

FINAL
Virginia Office for Protection and Advocacy
Richmond, Virginia
Board Meeting Minutes
January 20, 2006

Members Present: Barbara Barrett, Brent Brown, Ray Burmester, Michael Cooper, Bill Fuller, Waja Grimm, Chris Harrison, Maureen Hollowell, Susan Kalanges, Elizabeth Prialx

Members Absent: Dink Shackelford, Rita Kidd

Guests: Roger Moore

Staff Present: Sherry Confer, Colleen Miller, Lisa Shehi

For portions:
Becky Currin, Jonathan Martinis, Stephen Traubert, Julie Triplett

Call to Order and Welcome: Brent Brown, Vice Chair, called the meeting to order at 9:05 a.m. Mr. Brown welcomed Board members, guests, and staff and asked that participants introduce themselves.

Legal Rights Training:

- **Employment Clinic** Steven Traubert, Staff Attorney at VOPA, introduced Julie Triplett and Becky Currin, Disability Rights Advocates. Mr. Traubert announced the launch of VOPA's Employment Clinic. Staff provided a demonstration of the training that will be offered by the clinic. This sample concerned interview and post-hire discussions between employer and employee.

Mission Statement: Barbara Barrett read the mission statement.

Adopt Agenda: Ms. Barrett made a MOTION to adopt the agenda as presented. Elizabeth Prialx SECONDED the MOTION. Michael Cooper made a MOTION to move the Reports and Committees discussions to be conducted after Old Business. Waja Grimm SECONDED the MOTION. Colleen Miller, Executive Director, announced that a policy which the Board had reviewed at the September meeting for approval at the current meeting had not been included in the agenda or Board packet. Upon unanimous vote, the amended agenda was adopted.

Approval of September 20, 2005 Minutes: Mr. Cooper made a MOTION to approve the September 20, 2005 minutes. Barbara Barrett SECONDED the motion. Mr. Cooper noted a change to the minutes to include insertion of the following statement as the third and fourth sentences in the Retreat Follow-up/Strategic Planning Committee Report:

“None of the strategic planning options put forward were adopted. Board and Staff buy-in to the strategic plan beyond setting annual objectives was not readily apparent.”

The amended minutes were approved by unanimous vote.

Public Comment:

Roger Moore, parent of two sons with autism, discussed the difficulties faced by his younger son in the public school system and their interactions with VOPA. Mr. Moore expressed concern that VOPA had not responded to an appeal. Ms. Miller stated that she would investigate further and that she or Maureen Hollowell would respond to his concerns.

Announcements:

Becky Currin read a statement from Board member Dink Shackelford. Dr. Bill Fuller advised the Board about proposed legislation that establishes a 2-cent-per-transaction fee levied on each real estate. The fund will be used for development of low incoming housing with the number one priority being housing for individuals with disabilities.

Old Business:

- **Ombudsman Program**

Ms. Miller stated that the *ad hoc* Ombudsman Program Committee met once since the last board meeting. The Committee tasked staff and committee members with assignments. Ms. Barrett and Ms. Miller met with Senator Emmett Hanger, who will sponsor a budget amendment for the program. A Budget Amendment request was also submitted by Delegate Phil Hamilton for this program. Senator John Edwards introduced proposed legislation for the development of the Office of Children’s Services Ombudsman (Senate Bill 208) which may overlap with our program. Former Governor Warner’s proposed budget delays the effective date of VOPA’s program to July 1, 2008.

- **Policies Proposed at September Board Meeting**
 - **Supervision**
 - **Appointment of Advisory Council Members**

Susan Kalanges, committee Chair, presented VOPA Operating Policy 3.1 – Supervision, for Board approval and Governing Board Policy – Appointment of Advisory Council Members. The Policies were presented to the Board for review at the September 2005 meeting. Michael Cooper made a MOTION to approve the policies as presented. The policies, having been brought before the Board by the Committee, required no SECOND. Both policies were approved by unanimous vote of the Board.

- **Personnel – Executive Session**

Brent Brown made a MOTION to adjourn to closed session to discuss personnel issues. Ray Burmester SECONDED the MOTION and it carried by unanimous vote. This meeting is specifically

authorized to be conducted in closed session pursuant to section 2.2-3711 (A) (1) of the Code of Virginia.

After discussion in closed session, Mr. Brown made a MOTION to certify that only such public business as that identified in the MOTION to close the meeting was heard or considered. Each member affirmed this certification.

Reports:

- **PAIMI Council**

Chris Harrison noted that the Council met in Charlottesville on November 3, 2005. That meeting included elections of officers and the development of the Council's annual report to the Board. The elected officers are: Chris Harrison, Chair; Irene Rebholz, Vice Chair; and Scott DuVal, Secretary.

- **Disabilities Advisory Council**

Sherry Confer, VOPA Policy Director and Staff Liaison to the Disabilities Advisory Council, reported that the Council met twice since the last Board meeting. Those meetings included the election of officers, development of the Council's annual report to the Board, membership, and foster care. The elected officers are: Dave Wilber, Chair and Van Johnson, Vice Chair. Ms. Confer and Dave Wilber, Council Chair, shared that the Council continues to develop membership recruitment strategies. Ms. Confer also noted that staff are working towards a joint meeting with the two Councils in order to facilitate Leadership Training.

- **Progress on Priorities**

Ms. Miller directed the Board to the Progress on Priorities report, provided in the Board packet.

Ms. Miller highlighted the Employment Clinic and noted that the project is currently funded with the Client Assistance Program (CAP) funds which allows us to disseminate Title I information about the Americans with Disabilities Act.

Ms. Miller explained that work has begun under the Fair Housing grant awarded by the Department of Housing and Urban Development. She noted, as well, that the Office is remaining busy with many special education issues.

- **Litigation**

Ms. Miller highlighted the Litigation Report which had been provided in the Board package. Two cases specifically discussed by the Director and Board were VOPA v. Showalter and VOPA v. Virginia Lottery. In VOPA v. Showalter, the Virginia Office for Protection and Advocacy was denied access to polling precincts in the City of Richmond for the purpose of monitoring for accessibility issues.

In VOPA v. Virginia Lottery, the Office represents individuals who were denied entry into retail establishments due to inaccessibility. These retailers are contractors with the Virginia Lottery. The case is ongoing.

Ms. Miller advised that the Office is in litigation against a nursing home in Greene County.

Ms. Priaulx asked for clarification on a recent news article regarding investigative findings by VOPA at Center Virginia Training Center. Ms. Miller explained that the information in the investigative findings communications were, and are, considered confidential by this Office. She assured the Board that no staff member of VOPA disclosed this information to the press. Furthermore, as an ongoing investigation, Ms. Miller noted that she was not at liberty to discuss any of the findings at this time.

- **Director**

Ms. Miller summarized the Director's Report which was included in the packet. Ms. Miller asked the Board to consider an increase in the Office's Maximum Employee Limit (MEL) from 37. Ray Burmester made a MOTION to increase the MEL to 42. Barbara Barrett SECONDED the MOTION. Discussion proceeded regarding the effect of additional positions on the Office's budget. Brent Brown made a MOTION to amend the increase to 40 until the April Board meeting, at which time the MEL would be reviewed and amended as necessary. Elizabeth Priaulx SECONDED the MOTION. Discussion continued. The amendment passed by a vote of 5-2. After further discussion, Mr. Brown called for the vote. The increase in MEL to 40 was approved by unanimous vote.

Ms. Miller noted that the State Travel Regulations were recently amended to include revised Meals and Incidental Travel Expenses (M&IE) (*per diem*). Ms. Miller asked the Board to consider the amendment of VOPA's M&IE to reflect those of the state. Ms. Miller further explained that there are additional changes in the state policy which may need further approval of the Board at the April meeting. Michael Cooper made a MOTION to approve the revised M&IE rates. Waja Grimm SECONDED the MOTION and it carried with unanimous vote.

Ms. Miller advised the Board on the status of the transition in information technology support.

Lunch:

The Board adjourned for lunch at 12:10 and reconvened at 12:50.

Committees:

- **Executive Committee**

Maureen Hollowell noted that the Executive Committee has met twice since the September Board meeting. Notes from those meetings were included in the Board package.

Ms. Miller updated the Board on the status of the Mental Health Needs Survey. VOPA had contracted with the Virginia Commonwealth University (VCU) to perform this survey. To date, survey results have not been provided in a satisfactory manner. The decision of the Executive Committee was to discontinue relations with VCU in regards to this effort and all other work.

Ms. Hollowell asked the Internal Policy Committee to discuss a process and determine if a policy is necessitated regarding public positions being taken by the Councils, how they would become positions of the Board, and what the protocol would be for such.

Ms. Miller shared that VOPA had received a large request for disclosure under the Freedom of Information Act since the September Board meeting. Pursuant to FOIA, VOPA requested a deposit before proceeding. To date, the deposit has not been received.

- **Finance and Resource Development**

Mr. Cooper highlighted the financial reports and observed that VOPA is in a solid position financially for this point in the fiscal year. Mr. Cooper applauded Ms. Miller for expending all carryover funds in the Virginians with Disabilities Act grant by July 31, 2005.

Ms. Miller advised that Congress has yet to pass a budget for this fiscal year. VOPA continues to work under the previously approved federal budget.

- **Internal Policy**
 - **New Policies**

The Internal Policy Committee met on Thursday, January 19, 2006. Susan Kalanges explained that the Committee discussed the Freedom of Information Act (FOIA) and its relevance to meetings held telephonically. Ms. Kalanges explained that any location from which a Board member participates in a meeting via electronic means must be open to the public. The committee decided not to write a FOIA policy. After discussion of this issue, Ms. Hollowell requested that the Committee revisit a possible Freedom of Information Act policy at a subsequent meeting.

Ms. Kalanges distributed guidelines for travel reimbursement currently in effect for Board members. The Committee brought this to the Board to consider adapting the policy and guidelines for Council member reimbursement when attending Board

meetings.

The Board discussed the development of public policy statements. The Executive Committee recommends that unless a request for a public policy statement is deemed of an emergency nature, the Public Policy Committee would be asked to review and consideration by the Board be made at the following Board meeting. Exceptions to this would be made in the case deemed urgent by a 2/3 vote of the Board.

Mr. Brown concluded by advising that any items Board members seek to have discussed at the meetings should first be presented to the appropriate committee precluding an emergency.

Ms. Kalanges provide a draft copy of Policy 1.2: Service Access and Eligibility—DRAFT.

- **Public Policy**

Ray Burmester, committee Chair, stated that his committee had not met.

- **Priorities and Public Awareness**

Elizabeth Prialux, committee Chair, noted that the committee has not met since the last Board meeting.

New Business:

- **Committee Structure**

Ms. Hollowell recommended that Board members review the minutes from the previous two meetings. Work sessions are planned for the committees on April 24, 2006 to develop the committee structure and diagram how the Board should move forward in the committee structure. Mr. Brown asked Board members to review the draft Committee Guidelines as presented on page 7-2 of the Board packet.

- **Nominations**

Ms. Hollowell appointed Elizabeth Prialux and Barbara Barrett to the Nominations Committee. The Committee was charged with developing a slate of candidates to present to Board members 30 (thirty) days prior to the April Board meeting for elections.

- **Director's Evaluation**

The Executive Director's evaluation is due annually in April. The Executive Committee will proceed with this evaluation.

- **Financial Disclosure Forms**

Ms. Miller reminded Board members that, pursuant to the State's Conflict of Interest statute, § 2.2-3114, Boards are required to disclose their financial interests annually. The Financial Disclosure Statements had been mailed to Board members prior to the meeting.

Discussion:

- **Rebuilding MH/MR Facilities**

Ms. Miller explained that former Governor Warner issued a budget initiative including the "replacement

of two outdated state hospitals and two aging state training centers with state-of-the-art treatment facilities” and “significant new investment in community-based services.” The Board discussed this budget initiative.

- **Voice of the Retarded Memo**

Waja Grimm presented a memo from the President and Executive Director of the Voice of the Retarded regarding VOPA’s posture of declining to assist individuals to be admitted to training centers. Ms. Grimm noted that she was not asking for any action by the Board with regard to Goals and Focus Areas.

Legal Developments:

Jonathan Martinis, Managing Attorney, presented summaries of recent case developments that affect VOPA’s work.

There being no further business, Ray Burmester made a MOTION to adjourn the meeting. Elizabeth Priaulx SECONDED the MOTION. Upon unanimous vote, Ms. Hollowell adjourned the meeting at 2:45 p.m. The next meeting of the Board will be April 25 at the Woodrow Wilson Rehabilitation Center in Fishersville, Virginia. Board Committees will meet in work sessions on April 24.

FINAL MINUTES:

_____ April 25, 2006