

**Virginia Office for Protection and Advocacy
Richmond, Virginia
Board Meeting Minutes
January 25, 2005**

- Members Present:** Barbara Barrett, Brent Brown, Ray Burmester, Waja Grimm, Chris Harrison, Susan Kalanges, Dink Shackelford, Elizabeth Priaulx
- Members Present but Late:** Maureen Hollowell
- Members Absent:** Michael Cooper, Okpil Kim, Daaiyah Rashid
- Staff Present:** Pam Branch, Heather Brunner, Sherry Confer, Colleen Miller, Lisa Shehi,
- Guests:** Lisa Grubb, Executive Director of the Virginia Statewide Independent Living Council (SILC)
- Call to Order at 9:00:** The meeting was called to order at 9:08 a.m. by Brent Brown, Vice Chair.
- Welcome and Introductions:** Mr. Brown welcomed Board members, staff, and guests and asked each attendee to introduce themselves.
- Legal Rights Training:**
- **Assistive Technology** Julie Kegley - VOPA Staff Attorney - and Becky Currin - Disability Rights Advocate – provided a PowerPoint presentation on Assistive Technology. Ms. Kegley and Ms. Currin also demonstrated various forms of Assistive Technology.
- Lisa Grubb (SILC) noted that the SILC provides devices on loan until individuals receive their own device.
- Mission Statement:** Elizabeth Priaulx read the mission statement.
- Adopt Agenda:** Brent Brown requested that the Board members review the agenda. There being no changes to the agenda, Ray Burmester made the MOTION to approve the agenda as presented. Barbara Barrett SECONDED the MOTION and it carried unanimously.
- Approval of September 10, 2004 Minutes:** The minutes of the September 10, 2004 Board meeting were reviewed. Waja Grimm requested clarification as to the roles of Daaiyah Rashid and Mark Lester. It was noted that Ms. Rashid and Mr. Lester were chairs of the Disability Advisory Council and the PAIMI Advisory Council, respectively, and *ex officio* members of the Board. There being no changes to the minutes, Barbara Barrett made a MOTION to approve the minutes as presented. Waja Grimm SECONDED the MOTION and it was approved by unanimous vote.

Public Comment:

Lisa Grubb from the Virginia Statewide Independent Living Council (SILC) thanked the members of the Board of Directors for the work they do on behalf of individuals with disabilities. Ms. Grubb noted that the SILC is a council appointed by the Governor and she read the mission statement of the SILC. Ms. Grubb noted that 2005 is the 20th anniversary of the Virginians with Disabilities Act (VDA). In collaboration with other Disability Service Agencies, the SILC is coordinating a celebration in honor of those who were instrumental in the passage of the VDA. Ms. Grubb asked for the support and participation, if possible, of VOPA in the celebration activities.

Mr. Brown turned the meeting over to Maureen Hollowell, Chair.

Retreat Follow-up Items:

- **Next Steps**

Maureen Hollowell asked Barbara Barrett to discuss the follow-up steps to the November 2004 Board retreat. Ms. Barrett noted that Mary Anne Harvey's (the facilitator) material had been included in the Board packet and she felt that Ms. Harvey had done an excellent job of translating the thoughts and comments expressed during the retreat into a thoughtful report.

Board members shared their impressions of the retreat. Elizabeth Priaux requested that a follow-up committee review the recommendations made by Ms. Harvey. Ms. Hollowell added that she feels that the committee should build from Ms. Harvey's document. Ms. Hollowell requested that Ms. Barrett lead a committee on the follow-up. Ms. Barrett agreed and noted that she would welcome participants of the Retreat Planning Committee to be a part of the follow-up. Meetings will be held in the Northern Virginia area to accommodate travel concerns of Board members. Ray Burmester and Elizabeth Priaux agreed to work with Ms. Barrett on this committee. Ms. Barrett asked the Board members to provide "retreat follow-up" feedback to the committee via her e-mail.

- **Committee Structure**

Maureen Hollowell asked the Board to consider maintaining three standing committees and additional *Ad Hoc* committees. Due to current Freedom of Information Act regulations, committee meeting attendees are required to attend in person. Ms. Hollowell further noted that there is legislation currently in the General Assembly which may change the restriction on the quantity of meetings to be held via electronic means.

Board members discussed ways to structure the committees in order to facilitate geographical differences and the necessity to meet in person.

Mr. Brown recommended that committees include two board members, one representative from each of the two Councils (PAIMI and DAC) and one staff representative with the exception of the *Ad Hoc* Nominating Committee.

Ms. Barrett suggested that the Incidents in the Community committee be changed to reflect additional issues. The name of the committee was changed to "Issues."

Standing committees for the VOPA Board of Directors and members are:
Policy Committee: Susan Kalanges, chair; Waja Grimm; Dink Shackleford
Issues Committee: Ray Burmester, chair; Barbara Barrett
Priorities Committee: Elizabeth Priaulx, chair; Brent Brown; Ray Burmester; Daaiyah Rashid

Ad Hoc committees are:

Nominating Committee: Waja Grimm, chair; Susan Kalanges
Planning Committee: Barbara Barrett, chair; Elizabeth Priaulx; Ray Burmester

Ms. Miller serves as *ex officio* on all committees.

Mr. Brown suggested the formation of a public relations committee in the future.

- **Notice of Litigation**

Colleen Miller noted that some Board members had requested advance notification regarding pending litigation. Board members discussed their concerns regarding notice of litigation. The Board's consensus was that they should be notified as soon as possible once a suit has been filed. Ms. Miller will also provide the Board with suggested talking points in the event they are asked about the suit.

Board members noted their intention that the Board be seen as a resource by staff.

- **Mission Statement**

Ms. Miller reminded the Board that they had agreed, at the Retreat, that they wanted to vote on the mission statement. Brent Brown made the MOTION and Elizabeth Priaulx SECONDED the MOTION to reaffirm the mission statement.

Elizabeth Priaulx made a MOTION to reconsider the vote of the mission statement. Waja Grimm seconded the MOTION and the reconsideration passed.

Ms. Barrett suggested that the Board and staff work together to consider a new mission statement. The Retreat Follow-Up Committee will take on this task and will ensure that the disability community have input into the mission statement. The mission statement was reaffirmed by a vote of 3 in favor, 2 opposed, and 1 abstention.

Mr. Brown made a MOTION to re-reaffirm the current mission statement and to resolve that a new mission statement be developed within the next twelve months. Further, Mr. Brown made a MOTION that the Board Retreat Follow-up Committee schedule a one-day retreat to discuss. Susan Kalanges SECONDED the MOTION. The MOTION passed with 5 in favor, 0 opposed, and 2 abstentions.

Lunch

The meeting adjourned at 12:15 for lunch and reconvened at 12:55.

Discussion Items:

- **Ombudsman Program**

Ms. Miller stated that the same statute that created VOPA created the Ombudsman Program. However, the legislature did not fund the Program at that time and it has been deferred until July 2006. Elizabeth Priaulx stated that NAPAS has a packet of information available about other Protection and Advocacy ombudsman programs and that she would forward a copy to Ms. Miller. Ms. Hollowell noted that the Board needs further understanding on the Ombudsman Program. She asked that the Ombudsman Program be more fully discussed at the April Board meeting.

- **Legislative Update**

Ms. Miller commented that there are multiple pieces of legislation that VOPA is tracking. There is currently one bill quickly moving through the General Assembly concerning electronic communication meetings. Ms. Miller advised Board members that, if passed and Board members attend meetings via electronic means, the location of their attendance is considered "open to the public." Brent Brown made a formal MOTION that VOPA supports this bill. Susan Kalanges SECONDED the MOTION and it passed unanimously.

Executive Session:

Ray Burmester made a MOTION to adjourn the meeting into a closed session for the purpose of conducting business pertaining to personnel issues. This meeting is specifically authorized to be conducted in closed session pursuant to section 2.2-3711 (A) (1) of the Code of Virginia. Barbara Barrett SECONDED the MOTION and it carried unanimously.

After discussion in closed session, Ray Burmester made a MOTION to certify that only such public business as that identified in the MOTION to close the meeting was heard or considered. Waja Grimm SECONDED the MOTION and a unanimous affirmative vote was noted.

Brent Brown made the MOTION to approve the compensation of the Executive Director as \$111,500 effective February 1, 2005. Barbara Barrett SECONDED the MOTION. The MOTION passed by unanimous vote.

Reports:

- **Chair**

Maureen Hollowell noted that there are effectively two vacancies on the Board – that of Charity Gray-Daigre and an upcoming anticipated vacancy of Okpil Kim, who has asked to not be reappointed due to time constraints.

Ms. Hollowell explained that, because of two conflicting areas within the Code of Virginia, she had not yet prepared the Board report to the General Assembly. Ms. Hollowell that she would like to focus the Board report on the priorities that the Board has established.

Ms. Hollowell shared that she had recently been a part of a group discussing Olmstead activities and noted that the state has two groups: Olmstead Advisory Council and Olmstead Implementation Team. The Advisory Council requested a presentation from Ms. Hollowell on ICF/MRs. Ms. Hollowell noted that she would be addressing this

discussion as a family member and CIL staff. Colleen Miller had requested that Ms. Hollowell not address the group on behalf of VOPA due to potential conflicts with the agency's position on the Olmstead decision.

- **PAIMI Council** Chris Harrison, Chair, noted that during the last PAIMI Council meeting, the annual report was distributed. Council members also received training on Critical Incident Reports. Additionally, PAIMI Council members elected new officers: Chris Harrison, Chair; Irene Rebholz, Vice Chair; Scott DuVal, Secretary. The next meeting of the PAIMI Council will be February 10 in Richmond.
- **Disability Advisory Council** There was no report from the DAC Chair. Sherry Confer noted that the Council is interested in the Priority setting process and is pleased to see the input given by the DAC incorporated into the Priorities. The DAC received legal rights training and were very pleased with that training. DAC Council members elected new officers at the November meeting: Daaiyah Rashid will continue as Chair; Edward Zeigler, Vice Chair. The next meeting of the DAC will be January 27 in Richmond.
- **Director** Ms. Miller noted that the Director's Report was included in the Board packet and she would welcome any questions to that report.

Ms. Miller further noted that the NAPAS conference on Skills Building was held January 11-13 in Orlando Florida. VOPA staff attended a session on abuse and neglect investigations and it was apparent that the work being done by VOPA in the area of investigations is exemplary. Further, Ms. Miller noted that she had the opportunity to speak to individuals at NAPAS regarding VOPA's Spanish Speaking Outreach Committee and noted that apparently Virginia is "on the cutting edge" with this approach.

Ms. Miller noted that Virginia will hold primary elections in June and VOPA plans on having staff at various polling places to monitor accessibility.
- **Progress on Priorities** Ms. Miller noted that the Progress on Priorities Report was included in the Board packet and she would welcome any questions. Board members discussed several items.
- **Litigation** Ms. Miller updated Board members on the status of several cases mentioned in the Litigation Report. Elizabeth Prialx questioned the low number of cases being brought under the TBI (Traumatic Brain Injury) grant. Ms. Miller noted that we have not received a substantial number of cases and that VOPA is working with the Brain Injury Association of Virginia and the Southwest Virginia Brain Injury Council to identify potential clients.

Sherry Confer stated that VOPA staff should be able to report more progress at the next Board meeting because VOPA has the opportunity to participate in the Brain Injury Council meeting and the Brain Injury Alliance. These are two places to network and we may identify cases through that networking.

Committees:

- **Policy**

Susan Kalanges noted that the Policy Committee met January 24. The Committee has focused on two policies for the Board's consideration. Those policies are:

1. Recruitment of new Board members;
2. Legislative interactions and public positions on behalf of VOPA.

Ms. Kalanges provided Board members with first draft copies of the proposed policies. Ms. Hollowell asked the Board members to review the drafts and prepare to discuss the policies at the April 26 Board meeting.

- **Incidents in the Community**

Ray Burmester stated that Colleen Miller had provided charts on the Critical Incidents reported to VOPA and that the reports were very basic, but noted that he has been assured that VOPA does other kinds of data analysis as well.

- **Priorities**

Elizabeth Prialx noted that the Priorities Committee has not met recently. Ms. Prialx noted that she would like to see VOPA try a more targeted approach for public input into the Priority setting process. The second step would be to use the Priorities as a marketing tool. Ms. Prialx asked what role Board members would be willing to play in these focus groups. She suggested that Board members attend at least one focus group meeting. Ms. Prialx suggested that the Priorities Committee meet and develop a work plan focused on reviewing the comments from the focus groups as well as discussing how to explain VOPA's Priorities. She further stated that she would welcome other Board members to join the Priorities Committee. Brent Brown agreed to participate on this Committee contingent upon the decision to hold the meetings in the Manassas Airport conference room.

Ms. Prialx reported the proposed schedule for establishing priorities for FY 2006:

Between now and the April Board meeting, VOPA will conduct focus groups and meet with advisory councils to collect public input on the statement of "goals". At the April Board meeting, the Board will adopt tentative "goal" statements for FY 2006. Between the April and July Board meetings, VOPA will conduct focus groups, meet with advisory councils, and conduct a survey on proposed "focus areas" within the goals. At the July Board meeting, the Board will adopt tentative focus areas. Between the July Board meeting and the September meeting, VOPA staff, in consultation with the advisory councils, will develop proposed objectives under the focus areas. At the September Board meeting, the Board will adopt final goals, focus areas, and objectives for FY 2006.

- **Nominating**

Waja Grimm noted that, per the By Laws, this committee must consist of three Board members. Currently there are two members: Waja Grimm, Chair; and Susan Kalanges. A third potential member was mentioned. Ms. Miller reminded Board members that the nominating slate for officers must be presented 30 days prior to the April Board meeting in order that a vote can be taken in April and individuals voted upon take office effective July 1.

Brent Brown asked that the By Laws reflect the change to the committee structure as voted on earlier in the Board meeting and to indicate the requirement of two Board members on the nominating committee. Ray Burmester offered to draft the revisions to the by-laws for consideration at the next meeting.

Financial Report

In the absence of Okpil Kim and Michael Cooper, Colleen Miller discussed the Financial Reports. Ms. Miller noted that the Grant Revenue and Expenditure for State Fiscal Year (page 3-2) is a new report which was developed based on Board comments. Ms. Miller further noted that VOPA is in a sound financial state.

Chris Harrison inquired as to where funds would come from if VOPA should lose a lawsuit. Ms. Miller stated that she felt that the funds would come from the grant on which the lawsuit was filed.

Ms. Barrett suggested that the Board create a “no strings attached” fund.

The Board discussed the remaining financial reports.

Closing

There being no further business, a MOTION was made by Barbara Barrett to adjourn the meeting at 3:49 p.m. The MOTION was SECONDED by Waja Grimm and was unanimously approved. The next Board meeting will be held April 26, 2005 in Virginia Beach.

MINUTES ACCEPTED:

_____ April 26, 2005
Date