comprehensive review of the current procurement policy.
  - Update language to reflect federal regulations and integrate best practices.
2. **Training and Capacity Building:**
  - Conduct training sessions for staff involved in procurement to ensure understanding and compliance with updated regulations.
3. **Board Approval:**
  - Present the revised procurement policy to the Board for review and approval.
4. **Implementation and Monitoring:**
  - Roll out the updated policy with clear guidelines and resources.
  - Establish monitoring mechanisms to ensure ongoing compliance.

**TITLE: PROCUREMENT  
POLICY # 1.4.2-v4**

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**Type:** Administrative Policy

**Date Established:** 01/01/2011

**Date Last Revised:** 1/27/2025

**Date Posted to Website:** 08/13/2015

**Status:** Draft

**Supersedes:** Policy # 1.4.2-v3

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## **Purpose**

This policy communicates the requirements for procurement under the Workforce Innovation and Opportunity Act (WIOA) and provides guidance regarding the procurement and purchase methods to adhere for allowable costs pursuant to federal regulations and PacMtn procedures.

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## **Policy**

1. All procurement transactions for the acquisition of property or services must be conducted in a manner providing full and open competition, consistent with the standards of this policy and 2 CFR 200.320, as revised. Additionally, processes shall align with and adhere to the most current federal and state regulations and guidance that pertain to utilizing the funds.
2. Any discrepancies arising between PacMtn policy and federal or state provisions due to revisions will default to the minimum federal guidance provided.
3. PacMtn policy may set forth stricter requirements than those provided by federal and state guidance. However, in no case will PacMtn policy fail to meet the minimum federal and state requirements.
4. PacMtn will comply with all policies on codes of conduct and conflict of interest during purchasing and procurement activities.
5. PacMtn will conduct all procurement transactions in a manner providing full and open competition, as required by the revised federal regulations.
6. Procurement procedures will be consistently applied when using non-federal and federal funds.
7. Procurements and purchases will be based upon funding and budget availability and must align with the goals and objectives approved in the PacMtn budget.
8. Noncompetitive procurement proposals must meet the minimum federal qualifications outlined in 2 CFR 200.320(c) and require prior approval by the CEO or their designee before execution of the contract.

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## Policy Guidelines

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Methods of procurement vary by the size and type of purchase. In all cases, purchases will be reviewed for cost reasonableness to foster greater economy and efficiency. Applicable PacMtn policies and procedures should be followed in conjunction with these policy guidelines.

### Micro-Purchases

1. Procurement by micro-purchase is the acquisition of supplies or general professional and non-professional services, the aggregate dollar amount of which does not exceed \$15,000 (or \$10,000 for funding issued prior to October 1, 2024).
2. Micro-purchases may be awarded without soliciting competitive quotations if the price is considered reasonable based on research, experience, purchase history, or other information, and supporting documentation is maintained.
3. Micro-purchases will be distributed equitably among qualified suppliers.
4. Purchase cards may be used as a payment method for micro-purchases.

### Simplified Acquisition Threshold

1. Purchasing supplies, equipment, and general professional and non-professional services between \$15,000 or (\$10,000 for funding issued prior to October 1, 2024) and up to the Simplified Acquisition Threshold (SAT) will be deemed small purchases.
2. Equipment and capital improvement purchases of \$10,000 or more using federal funds require prior approval from the awarding agency.
3. Where appropriate, an analysis of lease versus purchase alternatives, and any other appropriate analysis to determine the economic approach will be conducted.
4. Informal written solicitation documentation shall be used to secure responses from at least three sources. The information collected should include a description of the item or service needed; proposed time schedule; comparison of costs including setup, delivery, and taxes; and the reason for selection if other than cost. The use of intergovernmental agreements where goods and services have already been evaluated and procured is encouraged and does not require additional solicitation documentation.
5. Purchases of services related to the delivery of Workforce Innovation and Opportunity (WIOA) Title IB subrecipient services, including one-stop operations, even if under the SAT, will have additional requirements. These include:
  - i. **Risk Assessment and Internal Evaluations:** As part of the risk assessment process, internal evaluations will be conducted to thoroughly assess an organization's ability to manage a grant. These evaluations will include a review of the organization's experience with managing federal funds, including compliance with federal regulations such as 2 CFR Part 200, as well as their history of fiscal accountability and clean audits. Additionally, the assessment will examine the organization's past performance with similar grants, particularly those involving Youth, Adult, and Dislocated Worker (DW) funding under WIOA, focusing on their ability to meet programmatic and financial requirements. Only subrecipients involved in WIOA funding will be included in the risk assessment process to ensure alignment with federal compliance and accountability measures. Key factors such as staff capacity, operational infrastructure, internal controls, and previous performance outcomes will also be evaluated. Furthermore, the evaluation will consider the organization's ability to comply with reporting requirements, maintain data integrity, and adapt to changing program needs or federal priorities. This comprehensive approach

ensures that grant funds are entrusted to entities capable of achieving desired outcomes while adhering to all regulatory and financial standards.

## Competitive Proposals

1. Purchases of supplies, equipment, and any professional service, including delivery of WIOA Title I-B activities, above the SAT shall be procured through competitive proposals.
2. Requests for Proposals (RFPs) will be publicized and solicited from an adequate number of qualified sources.
3. Proposals will identify required services or components, technical requirements, and evaluation factors with their relative importance.
4. Responses will be reviewed and evaluated based on consistent grading methods. Review Committees will be established for evaluating WIOA Title I-B services.
5. Contractors and service providers will be selected based on the proposal most advantageous to the program, considering price, integrity, public policy compliance, past performance, and financial/technical resources. Price analysis is required for awards exceeding the Simplified Acquisition Threshold.
6. Contractors will be verified to ensure they are not excluded from federal awards. Measures will be taken to ensure objectivity and eliminate unfair competitive advantage. Restrictions on competition, including unreasonable requirements, unnecessary experience, or specifying brand names without allowing alternatives, will not be imposed.
7. Contracts will be monitored to ensure conformance with terms, conditions, and specifications. Contractor performance reviews will be conducted per programmatic requirements.
8. Procurement records detailing the rationale for procurement methods, contract type selection, contractor selection or rejection, and the basis for contract price will be maintained.
9. Bidders will be notified of procurement results and may file appeals within seven calendar days. Appeals will follow PacMtn's complaint resolution procedures, potentially delaying contract award effective dates.

## Noncompetitive Proposals

1. Procurement by noncompetitive proposals, or sole source, is allowed under the following conditions:
  - a. The item is available only from a single source.
  - b. Public exigency or emergency will not permit delay from competitive solicitation.
  - c. Written authorization for non-competitive procurement is provided by the federal awarding agency or pass-through entity.
  - d. Competition is deemed inadequate after solicitation of several sources.
2. Noncompetitive proposals for selecting one-stop operators, eligible training providers, etc., must follow WIOA guidance.

## Administrative Procedures

1. **Selecting a One-Stop Operator:** Our plan to conduct a competitive procurement process with at least 30-day public notice through PacMtn's website and other media outlets complies with federal requirements. The CFR mandates that the Local Workforce Development Board (WDB) must select the OSO through a competitive process at least once every four years. Providing adequate public notice is essential to ensure full and open competition.
2. **Procurement Frequency:** Conducting the procurement process every four years is in direct accordance with federal regulations, which require that the selection of the OSO occurs at least once every four years.

3. **Alignment with Federal Requirements:** Ensuring that all procurements align with federal requirements for public notice, evaluation, and contractor performance is consistent with the Uniform Administrative Guidance outlined in 2 CFR 200.318-326. This guidance emphasizes the importance of maintaining oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

**Note: The procurement policy specifically allows for the use of a state-predetermined approved vendor without requiring three bids, provided that the vendor has been vetted and designated as an approved supplier through the state's procurement process. This exemption streamlines purchasing by eliminating the need for competitive bidding when utilizing vendors that have already met the state's criteria for pricing, quality, and compliance, ensuring efficiency while maintaining accountability in procurement practices.**

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## References

Public Law 113-128 - Workforce Innovation and Opportunity Act of 2014 (WIOA), including Sections:

- 107(d)(10): Functions of Local Workforce Development Boards
- 107(g)(1): Certification and Oversight of One-Stop Operators
- 121(d)(1-2): One-Stop Delivery System Requirements
- 123: Eligible Providers of Youth Workforce Investment Activities
- 134(c)(2)(C): Coordination of Activities with One-Stop Partners

OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200)

ESD Policy 5404R1 - Procurement & Selection of One-Stop Operators & Service Providers (Effective 11/30/2021)

Code of Federal Regulations:

2 CFR 200.313 - 316: Property Standards

- 2 CFR 200.317 - 326: Procurement Standards
- 29 CFR 95: Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations
- 29 CFR 97: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 29 CFR 98: Governmentwide Debarment and Suspension (Non-procurement)

PacMtn Policies:

- Policy 1.1.1-v1: Conflict of Interest
- Policy 1.4.5: Allowable Cost and Prior Approval Requirements
- Policy 1.5.1: Property Management and Inventory

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## Attachment

**Attachment 1: Request for Information and Appeals Process**

**DATE APPROVED: 07/23/2015, 04/05/2021, 08/01/2022**

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**Direct Inquiries to:  
Pacific Mountain Workforce Development Council**

**201 5<sup>th</sup> Ave SW, Suite 401**  
**Olympia, WA 98501**  
**Telephone: (360) 515-5134**  
**Email: [info@pacmtn.org](mailto:info@pacmtn.org)**

PacMtn is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. WA Relay 711.

# Attachment 1



## REQUEST FOR INFORMATION and PROCESS APPEALS

**Informal Debrief Meeting:** A bidder may request an informal debriefing meeting to seek clarification of the process or specific feedback on their bid submission. Informal debrief meetings do not include review of materials unrelated to the bidder. This process is available to exchange information, including how to improve future bids and help improve future procurement processes.

**Formal Appeal:** This Form is to be utilized when a bidder of record from an open procurement believes there have been procedural errors, violation of laws or regulations, or unfair or inequitable treatment in the procurement or selection process. Only official bidders from the procurement may file an appeal. This Form must be completed and submitted to the CEO of PacMtn within the time specified in the RFP. Forms may be submitted electronically via email to [Contracts@pacmtn.org](mailto:Contracts@pacmtn.org).

**Copies:** Bidders and the public may also request copies of submitted bids. Copies of bids will not be available until after the award and distribution of award information or posting of such information electronically for public review, the bids, quotes, and proposals of all bidders shall be open to public inspection.

<b>Requesting Applicant Organization:</b>	
<b>Procurement Process:</b>	
Contact Person:	
Mailing Address:	
Email:	
Phone:	

**Request For:**             **Copies of Bids**  
                                  **Informal Debrief Meeting**  
                                  **Formal Appeal**  
                                  **Other**

### Formal Appeal

Briefly describe the alleged violation that occurred during the RFP review or selection process:

Provide a description of evidence that supports your allegations and assertions:

In support of your claim, please indicate what materials you want to review and/or to be reviewed during the Appeal Process:

I attest that the claims made against the PacMtn procurement process are based on information that is factual and accurate to the best of my knowledge.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

**You will be contacted within 3 working days in response to the inquiry. This could include notification that the appeal is not merited, requests for clarification of request, providing information, access to copies or scheduling an appeals conference for further discussion.**

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**Date Received:** \_\_\_\_\_ **By:** \_\_\_\_\_

**Final Dispensation: Attach other sheets, as necessary.**



## MEMORANDUM

To: PacMtn Board of Directors & Elected Officials Consortium  
Date: February 27, 2025  
Subject: Board Member Nomination

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### **Recommendation and/or Recommended Motion**

Move to Approve Appointment to the Board of Directors as presented and Recommend Do Pass to the Elected Officials Consortium.

### **Background**

PacMtn's Workforce Board follows the requirements called out in the federal law. We have 26 members with a majority that are representatives of business in the local area. Each County Commission appoints 3 of those Members. Those business representatives are to:

- (i) be owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;
- (ii) represent businesses, including small businesses, or organizations representing businesses described in this clause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and
- (iii) are appointed from among individuals nominated by local business organizations and business trade associations;

Additionally, there are members appointed that represent important agency stakeholders and content experts needed to conduct the work of a Council. Those are Members that represent Apprenticeship, Employment Security and mission-aligned community based organizations, for example. Our By-laws detail that Board appointments are staggered for 2, 3 or 4 years. Once appointed, the subsequent appointments (for a maximum of 3 terms) are for three years. All terms begin on the first day of July and shall end on the last day of June.

**New Member(s)** requesting Appointment to the PacMtn Board of Directors. These individuals have been nominated by either the relevant County Commissioners or known recommending entities or their agency director. Nominee(s) include:

- Lewis County Representative: Marika Bertolini, Project Manager - Outreach & Recruitment Initiatives, Providence Centralia Hospital, 3-year term-Expiring June 30, 2027.

Applicant materials are available for your review.

**\*\* Page Numbers will populate starting on the second page**

PacMtn's mission is to lead dynamic regional workforce through collaboration and investment that enhances economic success.



## MEMORANDUM

To: PacMtn WDC Board of Directors

Date: February 27, 2025

Subject: Incoming Board Chair Nomination

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### **Recommendation**

Motion to Approve Nomination of Incoming Board Chair.

### **Background**

In accordance with the By Laws of the Pacific Mountain Workforce Development Council, Article VI, Officers of the Corporation, Section 3; Election of officers shall take place at the last meeting of the calendar year.

PacMtn's Board Chair has been working with the Previous Chair and in discussion with additional Board members to identify and recommend a nomination for the next WDC Incoming Chair to present to the Board.



## MEMORANDUM

To: Board of Directors  
Date: February 27, 2025  
Subject: Community Reinvestment Funds Incentive Policy #9300 Update

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### **Recommendation and/or Recommended Motion:**

Move to Approve the updates to Community Reinvestment Funds Incentive Policy #9300

As part of our ongoing efforts to maximize the impact of the Community Reinvestment Project (CRP) and ensure alignment with the One Workforce Investment Strategy, we have developed an update to the Community Reinvestment Funds Incentive Policy #9300 for board review and approval.

### **Policy Overview & Purpose:**

This policy establishes guidelines for the use of incentives within CRP-funded programs. The incentives aim to:

- Support workforce engagement among priority populations.
- Encourage completion of key employment and training milestones.
- Align with PacMtn's regional workforce strategies and compliance with state and federal funding requirements.

### **Key Policy Elements:**

- ✓ Eligibility Criteria - Defines participants and businesses eligible for incentives.
- ✓ Approved Incentive Types - Outlines permissible incentives, including financial and non-monetary support.
- ✓ Funding Allocation & Compliance - Ensures proper tracking, documentation, and reporting.

We value your input and encourage you to review the document ahead of our discussion. If you have any questions or recommendations, please feel free to reach out.

Thank you for your time and dedication to strengthening workforce opportunities in our region.

## TITLE: Community Reinvestment Funds Incentive Policy # CRP-FIN-001-25

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**Type:** Program Policy

**Date Established:** 06/06/2024

**Date Last Revised:** 02/25/2025

**Date Posted to Website:** 06/25/2024

**Status:** Draft

**Supersedes:** Policy #9300

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### Purpose

The purpose of the Community Reinvestment Funds Incentive Policy is to foster sustainable economic development and enhance the well-being of underserved communities. This policy was established in response to Washington State's Community Reinvestment Account, designed to address racial, economic, and social disparities and reduce poverty with a focus on equity.

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### Policy

The Career Accelerator Incentives Fund authorizes financial support payments of \$1,000.00 per month to participants enrolled in the State Economic Security for All (EcSA) program. These incentives are intended to support individuals actively engaged in career development activities and making **satisfactory** progress toward securing self-sufficient employment.

*\*All incentive payments are subject to fund availability and may be adjusted or discontinued if funding constraints arise.*

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### Policy Guidelines

#### Eligibility Requirements

To qualify for monthly incentive payments through **the EcSA Career Accelerator**, participants must:

- Be fully enrolled in the State EcSA program.
- Be actively engaged in their career development plan.
- Meet with their case manager at least once per month to provide updates on their career plan progress.
- Demonstrate meaningful engagement in qualifying career development activities beyond basic job search.
- Have their progress documented in the Efforts to Outcome (ETO) system by their case manager.

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#### Qualifying Career Development Activities

Participants must engage in **at least one of the following activities** each month to remain eligible for incentives:

- **Training or Education Pathways, Including Work Experience**  
Examples: Completing an accredited certificate program, enrolling in vocational training, participating in registered apprenticeships, or completing an industry-recognized certification (e.g., CNA, HVAC, IT Support).
- **Credential Attainment & Measurable Skill Gains**  
Examples: Passing a GED exam, earning a professional license (e.g., Real Estate, CDL), completing coursework for an associate or bachelor's degree, or gaining proficiency in an in-demand technical skill (e.g., software coding, welding).
- **Barrier Mitigation to Employment**  
Examples: Securing reliable transportation (e.g., purchasing a car, obtaining a driver's license), enrolling in childcare assistance programs, completing an English as a Second Language (ESL) course, or accessing legal services to expunge criminal records.
- **Job Search & Employment Attainment**  
Examples: Attending job interviews, participating in mock interview sessions, securing employment through a hiring event, or obtaining a written job offer from an employer.
- **Employment Retention**  
Examples: Maintaining employment for at least 30 days, successfully completing an employer's probationary period, or receiving positive performance reviews at work.
- **Wage Increase**  
Examples: Negotiating a higher salary, transitioning from part-time to full-time employment, receiving a pay raise or promotion, or moving to a job with better benefits and financial stability. Participants are encouraged to assess their wage increases using the UW Self-Sufficiency Calculator to determine progress toward achieving full household self-sufficiency.
- **Financial Coaching & Planning**  
Examples: Completing a financial literacy course, creating a household budget with a financial advisor, setting up an emergency savings account, or developing a debt repayment plan.
- **Engagement in Customized Self-Sufficiency Strategies**  
Examples: Completing an assessment using the UW Self-Sufficiency Calculator, developing an individualized plan to reach income adequacy, or participating in long-term career coaching sessions.
- **Other Activities Approved by the Case Manager**  
Examples: Participating in leadership development workshops, attending professional networking events, engaging in mentorship programs, or enrolling in specialized workforce development initiatives.

***\* Job search alone does not qualify as a sufficient activity. Participants must demonstrate additional career development progress.***

## Enrollment & Compliance

- Initial enrollment into the Career Accelerator Incentive Program occurs during a financial coaching meeting where participants complete required forms and discuss tax implications.
  - Participants must submit evidence of qualifying activities to their case manager by the 20th of each month to qualify for that month's incentive payment.
  - If a participant fails to meet with their case manager or submit documentation by the 20th, they will not be eligible for that month's incentive.
  - Incentive payments will be processed by the end of the month and issued on the 5th of the following month.
  - Participants must complete a new UW Self-Sufficiency Calculator assessment upon employment attainment to ensure income adequacy.
- 

## Payment Structure & Duration

- Incentive payments are strictly limited to fund availability. If funds are depleted, payments may be paused or discontinued.
- Participants may continue receiving monthly incentives as long as they remain enrolled in EcSA, meet eligibility requirements, and funding is available.
  - The participant must submit a **written appeal** within **10 business days** of receiving the denial notice.
  - The appeal must include:
    - Reason for requesting reconsideration.
    - Any supporting documents that demonstrate compliance or mitigating circumstances.
    - A statement explaining how the issue has been or will be resolved.

### 2. Review by Appeals Committee

- The appeal will be reviewed by a **three-person Appeals Committee**, including:
  - A **Case Manager** (not directly involved in the original decision).
  - A **Program Administrator**.
  - A **PacMtn Representative**.
- The committee will evaluate the case within **10 business days** and determine if the decision should be overturned or upheld.

### 3. Notification of Decision

- The participant will receive a **written response** with the final decision within **5 business days** after review.
- If the appeal is **approved**, the participant will receive **retroactive incentive payment** if applicable.
- If the appeal is **denied**, the participant will be provided with a **clear explanation** and any corrective actions required to regain eligibility.

### 4. Final Resolution

- If the participant disagrees with the committee's decision, they may **request a final review** by the **PacMtn Executive Team** within **5 business days** of the committee's decision.
- The **Executive Team's decision is final**.

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## Anti-Fraud & Compliance Measures

- **Random Audits:** Participants may be selected for periodic audits to verify program compliance.
- **Photo or Digital Check-Ins:** Participants may be required to submit time-stamped photo evidence or check-in digitally for certain activities.
- **Clawback Policy:** If fraud is discovered after payments are made, participants may be required to repay improperly received funds.
- **Zero Tolerance for Fraud:** Providing false documentation or misrepresenting progress will result in immediate program termination and potential legal consequences.
- **Two-Month Non-Compliance Rule:** If a participant fails to engage in qualifying activities for two consecutive months, they will be removed from the incentive program unless corrective action is taken.

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## Definitions

- **Self-Sufficiency:** The ability of an individual or household to meet basic needs without external assistance, measured using tools such as the UW Self-Sufficiency Calculator to determine income adequacy and financial independence.
- **ETO (Efforts to Outcome):** A data management system used to track participant progress, incentive payments, and program compliance.

- **EcSA (Economic Security for All):** A state program designed to reduce poverty through workforce development and financial incentives, supporting individuals in achieving self-sufficient employment.
- **Career Plan / IEP:** A structured roadmap developed between a participant and their case manager that outlines career goals, training, employment steps, and milestones toward self-sufficiency.
- **Barrier Mitigation:** Strategies and services aimed at overcoming challenges that prevent employment, including transportation, childcare, legal assistance, and language proficiency.
- **Wage Progression:** The increase in earnings through promotions, pay raises, job transitions, or skill enhancements that contribute to financial stability and self-sufficiency.
- **Financial Coaching:** Personalized guidance provided by financial advisors to help participants develop budgets, plan debt reduction, establish savings, and manage tax obligations.
- **Verification Process:** The required documentation and third-party confirmations (from employers, training providers, or financial coaches) to ensure participants are meeting program requirements.
- **Fraud Prevention Measures:** Policies and practices designed to detect and prevent misrepresentation, unauthorized incentive claims, and compliance violations.
- **Program Compliance:** The adherence to all requirements, including monthly check-ins, documented progress, and engagement in qualifying activities to continue receiving incentives.

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## References

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[Workforce Innovation and Opportunity Act \(WIOA\), 2014](#)

[WIOA Final Rule; 20 CFR Parts 676, 677, and 678 \(2016\)](#)

[Washington State Policy 7005-1: Community Reinvestment Fund](#)

[PacMtn Policy 9200P: State EcSA Program Procedure](#)

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## DATE APPROVED: TBD

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**Direct Inquiries to:**  
**Pacific Mountain Workforce Development Council**  
201 5<sup>th</sup> Ave SW Ste. 401  
Olympia, WA 98501  
Telephone: (360) 515-5134  
Email: [Info@pacmtn.org](mailto:Info@pacmtn.org)

PacMtn is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. WA Relay 711.

## **Process for Enrollment and Approval into the Career Accelerator Incentive Program**

This process ensures that participants are properly enrolled, vetted, and approved before receiving incentive payments under the Career Accelerator Incentive Program. The process includes the completion of required forms, review by designated staff, and final approval by program administrators.

### **Step 1: Initial Eligibility Determination**

**Responsibility:** Case Manager/Talent Recruiter

1. **Verify Participant Eligibility:**
  - a. Ensure the participant is fully enrolled in the State Economic Security for All (EcSA) Program.
  - b. Confirm that the participant meets all qualifying criteria for incentive payments, including engagement in approved career activities.
  - c. Schedule an appointment with financial coach to go over the program and complete required enrollment paperwork. This appointment will be documented in ETO under State Funded Services as a Financial Literacy touchpoint.

**Responsibility:** Financial Coach

2. **Discuss Financial & Tax Implications:**
  - a. Explain that the incentive is taxable income and that a 1099 form will be issued at the end of the year.
  - b. Inform the participant that receiving the incentive may impact state benefits (e.g., SNAP, TANF, Medicaid).
  - c. Provide contact information for a financial coach if additional guidance is needed.

### **Step 2: Participant Agreement & Documentation Submission Review**

**Responsibility:** Financial Coach & PacMtn Quality Assurance Team (QA)

1. **Complete the Career Accelerator Incentive Participant Agreement Form** (attached document).
  - a. The participant must read and acknowledge the terms of the incentive, including:
    - ✓ Ongoing engagement requirements
    - ✓ Tax responsibilities
    - ✓ Impact on benefits
2. **Complete the Vendor Form** (for payment processing).

- a. Provide accurate bank account details (for direct deposit) or mailing address (for check payments).
  - b. Verify personal information (name, contact details, social security number, or tax ID if required).
3. **Submit Forms to PacMtn QA Team for review:**
- a. PacMtn QA team will review the submitted forms for compliance and validate participant is eligible for and all required forms are filled out.

### **Step 3: Participant Documentation Approval and Enrollment into Program Documented**

**Responsibility:** PacMtn Program Administrator

The PacMtn QA team conducts a comprehensive review of the participant's eligibility documentation to ensure compliance with program requirements before approving enrollment into the CRF program.

#### **Eligibility Validation & Documentation Review**

The QA team:

- Validates allowability by reviewing the participant's application, eligibility criteria, and required supporting documents.
- Ensures all required documentation (e.g., proof of eligibility, work-based learning agreements, case notes) is present and properly recorded.
- Confirms corrections have been made if prior compliance issues were identified, verifying that necessary updates are reflected in the state MIS system.
- Logs an internal approval note in ETO, confirming eligibility verification and compliance with program requirements.

If corrections were required, the QA team verifies that:

- All missing or inaccurate information previously flagged by the ESD Monitoring Unit has been addressed.
- Updated documentation has been uploaded and properly linked to the participant's file in the state MIS and ETO.
- A compliance checklist is completed, detailing any corrections made and confirming that the participant meets all eligibility requirements.

#### **Final Approval & Enrollment Process**

Once eligibility verification is complete:

1. QA runs a report from ETO and/or the state MIS listing all participants eligible for payment based on program criteria.
2. QA approves the report with a signature and forwards it to the Program Administrator for final review.

### 3. **Participant Forms Approval:**

- If the participant is approved for CRF program enrollment, the Vendor Form and I-9 documents are forwarded to the PacMtn fiscal department for final review and entry into the PacMtn accounting system.
- QA documents enrollment in ETO, which counts as the participant's first qualifying activity.

## **Step 4: Program Administrator Final Approval & Ongoing Payment Processing**

**Responsibility:** PacMtn Program Administrator

### **1. Review Submissions & Verify Compliance**

The Program Administrator conducts a final review of the participant's enrollment and eligibility in ETO, ensuring:

- The determination of allowability is documented, confirming the participant meets all program and financial compliance requirements.
- All necessary corrections have been verified and documented in the state MIS and ETO.
- Supporting documentation is present, including:
  - Any missing documentation flagged by the ESD Monitoring Unit that was previously unverified.
  - Case notes or compliance memos outlining corrective actions taken and confirmation that all issues have been resolved.
  - A signed approval form or digital confirmation from the QA team verifying compliance.
- Monthly progress has been documented in ETO and reviewed for compliance.

The Program Administrator then approves or denies the submission based on compliance:

- If approved, the participant is authorized for incentive payment processing.
- If denied, the participant is notified with the reason for denial and instructions on corrective actions, if applicable.

### **2. Authorize Payment**

If the participant's eligibility is approved:

- The Program Administrator authorizes the first monthly incentive payment by:
  - Approving the participant's final eligibility status in ETO.
  - Submitting the payment request to Accounting for processing.
  - Logging a final approval note in ETO, which includes:
    - Confirmation of compliance review.
    - Details of corrections made (if applicable).
    - Reference to supporting documentation validating eligibility.
- QA signs off on the final payment approval report and forwards it to Accounting for payment processing.

- If new Vendor Forms are required, they are submitted to the Finance Department along with the list of approved participants eligible for monthly incentive payments.

### **3. Payment Processing & Compliance Tracking**

- The Finance Team processes the first payment, following standard financial procedures, and logs the transaction in the financial system.
- A confirmation email is sent to relevant program staff, confirming that the participant's first incentive payment has been successfully processed and is in compliance with all program requirements.
- **Record-Keeping & Audits:**
  - Maintain records of approved and denied applications for auditing purposes.
  - Track all payments in the ETO system.
  - Conduct periodic audits to ensure compliance with program policies and financial regulations.

## **Step 5: Ongoing Monitoring & Reassessment**

**Responsibility:** Case Manager & Program Administrator

### **1. Monthly Check-Ins**

- a. Participants must meet with their case manager monthly to confirm engagement in qualifying activities.
- b. If a participant fails to engage for two consecutive months, their incentive may be paused or terminated.

### **2. Quarterly Reassessments**

- a. Every three months, case managers will reevaluate participant eligibility to ensure continued compliance.

### **3. Fraud Prevention & Random Audits**

- a. Random audits will be conducted to verify participant records and ensure compliance.
- b. Any misrepresentation or fraudulent activity will result in immediate disqualification and potential repayment of funds.



To: PacMtn Board of Directors and Consortium

Date: February 27, 2025

Subject: Recommendation for Approval of the One-Stop Operator

**Recommendation and/or Recommended Motion:**

Motion to Approve Career Team as the One-Stop Operator and Begin Contract Negotiations

**Background**

PacMtn WDC conducted a competitive procurement process for the selection of a One-Stop Operator in alignment with federal and state workforce system requirements. The Request for Proposals (RFP) was issued, and multiple responses were received. An evaluation committee made up of PacMtn Board members reviewed the proposals based on pre-established criteria, including experience, service coordination, capacity, and alignment with PacMtn's strategic goals.

Following an extensive review process, Career Team emerged as the most qualified and suitable candidate to serve as the One-Stop Operator. Their proposal demonstrated:

- A strong understanding of the regional workforce system.
- Proven experience in service coordination and program integration.
- A commitment to equity, access, and meeting workforce needs.
- A structured plan for effective communication and collaboration with system partners.

Career Team's selection aligns with PacMtn's mission to enhance service delivery and streamline workforce system operations. They have a successful track record of managing workforce services and fostering meaningful employer and jobseeker engagement. The evaluation committee found that their proposal best met the requirements set forth in the RFP.

If approved, PacMtn will proceed with contract negotiations and onboarding to ensure a smooth transition and effective implementation of services.



STATE OF WASHINGTON  
EMPLOYMENT SECURITY DEPARTMENT  
PO Box 9046 • Olympia WA 98507-9046

February 20<sup>th</sup>, 2025

TO: Pacific Mountain Workforce Development Board

FROM: Joe Vansyckle, Southwest Coastal Regional Director

RE: ESD WorkSource Services Program update (2024)

Members,

On behalf of the 30 talented and dedicated workforce development professionals who provide ESD programs through WorkSource PacMtn, I want to extend my appreciation for your service in guiding workforce development in Mason, Lewis, Grays Harbor, Thurston, and Pacific Counties. As someone born in South Bend, who spent my early years in Clearwater, my teenage years in Olympia, and ultimately returned for my career in government, I deeply understand and appreciate the beauty of our region, both in its landscapes and the spirit of the people who make up our communities. Thank you for bringing that spirit to your work on our board.

Below you will find details on the WorkSource services ESD provides in PacMtn and the number of customers we engaged within each program in 2024. In addition, I'm including ESD's new strategic plan. You can expect to learn more at our retreat.

Thank you for your continued support and collaboration. Together, we can make meaningful strides toward a brighter future for all.

**Joe Vansyckle**, Southwest Coastal Regional Director



## ESD services and programs offered through WorkSource

Our team administers eight programs that have a profound impact on the lives of those they serve and the community they send them off to work in. For those of you new to the board, the following will provide insights into the work we do. What may not be immediately visible is the servant heart each member brings to their work.

### 1. **Wagner-Peyser Services:**

- **Labor Exchange Services:** Connecting job seekers with employers through job listings, job referrals, and job fairs.
- **Career Counseling:** Providing guidance on career choices, resume writing, and interview preparation.
- **Skill Assessments:** Evaluating job seekers' skills to match them with suitable job opportunities.
- **Job Search Assistance:** Offering resources and support for finding employment.
- **Employer Services:** Helping employers find qualified workers through career fairs and other recruitment activities.

### 2. **WorkFirst Services:**

- Designed to help Temporary Assistance for Needy Families (TANF) recipients achieve self-sufficiency.
- Includes job search assistance, career counseling, skills assessments, and access to training programs.
- Provides support services to aid in removing barriers to employment.

### 3. **Strategies for Success Workshops:**

- A series of life-skills and soft-skills training sessions designed to help individuals succeed personally and professionally.
- Covers topics such as work concepts, health and well-being, communication, personal strength builders, community engagement, and financial literacy.

### 4. **Reemployment Services and Eligibility Assessment (RESEA):**

- Designed to help Unemployment Insurance claimants return to work more quickly.
- Provides personalized reemployment services, such as career counseling, job search assistance, and skills assessments, to improve employment outcomes.

### 5. **Jobs for Veterans Services Program:**

- Ensures priority access to job listings, job referrals, and hiring events for veterans.
- Offers assistance with resume writing, application preparation, and interviewing skills.

### 6. **Migrant seasonal farm worker program:**

- Provides tailored services to migrant and seasonal farmworkers, including job search assistance, training programs, and support services.
- Aims to improve employment opportunities and working conditions for farmworkers and their families.

- Offer resources to address specific challenges faced by this workforce, such as language barriers and access to housing and healthcare.

**7. UI Ambassador Role:**

- Assists individuals with navigating the unemployment benefits system.
- Helps potential claimants understand the benefits available, provides support in filing claims, and ensures all necessary documentation is accurately submitted.
- Works to remove barriers to accessing benefits, especially for underserved and marginalized communities.

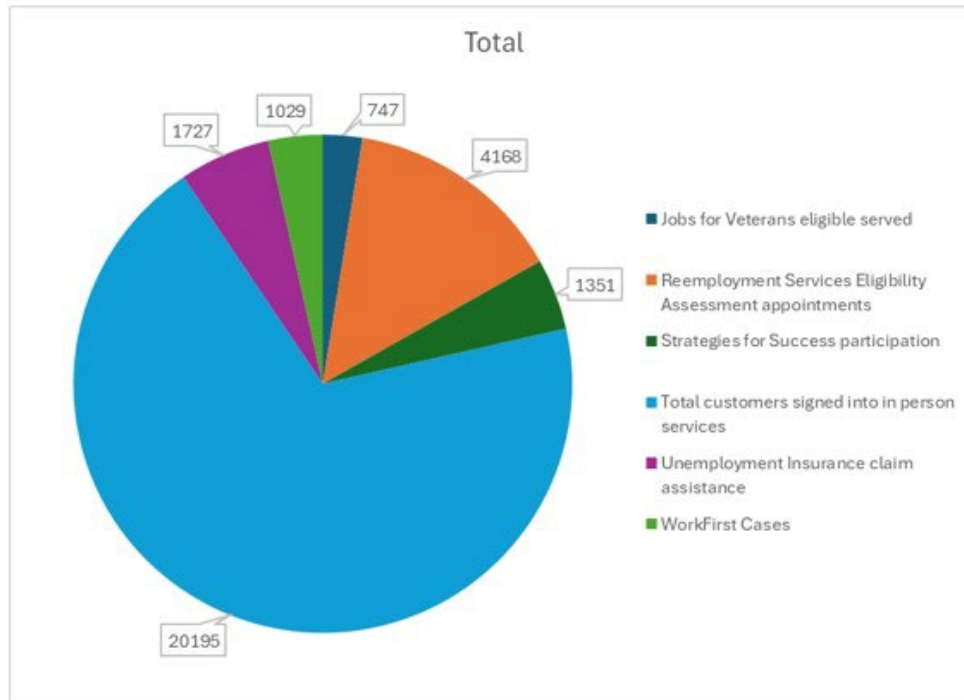
**8. Paid Family Medical Leave Program:**

- Helps individuals understand the eligibility requirements and guides them through the application process.
- Offers support in filing claims and provides information on managing leave to ensure claimants receive the benefits they are entitled to.

## Customer Engagement

In 2024, our team served over 20,000 customers in the Pacific Mountain region from our offices in Shelton, Olympia, Aberdeen, Long Beach, and Centralia.

### 2024 Customer Engagements



Program	2024
<b>*2<sup>nd</sup> Quarter after Exit</b>	<b>55.7%</b>
Reemployment Services Eligibility Assessment appointments	4,168
WorkFirst Cases	1,029
Strategies for Success participation	1,351
Jobs for Veterans eligible served	747
Unemployment Insurance claim assistance	1727
Total customers signed into in person services	20,195

\*This measure tracks the percentage of people who obtain employment and continue to be employed two quarters after they exit our program. In other words, it evaluates the sustainability of their employment over a six-month period following their program exit. We will share more about how we are working to improve this number through our Reemployment Services Eligibility Assessment (RESEA) program.

# ESD STRATEGIC PLAN 2024-2028



GOALS

## HEALTHY ESD

Create a culture of belonging, growth, and organizational excellence where we all have what we need to succeed.

- Develop and activate a plan to foster employee engagement, belonging, and well-being
- Create a process and tools to measure employee engagement and culture of belonging, routinely

INITIATIVES

- Implement a more equitable, efficient, and effective hiring process in alignment with guidance from the Office of Financial Management and the state Office of Equity
- Refine the agency's portfolio management approach, processes, and tools
- Implement service management for routine internal services across the agency
- Transform our internal administrative and financial processes in alignment with One Washington

## HAPPY CUSTOMERS

People receive safe, accessible, and equitable services at the right time in the way they need it.

- Complete the remaining balance of work to fully implement the Paid Leave law
- Integrate customer compliance and program integrity activities across programs
- Define and implement a plan to improve the Unemployment Insurance customer experience

- Develop a unified agency approach to improve external partner, stakeholder, and community engagement

- Implement Re-entry 2030
- Implement community driven service delivery improvements identified in the agency's 2023 Pro-Equity and Anti-racism (PEAR) plan
- Complete ESD website modernization
- Modernize the Labor Market Information Website
- Complete the Workforce Integrated Technology (WIT) Project
- Define and implement WA Care Benefits
- Enhance RESEA service delivery

## BRIGHT FUTURE

ESD has a clear future vision for holistic and effective service delivery that supports access for everyone.

- Develop a plan for the future of Agency Service Delivery including business transformation and technology investments to support more integrated customer experience across ESD programs and improve agency performance

- Establish and grow our ability to identify, understand, develop, and drive innovative approaches to improve economic security in Washington

- Conduct feasibility and research to modernize ESD's legacy UI systems
- Develop funding request(s) to support UI system replacement and UI business transformation
- Develop proposal for sustainable funding approach to ESD programs and Services
- Define and implement an enterprise data management structure

**VISION:** Everyone in Washington has full access to the opportunities, power and resources they need to flourish and achieve their full potential. | **MISSION:** We contribute to healthy communities by providing equitable access to resources that improve economic security. | **VALUES:** Access, Love, Belonging, Equity, Stewardship



**MEMORANDUM**

To: Executive Finance Committee  
Date: February 13, 2025  
Subject: Cashflow and "Pause in Funding"

**Background**

The following memorandum was issued:  
OMB Memorandum M-25-13, *Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs* (Jan. 27, 2025) ("OMB Memo").

A Temporary restraining order was placed:

In the case of *New York et al. v. Trump*, No. 25-cv-39-JJM-PAS (D.R.I.), ECF No. 50 (Jan. 31, 2025).

**The following came out of the activity:**

1. Federal agencies cannot pause, freeze, impede, block, cancel, or terminate any awards or obligations on the basis of the OMB Memo, or on the basis of the President’s recently issued Executive Orders.
2. This prohibition applies to all awards or obligations—not just those involving the Plaintiff States in the above-referenced case—and also applies to future assistance (not just current or existing awards or obligations).
3. Agencies may exercise their own authority to pause awards or obligations, provided agencies do so purely based on their own discretion—not as a result of the OMB Memo or the President’s Executive Orders—and provided the pause complies with all notice and procedural requirements in the award, agreement, or other instrument relating to such a pause.

**Real effect:**

Office of Senator Patty Murray - FY24 Congressionally Directed Spending - Work Ex

On Pause 1.5 million. No contracts issued or budget allocated to program.

Department of Labor Grants - PacMtn request funding in advance to cover Jan and February activities

WIOA Adult	294,000
WIOA DW	309,000
WIOA Youth	217,500
WIOA Federal EcSA	65,000
Quest	25,275
DOL REO - Grant	<u>75,000</u>
 Total Advanced	 985,775

**In conclusion**, PacMtn has received or will receive all funds that have been requested and was conservative in its estimation of costs in forecasting January and February expenses.

**PacMtn’s mission is to lead dynamic regional workforce through collaboration and investment that enhances economic success.**

## NOTICE OF COURT ORDER

You are hereby advised that a temporary restraining order has been entered in the case of *New York et al. v. Trump*, No. 25-cv-39-JJM-PAS (D.R.I.), ECF No. 50 (Jan. 31, 2025). You are receiving this Notice pursuant to the Court’s directive that notice of the order be provided “to all Defendants and agencies and their employees, contractors, and grantees by Monday, February 3, 2025, at 9 a.m.” A copy of the Court’s Order is attached for reference.

This case challenges an alleged “pause” of certain Federal financial assistance, related to OMB Memorandum M-25-13, *Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs* (Jan. 27, 2025) (“OMB Memo”). Although that OMB Memo was rescinded on January 29, 2025, the plaintiffs in the above-referenced case allege that the funding pause directed by the OMB Memo is still in effect, including because of recently issued Executive Orders by the President.

In response, the Court has entered a temporary restraining order prohibiting certain actions by the Defendants in the case, which is effective immediately. All Defendants—including their employees, contractors, and grantees—must immediately comply with the Court’s Order. For complete details and terms of the Court’s Order, please refer to pages 11 and 12 of the enclosed Order.

To assist in your compliance, here is a summary of the key terms:

1. **Federal agencies cannot pause, freeze, impede, block, cancel, or terminate any awards or obligations on the basis of the OMB Memo, or on the basis of the President’s recently issued Executive Orders.**
2. **This prohibition applies to all awards or obligations—not just those involving the Plaintiff States in the above-referenced case—and also applies to future assistance (not just current or existing awards or obligations).**
3. **Agencies may exercise their own authority to pause awards or obligations, provided agencies do so purely based on their own discretion—not as a result of the OMB Memo or the President’s Executive Orders—and provided the pause complies with all notice and procedural requirements in the award, agreement, or other instrument relating to such a pause.**
  - a. On pages 11 and 12 of the Order, the Court prohibits agencies from pausing funding “except on the basis of the applicable authorizing statutes, regulations, and terms.” Thus, agencies remain free to exercise their own discretion under their “authorizing statutes, regulations, and terms,” including any exercise of discretion to pause certain funding. Additionally, agencies remain free to take action pursuant to the terms of the relevant award or obligation, such as in cases of grantee noncompliance.
  - b. Any exercise of agency discretion, however, cannot be based on the OMB Memo or the President’s Executive Orders, given that the Court has prohibited agencies from “implementing or giving effect to the OMB [Memo] under any other name

or title[.]” (Order, pg.12). Additionally, any decision to pause, stop, delay, or otherwise withhold federal financial assistance programs must comply with all notice and procedural requirements in the award, agreement, or other instrument setting forth the terms of the award or obligation.

- 4. Out of an abundance of caution, all federal agencies (even those not named as defendants in the case) should comply with the above-referenced terms.**

As the Court’s Order reflects, the above terms are temporary as litigation in the case is ongoing. At present, however, the Court’s Order is in effect and must be complied with.

If you have any questions about the scope or effect of the Court’s Order, please contact your agency’s Office of General Counsel or your grant officer, as appropriate. Thank you for your attention to this matter.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

STATE OF NEW YORK; STATE OF  
CALIFORNIA; STATE OF ILLINOIS;  
STATE OF RHODE ISLAND; STATE OF  
NEW JERSEY; COMMONWEALTH OF  
MASSACHUSETTS; STATE OF  
ARIZONA; STATE OF COLORADO;  
STATE OF CONNECTICUT; STATE OF  
DELAWARE; THE DISTRICT OF  
COLUMBIA; STATE OF HAWAII;  
STATE OF MAINE; STATE OF  
MARYLAND; STATE OF MICHIGAN;  
STATE OF MINNESOTA; STATE OF  
NEVADA; STATE OF NORTH  
CAROLINA; STATE OF NEW MEXICO;  
STATE OF OREGON; STATE OF  
VERMONT; STATE OF WASHINGTON;  
and STATE OF WISCONSIN,

Plaintiffs,

v.

C.A. No. 25-cv-39-JJM-PAS

DONALD TRUMP, *in his Official  
Capacity as President of the United  
States*; U.S. OFFICE OF  
MANAGEMENT AND BUDGET;  
MATTHEW J. VAETH, *in his Official  
Capacity as Acting Director of the U.S.  
Office of Management and Budget*; U.S.  
DEPARTMENT OF THE TREASURY;  
SCOTT BESSENT, *in his Official  
Capacity as Secretary of the Treasury*;  
PATRICIA COLLINS, *in her Official  
Capacity as Treasurer of the U.S.*; U.S.  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES; DOROTHY A.  
FINK, M.D., *in her Official Capacity As  
Acting Secretary Of Health And Human  
Services*; U.S. DEPARTMENT OF  
EDUCATION; DENISE CARTER, *in her  
Official Capacity as Acting Secretary of  
Education*; U.S. FEDERAL  
EMERGENCY MANAGEMENT  
AGENCY; CAMERON HAMILTON, *in*

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*his Official Capacity as Acting* )  
*Administrator of the U.S. Federal* )  
*Emergency Management Agency; U.S.* )  
 DEPARTMENT OF )  
 TRANSPORTATION; )  
 JUDITH KALETA, *in her Official* )  
*Capacity as Acting Secretary of* )  
*Transportation; U.S. DEPARTMENT OF* )  
 LABOR; VINCE MICONE, *in his Official* )  
*Capacity as Acting Secretary of Labor;* )  
 U.S. DEPARTMENT OF ENERGY; )  
 INGRID KOLB, *in her Official Capacity* )  
*as Acting Secretary of the U.S.* )  
*Department of Energy; U.S.* )  
 ENVIRONMENTAL PROTECTION )  
 AGENCY; JAMES PAYNE, *in his Official* )  
*Capacity as Acting Administrator of the* )  
*U.S. Environmental Protection Agency;* )  
 U.S. DEPARTMENT OF HOMELAND )  
 SECURITY; KRISTI NOEM, *in her* )  
*Capacity as Secretary of the U.S.* )  
*Department of Homeland Security; U.S.* )  
 DEPARTMENT OF JUSTICE; JAMES R. )  
 McHENRY III, *in his Official Capacity as* )  
*Acting Attorney General of the U.S.* )  
*Department of Justice; THE NATIONAL* )  
 SCIENCE FOUNDATION; and DR. )  
 SETHURAMAN PANCHANATHAN, *in* )  
*his Capacity as Director of the National* )  
*Science Foundation,* )  
 Defendants. )

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**TEMPORARY RESTRAINING ORDER**

The legal standard for a Temporary Restraining Order (“TRO”) mirrors that of a preliminary injunction. The Plaintiff States must show that weighing these four factors favors granting a TRO:

1. likelihood of success on the merits;
2. potential for irreparable injury;
3. balance of the relevant equities; and

4. effect on the public interest if the Court grants or denies the TRO.

*Planned Parenthood League v. Bellotti*, 641 F.2d 1006, 1009 (1st Cir. 1981). The traditional equity doctrine that preliminary injunctive relief is an extraordinary and drastic remedy that is never awarded as of right guides the Court. *Id.* The Court is also fully aware of the judiciary’s role as one of the three independent branches of government, and that the doctrine of separation of powers restricts its reach into the Executive Branch. The Court now turns to the four factors.

#### **Likelihood of Success on the Merits**

We begin with what courts have called a key factor—a consideration of the movant’s likelihood of success on the merits.

In **Count I**, the States allege that the Executive’s actions by the Office of Management and Budget (“OMB”)<sup>1</sup> violate the Administrative Procedure Act (“APA”)<sup>2</sup> because Congress has not delegated any unilateral authority to the Executive to indefinitely pause all federal financial assistance without considering the statutory and contractual terms governing these billions of dollars of grants.

In **Count II**, the States allege that the Executive’s actions violate the APA because the failure to spend funds appropriated by Congress is arbitrary and capricious in multiple respects.

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<sup>1</sup> See *supra* for discussion of mootness.

<sup>2</sup> 5 U.S.C. § 551 et seq.

In Count III, the States allege that the failure to spend funds appropriated by Congress violates the separation of powers because the Executive has overridden Congress' judgments by refusing to disburse already-allocated funding for many federal grant programs.

In Count IV, the States allege a violation of the Spending Clause of the U.S. Constitution. U.S. Const. art. I, § 8, cl. law 1.

And in Count V, the States allege a violation of the presentment (U.S. Const. art. I, § 7, cl. 2), appropriations (U.S. Const. art. I, § 7), and take care clauses (U.S. Const. art. II, § 3, cl. 3) (the Executive must "take care that the laws be faithfully executed . . .").

Because of the breadth and ambiguity of the "pause," the Court must consider the States' TRO motion today based on the effect it will have on many—but perhaps not all—grants and programs it is intended to cover. Are there some aspects of the pause that might be legal and appropriate constitutionally for the Executive to take? The Court imagines there are, but it is equally sure that there are many instances in the Executive Orders' wide-ranging, all-encompassing, and ambiguous "pause" of critical funding that are not. The Court must act in these early stages of the litigation under the "worst case scenario" because the breadth and ambiguity of the Executive's action makes it impossible to do otherwise.

The Court finds that, based on the evidence before it now, some of which is set forth below, the States are likely to succeed on the merits of some, if not all, their claims. The reasons are as follows:

- The Executive’s action unilaterally suspends the payment of federal funds to the States and others simply by choosing to do so, no matter the authorizing or appropriating statute, the regulatory regime, or the terms of the grant itself. The Executive cites no legal authority allowing it to do so; indeed, no federal law would authorize the Executive’s unilateral action here.
- Congress has instructed the Executive to provide funding to States based on stated statutory factors—for example, population or the expenditure of qualifying State funds. By trying to impose certain conditions on this funding, the Executive has acted contrary to law and in violation of the APA.
- The Executive Orders threaten the States’ ability to conduct essential activities and gave the States and others less than 24 hours’ notice of this arbitrary pause, preventing them from making other plans or strategizing how they would continue to function without these promised funds.
- Congress appropriated many of these funds, and the Executive’s refusal to disburse them is contrary to congressional intent and directive and thus arbitrary and capricious.
- Congress has not given the Executive limitless power to broadly and indefinitely pause all funds that it has expressly directed to specific recipients and purposes and therefore the Executive’s actions violate the separation of powers.

Judge Bruce M. Selya of the First Circuit succinctly set out the black letter law about appropriated funds and Executive powers:

When an executive agency administers a federal statute, the agency's power to act is "authoritatively prescribed by Congress." *City of Arlington v. FCC*, 569 U.S. 290, 297, 133 S. Ct. 1863, 185 L. Ed. 2d 941 (2013). It is no exaggeration to say that "an agency literally has no power to act ... unless and until Congress confers power upon it." *La. Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 374, 106 S. Ct. 1890, 90 L. Ed. 2d 369 (1986). Any action that an agency takes outside the bounds of its statutory authority is ultra vires, see *City of Arlington*, 569 U.S. at 297, 133 S. Ct. 1863, and violates the Administrative Procedure Act, see 5 U.S.C. § 706(2)(C).

*City of Providence v. Barr*, 954 F.3d 23, 31 (1st Cir. 2020).

The Executive's statement that the Executive Branch has a duty "to align Federal spending and action with the will of the American people *as expressed through Presidential priorities*," (ECF No. 48-1 at 11) (emphasis added) is a constitutionally flawed statement. The Executive Branch has a duty to align federal spending and action with the will of the people as ***expressed through congressional appropriations***, not through "Presidential priorities." U.S. Const. art. II, § 3, cl. 3 (establishing that the Executive must "take care that the laws be faithfully executed . . ."). Federal law specifies how the Executive should act if it believes that appropriations are inconsistent with the President's priorities—it must ask Congress, not act unilaterally. The Impoundment Control Act of 1974 specifies that the President may ask that Congress rescind appropriated funds.<sup>3</sup> Here, there is no evidence that the Executive has followed the law by notifying Congress and thereby effectuating a potentially legally permitted so-called "pause."

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<sup>3</sup> If both the Senate and the House of Representatives have not approved a rescission proposal (by passing legislation) within forty-five days of continuous session, any funds the Executive is withholding must be made available for obligation.

Justice Brett Kavanaugh wrote when he was on the D.C. Circuit:

Like the Commission here, a President sometimes has policy reasons (as distinct from constitutional reasons, *cf. infra* note 3) for wanting to spend less than the full amount appropriated by Congress for a particular project or program. But in those circumstances, even the President does not have unilateral authority to refuse to spend the funds. Instead, the President must propose the rescission of funds, and Congress then may decide whether to approve a rescission bill. *See* 2 U.S.C. § 683; *see also Train v. City of New York*, 420 U.S. 35, 95 S. Ct. 839, 43 L. Ed. 2d 1 (1975); Memorandum from William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, to Edward L. Morgan, Deputy Counsel to the President (Dec. 1, 1969), *reprinted in Executive Impoundment of Appropriated Funds: Hearings Before the Subcomm. on Separation of Powers of the S. Comm. on the Judiciary*, 92d Cong. 279, 282 (1971) (“With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent.”)

*In re Aiken Cnty.*, 725 F.3d 255, 261, n.1 (D.C. Cir. 2013).

The Court finds that the record now before it substantiates the likelihood of a successful claim that the Executive’s actions violate the Constitution and statutes of the United States.

The Court now moves on to the remaining three injunction considerations.

### **Irreparable Harm**

The States have put forth sufficient evidence at this stage that they will likely suffer severe and irreparable harm if the Court denies their request to enjoin enforcement of the funding pause.

- All the States rely on federal funds to provide and maintain vital programs and services and have introduced evidence that the withholding of federal funds

will cause severe disruption in their ability to administer such vital services—even if it is for a brief time.

- The States detail many examples of where the Executive’s overarching pause on funding that Congress has allocated will harm them and their citizens. These programs range from highway planning and construction, childcare, veteran nursing care funding, special education grants, and state health departments, who receive billions of dollars to run programs that maintain functional health systems. *See, e.g.*, ECF No. 3-1 at 56 (highway construction programs in Delaware), at 73 (childcare programs in Michigan), at 113 (veterans nursing care funding in Washington state), at 77 (special education programs in Minnesota), and at 100–01 (health care programs in New Mexico).
- The pause in federal funding will also hurt current disaster relief efforts. The States assert that the pause applies to federal actions directing federal financial assistance to North Carolina to address the damage inflicted by Hurricane Helene and to any Federal Emergency Management Agency grant money not yet disbursed, including key support for California’s ongoing response to the fires. ECF No. 1 ¶¶ 80–81.
- A January 28, 2025, email from Shannon Kelly, the Director of the National High Intensity Drug Case Trafficking Areas (HIDTA) program, who aids law enforcement in high drug-trafficking areas, shows that payments to state-based HIDTA programs have been paused, putting the public’s safety at risk. *Id.* ¶ 83.

The States have set forth facts showing that the Executive’s abrupt “pause” in potentially trillions of dollars of federal funding will cause a ripple effect that would directly impact the States and other’s ability to provide and administer vital services and relief to their citizens. Thus, the federal grants to States and others that are impounded through the Executive’s pause in disbursement will cause irreparable harm.

And it is more than monetary harm that is at stake here. As Justice Anthony Kennedy reminds us, “Liberty is always at stake when one or more of the branches seek to transgress the separation of powers.” *Clinton v. City of New York*, 524 U.S. 417, 449–50 (1998) (Kennedy, J. concurring)

#### **Balance of the Equities and Public Interest**

As the Court considers the final two factors, the record shows that the balance of equities weighs heavily in favor of granting the States’ TRO.

- If the Defendants are prevented from enforcing the directive contained in the OMB Directive, they merely would have to disburse funds that Congress has appropriated to the States and others.
- On the other hand, if the Court denies the TRO, the funding that the States and others are presumably due under law is in an indefinite limbo—a hardship worsened by the fact that the States had less than 24 hours’ notice to act in anticipation of the funding shortfall.
- The fact that the States have shown a likelihood of success on the merits strongly suggests that a TRO would serve the public interest. Moreover, the

public interest further favors a TRO because absent such an order, there is a substantial risk that the States and its citizens will face a significant disruption in health, education, and other public services that are integral to their daily lives due to this pause in federal funding.

The evidence in the record at this point shows that, despite the rescission of the OMB Directive, the Executive's decision to pause appropriated federal funds "remains in full force and effect." ECF No. 44.

### Mootness

The Defendants now claim that this matter is moot because it rescinded the OMB Directive. But the evidence shows that the alleged rescission of the OMB Directive was in name-only and may have been issued simply to defeat the jurisdiction of the courts. The substantive effect of the directive carries on.

Messaging from the White House and agencies proves the point. At 2:04 EST, less than an hour before the Court's hearing on the States' motion on Wednesday, the Defendants filed a Notice saying, "OMB elected to rescind that challenged Memorandum. *See* OMB Mem. M-25-14, *Rescission of M-25-13* (Jan. 28, 2025) ('OMB Memorandum M-25-13 is rescinded.')." ECF No. 43. Yet about twenty minutes before the Defendants filed the Notice, the President's Press Secretary sent a statement via the X platform that said: "The President's [Executive Orders] EO's on federal funding remain in full force and effect and will be rigorously implemented." ECF No. 44. And then the following day (January 30, 2025 at 7:50 MST and again at 5:27 p.m. EST) after the so-called rescission, the Environmental Protection Agency, in an email to

federal grant recipients, said that the awarded money could not be disbursed while it worked “diligently to implement the [OMB] Memorandum, Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs, to align Federal spending and action with the will of the American people as expressed through President Trump’s priorities. The agency is temporarily pausing all activities related to the obligation or disbursement of EPA Federal financial assistance at this time. EPA is continuing to work with OMB as they review processes, policies, and programs, as required by the memorandum.” ECF No. 48-1 at 6, 11.

Based on the Press Secretary’s unequivocal statement and the continued actions of Executive agencies, the Court finds that the policies in the OMB Directive that the States challenge here are still in full force and effect and thus the issues presented in the States’ TRO motion are not moot.

### Conclusion

Consistent with the findings above, and to keep the status quo, the Court hereby ORDERS that a TEMPORARY RESTRAINING ORDER is entered in this case until this Court rules on the States’ forthcoming motion for a preliminary injunction, which the States shall file expeditiously.

During the pendency of the Temporary Restraining Order, Defendants shall not pause, freeze, impede, block, cancel, or terminate Defendants’ compliance with awards and obligations to provide federal financial assistance to the States, and Defendants shall not impede the States’ access to such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms.

If Defendants engage in the “identif[ication] and review” of federal financial assistance programs, as identified in the OMB Directive, such exercise shall not affect a pause, freeze, impediment, block, cancellation, or termination of Defendants’ compliance with such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms.

Defendants shall also be restrained and prohibited from reissuing, adopting, implementing, or otherwise giving effect to the OMB Directive under any other name or title or through any other Defendants (or agency supervised, administered, or controlled by any Defendant), such as the continued implementation identified by the White House Press Secretary’s statement of January 29, 2025. ECF No. 44.

Defendants’ attorneys shall provide written notice of this Order to all Defendants and agencies and their employees, contractors, and grantees by Monday, February 3, 2025, at 9 a.m. Defendants shall file a copy of the notice on the docket at the same time.

Defendants shall comply with all notice and procedural requirements in the award, agreement, or other instrument relating to decisions to stop, delay, or otherwise withhold federal financial assistance programs.

The TRO shall be in effect until further Order of this Court. A preliminary hearing, at which time the States will have to produce specific evidence in support of a preliminary injunction, will be set shortly at a day and time that is convenient to the parties and the Court.

IT IS SO ORDERED.

*s/John J. McConnell, Jr.*

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John J. McConnell, Jr.  
Chief Judge  
United States District Court for the District of Rhode Island

January 31, 2025

**Pacific Mountain Workforce Development Council**  
**NOTES TO FINANCIAL STATEMENTS**  
**Program Year July 1, 2024 through June 30, 2025**

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***For quarter ending December 31, 2024***

These notes pertain to the Statement of Activities, Statement of Financial Position

- 1) The Statement of Activities provides a summary of expenses compared to revenue earned for the period, reported on an accrual basis. This is then compared with the current period budget and year-to-date budget. More emphasis is placed on year-to-date spending rather than monthly spending, as timing may vary slightly from month to month.

**Areas of Note (Page 2):**

- a) **Total Budget Revenues for PY24:** \$14.5M, with actual revenues as of 12/31/24 at \$5.3M. After removing carryforward dollars of \$2.8M, we are at approximately 90% of the target for the year.
- b) **Total Budget Program Services Expenditures for PY24:** \$4.57M, with actual expenditures as of 12/31/24 at \$3.55M. We have spent 42% compared to the target of 54%.
- c) **Total Budget Admin Services Expenditures for PY24:** \$1.9M, with actual expenditures as of 12/31/24 at \$1.77M. We are on target as of December 2024 at 56%.
- d) **Net Asset Change as of Q2:** A negative change of \$16,364.88, primarily due to timing issues in revenue and expenditure recognition. In PY23, we recognized \$100K in revenue, while this year, expenditures have been recorded against that revenue.

**AREAS OF NOTE Page 3-5:**

- e) **Detailed Activity:** This section provides a breakdown of the categories discussed on Page 2.
- f) **Direct Participant Services:** 39% spent compared to the target of 54%.
- g) **Business Services:** 49% spent compared to the target of 53%.
- h) **Special Impact Projects:** 37% spent compared to the target of 47%.
- i) **Miscellaneous Contracts & Projects:** 56% spent compared to the target of 66%.

**Pacific Mountain Workforce Development Council**

**STATEMENT OF ACTIVITIES**

**Summary**

**PY24 Actual to Budget Report**

For Qtr. end December 31, 2024	Current Year Actual	Current Year Budget	Variance
<b>REVENUES</b>			
Grant & Contracts	5,075,351.72	5,075,351.72	-
Other	241,005.82	-	-
<b>Total Revenues</b>	<b>5,316,357.54</b>	<b>5,075,351.72</b>	<b>-</b>
<b>EXPENSES</b>			
<b>Program Services</b>			
Direct Participants Services	2,365,925.43	3,262,004.91	896,079.48
Business Services	971,774.55	1,040,229.11	68,454.56
Special Impact Projects	78,112.54	101,285.54	23,173.00
Misc Contracts & Projects	142,947.13	169,000.00	26,052.87
<b>Total Program Services</b>	<b>3,558,759.65</b>	<b>4,572,519.56</b>	<b>1,013,759.91</b>
<b>Administrative Services</b>			
Administrative Office Operations	1,747,115.27	1,894,517.71	147,402.44
Other Contracted Services	26,847.50	50,500.00	23,652.50
<b>Total Administrative Services</b>	<b>1,773,962.77</b>	<b>1,945,017.71</b>	<b>171,054.94</b>
<b>TOTAL EXPENSES</b>	<b>5,332,722.42</b>	<b>6,517,537.27</b>	<b>1,184,814.85</b>

Balance			
Total Budget	Remaining	Spent %	Target %
14,579,422.13	9,504,070.41	35%	35%
-	(241,005.82)	0%	0%
<b>14,579,422.13</b>	<b>9,263,064.59</b>	<b>36%</b>	<b>35%</b>
<b>Program Services</b>			
6,029,607.05	3,663,681.62	39%	54%
1,971,268.51	999,493.96	49%	53%
213,785.54	135,673.00	37%	47%
257,000.00	114,052.87	56%	66%
<b>8,471,661.10</b>	<b>4,912,901.45</b>	<b>42%</b>	<b>54%</b>
<b>Administrative Services</b>			
3,080,645.28	1,333,530.01	57%	61%
110,500.00	83,652.50	24%	46%
<b>3,191,145.28</b>	<b>1,417,182.51</b>	<b>56%</b>	<b>61%</b>
<b>11,662,806.38</b>	<b>6,330,083.96</b>	<b>46%</b>	<b>56%</b>

<b>Change in Net Assets</b>	<b>(16,364.88)</b>
Beginning Net Assets	920,609.09
Plus current Net Assets	(16,364.88)
Ending Net Assets W/O Donor Restrictions	<u>904,244.21</u>

<b>2,916,615.75</b>
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**Pacific Mountain Workforce Development Council**  
**STATEMENT OF ACTIVITIES**  
**Detail**  
**PY24 Actual to Budget Report**

For Qtr. end December 31, 2024	Current Period Actual	Current Period Budget	Variance
<b>REVENUES</b>			
Grant & Contracts	2,609,115.03	2,609,115.03	-
Other	118,321.17	-	(118,321.17)
<b>Total Revenues</b>	<b>2,727,436.20</b>	<b>2,609,115.03</b>	<b>(118,321.17)</b>
<b>EXPENSES</b>			
<b>PROGRAM SERVICES</b>			
<b>Direct Participant Services</b>			
Title 1b Contractor - WIOA Adult	177,377.55	200,000.00	22,622.46
Title 1b Contractor - WIOA DW	116,335.54	120,000.00	3,664.47
Title 1b Contractor - WIOA Youth	23,260.59	68,750.00	45,489.41
Community Youth Projects	35,725.09	180,341.75	144,616.66
One Stop Operator	30,363.48	45,000.00	14,636.52
Opioid	-	34,583.74	34,583.74
Pathway	17,036.45	138,882.56	121,846.11
Quest	5,723.00	8,474.45	2,751.45
EcSA Federal PY22	-	8,427.25	8,427.25
EcSA Federal PY24	37,829.72	50,000.00	12,170.28
EcSA Expr Financial Need	37,066.20	37,898.50	832.30
EcSA Expr Poverty	93,729.09	100,000.00	6,270.91
Commerce EcSA - Participant Services	485,000.00	488,500.00	3,500.00
Thurston County Jail	25,702.10	32,177.12	6,475.02
Ag Labor	130,701.56	154,295.78	23,594.22
<b>Total Direct Participant Services</b>	<b>1,215,850.36</b>	<b>1,667,331.15</b>	<b>451,480.79</b>
<b>Business Services</b>			
Business Services/Including Military Transition	298,732.25	300,000.00	1,267.75
Quest DWG	-	3,353.40	3,353.40
Commerce EcSA - Sector Engagement	224,944.20	230,000.00	5,055.80
<b>Total Business Services</b>	<b>523,676.45</b>	<b>533,353.40</b>	<b>9,676.95</b>
<b>Special Impact Projects</b>			
Quest - Greater Grays Harbor	3,635.10	15,946.39	12,311.29
Commerce EcSA - Participant Services	14,327.00	37,500.00	23,173.00
<b>Total Special Impact Projects</b>	<b>17,962.10</b>	<b>53,446.39</b>	<b>35,484.29</b>
<b>Misc. Contracts &amp; Projects</b>			
WIOA Youth	-	5,500.00	5,500.00
Sector Facilitation/Media/Web Support	73,500.00	75,000.00	1,500.00
Professional Development	7,950.00	10,000.00	2,050.00
<b>Total Misc. Contracts &amp; Projects</b>	<b>81,450.00</b>	<b>90,500.00</b>	<b>9,050.00</b>
<b>Total Program Services</b>	<b>1,838,938.91</b>	<b>2,344,630.94</b>	<b>505,692.03</b>

Current Year Actual	Current Year Budget	Variance
5,075,351.72	5,075,351.72	-
241,005.82	-	(241,005.82)
<b>5,316,357.54</b>	<b>5,075,351.72</b>	<b>(241,005.82)</b>
332,067.31	400,000.00	67,932.69
188,008.54	212,500.00	24,491.46
45,440.57	137,500.00	92,059.43
35,725.09	360,683.50	324,958.41
66,058.11	90,000.00	23,941.89
47,739.26	69,167.49	21,428.23
44,978.86	277,765.13	232,786.27
22,567.25	25,000.00	2,432.75
32,606.62	33,709.00	1,102.38
37,829.72	49,500.00	11,670.28
57,484.88	75,797.00	18,312.12
152,006.54	157,437.00	5,430.46
999,000.00	1,000,000.00	1,000.00
53,558.37	64,354.24	10,795.87
250,854.31	308,591.56	57,737.25
<b>2,365,925.43</b>	<b>3,262,004.91</b>	<b>896,079.48</b>
492,185.64	556,815.50	64,629.86
13,399.29	13,413.61	14.32
466,189.62	470,000.00	3,810.38
<b>971,774.55</b>	<b>1,040,229.11</b>	<b>68,454.56</b>
63,785.54	63,785.54	-
14,327.00	37,500.00	23,173.00
<b>78,112.54</b>	<b>101,285.54</b>	<b>23,173.00</b>
3,775.00	11,000.00	7,225.00
131,222.13	150,000.00	18,777.87
7,950.00	8,000.00	50.00
<b>142,947.13</b>	<b>169,000.00</b>	<b>26,052.87</b>
<b>3,558,759.65</b>	<b>4,572,519.56</b>	<b>1,013,759.91</b>

Total Budget	Balance Remaining	% Spent	Target %
14,579,422.13	9,504,070.41	35%	35%
-	(241,005.82)	0%	0%
<b>14,579,422.13</b>	<b>9,263,064.59</b>	<b>36%</b>	<b>35%</b>
800,000.00	467,932.69	42%	50%
425,000.00	236,991.46	44%	50%
275,000.00	229,559.43	17%	50%
721,367.00	685,641.91	5%	50%
90,000.00	23,941.89	73%	100%
138,334.97	90,595.71	35%	50%
555,530.25	510,551.39	8%	50%
33,897.79	11,330.54	67%	74%
33,709.00	1,102.38	97%	100%
99,000.00	61,170.28	38%	50%
151,594.00	94,109.12	38%	50%
314,874.00	162,867.46	48%	50%
1,954,000.00	955,000.00	51%	51%
128,708.48	75,150.11	42%	50%
308,591.56	57,737.25	81%	100%
<b>6,029,607.05</b>	<b>3,663,681.62</b>	<b>39%</b>	<b>54%</b>
1,113,631.00	621,445.36	44%	50%
13,413.61	14.32	100%	100%
844,223.90	378,034.28	55%	56%
<b>1,971,268.51</b>	<b>999,493.96</b>	<b>49%</b>	<b>53%</b>
63,785.54	-	100%	100%
150,000.00	135,673.00	10%	25%
<b>213,785.54</b>	<b>135,673.00</b>	<b>37%</b>	<b>47%</b>
22,000.00	18,225.00	17%	50%
225,000.00	93,777.87	58%	67%
10,000.00	2,050.00	80%	80%
<b>257,000.00</b>	<b>114,052.87</b>	<b>56%</b>	<b>66%</b>
<b>8,471,661.10</b>	<b>4,912,901.45</b>	<b>42%</b>	<b>54%</b>



**Pacific Mountain Workforce Development Council**  
**STATEMENT OF ACTIVITIES**  
**Detail**  
**PY24 Actual to Budget Report**

For Qtr. end December 31, 2024	Current Period Actual	Current Period Budget	Variance
Other Expenses	5,112.93	5,000.00	(112.93)
Donations	-	-	-
<b>Total Other</b>	<b>10,080.17</b>	<b>39,157.50</b>	<b>29,077.33</b>
<b>Total Administrative Office Operations</b>	<b>875,753.54</b>	<b>960,793.36</b>	<b>85,039.82</b>
<b>Other Contracted Services</b>			
System Rent Support	-	15,000.00	15,000.00
Media	12,000.00	12,000.00	-
HR Consulting	743.75	750.00	6.25
<b>Total Other Contracted Services</b>	<b>12,743.75</b>	<b>27,750.00</b>	<b>15,006.25</b>
<b>Total ADMINISTRATIVE SERVICES</b>	<b>888,497.29</b>	<b>988,543.36</b>	<b>100,046.07</b>
<b>TOTAL EXPENSES</b>	<b>2,727,436.20</b>	<b>3,333,174.30</b>	<b>605,738.10</b>
<b>Changes in Net Assets</b>	-		
Beginning Net Assets	904,244.21		
Plus current Net Assets	-		
Ending Net Assets W/O Donor Restrictions	904,244.21		

Current Year Actual	Current Year Budget	Variance
13,471.56	5,000.00	(8,471.56)
3,000.00	-	(3,000.00)
<b>37,834.39</b>	<b>80,700.00</b>	<b>42,865.61</b>
<b>1,747,115.27</b>	<b>1,894,517.71</b>	<b>147,402.44</b>
-	-	-
24,000.00	48,000.00	24,000.00
2,847.50	2,500.00	(347.50)
<b>26,847.50</b>	<b>50,500.00</b>	<b>23,652.50</b>
<b>1,773,962.77</b>	<b>1,945,017.71</b>	<b>171,054.94</b>
<b>5,332,722.42</b>	<b>6,517,537.27</b>	<b>1,184,814.85</b>
<b>(16,364.88)</b>		
920,609.09		
(16,364.88)		
904,244.21		

Total Budget	Balance Remaining	% Spent	Target %
5,000.00	(8,471.56)	269%	100%
-	(3,000.00)	0%	0%
<b>137,891.99</b>	<b>100,057.60</b>	<b>27%</b>	<b>59%</b>
<b>3,080,645.28</b>	<b>1,333,530.01</b>	<b>57%</b>	<b>61%</b>
60,000.00	60,000.00	0%	0%
48,000.00	24,000.00	50%	100%
2,500.00	(347.50)	114%	100%
<b>110,500.00</b>	<b>83,652.50</b>	<b>24%</b>	<b>46%</b>
<b>3,191,145.28</b>	<b>1,417,182.51</b>	<b>56%</b>	<b>61%</b>
<b>11,662,806.38</b>	<b>6,330,083.96</b>	<b>46%</b>	<b>56%</b>
<b>2,916,615.75</b>			