STATE OF DELAWARE
COMMISSION FOR STATEWIDE CONTRACTS TO SUPPORT EMPLOYMENT FOR INDIVIDUALS WITH DISABILITIES
(STATE USE LAW COMMISSION)

STATE USE LAW COMMISSIN MEETING
September 20, 2016 MEETING MINUTES

MEMBERS PRESENT: Debbie Harrington (Chair), James "Ty" Case (Member, DVI), Valerie Watson (Member, Finance), Chuck Wagner (Member/Teleconference), Mary Page Bailey (DAG/Counsel), Daniel Madrid (DVI/Ex-Officio), Thomas Cook (A.N.D/Ex-Officio), Cynthia Fairwell in lieu of Andrea Guest (DVR)

GUESTS: Lloyd Schmitz (General Public)

ABSENTEES: Doyle Dobbins (Co-Chair), Dean Stotler (Member, OMB), Michele Mirabella (Member)

- A quorum was determined and the meeting **was called to order at 2:00 pm**.

I. APPROVAL OF MINUTES

(a) In the Section IV- DIB Report Section, it was mention to make a correction in the seventh line to The DHSS-DAG office instead of AG's office. A motion was made by Valerie Watson to approve the minutes of August 16, 2016 with this correction and Ty Case second the motion, all were in favor, motion carried.

(b) As a matter of record for this meeting Ms. Harrington requested to have a copy of the Q & A document submitted by Tom Cook from A.N.D. attached and post to July's meeting minutes.

(c) Public Access to Draft meeting minutes: Comment from the public at the last meeting requesting if they could have access to the draft meeting minutes. Mary Page Bailey, spoke with the Chair of FOIA Committee within her department of justice, who advised that yes these were public documents, so that when someone from the public request them, they should be produced to them. Under FOIA they do not have to be posted on the website. Draft meeting minutes are part of public document only after submitting to Commission members can they be released to public when requested. Draft minutes should have a watermark as light as possible to distinguish them.

II. OLD BUSINESS

A. Commissioners Training

(a) Mary Page Bailey answered the question of whether A.N. D. was subject to FOIA laws of Delaware. A.N.D. is not subject to FOIA. It is not considered a public body, even though they receive state funds. The FOIA law is focused on agencies, committees, commissions, boards, that are carrying out the work of the government. A.N.D. is not any of those; they were not created by the state of Delaware's General Assembly or created by an Agency that the General Assembly created in the laws. Therefore, not a public body and not subject to FOIA laws.

(b) Under FOIA open meetings laws are part of FIOA. The question of appropriate forum for commission business, to get together to discuss and make decisions prior to the meeting is not appropriate. We are a public body and the work must be done in the public eye. The appropriate forum is the Commissioner's Meeting. You may contact someone to ask a question but to meet and discuss in order to predetermine or persuade a certain vote are not appropriate, these discussions can be done at the table. Email groups need to be careful because discussing let's do this or let's do that, you will see me or someone say Whoa Stop you are now conducting or on the verge of conducting a meeting, you must Stop," this must be discussed at the next meeting" that is as far as an email consensus should go. Also when you are gathered together out in public be aware of who is present when conducting discussions, as a quorum may be represented and may be considered a public meeting. Which means you should have made notice of when and where the meeting was as well as the Agenda, than post your notes. The appropriate forum for the Commission is the meeting.

(c) Ms. Harrington requested if anyone had questions or comments regarding FIOA for Mary Page

Mr. Wagner had a question regarding receiving documents/ items (especially with figures) to be voted on more efficiently by the Commissioners to have that information at least 5 days in advance of the meeting. Ms. Harrington responded that it would be good to have any document/item to be voted on be provided to the Commissioners at least 7 days in advance along with the agenda items. Mr. Wagner wanted to know if this had to be voted on, Ms. Harrington responded that No vote was necessary as we are just requesting DIB to present these documents in advance.

Mr. L. Schmitz had a questions since we are talking about posting things with the agenda should this be part of the Commission's bylaws. Mary Page will look into this. Her comment on this at this time is: if this is just a request not a mandate than it would not be part of the bylaws or regulations. Ms. Harrington would prefer at this time for this be a request and not be mandated. Just a request does not have to be put in writing at all. Sometimes emergencies are added to the Agenda.

(d) We still have training on our agenda and it will remain on the agenda as we do want to get through it, obviously training is ongoing, but we will have a few topics that we would like Mary Page Bailey to discuss.
Mary Page created a notebook which is being called the Commissioner notebook. It was presented but noted that it required some adjustments. Mary Page gave a description of the contents that are in the notebook and explained that it will be presented at the meeting in October to all the members. This notebook is for the members to keep and they may fill it as they want, such as keeping their meeting notes.

B. Annual Report

Valerie Watson presented a draft of the 2016 Report and requested time for a walk through of pages to share some of the intuitiveness and will send out an email for any comments from commissioners not attending this meeting. This review is for discussion, comments and suggestions to be offered, considered and decided.. Chuck Wagner wanted to know if the individual agencies presented these numbers in the report themselves (numbers presented to A.N.D) and A.N.D generated the report, Ms. Harrington (Chair) stated that since the contracts are with A.N. D. the data is collected by A.N.D and reported by A.N.D and they are accountable to Government Support Services, A.N.D does not do an annual report. A.N.D collects all the data as contractually obligated from their contractors/services. This is a Commission Report and the numbers are as a result of data collected from the Program Partners. All changes were discussed on a page by page review and the corrections agreed upon by all. New logos of the Commission will be on the letter head and the picture that Ms. Harrington presented would not project clearly, a decision was made to use the current picture and approved by Ms. Harrington. The annual report will be sent out to the commission by end of next week just to see the final draft, to give to the Governor by 9/30/16. Valerie Watson expressed appreciation for everyone's help and support.

III. New Business

(a) Ms. Harrington requested Chuck Wagner to present his question regarding Autism Delaware POW&R program set aside opportunity.
Mr. Wagner asked if the POW&R set aside money could be used to train those consumers (who lost their jobs) in responsible jobs through the community such as Dollar General, Library has a Museum, etc. Train them with set aside money than once they are trained to get them into the private sector. Mary Page explained that Set aside money is state funds appropriated within an agency to pay for services and products. Set aside Contracts are a type of determinate vehicle. Cynthia Fairwell from DVR suggested that if he had anyone interested in working that you can always refer them over to the Division for Vocational Rehabilitation Services.

(b) Ms. Harrington stated that Dean Stotler was not present to address Chuck Wagner's concerns about his email, however Ms. Harrington requested that Chuck Wagner express his concerns on the errors he found.
GSS Master Agreement Terms original mistakes were found on July 19th someone pick up on the mistakes because as of 8/31/16 they were fixed.
Delaware association for Rehabilitation Facilities/DelARF is allowed to work as A.N.D.
A.N.D./DelARF Thomas Cook gave additional clarification by stating that DelARF is the corporate registration name and that A.N.D. is registered under a fictitious name Ability Network of Delaware that allows them to do business as A.N.D. So technically they are still DelARF even though doing business as A.N.D.

(c) Chuck Wagner also inquired about an update on the Petition for House Bill 433Thomas Cook wrote it. Feedback from A.N.D. Board of Directors designed to do is to build support for the Bill submitted in June of this year to fully fund the Development of Disabilities Services (DDS) so that the Division of DDS direct support professional roots. That rate study against the market produced a

report in January 2014 to step up the base wage from the current level to $12.75 an hour. The update to this study shows $39 million short fall, which would be roughly half State money and half Federal money, the request would be to increase the DDS budget over a 3 year period by 2020 to fully fund that rate. At the A.N.D. Petition Drive on September 1st, about 400 people gathered to support this bill to get the petition out there. They are receiving responses to support this bill.

IV. Bylaws Committee

Bylaws committee met today, the next meeting should have the final copy of the Bylaws, New Title 16, commissioners the translation has a few hiccups in it, but the Commission can at least see where we are; the updates based on the new Title 16 structure should be voted on next month. We would like to state, specify .who is sitting on each of the two committees, By-laws and Regulations and how to make that transition.

V. DIB Report

Daniel Madrid announced that this is his last SULC meeting that he is leaving DVI and taking another position as Director of Quality Improvement for DHSS.

DIB a lot has changed in the past month besides finalizing the neckerchief on federal contract, we contacted the inspector to come in this should be happening in the next couple of weeks, business is doing about $20,000.00 a week, estimate this to be the breakeven point, hopeful of the business becoming profitable. We haven't engaged around the RFD potential letting go of the business at some point and seeing what DIB looks like in the future. Want to see it grow at a faster base with profitability; it will continue to serve this population.

VI. A.N.D Report

Thomas Cook already mentioned the petition, FOIA, and DBA focusing on WIA and shifting of county government at the New Castle County and opportunities at the county level

Comments or clarifications – None further from commission

VII. Public Comments

No Public Comments

VIII. Adjournment

Meeting adjourned at 3:55 PM by Ms. Harrington.

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Respectfully submitted by:
Michele Hamilton