

New Mexico Commission for the Blind

Special Meeting Minutes (FINAL)

December 17, 2019, 10:00 AM

Commission for the Blind
2200 Yale Blvd SE
Albuquerque, NM 87106

1. Call to Order

Chairman Schreiber called the meeting to order at 10:11 AM.

2. Roll Call

Roll was taken, and present were Urja Lansing, Robert Reidy, and Art Schreiber.

3. Introduction of Guests and Staff

Employees present were Greg Trapp, Executive Director; Trish Adams, Executive Secretary; Kevin Romero, Deputy Director for Finance and Administration; Jim Salas, Deputy Director for Vocational Rehabilitation and Independent Living; and Kelly Burma, Skills Center Coordinator participating by phone. Also present was John Kreienkamp, Assistant Attorney General.

4. Approval of Agenda

Ms. Lansing made a motion to approve the agenda, and Dr. Reidy seconded the motion. A vote was taken, and the agenda was approved unanimously.

5. Approval of Minutes for the Regular Meeting of October 15, 2019

Ms. Lansing made a motion to approve the minutes of the October 15 meeting, and Dr. Reidy seconded the motion. A vote was taken, and the minutes were approved unanimously.

6. Chairman's Report, Art Schreiber

Chairman Schreiber gave his report, saying that the Commission has been blessed to not have been subject to political interventions. Mr. Schreiber said that the agency is fortunate to have a Director and staff that are recognized across the nation as one of the best. Mr. Schreiber said that it is something to be proud of. Mr. Schreiber said that the Commission is blessed to have the representation from John Kreienkamp from the New Mexico Office of the Attorney General. Mr. Schreiber concluded by saying that this

is the time of year for the Commission to say how much we appreciate what you are doing and what you have done.

7. Director's Report, Greg Trapp

Mr. Trapp said that the Commission's budget hearing will be on the afternoon of January 14, and that it will be in room 307 of the Roundhouse. He said that it will start at 1:30 PM, and will be before the Advocacy Subcommittee. Mr. Trapp said that the Commission for the Blind is second on the agenda, right behind the Commission for Deaf and Hard of Hearing.

Mr. Trapp said that the Democratic and Republican budget negotiators reached a deal on a 1.37 Trillion budget, hopefully avoiding a Federal shutdown.

Mr. Trapp said that he has submitted a proposed formal interagency agreement with the Public Education Department, and that this is a requirement of the Workforce Innovation and Opportunity Act. He said that he is also seeking agreements with Local Educational Agencies, and that he has obtained signed agreements with Deming and Las Cruces schools.

Mr. Trapp said that he spoke yesterday with Melissa Salazar of the Governor's office regarding Commission appointments, and he said that they are going to place the Commissioners in staggered terms. Mr. Trapp said that he projected the terms out from the creation of the Commission. Mr. Trapp read the portion of the Commission for the Blind Act dealing with terms:

"Members of the first commission shall be appointed for staggered terms, one ending on December 31, 1988, one ending December 31, 1990 and one ending December 31, 1992. Thereafter, appointments shall be for staggered terms of six years."

Mr. Trapp said that if these staggered terms are carried forward, we have the following terms:

Term 1 ends on December 31, 2024

Term 2 ends on December 31, 2020, and again on December 31, 2026

Term three ends on December 31, 2022

Dr. Reidy asked about senate confirmation of the Commissioners, and Mr. Trapp said that the Commissioners should be confirmed by the senate, and that it would be before the Senate Rules Committee. Mr. Schreiber said that he would contact Senator Gerry Ortiz y Pino, who serves on the Senate Rules Committee.

Mr. Trapp asked Mr. Salas to report on the building construction and asbestos abatement. Mr. Salas said that the replacement of the iron pipes was in the final steps of completion and that the final walk-through would be taking place shortly. He said that the asbestos abatement had been successfully handled, and that the work took place

on the evening of December 6 and during the day on December 7, and that there were no employees in the building when the work was done. Mr. Trapp said that an abbreviated version of Newslite took place on Saturday, with volunteers reading from their homes.

Mr. Trapp said that the New Mexico Division of Vocational Rehabilitation had been selected for Section 107 Monitoring, but that the Commission has not yet been selected for monitoring. He said that this is a focused monitoring, and that it appears that they are not monitoring entire states as has been done in the past.

Mr. Trapp discussed the Governor's Rapid Hire event, saying that he sought and obtained permission for the agency to be excused from the event. He said that the Commission was actively working on hirings in Farmington and Las Vegas, and that the Rapid Hire event would have interfered with these hirings.

Mr. Trapp asked Mr. Salas to report on recent hirings, and Mr. Salas said that the agency has hired Dontae Watson as the new Vocational Rehabilitation Counselor for Farmington.

Mr. Salas reported that 23 persons had been placed in employment during the Federal Fiscal Year that ended on September 30, 2019, and that their average starting hourly wage was \$16.47. He said that 7 persons had been placed in competitive and integrated employment for the State Fiscal Year that began on July 1, 2019, and that their average starting hourly wage was \$17.87. He said that 32 persons were currently in employment status.

Ms. Burma reported that new windows had been installed in the Skills Center kitchen. She said that she is working with Albuquerque Public Schools to provide an in-service training at the Skills Center on January 6, and that she is planning on sponsoring a seminar on Unified English Braille during the spring, along with a National Certification in Unified English Braille exam.

8. Unfinished Business

a. Update on Pre-Employment Transition Services, Greg Trapp and Jim Salas

Mr. Trapp said that the Rehabilitation Services Administration was expected to issue guidance on Pre-ETS at the fall meeting of the Council of State Administrators of Vocational Rehabilitation, but that the guidance was not issued. Mr. Trapp said that shortly before the conference President Trump had issued an executive order restricting the authority of Federal agencies to issue guidance, and that this resulted in a delay in the issuance of the Pre-ETS flexibilities. Mr. Trapp said that there will be an opportunity to comment on the flexibilities as they will come out in draft form first. He said that he is hopeful that this will allow for vocational rehabilitation agencies to provide more feedback on the impact of the Pre-ETS reserve.

Mr. Romero reported that the Commission has thus far spent 54 percent of the Federal Fiscal Year 19 Pre-ETS reserve, or \$393,718. He said that, based on expenditures in AWARE and the agreement with the New Mexico School for the Blind and Visually Impaired and the agreement with New Mexico Central Region Educational Cooperative, the agency should expend all but \$13,000 of the 15 percent reserve.

9. New Business

a. Approval of Agency Fitness Leave Policy, Greg Trapp

Mr. Trapp described the proposed fitness leave policy, saying it was implementing an Executive Order issued by Governor Lujan Grisham. Mr. Trapp said it would provide for up to two hours of administrative leave for employees to participate in fitness and wellness activities. Mr. Trapp said that the goal was to provide for a healthier and more productive workforce. Mr. Trapp said that the policy is in compliance with applicable Federal regulations, specifically 2 CFR Part 200.437 which permits the use of leave to engage in fitness activities. Mr. Trapp said that the agency can still deny requests based on agency needs.

Ms. Lansing made a motion to approve the fitness policy, and Dr. Reidy seconded the motion. A vote was taken, and the fitness policy was approved unanimously.

b. Approval of Agency Travel for 2020, Greg Trapp

Mr. Trapp requested approval to send employees and Council and Board members to trainings and conferences out of state, saying that the travel would be in compliance with the agency travel policy. He requested approval to send up to six employees to the spring and fall National Coalition of State Rehabilitation Councils, Council of State Administrators of Vocational Rehabilitation, and National Council of State Agencies for the Blind conferences; Up to two State Rehab Council members to the spring and fall NCSRC conference and the first day of the CSAVR conference; up to three vocational rehabilitation counselors to the consumer conventions of either the American Council of the Blind or the National Federation of the Blind; the Executive Director to the annual convention of either the American Council of the Blind or the National Federation of the Blind; up to two Business Enterprise Program employees to Randolph Sheppard Act trainings; up to five employees to any fiscal conference that may be presented by the Rehabilitation Services Administration; the Independent Living Program Manager to the Older Blind Conference; up to two employees to the AWARE training; to Other appropriate trainings and especially those dealing with Pre-Employment Transition Services; and to such other travel that the Director may deem to be necessary and appropriate, and in accord with the Travel policy contained in the Allowable Cost Policy and Procedure.

Dr. Reidy made a motion to approve the Commission's travel for 2020 as described by Mr. Trapp, and Ms. Lansing seconded the motion. A vote was taken, and the travel was approved unanimously.

c. Approval of Compensatory Time Payout for Executive Director, Kevin Romero

Mr. Romero reported that the Executive Director receives compensatory time when he works on a holiday. Mr. Romero said he discussed the payout of compensatory time with Jennifer Vigil at DFA, and was told it could be done if the agency approves, if there is sufficient budget to cover the payout, and if the Commission board approves. Mr. Romero reported that the Executive Director has accumulated 56.3 hours of compensatory time for time worked on holidays. He said that the agency has sufficient funds to pay for the payout.

Dr. Reidy made a motion to approve the payout of compensatory time for the Executive Director, and Ms. Lansing seconded the motion. A vote was taken, and the payout of the compensatory time was approved unanimously.

d. Approval of Annual Report, Greg Trapp

Mr. Trapp described the annual report, saying it is a joint report with the State Rehabilitation Council and that they proposed to use the same basic language and template as in prior years with updated numbers inserted, and with the addition of more language describing the impact of Pre-Employment Transition Services. Mr. Trapp said that the Annual Report is due to the Governor and Secretary of the U.S. Department of Education 90 days after the close of the Federal Fiscal Year, which makes it due on December 29.

Dr. Reidy made a motion to approve the Commission's Annual Report as described, giving staff the ability to make needed minor changes and adjustments, and Ms. Lansing seconded the motion. A vote was taken, and the Report was approved unanimously.

e. Summary of Public Meeting Comments, Kelly Burma

Ms. Burma summarized the public meetings and comments, saying that meetings were held to gather comments in Hobbs on October 16, in Clovis on October 17, in Santa Fe on November 25, in Albuquerque on November 27, in Las Cruces on December 2, and in Alamogordo on December 3. She said that the Goals and Priorities were discussed at a regular meeting of the State Rehabilitation Council held in Albuquerque on October 21, and approved at a special meeting of the Council held yesterday in Albuquerque.

f. Approval of Commission Portion of Combined State Plan, Greg Trapp and Jim Salas

Mr. Trapp said that the original submission deadline for the Combined State Plan was April 1, but that the Federal Government moved that to March 2. He said that the Workforce Solutions Department is the lead agency responsible for the submission of the Plan, and that they originally said that they wanted to receive it by January 20, but that they since moved that up to January 9. Mr. Trapp said that the Commission is

proposing to continue to serve all eligible individuals, and does not anticipate needing to implement an Order of Selection. Mr. Trapp said that the agency has determined that it has the ability to provide the full range of vocational rehabilitation services to all eligible individuals. He said that the Commission has worked with the State Rehabilitation Council to develop Goals and Priorities, and considered the input provided at the public meetings.

Ms. Lansing made a motion to approve the Commission's Portion of the Combined State Plan, noting that the Commission would not be under an Order of Selection and would continue to serve all eligible individuals, giving to the Commission staff the authority to make necessary changes as staff determined appropriate, and Dr. Reidy seconded the motion. A vote was taken, and the Plan was approved unanimously.

g. Open Meetings Act Training, John Kreienkamp, Assistant Attorney General

Mr. Kreienkamp began his training by saying that openness of covered bodies is necessary for an informed electorate in a democracy. He said that for each meeting there were three documents; the legal notice of the meeting, the meeting agenda, and the meeting minutes. Mr. Kreienkamp described the concept of a Quorum, saying that the board members cannot discuss public business if there is a quorum, and that for the Commission for the Blind just two members creates a quorum. Mr. Kreienkamp discussed the other provisions of the Open Meetings Act, including executive sessions, how the covered entity must annually determine what constitutes reasonable notice of the meeting, how and when members can participate by conference call, and how members must avoid creating a rolling quorum by email or by talking to other individuals about agency business.

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h. Approval of Open Meetings Act Resolution, Art Schreiber

Mr. Trapp described the changes from the prior Open Meetings Act Resolution, saying that the primary changes were to paragraph 14 dealing with public meetings noting that the State Rehab Council and Commission meetings were not considered public meetings under Federal Regulations, and that the commentaries to the Federal Regulations at 34 CFR 361.20 require the holding of public meetings before there are changes to policies and procedures. Mr. Trapp said that the proposed change aligned the Resolution with the Federal regulations by deleting the reference to the Council and Commission meetings being public meetings, though that the Council and Commission meetings were still obviously meetings open to the public under the Open Meetings Act. Mr. Trapp said that the notices for public meetings would also be posted on Newsline.

There was discussion on the issue of whether to include posting of legal notices in the Commission offices for regular meetings, but it was decided to continue with postings just for special meetings.

Ms. Lansing made a motion to approve the Open Meetings Act Resolution, and Dr. Reidy seconded the motion. A vote was taken, and the Resolution was approved unanimously.

10. Commission Open Discussion

There was no open discussion.

11. Comments from the Audience

There were no audience Comments.

12. Date and Location of Next Meeting

The next meeting was set for December 13 in Santa Fe, starting at 1:00 PM.

13. Adjourn

Chairman Schreiber adjourned the meeting at approximately 2:35 PM.

APPROVED THIS 13th DAY OF January, 2020:



Arthur Schreiber, Chair
Commission for the Blind