

Commission for the Blind

Minutes (draft)
Regular Meeting

December 6, 2018, 1:00 PM

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

1. Call to Order

Chairman Schreiber called the meeting to order at 1:07 PM.

2. Roll Call

Roll was taken and present were Art Schreiber, Jim Babb, and Urja Lansing.

3. Introduction of Guests and Staff

Staff present included Greg Trapp, Executive Director; Jim Salas, Deputy Director; Kevin Romero, Deputy Director; Kelly Burma, Skills Center Coordinator; and Trish Adams, Executive Secretary. Guests present included John Kreienkamp, Assistant Attorney General, and Dr. Robert Reidy.

4. Approval of Agenda

Mr. Babb moved to approve the agenda, and Ms. Lansing seconded. A vote was taken and the agenda was approved unanimously.

5. Approval of minutes of Special Meeting of September 18, 2018

Ms. Lansing moved to approve the minutes, and Mr. Babb seconded the motion. A vote was taken and the minutes were approved unanimously.

6. Chairman's Report, Arthur A. Schreiber

Mr. Schreiber expressed his pride in the Commission and its 32 years of existence, and thanked staff on behalf of the Commission. He also thanked Dr. Reidy for being at the meeting.

7. Director's Report, Greg Trapp

a. Major Trends and Developments, Trapp

Mr. Trapp also thanked Dr. Reidy for attending, and for volunteering his consulting services to help the agency.

Mr. Trapp said there may be a federal shutdown if a budget is not passed and signed by midnight on December 21. Mr. Trapp said that a federal shutdown should not impact the Commission since the U.S. Department of Education was funded along with the Pentagon and Department of Labor in September.

Mr. Trapp said that the Commission will be able to draw an additional \$99,110 in additional federal VR funds as a result of the budget and the Consumer Price Index Urban, or CPIU, calculation. He said that DVR would be able to draw an additional \$550,000.

Mr. Trapp said that the Commission is seeking \$200,000 in additional state funds, and he thanked Chairman Schreiber and Commissioner Lansing for attending the Legislative Finance Committee hearing on October 25. Mr. Trapp said that the House Appropriations and Finance Committee hearing should be scheduled around the middle of January.

Chairman Schreiber said that the Legislative Finance Committee presentation was well received, and that the agency had broad support. He said that the legislators look at audits, and that having good audits helped.

Mr. Trapp said that the Rehabilitation Services Administration issued incorrect instructions for the carryover of the FFY18 Supported Employment funds. According to federal regulations, there should be no need to match the Supported Employment A funds, and they should be available in the subsequent year. He said that he is working with the Rehabilitation Services Administration to address the situation.

Mr. Babb asked if the funds were lost, and Mr. Trapp said that although it was only a small amount of funds, \$27,000, it should still be available for the Commission and for other states to use in 2019. Mr. Trapp said he is communicating with David Steele from RSA on the issue.

Ms. Lansing thanked Mr. Trapp for his advocacy on behalf of the program.

Mr. Trapp said that the states to be monitored under Section 107 have not yet been selected, and that he will participate in a National Council of State Agencies for the Blind meeting with RSA on Wednesday. Mr. Trapp said that RSA is developing the new Monitoring and Technical Assistance Guide. Mr. Trapp said that he is planning on bringing the agency fiscal consultant, Seymour Levy, out to New Mexico at the end of March for another mock monitoring, and hopefully the new MTAG will be out by that time.

Mr. Trapp described some of the issues taking place at DVR, including the removal of their hiring authority. He said that their Rehab Council is meeting today. He said he has been asked about the potential implications of the removal of the DVR hiring authority, saying that such decisions were a nondelegable responsibility. Mr. Trapp said that he has contacted the interim DVR director about a proposed federal funds transfer should DVR be unable to match all of its federal funds.

Regarding the new administration, Mr. Trapp said that he has not been asked to submit his resignation, and that the agency heads who are to be replaced have already received letters seeking their resignations. He said he has been Director for nearly 20 years, and that the stability of the Commission's leadership has helped the agency. He said that he

would still like to meet with the incoming administration and determine if this would be the right time to make some changes to the Commission for the Blind Act to expand the number of members and change the ophthalmological requirement for the determining of legal blindness. Mr. Trapp said he would also like to remove the requirement to maintain a registry of blind persons. Mr. Trapp said that the short session in 2020 might be better for the changes.

Mr. Babb asked who would be making the hiring decisions for DVR, and Mr. Trapp said that it was the Public Education Department.

b. Administration and Finance, Romero

Mr. Romero said that 2018 was a fifty percent year, and that the agency was requesting an exemption due to utilization of the Federal Law Enforcement Training Center.

Mr. Romero reported that the audit was under review, and that the agency had met the submission date. He said that the agency has submitted all necessary federal reports.

Mr. Romero said that he was working on a Purchase Card policy. He said that the agency currently has 19 vacancies, and that 11 were in the process of being filled. He said that they were looking for a new office in Las Vegas, and that they would be moving into a different office in Farmington.

c. Independent Living and Vocational Rehabilitation, Salas

Mr. Salas talked about the difficulty of finding a counselor for Farmington, and that they were trying to fill counselor vacancies in Farmington, Las Cruces, and Albuquerque.

Mr. Salas said that the agency had decided to hold the Business Enterprise Position vacant because of the impact of the 15 percent Pre-Employment Transition Services requirement. He said that the agency would hire a new secretary for Albuquerque, and that the position is about to close.

Mr. Salas reported on the accessibility of the Oracle Career program, saying that he and Audrey Trujillo are working with SPO to make it accessible and to provide for an alternative for persons who have access problems.

Mr. Salas reported that for the federal fiscal year that ended on September 30, 15 persons had been placed in employment, with 3 of those in self-employment, with an average wage of \$18.97. Mr. Salas reported that for the current state fiscal year, four persons have been placed in integrated employment, with one person placed in self-Employment, with an average wage of \$15.45 per hour.

e. Skills Center, Burma

Ms. Burma reported that the Skills Center was serving 7 consumers, 3 of which are Pre-ETS. She said that she has served four persons through the Technology for Children Program.

Ms. Burma said that on February 22, the Skills Center will provide a seminar on National Certification in Unified Braille. She said that they had an iPhone training in conjunction with Creating Options in October, and that they will do another follow up iPhone training in February.

d. Orientation Center, Mallahan

Ms. Mallahan reported that the Center has 10 students, with 3 persons on the waiting list. She said that the Center will graduate one student at the end of the month. She said that the Center participated in the White Cane events in October, partnering with the New Mexico School for the Blind and Visually Impaired and the National Federation of the Blind. She said that the Center has a Blindness Skills Instructor position open, and that they are looking for a personal management instructor. She said that the skylights at the women's dorm were replaced in September, and that they were working on replacing windows. She said that they were also working on the expansion of the fire escape on the east side of the orientation center building to allow access to the roof. Ms. Mallahan reported that she is working on the renewal of certification from the National Blindness Professional Certification Board, and renewal of the accreditation from the Commission on Accreditation of Rehabilitation Facilities.

8. Unfinished Business

a. Update on Changing Orientation Center Dormitory Staffing from 24 Hours a Day to a Schedule that Does Not Include 24/7 Coverage, Trapp and Mallahan

Ms. Mallahan said the Orientation Center is not covering the dorm from the hours of 10:00 PM to 5:00 AM. She said that the students have elected a go-to-person in the case of an emergency. She said that the coverage is working very well.

b. Pre-Employment Transition Services Update, Trapp and Salas

Mr. Trapp said that the agency is currently spending the Federal Fiscal Year 2018 Pre-ETS carryover. He said that blind agencies across the nation are struggling to spend the Pre-ETS reserve, and that the issue is that there are not enough students, and that the rules are too restrictive.

Mr. Trapp said that he met with Assistant Secretary Johnny Collett while at the CSAVR conference in Long Beach, and that the meeting consisted of himself, the NCSAB President Carol Pankow, Carol Dobak as Acting RSA Commissioner, and David Steele, RSA Fiscal Chief. Mr. Trapp said that he stressed the difficulties associated with Pre-ETS, including the restrictive definition of student, and also the restrictive rules for what can be purchased with the 15 percent Pre-ETS reserve. He said that he described how agencies could not use Pre-ETS funds for persons who had dropped out of high school, but that these were some of the individuals who needed transition services the most. He also described the restrictions around tuition and computers. Mr. Trapp said that they were told that they could use Pre-ETS funds to pay for computers provided that the accessibility software was included. Mr. Trapp said he asked if that might be extended to include bundled packages of computers and the needed screen readers or screen magnification programs.

Mr. Salas said that the STEP program was a Pre-ETS service, run by Ms. Burma in Albuquerque and Ms. Mallahan in Alamogordo. Mr. Salas said that the STEP letter has gone out, and that the letter said we were paying Santa Fe living wage and providing iPads or iPhones for students.

Ms. Burma mentioned the hidden costs of Pre-ETS, including entering information for reports, creating purchase orders, and for covering the costs of drivers.

c. Update on the Requirement for Prior Federal Approval for certain Costs, Trapp and Romero

Mr. Romero said that he had submitted a prior approval request for clerical and administrative staff, and that he had just received prior approval for that request.

Mr. Trapp said that before the Pre-ETS meeting during the CSAVR conference, he met with Assistant Secretary Collett on October 29 during the CSAVR conference, and that the focus was on prior approval. He said that Carol Dobak and David Steele were at the meeting. He said that the meeting also included the CSAVR leadership, and himself and the NCSAB President, Carol Pankow. Mr. Trapp said that the Assistant Secretary had promised that they would provide greater flexibility, but that they wanted to look at the issue across the agency, and not just within the Rehabilitation Services Administration.

d. Update on Governmental Services Agreement with the New Mexico School for the Blind and Visually Impaired, Trapp and Romero

Mr. Kreienkamp said he was no longer counsel for the School for the Blind. He said that he spoke to Geno Zamora, and that he had no objection with Mr. Kreienkamp continuing to represent the Commission with respect to the GSA. The Commissioners agreed that they had no objection with the representation.

Mr. Trapp stated that he has been hoping that the Rehabilitation Services Administration would revise the Pre-Employment Transition Services requirements, allowing for more flexibility with respect to what is allowable. He said that the RSA Commissioner has not been confirmed, and that he is hoping that once a Commissioner is in place that he will push for greater flexibility in terms of how the 15 percent reserve can be spent. Mr. Trapp said he was planning on seeking technical assistance on the proposed agreement from the WINTAC, one of the federally funded technical assistance providers.

9. New Business

a. Approval of Revised Allowable Cost Policy and Procedure, Trapp and Romero

Mr. Trapp stated that the agency was seeking to amend the Allowable Cost Policy and Procedure to include an item on conflict of interest, and to include the Steven's Amendment requirement. Mr. Trapp said that the Uniform Guidance, 2 CFR Part 200.112, requires that covered entities adopt conflict of interest policies that include specific penalties for violations. Mr. Trapp said the proposed policy includes a new section VIII that specifies the criminal penalties for violations of the Governmental Conduct Act, the Gift Act, and the Open Meetings Act. He said that the Steven's Amendment requires the Commission to include a description of federal funds in any publication or request for

proposals, and that the policy includes a new section VII that addresses the Steven's Amendment requirements.

Ms. Lansing moved to approve the Allowable Cost Policy as presented, and Mr. Babb seconded the motion. A vote was taken, and the policy was unanimously approved.

b. Approval of Annual Report, Trapp

Mr. Trapp said that the Commission needed to submit an annual report to the Governor under state and federal law. He said that the report which was sent out was the electronic version, and that one would be prepared for printing that would include photos and graphics.

Mr. Babb moved to approve the report as stated, and Ms. Lansing seconded the motion. Mr. Trapp asked for the motion to allow for minor and technical changes, including finalizing some numbers. Mr. Babb agreed to revise his motion accordingly, and Ms. Lansing agreed. A vote was taken, and the motion passed unanimously.

c. Approval of Revised Open Meetings Act Resolution, Schreiber

Mr. Schreiber stated his commitment to the Open Meetings Act, saying that the Commission has always met in compliance with the Open Meetings Act.

Mr. Trapp said that this resolution was basically the same as was approved in August, with the addition of paragraph 14 which addresses the issue of forums and public meetings as set forth under 34 CFR 361.20 where the agency is soliciting public input on programs and services. Mr. Trapp said that the language on forums and public meetings should be added since it was not covered by the state Open Meetings Act.

Ms. Lansing moved to approve the resolution as presented, and Mr. Babb seconded the motion. A vote was taken, and the motion passed unanimously.

d. Approval of Out-of-State Travel, Trapp

Mr. Trapp described the out-of-state travel that he is wanting for 2019. He said that he would like to send five employees to the spring and fall meetings of the Council of State Administrators of Vocational Rehabilitation (CSAVR) and National Council of State Agencies for the Blind (NCSAB). Mr. Trapp said that some of the cost of the CSAVR and NCSAB conferences might be paid for using Pre-Employment Transition Services funds. Mr. Trapp said that he would like to send two employees to the AWARE training that is sponsored by Alliance Enterprises, and two employees to the Blindness Leadership and Superior Training Conference. Mr. Trapp concluded by saying that he would like authority to send staff to other trainings that might be set up during the course of the year, and especially any trainings that might be fiscal or that might allow for the use of Pre-Employment Transition Services funds.

Mr. Babb moved to approve the travel as stated, and Ms. Lansing seconded the motion. A vote was taken, and the motion passed unanimously.

e. Proposed Contract with National Federation of the Blind of New Mexico to Provide Pre-Employment Transition Services, Trapp

Mr. Trapp said that he is planning on entering into a contract with the National Federation of the Blind of New Mexico to provide Pre-Employment Transition Services, and that it would be less than \$20,000. He said that if there were sufficient state funds available, the contract could also include some independent living activities.

10. Commission Open Discussion

Chairman Schreiber asked about the activity at the Federal Law Enforcement Training Center. Mr. Trapp said that the Business Enterprise Portion of the budget had been decreased, and that the utilization had increased at FLETC, which is why the Commission encountered an issue with the 50 percent rule.

11. Comments from the Audience

There were no audience comments.

12. Date and Location of Next Meeting

The next meeting was set for Santa Fe on February 7, starting at 10:00 AM. The following meeting was set for 10:00 AM in Albuquerque on April 25, 2019

13. Executive Session Pursuant to NMSA 10-15-1(H)(2)

a. Executive Director Performance Evaluation

Ms. Lansing Moved pursuant to NMSA 10-15-1(H)(2) to go into executive session for the purpose of conducting the Executive Director performance evaluation. A roll call vote was taken, and Mr. Babb voted yes, Ms. Lansing voted yes, and Mr. Schreiber voted yes. The Commission then went into Executive Session.

Upon completion of the Executive Session, Chairman Schreiber brought the Commission back into regular session. It was stated for the record that only the topic of the motion to go into executive session was discussed during the executive session.

Ms. Lansing moved to approve the evaluation of Director Trapp with a rating of exceeds, and Mr. Babb seconded. A vote was taken and the evaluation was approved unanimously.

14. Adjourn

Chairman Schreiber adjourned the meeting at 3:35 PM.



Arthur A. Schreiber, Chairman
Commission for the Blind

Date: February 7, 2019