New Mexico Commission for the Blind

MINUTES (Draft)

Regular Meeting

Commission for the Blind

2905 Rodeo Park Drive East

Santa Fe, NM 87505

April 23, 2024 - 10:00 AM

1. Call to Order

Chairperson Lansing called the meeting to order at 10:00 AM.

2. Roll Call

Chairperson Lansing took roll, and Shirley “Urja” Lansing, Katharine Chavez, and Robert Reidy were present.

3. Introduction of Guests and Staff

Staff included Jim Salas, Deputy Director for Vocational Rehabilitation and Independent Living; Kevin Romero, Deputy Director for Finance and Administration; Audrey Trujillo, IT Manager; Daphne Mitchell, VR Program Manager; Kelly Burma, Skills Center Coordinator and SRC Liaison; and Patricia Savage, Executive Secretary. Attending by Zoom was Jamie Sibson, Orientation Center Director. Guest Diana Marquez attended by Zoom. Director Trapp joined by Zoom just before adjournment.

4. Approval of Possible Changes to the Agenda Order and Tabling of Agenda Items

There were no changes to the agenda.

5. Approval of Minutes for the Meeting of January 23, 2024

Ms. Chavez moved to approve the January 23, 2024 minutes, and Dr. Reidy seconded the motion. A vote was taken, and the minutes were unanimously approved.

6. Chair Report, Shirley “Urja” Lansing

Chairperson Lansing said she was pleased to report that Ms. Chavez was reappointed by the Governor. Ms. Chavez thanked Chairperson Lansing and said it was an honor.

7. Director's Report, Jim Salas for Greg Trapp

a. Major Trends and Development, Jim Salas for Greg Trapp

Mr. Salas said Director Trapp is with his wife Tonia at MD Anderson in Houston.

Mr. Salas said seven managers attended the Spring conference of the Council of State Administrators of Vocational Rehabilitation in early April.

Mr. Salas said the Commission is not expecting any increase in the federal VR allocation in federal 2025 or 2026. He said this is due to the fact that VR agencies have been relinquishing funds. Mr. Salas said CSAVR sent a letter to Congress saying not all agencies are relinquishing funds and that those agencies should not be penalized. Mr. Salas said CSAVR, and the National Council of State Agencies for the Blind also sent a letter in April to the leadership of the Senate and the House advocating for an increase in appropriations for the Older Individuals Who are Blind Program. He said there has not been an increase in the appropriation for many years.

b. Administration and Finance, Kevin Romero

Mr. Romero reported on the FY23 VR Grant through April 17, saying the Commission had expended $4,491,380 in general VR funds and $757,281 in Pre-ETS funds, with a remaining grant balance of $333,635 or 4.7 percent of the award. He said the Commission and DVR continue to exchange information to ensure the state maximizes the grant award, with the next meeting on Thursday. Reporting on the FY24 VR Grant through April 17, he said the Commission had expended $1,382,640 of the estimated $1,510,837 state match for the Federal FY24 grant. Mr. Romero said the Commission is expecting the Federal FY24 award to be approximately the same amount awarded for FY23. He said as of April 17, $1,246,427 was expended of the Federal award, of which $1,105,126 is from the general VR award and $141,301 from Pre-ETS.

Mr. Romero said that as of April 23, the Commission has expended $14,590,645 and has encumbrances totaling $1,163,208. He said the Commission is currently projecting to utilize 89 percent of the appropriated FY24 budget.

Mr. Romero said the Commission currently has 14 vacant positions; six EXOT positions and eight classified positions, for a 15.2 percents vacancy rate. He said the classified vacancy rate is 12.2 percent, and the exempt vacancy rate is 22.6 percent. He said the Commission is actively recruiting six classified positions and will have an 8.7 percent vacancy rate when they are filled. Mr. Romero said the average state vacancy rate is 33 percent, so the Commission is doing well.

Ms. Chavez said that is very good news, and Chairperson Lansing said she appreciates everyone’s hard work in filling those vacancies.

Chairperson Lansing asked Mr. Romero if the 2023 Audit was officially complete and submitted to the Federal Audit Clearinghouse, and Mr. Romero said the audit is submitted to the state auditors and to the Federal Audit Clearing House before it is officially complete.

c. Independent Living and Vocational Rehabilitation, Jim Salas

Mr. Salas said the VR Counselor Team and the Assistive Technology Unit have been fully staffed for the last year and a half. He said the VR program is recruiting for a Vocational Rehabilitation Business Outreach Coordinator and also for the BEP Business Consultant position. He said there is also an opening for a Blindness Skills Instructor in Las Cruces, and that he plans on interviewing in the next week for the Admin Support in Las Cruces.

Mr. Salas reported on the Students in Transition to Employment Program, saying there were currently 47 STEP applicants. Ms. Mitchell said four additional applications were pending. Mr. Salas said 43 of the students will have a work-based learning experience and 19 will have a support aide. Mr. Salas said last year there were 35 in the STEP program. Mr. Salas complemented Ms. Mitchell, Ms. Otero, the VR Counselors, Ms. Burma, and Ms. Sibson for attracting so many students.

Mr. Salas reported on employment numbers for the State fiscal year, saying 17 persons were placed in competitive integrated employment and one person was placed in self-employment for a total of 18. He said the average hourly wage was $25.74. Reporting on the employment numbers for the Federal fiscal year ending at the end of September, he said eight persons had been placed in competitive and integrated employment, with an average hourly wage of $25.70. He said 23 persons were in employment status and 21 persons were in service E, meaning there are an additional 44 consumers that are in some type of employment.

Dr. Reidy congratulated the Commission staff on the numbers and on a job well done.

d. Orientation Center, Jamie Sibson

Ms. Sibson said the Orientation Center is currently serving four adult students, and that two students will graduate on May 23. She said two tours are scheduled in the next two weeks. She said the Center is ramping up for the STEP program and the Center will partner with Ms. Burma and the Skill Center to do weekly seminars and Braille classes. She said the Center has nine confirmed students to attend the residential STEP program.

Ms. Sibson thanked Mr. Francis Mallahan for his work at the Center, saying he had recently left and that he had been the Center's Braille Instructor. She said she is working to post that position.

e. Skills Center, Kelly Burma

Ms. Burma said the Skills Center is currently serving one Pre-Employment Transition Services student. She said she attended a Spring Wellness Festival with Ms. Otero on Saturday. Ms. Burma said the Center is also supporting three adult students with orientation and mobility instruction.

Ms. Burma said the Commission has entered a partnership with the Explora Science Center and Children’s Museum. She said the Commission has supported Explora with an Institute of Library and Museum Services Grant. She said the goal of the grant is to help Explora make its programming and exhibits more accessible and relevant to students who are blind or visually impaired. Ms. Burma said the Commission is also working with the New Mexico History Museum.

Dr. Reidy asked what was going on with the New Mexico History Museum, and Ms. Burma said Director Trapp is the lead on this project., She said he has participated in an advisory group for the History Museum, which was working to make their programs more accessible. Ms. Burma said she also helped with a recent exhibit, providing Braille materials for a major new display. Dr. Reidy said this sounds very important and exciting, and that he attended the display's opening yesterday and that it was dazzling. He said it was wonderful to share that with the visually impaired.

Ms. Chavez asked if the students working at Explora were STEP participants, and Ms. Burma said there will be up to six STEP students working at Explora.

Ms. Burma said the Commission has entered into a contract with Sky's the Limit Communications, and that there will be six seminars on Careers in Advocacy.

8. Unfinished Business

a. Approval of Allowable Cost Policy and Procedure, Kevin Romero

Mr. Romero said there are three proposed changes to the Allowable Cost Policy and Procedure, and he read the changes as follows:

1. On Page 6, for IV Period of Performance, B. Vocational Rehabilitation Carryover, change unexpended funds to unobligated funds. This will align the Commission's Policies and Procedures language with the RSA sub-regulatory guidance language.

2. On Page 14, Letter L 1. Mentions the requirement to reserve and spend at least 15 percent on the provision of Pre-Employment Transition Services. I suggest that this be reworded in that the requirement is to reserve and spend at least 15 percent of Federal VR funds (emphasis on Federal VR funds) on the provision of Pre-Employment transition services.

3. On Page 16, VI, Prior Written Approval, Letter A, Change RSA-TAC-1802 to RSA-TAC-18-02.

Mr. Romero said that references to telework were also to be changed to refer to remote work. Mr. Romero read the email that Mr. Trapp send on April 21 summarizing other changes as follows:

We begin with a new introductory section noting that the Allowable Cost Policy and Procedure will be reviewed periodically. This is something RSA has said should happen.

For Section I. Sources of Federal Funds and Requirements, Paragraph C, a comma is added replacing a period between cooperative agreement and funds set aside from the Business Enterprise Program.

Under Section I. Sources of Federal Funds and Requirements, Letter I, we added the Supported Employment -Part B grant (Services to Youth) as another program having a matching requirement. In the same section, we placed Part B after Independent Living.

Under Section II. Requirements for Pre-Employment Transition Services, we Deleted the reference to Personnel Activity Report in the Pre-ETS Section D. The Commission has not used Personnel Activity Reports since August of 2019. This was when we implemented combo codes in SHARE. The proposed revision references this exact implementation date.

Under Section IV. Period of Performance, Paragraph A, we are updating the carryover example to current years.

Under Section IV. Period of Performance, Section A, Paragraph 1, the following is added to subparagraph “B 1 b”:

b. The state as a whole must have satisfied the applicable Non-Federal share (match) requirement of 21.3 percent during the federal fiscal year of appropriation, and the Commission must have an unobligated balance of Federal funds of which at least some portion was matched. The ability of the Commission to carry over funds to the second year of the period of performance is subject to the terms of DCL-23-02 (Appendix Item 1). DCL-23-02 changed the interpretation of “recipient” for purposes of determining satisfaction of the carryover requirement of section 19(b) of the Rehabilitation Act of 1973. DCL-23-02 states, “whether a recipient of Federal VR funds has matched any available unobligated funds and, therefore may carry them over to the subsequent fiscal year, will be determined at the State level, rather than each separate VR agency.” Consequently, the Commission shall work closely with the New Mexico Division of Vocational Rehabilitation to monitor spending so as to maximize the ability to carry over funds.

DCL-23-02 is also added as the first attachment in the Appendix.

Under Section IV. Period of Performance, a new Section C is added on program income carryover as follows:

c. Program Income Carryover

1. The Commission may carry over undisbursed program income for obligation and expenditure in the subsequent Federal Fiscal Year, regardless of whether the State met the requirements to carry over Federal VR funds. The requirements for the carryover of program income are set forth in DCL-23-02 (Appendix Item 1).

2. To the extent that program income funds are available, the Commission must disburse those funds before requesting additional funds from the U.S. Department of Education.

Under Section IV. Period of Performance, originally Paragraph C is changed to Paragraph D updating the carryover example to current years and correcting an error.

Under Section IV. Period of Performance, Added to Section D a new Paragraph 3 as follows:

3. As a part of the Program Year 24 Combined State Plan, which was submitted on March 4, 2024, the Commission is declining the receipt of Supported Employment funds starting with Federal Fiscal Year 25. This is due to a determination by the Commission that the benefit of the receipt of the relatively small amount of Supported Employment funds is not commensurate with the significant administrative burden associated with the receipt of those funds.

Under Section IV, items are relettered accordingly.

Under Section IV relettered Paragraph H subparagraph 2 adds reference to DCL-23-02.

Under Section IV. Period of Performance, Letter J (now K) (Final Financial Report), there was an error in the following sentence: "If the late liquidation request is approved, the State VR agency must submit the final financial report after the funds have been liquidated, but no later than 120 days after the end of the extension period." The due date is 30 days and not 120 days after the end of the extension period.

Under Section IV, for Agency Purchases, Contracts and Procurements, Letter E, the contract checklist is now found under Section XVII, Appendix Item 3.

Under Section V Agency Purchases, Contracts, and Procurements, letter M, we are adding the following sentence, and creating a new paragraph afterwards:

On March 19, 2024, RSA issued a clarification stating that "projects consisting solely of the purchase, construction, or improvement of a private home for personal use" made pursuant to an individualized plan for employment were not infrastructure projects subject to BABAA.

Under Section VI. Prior Approval, we propose adding the following:

B. Randolph-Sheppard Act Equipment Exception

Pursuant to a Federal Register Notice dated October 6, 2022, titled "Lowering the Per-Unit Acquisition Cost for Equipment Acquired by State Licensing Agencies for the Benefit of the Randolph-Sheppard Vending Facility Program," the US Department of Education implemented an exception approved by the Office of Management and Budget to lower the per-unit acquisition cost for equipment acquired by the State licensing agencies for the benefit of the Randolph-Sheppard Vending Facility Program. The per-unit acquisition cost was lowered from $5,000 or the capitalization level established by the non-Federal entity for financial statement purposes to equal or exceed the lesser of $1,000 or the capitalization level established by the non-Federal entity for financial statement purposes. On April 5, 2024, the Rehabilitation Services Administration published RSA-TAC-24-03, Use of VR Program Funds for Initial Stocks and Supplies and Operating Expenses for Vendors Under the Randolph-Sheppard Vending Facilities Program. RSA-TAC-24-03 clarifies pertinent Federal requirements and describe flexibilities in determining the initial establishment period and when initial stocks and supplies and initial operating expenses are allowable under the VR program. RSA-TAC-24-03 further clarifies that "initial stocks and supplies" include the initial inventory and all supplies such as "utensils, paper products, plastic ware, cups, pots and pans, disinfectants, and cleaning supplies" necessary for the establishment of a new business enterprise by a licensed blind vendor during the "initial establishment period of that business enterprise," for a "maximum period of six months." Initial stocks and supplies are those items that meet the definition of supplies under 2 CFR § 200.1, and do not meet the definition of equipment under that same section. The Commission may only expend VR funds for the purchase of initial stocks and supplies and for the payment of initial operating expenses after determining what is necessary for the start-up of the vending facility, and how long the licensed blind vendor will require support. The expenditure of funds on the start-up of a facility must be reasonable, allowable, and necessary.

Under Section IX Internal Controls, added a citation to 2 CFR 200.303.

Under Section IX Internal Controls, deleted reference to 200.329, referencing only 200.328.

Under Section XII, revised and updated Stevens Amendment language.

Under Section XVI Disaster Response, we have changed telework to remote work.

Ms. Lansing said a motion would be needed to approve the revised Allowable Cost Policy and Procedure to make the described changes, and that it should include needed technical, formatting, and typographical corrections. Dr. Reidy moved to approve the Allowable cost Policy and Procedure as requested by Ms. Lansing, and Ms. Chavez seconded the motion. Mr. Romero noted that the location of the meeting needed to be changed to Santa Fe, and Dr. Reidy and Ms. Chavez revised their motion and second accordingly. A vote was taken, and the motion was passed unanimously.

b. Update on Combined State Plan, Jim Salas

Mr. Salas said the Commission submitted the State Plan to the Department of Workforce Development by March 4 as planned. He said there is a glitch in the state plan portal and that the Commission is waiting to hear back from the Rehabilitation Services Administration.

c. Update on Business Enterprise Program Manual Revision, Jim Salas

Mr. Salas said the Commission has been meeting with Mr. Terry Smith to revise the BEP manual, and he described the meetings that have been taking place with the Chair and Vice Chair of the Committee of Blind Vendors. He said the Commission contracted with Mr. Smith to help with the manual Revision. Mr. Salas said that the manual will need to be reviewed and approved by RSA and then hearings will need to be conducted as part of the rulemaking process.

9. New Business

a. Approval of State Fiscal Year 25 Operating Budget, Kevin Romero

Mr. Romero reported on the Operating Budget, saying the Legislative and Executive recommendations were exactly what the Commission asked for in its request budget, totaling 17,870,100. He said the legislature also approved a three percent salary increase for state employees, and that the Commission received an additional $278,500 in budget authority for the compensation increase and employer medical insurance premium. Mr. Romero said the Commission does not receive the entire $278,500 amount, but instead receives only roughly 21 percent of this amount due to the state match calculation. He said this amounts to an increase of $42,700 in general fund. He said the remaining balance has to be obtained through a mix of federal funds, other state funds, enterprise funds, or other funding sources. He said he has had discussions with the budget division about the need to remediate this lack of full funding in future years. He said the basis for this calculation is the 21.3 percent VR match. Mr. Romero said the Commission went from $17,870,100 to $18,050,600 for the FY25 operating budget. Mr. Romero said the general fund will be $2,785,800, transferred funds of $265,000, and federal funds of $6,541,700. He said other revenues is $8,208,100, and the budgeted fund balance is $250,000.

Mr. Romero said the Commission plans to expend $6,397,600 in personnel services and employee benefits, $208,200 in contractual services, $11,337,300 in other costs, and other financing uses of $107,500. Mr. Romero said the Commission is currently accounting for 92 FTE positions for FY25. He said the two largest categories are salary and benefits for exempt and classified employees. Mr. Romero said contractual services has been consistent over the past two years at about $208,000. Mr. Romero reported on the other costs category, including the $1,924,800 in care and support, and the $7,878,700 that is passed through to the Business Enterprise Program vendors. Mr. Romero said the Commission’s services for operating as a state agency includes GSB, digital services costs, workman’s comp insurance, unemployment, audit services, transportation insurance, and property insurance. He said for FY25 the Commission has budgeted to spend $521,600, which is an increase of about $50,000 over the current actual amount of $477,500. Mr. Romero said the Commission plans to transfer $107,500 to the Division of Vocational Rehabilitation. He said the first transfer is for $100,000 to DVR. Mr. Romero said DVR gives the Commission $200,000 in federal program income, and the Commission gives DVR $100,000 in general funds. Mr. Romero said the Commission has budgeted $7,500 for the state match portion of the IL PART B grant that the Commission receives, which is 18 percent of the state Part B award.

Mr. Romero requested that the Commission approve the state fiscal year 2025 operating budget subject to any technical changes, with the total budget amount of $18,050,600 in revenues and expenses with 92 FTE for signature and submission to DFA. He said the budget will be effective on July 1, 2024, and run through June 30, 2025.

Chairperson Lansing asked for a motion to approve the budget, and Dr. Reidy moved to approve the budget subject to any technical changes in the amount of $18,050,600 for state fiscal year 2025, and Ms. Chavez seconded the motion. A vote was taken, and the motion was unanimously approved.

Mr. Romero described the steps needed to sign the budget, saying that Ms. Lansing will sign today, and that Mr. Trapp will sign upon his return.

b. Report of Property Disposition Committee, Kevin Romero

Mr. Romero said he wanted to clarify some items that were reported at the January 23 meeting. He said his presentation was accurate, but that he wanted to give additional detail to the Commission so that the Commission is aware of what was actually disposed. Mr. Romero said the notices attached to the minutes contained additional information. Describing the items disposed by the Orientation Center, he said the items that were requested for disposal, approved to be disposed, and were disposed, were a sewing machine, a freezer, and a Braille writer. Mr. Romero described the BEP equipment, saying all the items related to vending, including bill changers, a sandwich grill, a beverage dispenser, drink machines, and a taco machine.

Mr. Romero also described the items located at the Santa Fe office, saying they included office chairs, a small half desk, and a bookshelf. He said they also included a broken Braille embosser and soundproof cabinet and stand that were moved from the Las Vegas office.

Mr. Romero reported on the current property disposal items, saying a request was received from the Orientation Center for 25 Braille machines that were broken or obsolete. The request was made on February 16, the committee met on the same date, the committee reviewed the request and approved the request to dispose of the obsolete items. Four of the items on the listing were capital asset items and were submitted by notification to the Office of the State Auditor on February 21, 2024. Thirty days elapsed for that time period, which was March 22, 2024, and on March 26 the Orientation Center was notified that the request was approved for those items to be disposed of.

Mr. Romero said the committee received a request on March 8 for BEP equipment to be disposed of. He said it included items such as kitchen appliances, pots, pans, and silverware, all for an operational café. Mr. Romero said the committee reviewed the request on February 16, after reviewing photographs, State Surplus was notified and they viewed the items and identified 26 items they wanted. He said notification to the Office of the State Auditor was not required. On April 11. 2024 it was decided that those 26 items will be disposed of through auction.

Mr. Romero said on March 18 the Orientation Center requested to dispose of damaged and worn American and state Flags. On April 1, the Orientation Center was given information on the location of the site for the disposal and were to contact the site for more instruction.

Mr. Romero said on April 2 the Santa Fe office submitted a request for items to be disposed of, consisting of eight wooden filing cabinets, five metal filing cabinets, a bookshelf, two credenzas, binders, laptops, 25 computer towers and other office equipment. The committee reviewed all the equipment and approved the recommendation for this disposal. The 25 computer towers fell on the capital asset list and notification was sent to the Office of the State Auditor on April 4. He said the items on the capital asset list cannot be disposed of prior to May 5. Mr. Romero said for the items not on the list, a notification was provided to Ms. Gonzales on April 11 that those items were ready for disposal. He said the office is working to have those items properly disposed of, describing the disposition of wooden filing cabinets to various entities. He said the metal cabinets were broken and being discarded.

Ms. Burma announced that Mr. Trapp had joined the meeting, and Mr. Trapp expressed his appreciation for the staff in conducting the meeting without his presence. He said his wife Tonia has been scheduled for surgery.

10. Commission Open Discussion

There was no Commission Open Discussion.

11. Comments from the Audience

Diana Marquez said she enjoys participating in these meetings.

12. Date and Location of Next Meeting

The next meeting was set for Albuquerque at 9:30 AM on June 20. The following meeting was set for Albuquerque at 9:30 AM on August 22.

13. Adjourn

Ms. Lansing adjourned the meeting at 12:12 PM.

Approved and Electronically Signed This 22nd Day of August, 2024.

Urja Lansing, Chairperson

New Mexico Commission for the Blind

Attachments

Property Disposal Notification 3.26.24 OC

Property Disposal Notification 4.1.24 OC

Property Disposal Notification 4.11.24 BEP

Property Disposal Notification 3.26.24 Santa Fe