

New Mexico Commission for the Blind

MINUTES (Final)

Regular Meeting (by tele-conference)

April 23, 2020, 10:00 AM

1. Call to Order

Chairman Schreiber called the meeting to order at 10:09 AM. The meeting was being held telephonically due to the Coronavirus emergency.

2. Roll Call

Chairman Schreiber took roll, and present were Shirley Lansing, Robert Reidy, and Art Schreiber.

3. Introduction of Guests and Staff

Employees were introduced, and included Greg Trapp, Director; Jim Salas, Deputy Director; Kevin Romero, Deputy Director; Lucy Mallahan, Deputy Director; Kelly Burma, Skills Center Coordinator; Audrey Trujillo, Information Technology Manager; and Trish Adams, Executive Secretary. Also attending was John Kreienkamp, Assistant Attorney General. Guests attending included Jim Babb and Coby Livingstone.

4. Approval of Agenda

Ms. Lansing moved to approve the agenda, and Dr. Reidy seconded the motion. A roll call vote was taken, and the agenda was approved unanimously with Ms. Lansing voting yes, Dr. Reidy voting yes, and Chairman Schreiber voting yes.

5. Approval of Minutes for the Special Meeting of April 16, 2020

Dr. Reidy moved to approve the minutes for the special meeting of April 16, and Ms. Lansing seconded the motion. Mr. Trapp noted a couple of minor typos and asked Ms. Adams to describe the changes. A roll call vote was taken, and the minutes as revised were approved unanimously, with Ms. Lansing voting yes, Dr. Reidy voting yes, and Chairman Schreiber voting yes.

6. Chairman's Report, Art Schreiber

Chairman Schreiber thanked Mr. Trapp for sending the Open Meetings Act Resolution that was approved during the April 16 meeting to the Foundation for Open Government, saying that he hoped that other boards would follow our example.

## 7. Director's Report, Greg Trapp

### a. Major Trends and Developments, Greg Trapp

Mr. Trapp said that Governor Lujan Grisham has announced that the order to stay at home would remain in place until May 15. Mr. Trapp said that there has been some flattening of the curve, and especially in Bernalillo and Santa Fe Counties.

Mr. Trapp thanked Mr. Kreienkamp for working with him to develop the language of the Open Meetings Act resolution. Mr. Kreienkamp said that he is concerned that telephonic meetings will need to be held for a long time, and that social distancing will need to take place even after the initial phase of the pandemic is over, and that it will be an issue for larger boards. Mr. Trapp said that he was told that the Foundation for Open Government would be posting our OMA Resolution on their web page. Ms. Adams read the letter from the Foundation, and Chairman Schreiber asked that it be attached to the minutes.

Mr. Trapp said that the Coronavirus pandemic has resulted in a severe state budget deficit. He said that this was primarily due to the collapse in the price of oil, and that the price of oil actually went into negative territory for the first time in history. Mr. Trapp said that there are projections of the state budget being short by over two billion dollars. He said that no special session has been announced as of yet, but that he is sure one will be called to deal with the budget deficit. Mr. Trapp said that New Mexico is fortunate to have a large permanent reserve that will help reduce the size of cuts that will need to take place. Mr. Trapp said that we are seeing the impact of the Coronavirus on vocational rehabilitation programs across the nation and that in some states vocational rehabilitation agencies have been asked to have employees provide services that are not allowable under the VR grant. Mr. Trapp said that in at least two states, the Rehabilitation Services Administration has had to intervene to keep this from happening.

Chairman Schreiber asked where this has happened, and Mr. Trapp said that one state was Kentucky where employees had been asked to work in the unemployment insurance program, and that the other was Florida.

Mr. Trapp said that the Coronavirus is going to increase the demand for vocational rehabilitation services as persons with disabilities lose their jobs. He said that there is increasing evidence that some persons who have recovered from COVID-19 will have cognitive impairments, pulmonary impairments, and even visual impairments. Mr. Trapp said that this will increase the need for VR services, and that he is hoping that additional federal funds will be made available.

### b. Administration and Finance, Kevin Romero

Mr. Romero said that the agency is following the tele-work guidance, and that he is the only person working in the Santa Fe office. He said that deposits must be made, and that mail must still be handled. Mr. Romero said that the State Fiscal Year ends June 30, and that May 20 is the last day for Budget Adjustment Requests. Mr. Romero said that the agency currently has 21 vacancies, with 13 of those being classified and the rest exempt. He said that the agency is currently advertising for six positions, and that the agency vacancy rate is 22.5 percent. Mr. Romero said that a hiring freeze is now in place, with exceptions being made if the position is

related to COVID-19 or is federally funded. He said that the agency will be requesting exemptions to allow for positions to be filled.

Chairman Schreiber asked if the agency has anyone ill from the virus, and Mr. Romero responded that the agency does not have any employees who have tested positive for COVID-19.

c. Independent Living and Vocational Rehabilitation, Jim Salas

Mr. Salas reported that Denise Otero would be moving to Albuquerque to work as a Vocational Rehabilitation Counselor, and that Juan Haro would also be moving to Albuquerque to work as the Independent Living Program Manager. He said that would take place at the beginning of June. Mr. Salas said that he hoped to be able to make offers for the Las Vegas counselor and the Assistive Technology Manager positions, and that he was working to fill the Las Cruces technology position, but that it would depend on getting exemptions from the hiring freeze.

Chairman Schreiber asked how many applicants there were for the technology director, and Mr. Salas said there were 14 applicants, but only 2 with any experience.

Mr. Salas reported that Mr. L.J. Bowen has been hired as an Independent Living Teacher in Las Cruces, and that he had previously taught cane travel at Blind Industries and Services of Maryland. Mr. Salas said that all teachers and counselors were working from home and that only the technology employees were sometimes coming to the office to configure systems and that the deliveries were done in a no-contact fashion.

Chairman Schreiber asked if the consumers were able to hook up the technology themselves, and Mr. Salas responded that they were able to connect their systems most of the time. He said that they may have some situations when the technology specialists will need to go into the house to help configure systems, and that the agency will work to make sure staff and household members are safe.

Mr. Salas said that the Commission will have a virtual Students in Transition to Employment Program this summer, and that it will not include a work component unless the student is able to work from home or for a family business.

Mr. Salas reported that 12 consumers were placed in competitive employment for the current State Fiscal Year, with an average starting wage of \$18.02 per hour. He said there were 5 placements during the Federal Fiscal Year, with an average salary of \$18.22 per hour.

d. Orientation Center, Lucy Mallahan

Ms. Mallahan reported that as of Tuesday, March 17, all managers and instructors were working from home, and that as of March 15, all students had departed from the Center. Ms. Mallahan reported that seven students were participating in virtual training as of March 17, including some who were Pre-ETS eligible. She said that six students and two staff trainees had graduated since July 1, and that two students were to graduate within two weeks. Ms. Mallahan said that Doug Guthart retired on February 28, and she thanked Doug for his years of service as the shop teacher to the Center, saying that he was with the Center for 14 years and that he will certainly be missed.

Ms. Mallahan reported on building maintenance, saying that the roof installation had been completed on the dorm in January, that a new HVAC system had been installed on the dorm, and that the stucco on the center would be finished in the next couple of weeks. She said she was really excited to have the stucco completed and that it would give the building a cleaner look and complement the windows, and that the apartment complex would have the same color stucco.

e. Skills Center, Kelly Burma

Ms. Burma reported that as of March 17, all of her employees were teleworking. She said that the Skills Center was continuing to provide services with Pre-ETS eligible activities now virtually, by phone, and Skype, to make sure that the Center is providing services in the formats families most prefer. She said that the Center currently has one adult student and two Pre-ETS students, and that they would pick up three more students next week. Ms. Burma said the Technology for Children program is continuing with non-contact deliveries. She said she just served one student under Technology for Children, and that the goal is to make sure students have what they need for online learning. Ms. Burma said that the National Unified English Braille seminar scheduled for May 9 would need to be rescheduled due to the Coronavirus, and that it might be done through Zoom.

Ms. Lansing commended Ms. Mallahan and Ms. Burma and their staff for their creativity and hard work.

8. Unfinished Business

a. Report on Commission Response to the Coronavirus Emergency, Greg Trapp and Jim Salas

Mr. Trapp reported that Raymond Saavedra received special COVID-19 cleaning training, and that he was now certified and would be sharing his knowledge with Araya Mariam.

Mr. Trapp said that the Coronavirus has had a severe impact on the Business Enterprise Program vendors, and that the agency has issued essential worker letters to all of the vendors because they are providing food services. Mr. Trapp said he has approved paying the \$600 liability insurance premium for each of the Licensed Blind Managers in the Business Enterprise Program.

Mr. Trapp asked Mr. Salas to report on the wellness calls, and Mr. Salas said that they are calling over 2,000 current and former consumers, and that those calls are going well and are well received. He said that not very many have needed resource information, but that some have said that they needed a piece of equipment, and that the agency has established contact with those persons. He said that the calls were a big hit, good hit, and imaginative.

b. Report on Submission of Combined State Plan, Greg Trapp and Jim Salas

Mr. Trapp asked Mr. Salas to provide the report on the Combined State Plan, and Mr. Salas said that the federal deadline had been moved to April 1, but the Workforce Solutions Department deadline was set as March 13. Mr. Salas said that the Commission was able to get its portion of the Combined State Plan submitted on time.

Mr. Salas described the Measurable Skills Gain. He said that the Commission met by phone with the Rehabilitation Services Administration on April 8 to negotiate the Measurable Skills Gain. Mr. Salas said that it was a state performance number, so the Division of Vocational Rehabilitation also participated in the meeting. Mr. Salas said that the expectation was that we would set a number that was 5 percent above the current performance. He said that the Commission has a Measurable Skills Gain of 28 percent, and that DVR has a Measurable Skills gain of 19 and 20 percent. Because DVR has so many consumers, the negotiated rate ended up at 24 percent and 25 percent for Program Years 20 and 21. He said that he is concerned about the impact of the Coronavirus on these numbers, and that there is a potential for sanctions if the state does not meet these numbers, but that RSA would hopefully be lenient. Mr. Salas concluded by saying that RSA was reviewing the State Plan and that they would get back to us with comments and needed changes.

Mr. Trapp added that the State Workforce Development Board Met on February 6, and that he made a very carefully worded motion to approve the Combined State Plan to be sure that additional comments could be considered through the February 27 comment period while still making sure that the board was in compliance with the Open Meetings Act. Mr. Trapp said that Art Schreiber, Tom O'Brien, and Bernadine Chavez all attended the State Workforce Development Board meeting.

## 9. New Business

### a. Approval of State Fiscal Year 2021 Operating Budget, Authorizing Agency to Make Revisions Based on the Results of the Special Session, Kevin Romero

Mr. Romero said that for State Fiscal Year 21, the agency was appropriated \$13,708,800, an increase of 312,500. He said that the General Fund appropriation was \$2,439,900, and that the Federal fund appropriation was \$5,555,800. He said that the other funds amount was \$5,551,500, other costs was \$7,802,400 which was primarily for FLETC, transfers was \$343,500, and personnel services was \$5,822,000. For contracts, Mr. Romero said the amount was \$159,200. He said that there was an appropriated transfer of \$107,100 for DVR program income and independent living part B match. To pay for the 4 percent raise, the agency was appropriated \$167,200. He said that the agency has 93 FTEs, and one other position not budgeted. Mr. Romero said the total increase between 20 and 21 is \$1,039,000, and that the Federal Law Enforcement Training Center is the bulk of the increase.

Chairman Schreiber asked if the Commission would be able to match any portion of the state grant that DVR might not be able to match. Mr. Trapp responded that this was a good question, and that he would keep an eye on that. He said that each year RSA reallots funds that states are not able to match, but that this year it will be a very interesting process because of the Coronavirus crisis. Mr. Trapp said that the Commission gets 18.5 percent of the state share. Ms. Burma added that the 15 percent Pre-ETS reserve would also be required for any reallotted funds.

Mr. Romero concluded by saying that the Commission was a non-reversionary agency, and he thanked Janelle, Laci, and Gina and the other staff for their help with the budget, and Chairman Schreiber said to give his staff the Commission's appreciation for their work on the Operating Budget.

Ms. Lansing made a motion to approve the Operating Budget, authorizing the staff to make minor and other technical adjustments, including making any changes based on directions coming out of the special session. Dr. Reidy seconded the motion. A roll call vote was taken, and the Operating Budget was approved unanimously with Ms. Lansing voting yes, Dr. Reidy voting yes, and Chairman Schreiber voting yes.

Dr. Reidy made a motion to authorize Commissioner Lansing or Commissioner Reidy to sign the Operating Budget should Chairman Schreiber be unable to sign due to restrictions at his assisted living facility, and Ms. Lansing seconded the motion. A roll call vote was taken, and the motion was approved unanimously with Ms. Lansing voting yes, Dr. Reidy voting yes, and Chairman Schreiber voting yes.

b. Approval of Policy for Authorization of Leave Pursuant to the Families First Coronavirus Response Act, Greg Trapp

Mr. Trapp said the State Personnel Office has decided that it does not have the authority to approve FFCRA leave for exempt employees, and has said that the Department of Finance and Administration should be the entity that makes the decision. Mr. Trapp said that there needed to be a policy in place, and that the leave could be approved by DFA, by the Commission, or by the Governor's office.

Dr. Reidy made a motion to authorize Director Trapp to adopt a policy to approve FFCRA leave for exempt employees in compliance with the FFCRA, and Ms. Lansing seconded the motion. A roll call vote was taken, and the motion was approved unanimously with Ms. Lansing voting yes, Dr. Reidy voting yes, and Chairman Schreiber voting yes.

c. Approval of Revised Allowable Cost Policy and Procedure, Greg Trapp and Kevin Romero

Mr. Trapp said the agency has revised the Allowable Cost Policy and Procedure to be sure that the agency is fully compliant with all applicable fiscal rules and regulations. Mr. Trapp said that the citation was added to the program regulations under Roman I B, description of funds. He said that under the section on the funds provided by the Social Security Administration, a citation to 20 CFR for cost containment certification was added. Mr. Trapp said that under Roman IV B period of performance, "prior to September 30" was changed to "by September 30." Under VI B, prior approval, "exceed \$5000" was changed to "\$5000 and more." Mr. Trapp asked Ms. Adams to read section 14 on cooperative agreements, which Mr. Trapp said he is proposing to add to the Allowable Cost Policy and Procedure. Mr. Trapp said that he sees the Allowable Cost Policy and Procedure as something of a black book in case something should happen to him or the financial team.

Ms. Lansing made a motion to approve the revised Allowable Cost Policy and Procedure, authorizing her or Dr. Reidy to sign the Allowable Cost Policy and Procedure. Dr. Reidy seconded the motion. A roll call vote was taken, and the Allowable Cost Policy and Procedure was approved unanimously with Ms. Lansing voting yes, Dr. Reidy voting yes, and Chairman Schreiber voting yes.

## 10. Commission Open Discussion

There was no open discussion.

## 11. Comments from the Audience

Chairman Schreiber praised Jim Babb as a long time Commissioner. Mr. Babb asked a question about the COVID-19 leave, and Mr. Romero said that they would be paid salaries and benefits if on leave due to a qualifying condition. Mr. Trapp said that there were six qualifying conditions, and that the Governor was working hard to mitigate the impact of the Coronavirus on state employees.

## 12. Date and Location of Next Meeting

The next meeting was set as a tele-meeting at 9:00 AM on June 24. The following meeting was set for August 26 in Albuquerque.

## 13. Adjourn

Chairman Schreiber adjourned the meeting at 12:25 PM.

Approved by the Commission for the Blind this 24th Day of June, 2020.



Arthur A. Schreiber, Chair  
New Mexico Commission for the Blind

Attachment

[www.cfb.state.nm.us](http://www.cfb.state.nm.us)

From: Melanie Majors [mailto:director@nmfob.org]  
Sent: Tuesday, April 21, 2020 2:18 PM  
To: Trapp, Greg, CFB  
Cc: 'jkreienkamp@nmag.gov'; Arthur Schreiber; Dignan, Lisa, CDHH  
Subject: [EXT] Re: OMA Resolutions Designed to Address Public Meetings During the Coronavirus Emergency

Dear Mr. Trapp,

Thank you for sending this on to me. I was wondering if I could post it to our website one of the positives coming out right now. Please let me know.

mjm

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From: Trapp, Greg, CFB <Greg.Trapp@state.nm.us>  
Sent: Tuesday, April 21, 2020 2:13 PM

To: Melanie Majors <director@nmfog.org>  
Cc: 'jkreienkamp@nmag.gov' <jkreienkamp@nmag.gov>; Arthur Schreiber <blindart@mysero.net>; Dignan, Lisa, CDHH <Lisa.Dignan@state.nm.us>  
Subject: OMA Resolutions Designed to Address Public Meetings During the Coronavirus Emergency

Dear Ms. Majors,

Art Schreiber asked me to send you the attached Open Meetings Act Resolution. As you know, Art Schreiber is a champion of open government. He is also the Chairman of the New Mexico Commission for the Blind. The OMA Resolution was passed by the Commission during a special meeting that was held on Thursday, April 16. I am also attaching an OMA Resolution that was passed by the New Mexico Council for Purchasing from Persons with Disabilities (NMCPD) during a regular meeting that was held on Wednesday, April 15. In addition to being Executive Director of the Commission for the Blind, I am also the Secretary of the Council for Purchasing from Persons with Disabilities.

Both resolutions address the issue of how public bodies can balance the need to be open while conducting essential business during a time of public emergency. I worked very closely with John Kreienkamp to develop the language for the Commission resolution, and I used the same language for the NMCPD resolution. Mr. Kreienkamp and I began discussing the issue of how the Commission could function during the Coronavirus emergency early in March.

I believe that both public bodies have engaged in what are model practices for their legal notices, agendas, and OMA resolutions during this Coronavirus emergency. I have copied both Mr. Schreiber and Mr. Kreienkamp on this email. I have also copied Lisa Dignan, who is Chair of the NMCPD.

Please do not hesitate to contact me should you have any concerns or questions.

Sincerely,

Greg

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