

FINAL MINUTES
Virginia Office for Protection and Advocacy
Governing Board
Richmond, Virginia
July 24, 2007

Call to Order and Welcome: Brent Brown, Board Chair, welcomed Board members, guests, and staff and called the meeting to order at 9:10, asking that individuals present introduce themselves.

Members Present: Brent Brown, Ray Burmester, Charles Cooper, Bill Fuller, Waja Grimm, Chris Harrison, Maureen Hollowell, Susan Kalanges, Rita Kidd, Pat Meyer, Elizabeth Priaulx, Irene Rebholz, Dave Wilber

Members Absent: None

Guests Present: Walter Kucharski, Lisa Ritchie, James Silcox, George Strudgeon

Staff Present: Sherry Confer, Colleen Miller, Lisa Shehi
Jonathan Martinis (for portions)

Training: Training was provided by Walter Kucharski, Auditor of Public Accounts for the Commonwealth. Mr. Kucharski explained the role of the Auditor of Public Accounts (APA). Mr. Kucharski provided overviews of the Fraud Auditing Standard, New Standard on Communicating Internal Control Matters Identified during an Audit, and the New Standard on the Auditor's Communication with Those Charged with Governance. He answered questions from the Board.

- **The Audit Process**

Mission Statement: The Mission Statement was read by Irene Rebholz.

Adopt Agenda: Mr. Brown recommended that Public Comment specifically addressing the Virginia Office for Protection and Advocacy's (VOPA's) Goals and Focus Areas be added immediately following general Public Comment. He further recommended that the Public Awareness and Goals Committee provide their report following Public Comment. Bill Fuller made a MOTION to amend the agenda as noted. Chris Harrison SECONDED the MOTION and it carried unanimously. Mr. Harrison made a MOTION to accept the agenda as amended. Waja Grimm SECONDED that MOTION and it was adopted by unanimous vote.

Approval of April 24, 2007 Minutes: Ms. Grimm discussed the report from the Nominating Committee and asked that the record reflect that the Committee had presented the slate of officers. Pat Meyer made a MOTION to accept the minutes as amended. Chris Harrison SECONDED the MOTION and the minutes were approved by unanimous vote.

Public Comment - General: James Silcox discussed his request for services from VOPA. Mr. Brown acknowledged Mr. Silcox, thanking him for providing Public Comment.

**Public Comment –
Goals and Focus Areas:**

Colleen Miller, Executive Director, read an e-mail from William Yolton regarding the proposed deletion of the goal titled “People with Disabilities in the Commonwealth of Virginia are Aware of the Nature and Scope of VOPA’s Services.” Mr. Brown asked that the minutes reflect appreciation to Rev. Yolton for providing comment.

Lisa Ritchie, Vice Chair of VOPA’s Protection and Advocacy for Individuals with Mental Illness (PAIMI) Advisory Council, opposed the removal of the above-referenced goal. Further, Ms. Ritchie expressed concerns that the Disabilities Advisory Council (DAC) and PAIMI Advisory Councils were not alerted to this suggested deletion after being asked to provide input into the development of the Goals and Focus Areas. Mr. Brown thanked Ms. Ritchie for her comments.

**Executive Director’s
Report:**

The Executive Director’s Report was provided in the Board package. Ms. Miller updated the Board on organizational developments including the promotion of Sherry Confer to Deputy Director. Ms. Miller shared that VOPA has worked towards the development of an internal Emergency Response Plan and some areas for improvement have been identified. Elizabeth Prialux asked about VOPA’s work with the Brain Injury Services of Southwest Virginia and the Brain Injury Association of Virginia. Ms. Miller explained that VOPA is providing funding for training and case-level work by the organizations. Mr. Brown noted that he serves as the Chairman of the Board for the Brain Injury Services of Southwest Virginia but was not involved in the contract.. Chris Harrison asked about “P&As Under Attack.” Ms. Miller explained that an organization known as the Voice of the Retarded has sought to restrict the ability of protection and advocacy systems to litigate on behalf of individuals with disabilities. Waja Grimm disclosed that she is a member of the Voice of the Retarded. Elizabeth Prialux noted that a copy of the General Accounting Office’s report on the use of litigation by P&As can be obtained through the National Disability Rights Network (NDRN). Ms. Prialux added that although she works for NDRN she is not assigned in this matter.

• **State Law Changes**

Ms. Miller reviewed changes in state law as enacted by the General Assembly with respect to VOPA. She noted that the Freedom of Information Act (FOIA) was amended to include public meetings as a result of a governor-declared state of emergency. Board members and Ms. Miller discussed the changes which included the right of a Board member to meet electronically if his or her inability to attend is the result of a disability or emergency. Further, the change in FOIA allows that individuals meeting electronically due to disability are not required to maintain a location that is open and accessible to the public. Ms. Miller encouraged the Executive Committee to define emergency as a precursor to development of a policy.

Legal Developments:

Jonathan Martinis, VOPA Managing Attorney, provided information on recent legal developments at the United States Supreme Court level, specifically concerning the rights of parents to represent their children in Individuals with Disabilities Education Act (IDEA) cases and concerning the statute of limitations in employment cases.

Executive Committee:

- **Bylaws Change**

Mr. Brown directed Board members to the Bylaws provided in the Board package. After discussion, it was decided to modify the proposed change to read as follows:

“Officers may be removed by an affirmative vote of 2/3 of all Board members after 30 days’ written notice to all Board members by a Board member of the Board member’s intention to move for removal.”

Ray Burmester made a MOTION to adopt the change to the Bylaws as amended. Charles Cooper SECONDED the MOTION and it carried by unanimous vote.

- **Executive Director Job Description**

Mr. Brown distributed the job description developed for the position of Executive Director. He explained that it was developed using various resources. The job description was distributed for review and Board members will be asked to adopt this tool at the September 2007 Board meeting. Dr. Fuller commented that he would like to recommend incorporating into the job description the role of the Executive Director serving in a public policy function.

- **2008 Meeting Schedule**

Board members selected the following dates for 2008 meetings:

January 29, 2008 - Richmond
April 22, 2008 – Charlottesville (tentative)
July 22, 2008 - Richmond
September 23, 2008 - Richmond

Further, Mr. Brown asked that the Executive Committee explore holding a retreat in 2008.

Lunch:

The Board meeting was adjourned from 12:10 – 12:45 for lunch. Following lunch, Mr. Brown presented a certificate of appreciation to Irene Rebholz whose service on the Board ends in August 2007.

Executive Committee - continued:

- **Committee Assignments**

Mr. Brown distributed a list of current committee assignments for review. Charles Cooper agreed to serve one term on the Finance and Resource Development Committee and asked that he be able to re-evaluate that assignment at the end of one year. Susan Kalanges asked that a new Chair be appointed to the Internal Policy Committee. Chris Harrison was appointed by Mr. Brown to serve as Chair.

Finance and Resource Development Committee

- **Financial Report**

Bill Fuller distributed the end of state fiscal year report. Board members discussed the report. Mr. Brown asked that the Finance and Resource Development Committee provide the Board with a summary statement indicating that the Committee has reviewed the finances of the Office and whether the Committee identified any exceptions or concerns. Dr. Fuller agreed.

- **Budget Proposal**

Dr. Fuller distributed and discussed the proposed FY 2008 budget to the Board. On behalf of the Finance and Resource Development Committee, Dr. Fuller recommended approval of the budget in the amount of \$3,483,507 as detailed below:

<u>Expenditures</u>	<u>FY 2008</u> (projected)
salaries, wages, fringe	2,625,105
services, memberships, subscriptions, travel	280,078
supplies, gas	13,694
unemployment, indirect costs	373,066
rent, rentals, service charges	166,136
equipment, furniture	<u>24,148</u>
	3,482,227
Cash Transfer Out	<u>1,280</u>
	3,483,507

No SECOND was required and the budget was approved by unanimous vote.

- **\$50,000 Purchase Process**

Dr. Fuller described the process involving purchases exceeding \$50,000, noting that some members of the Board were dissatisfied with the process. However, the Finance Committee did not have any recommendation for changes. Mr. Brown stated that the Executive Committee would review the process.

Internal Policy Committee

- **Policies Proposed at April Board Meeting**

- **Office Holidays**
- **Individual Case File Management**

Waja Grimm noted that the Internal Policy Committee met on July 23, 2007. Sherry Confer, VOPA Deputy Director, had distributed updated Policy Manuals to Committee members. The Committee reviewed the procedures associated with Policy 6.1 (Public Awareness) that the Board approved in April 2007. Policy 4.22 (Office Holidays) and 2.1 (Individual Case Management) were reviewed in April by the Board and presented for approval at the recommendation of the Committee. No SECOND was required. Both policies were approved by unanimous vote.

The Committee presented Policy 1.6 – Assignment of Legal Contract Counsel and recommended that this policy be removed. Ms. Confer read the policy and noted that the policy is duplicative of language in the VOPA Accounting Manual. The Board will be asked to vote on removing the policy at the September 2007 meeting. A copy of applicable pages from the Accounting Manual will be included with the September Internal Policy report.

- **New Policies**

Mrs. Grimm reported that the Committee began reviewing (new) Policy 1.6 – Challenging Behaviors. The policy is in development.

Public Awareness and Goals Committee

• **Focus Area Recommendations**

Elizabeth Priaulx, Committee Chair, shared that the Committee met in Arlington on June 28, 2007 to discuss 264 public comments received and to develop Focus Areas. She noted that in developing Focus Areas, the Committee stressed two goals: the importance of ensuring that the Executive Director has the resources to accomplish the goals and focus areas and to make the goals and focus areas broad enough and yet specific enough that VOPA would not be too constrained but still allow them to filter out cases that did not fit. Ms. Priaulx asked that the Goals, Focus Areas, and Objectives be presented to the public in a clearly defined document to make them more understandable and for VOPA to use it as a public awareness document.

The Committee recommended that Goal 7, People Are Aware of VOPA's Services, be deleted and incorporated into each of the other goals. The Board discussed the recommendation in detail. Mr. Brown called for a vote to determine the status of the previously-identified "goal 7."

- Maintain the goal as written – 1 aye
- Incorporate the language into each goal as a separate focus area – 2 ayes
- Incorporate an overarching statement together with inclusion of public awareness into specific objectives – 8 ayes

By majority vote, Public Awareness of VOPA's services will be integrated into specific objectives, with an introductory statement emphasizing its importance.

After discussion of the goal "People with Disabilities Live in the Most Integrated Environment Possible," Mr. Burmester made a MOTION to modify the Goal to read "People with Disabilities Live in the Most Appropriate Integrated Environment" and to accept all Focus Areas with that modification. Susan Kalanges SECONDED the MOTION. The vote was 9 in favor with 2 abstentions and the MOTION carried.

Public Policy Committee:

Ray Burmester reported that the Public Policy Committee met on July 23, 2007. Mr. Burmester discussed two issues the Committee had been asked to study. The first issue was to provide a means for the Board to discuss mental health commitment and related issues. The Committee recommended a forum with presentations aligned with the areas identified by the Supreme Court Mental Health Law Reform Commission. Mr. Brown removed the charge to the Committee and noted that the Executive Committee will discuss this in regards to a possible retreat. The second issue was to develop a draft policy surrounding the Department of Mental Health, Mental Retardation, and Substance Abuse Services' (DMHMRSAS) building of new training centers. Mr. Burmester stated that this issue has been overtaken by events, as DMHMRSAS has announced reconsideration of the plan.

Reports:

- **PAIMI Council** Irene Rebholz, Council Chair, noted that the PAIMI Council met on June 27 at Piedmont Geriatric Hospital in Burkeville, Virginia. The Council was unable to accomplish some tasks as a quorum of members was not present. However, members in attendance suggested that Lisa Ritchie be named Chair, Jacquelin Brown as Vice Chair, and C. W. Tillman as Secretary. The next PAIMI Council meeting will be held August 15 at the McNulty Center for Children and Families in Harrisonburg, Virginia. Mr. Cooper agreed to attend the August 15 meeting as Board representative.

- **Disabilities Advisory Council** Dave Wilber, Council Chair, shared that the Disabilities Advisory Council met on June 20 with primary discussion being the VOPA Focus Areas. Bill Fuller and Waja Grimm attended the meeting. Mr. Wilber also shared that Council member Eric Clark passed away since the June 20 meeting.

- **Progress on Objectives** Ms. Miller summarized the Progress on Objectives report. Ms. Miller noted that one area that VOPA has struggled with is that of law enforcement training. However, a recently-hired Disability Rights Advocate in the Resource Advocacy Unit has now begun working on this project. VOPA now has a curriculum developed. Ms. Miller noted that the Resource Advocacy Unit receives between 25-30 calls per day.

- **Litigation** Ms. Miller referred Board members to the Litigation Reported provided in the Board packet. Board members discussed several cases and Ms. Miller provided updates as appropriate.

Prior to adjourning, Ray Burmester appealed to the Board to consider developing a Vision Statement. Mr. Brown agreed to discuss this recommendation with the Executive Committee in conjunction with the retreat discussion.

There being no further business, Mr. Burmester made a MOTION to adjourn. Pat Meyer SECONDED the MOTION and it carried by unanimous vote. Mr. Brown adjourned the meeting at 1:45 p.m. The Board will next meet on September 25, 2007 in Richmond.

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_____ September 25, 2007