

Developmental Disabilities Council
Meeting Minutes
Wednesday, September 12, 2018
Duncan Center, 500 Loockerman Street, Dover DE
6:00 – 9:00 p.m.

Members Present: Steve Yeatman (Chairperson), Teesie Bonk, Maitri Campbell, Monica Edgar, Alvin Emory, Jr., Karen Gallagher, Derrick George, Laura Greene, Terri Hancharick, Michael Harris, Rick Kosmalski, Nancy Lemus, Debra McCann, Karen McGloughlin, Daniese McMullin-Powell, Joseph Merritt, Jr., Beth Mineo, Chris Oakes, Laura Waterland

Members Absent: Katie Howe, HarrietAnn Litwin, Katie Macklin, Dale Matusевич, Carrie Melchisky, Angela Mitchell, Sue Ellen Powell, Shawn Rohe

Staff: Kristin Harvey, Stefanie Lancaster, Emmanuel Jenkins

Guests: Carol Barnett, Marcella Foster (attendant services), William Powell, Victoria Counihan (Deputy Attorney General, DAG), Sherri Valle, Steve Slotkin, Sherine White (DDC Intern), Terry Pepper (Department of Safety and Homeland Security)

I. Call to Order – Steve Yeatman called the meeting to order at 6:15 p.m.

II. Approval of Minutes (July Council meeting and July’s Executive Session minutes) – Alvin Emory made a motion to approve the July full Council meeting minutes. Nancy Lemus seconded the motion. The Council unanimously approved the July Council meeting minutes. After Victoria Counihan, the Deputy Attorney General (DAG) for the Developmental Disabilities Council (DDC), handed out copies of the July Executive Session minutes, Daniese McMullin-Powell made a motion to approve. Joey Merritt seconded the motion. The Council voted unanimously to approve the July Executive Session minutes as submitted. Once voted upon, Victoria collected the Executive Session minutes as they are of a confidential nature.

III. Approval of Agenda – Debra McCann made a motion to approve the agenda as submitted. Laura Waterland seconded. The agenda was approved as submitted.

IV. 5 Minute Public Comment Period – No public comment was provided at this time.

V. Chair’s Report – Steve Yeatman thanked the Council for allowing him to serve as Chair the Council for the last year. Steve stated that the Council was able to accomplish some things over the past year. The Council spent much time on important personnel issues. In the future, Steve hopes that the Council can move forward with doing the work in the State Plan. He said that he was glad he had the opportunity to serve. Steve thanked the Council for their support and patience. Steve also mentioned the upcoming memorial services planned for Jamie Wolfe. Steve said he feels that Jamie did what she felt was the right thing and helped others to better the lives of people with disabilities. Jamie’s memorial service will take place on Thursday, September 27th from 4-7pm at Jonathan’s Landing in Magnolia, DE. Alvin Emory stated that Jamie made a lot of positive changes in his life when he was supporting his wife with cancer. Alvin shared that he will miss her dearly.

VI. Staff Report – Stefanie Lancaster reported the following. Informational items were distributed to those members present. Those items are as follows:

a. A copy of the memo from the Secretary of the Department of Safety and Homeland Security, Secretary Robert Coupe, regarding continuity of operations at this time for the Developmental Disabilities Council (DDC) in the absence of the Executive Director. Per the Council’s vote at the July Council meeting, Terry Pepper will be serving in the administrative role in a signatory capacity for the DDC Staff.

b. A summary of responses received from vendors who recently attend the DDC’s Community Outreach Events held in Sussex County to spread the word about the work that the DDC does and to hopefully secure some members from that area of the state. Overall the responses stated that the events were extremely successful. It was requested that the Council do more of these types of events in the future.

Stefanie stated that the ballots for the Election of Officers could be found in all members packets. Stefanie requested that members begin filling out their ballots now and Sherine, the DDC Intern, would collect them. It was noted that the Freedom of Information Act (FOIA) does not allow for voting by secret ballot. Therefore, all members were asked to please write their names at the bottom of the ballot. This information will be available if members would like to review the ballots at a future date.

Additionally, Stefanie stated that staff received information regarding the National Alliance on Mental Illness (NAMI) Conference that is going to be held on October 9th at Dover Downs. In the past, the DDC has sponsored this conference. Stefanie requested that the Council discuss the sponsorship opportunity this year as the deadline to register as a sponsor is this Friday, September 14th. Sponsorship levels begin at \$500. In years past, the Council has supported at a \$1,000 level sponsorship. Members of the Council can attend if they so choose and DDC can support their registration fee. Depending on the level of support chosen, a limited number of registrations are included with the sponsorship. The Council determined that this does fall in line with the DDC State Plan under the objective SA4. After some discussion, it was unanimously voted to support this conference at the \$2,500 level. This sponsorship level includes four complimentary registrations, an exhibitor table, and a half page ad in the conference program booklet.

VII. Financial Report

- 1. Financial Advisory Committee Report** – Stefanie reviewed the annotated and color-coded form that is discussed each full Council meeting. Two contracts that are currently spending the remainder of the 2016 grant funds are due to send in the final expense reports by September 21st. DDC staff is working with those contractors to receive and process these reports prior to the fiscal year end. The contractors have ensured the DDC staff that they anticipate spending all of the grant funds. The 2017 grant funds left in the state fiscal system – First State Financials (FSF) – is \$34,708.67. Of this amount, two of the contracts listed on the report have not been obligated onto a purchase order yet, as the DDC does not have signed contracts for these projects as of today. These contracts are the Boundless disability history play and the SAGE Group contract for the Healthy Lifestyles contracts. These funds have to be obligated by 9/30/18. The SAGE contract should be in place by the end of this week. The Boundless contract was recommended to be placed on hold by Victoria due to two previous Council activities related to the Disability History project being findings in the Auditor of Accounts special report on the DDC recently released. The Auditor found that the activities previously undertaken for the Disability History project were not included in the DDC’s State Plan.

Victoria Counihan, DAG for the Council, stated that it was her legal advice to either be more specific in the State Plan or to receive a notice in writing that the feds agree that it is incorporated in the current objectives in the State Plan and will not be disallowed. To date, nothing has been received in writing from the Council's federal granting agency, so a contract has not been initiated. This is consistent with a vote from the Executive Committee at their August meeting.

Terri Hancharick stated that she feels the State of Delaware's Auditor's office has taken this contract out of the Council's hands. Victoria stated if this project is disallowed by the feds, the State of Delaware Department of Safety and Homeland Security will be responsible for paying back any unallowable costs of the \$14,750 requested for this unsolicited proposal. Any disallowed contracts or expenses will require the State to pay back the disallowed funds and would likely decrease the Council's future grant awards.

To revise the current State Plan to add in a specific objective to incorporate this, adding an objective will not be reviewed and approved until January 1st. Terri stated that the feds knew that the Council was doing the previous two contracts referenced in the audit and did not state to the Council that they felt they were unallowable. Kristin stated that due to the Program Performance Report (PPR) not being able to be submitted due to the new PPR format currently being under review by the federal OMB, no PPR was able to be submitted, so the feds are not aware of the previous contracts.

Daniese said she feels that the contract is linked with the State Plan under Objective SA4. Victoria noted that in the future, all projects must clearly be linked to an objective in the State Plan to ensure it is noted clearly how all projects are linked to the DDC State Plan moving forward. These determinations by the Council and its committees should be noted in meeting minutes.

Victoria made it clear that she is legally advising against proceeding with initiating a contract for Boundless. Steve said he is uncomfortable moving forward. Karen McGloughlin stated we should have it switched from 2017 to 2018 funds. Michael seconded that motion. Daniese McMullin-Powell voted no. Laura Waterland abstained. With that being said, motion passes. Terri made a motion to provide funding for the play regardless of what the fed's response is under the SA4 goal within the State Plan. Kristin noted that per our federal grant, DDC grants are provided on a reimbursable basis only. The Council cannot write a check to GACEC for \$14,750 and tell them to proceed. GACEC would have to pay for the goods and services received and request reimbursement on a monthly expenditure report. The grant only allows for reimbursements on work completed during the timeframe of the contract start and end dates. Terri made a motion on funding Boundless out of 2018 funds despite all other circumstances and against legal advice. Daniese seconded the motion. Beth Mineo did ask if other funding has been received for this project. Terri stated GACEC has reached out to Delaware Foundation Reaching Citizens (DFRC) and some other organizations but has not secured any other funding to date. Michael Harris felt that if the Council votes to back off now than it shows a sign of weakness and that the Council agrees with the Auditor of Accounts report, which many Council have previously stated they disagree with.

Votes for funding Boundless were as follows:

YES votes: Michael Harris, Joey Merritt, Teesie Bonk, Daniese McMullin-Powell, Maitri Campbell, Karen Gallagher, Karen McGloughlin, Terri Hancharick, Rick Kosmalski, Nancy Lemus
NO votes: Alvin Emory, Beth Mineo, Laura Greene, Steve Yeatman, Moni Edgar, Deb McCann
Abstained: Chris Oakes, Laura Waterland

Vote was 10-8. Motion passes.

2. LIFE Conference self-advocacy panel speaker's travel – vote to fund required – Some of the invitees for the LIFE Conference Self-Advocacy panel are requesting travel reimbursements. The conference budget can currently absorb \$4,275 for all speakers at the conference. With this new request from some of the Self-Advocacy session panelists, it is being request that the Council increase funding to cover the self-advocates' new request, as well as the keynote speaker's honorarium. The rest of their travel will be covered by the conference budget. Stefanie stated that she is bringing forth a request for \$3,000 to cover the aforementioned honoraria. Beth Mineo stated at the DDC's Financial Advisory Committee (FAC) meeting, it was determined that if the Council voted not to use the 2017 money for Boundless, then those funds would need to be re-obligated. The potential to add additional funds which must be obligated by 9/30 to the LIFE Conference contract was an option to help increase marketing for the conference as well as meet more of the transportation and accommodation needs of individuals with disabilities. This includes scholarships for advocates who would like to attend the conference but cannot afford the registration fee. The FAC's recommendation can include the above requested \$3,000. An amendment would be made to the contract to add the additional funds that are being discussed. Doing so will increase the match requirement for this contractor. The match requirement stated in the LIFE Conference contractors agreement is 40%. A motion came from the FAC committee to obligate \$12,250 of the money that was previously earmarked for the potential Boundless contract to be added to the LIFE Conference contract, and \$2,500 of 2017 funds to be used for the NAMI Conference previously approved this evening. Laura Waterland seconded the motion. Motion passed.

3. Recommendations from the FAC Committee for approval by Council – vote required - Beth Mineo presented the FAC Committee's recommendations for the upcoming year. The percentages per committee are as follows:

Adult Issues: 35%, Children & Families: 31%, Policy & Law: 20%; Council Staff: 7%, Partners Oversight: 7%

In addition, it is also recommended to approve funding for the following projects at the following amounts at this time:

- 2020 LIFE Conference - \$25,000
- 2020 Partners in Policymaking - \$81,500 (the recommendation from FAC is to fund the full amount at this time until funding is secured from other sources. Historically, DDC has received \$20,000 from the Delaware General Assembly and \$8,000 from the Delaware Department of Education. If in fact those funds are secured, then the DDC portion would be reduced accordingly)

- 2019 Council Travel - \$30,000
- 2020 Council Travel - \$30,000
- 2019 Annual report - \$500
- 2020 Annual report - \$500
- 2019 Self Advocacy project - \$20,000
- 2020 Self Advocacy project - \$20,000

A motion to approve the aforementioned projects and amounts as state above comes from the FAC Committee. Rick Kosmalski seconded. The motion was approved by Council, and the FAC recommendations now stand.

VIII. Current Business

1. Annual Election of Officers – vote required – After the ballots were collected, the following members were voted upon to serve in each capacity. Congratulations to all of the newly-elected officers of the Council!

- Chairperson – Rick Kosmalski
- Vice Chairperson – Michael Harris
- Members at Large for the Executive Committee – Laura Waterland and Daniese McMullin-Powell
- Adult Issues – Terri Hancharick
- Children and Families – Laura Greene
- Policy & Law – Rick Kosmalski
- Partners Oversight – Deb McCann
- Membership – Karen Gallagher
- Financial Advisory Committee– Rick Kosmalski
- Personnel – Karen McGloughlin
- Consumer Caucus – Joseph Merritt

2. Request for Information (RFI) responses review / State Plan review – vote required – Staff stated there were no responses received from the Request for Information (RFI) that was posted through Government Support Services (GSS). A copy of the State Plan was included in each member’s packets. Proposed edits and additions were noted in red. The proposed revisions as voted upon by the DDC’s committees are as follows:

SA3 - the Council requested that the Adult Issues Committee review this objective to finalize their recommendations for revisions. Terri Hancharick said the committee will bring back a recommendation at the November’s Council meeting.

SA5 – There was discussion relating to the travel portion of this objective. The Policy & Law Committee will meet to discuss and to propose wording which reflects DDC and NACDD endorsed conferences as having priority over other conferences. Rick Kosmalski said the committee will bring back a recommendation at November’s Council meeting.

SA6 – This would a new objective propose by the Policy & Law Committee. There was a slight revision to wording to now read: “The Delaware DDC will educate and inform the community at large about Delaware disability history and culture, as well as barriers created by social and institutional bias while exploring current issues and solutions.”

The above were the revisions recommended. Kristin will incorporate the changes discussed. The entire plan will be reviewed and approved in November. Staff asked Council to please keep in mind the accelerated timeframe for our federal grant while discussing these items at the committee level.

Karen McGloughlin stated the Membership Committee has also discussed possibly adding in an objective relating to funding a Community Outreach event. Kristin asked that Karen discuss this with the committee and submit final proposed wording and placement in the State Plan update prior to the November Council meeting.

DDC staff asked that the Council discuss the different options moving forward to work within the new accelerated federal grant time schedule. The options are: 1) RFP once a year and put all grant funds into one project; 2) RFP once a year for all State Plan objectives or; 3) Put the State Plan out to the public for ideas (which refers to the Request for Information (RFI) from which the Council did not receive any responses). Kristin requested that each committee come up with firm project ideas before November’s Council meeting so that the Council can discuss and vote on these ideas. Kristin also asked the committees to please consider what a scope of services would look like for each objective, e.g. what are they asking the contractor to do. This will help expedite the process. After the motion was made by Karen McGloughlin to RFP once a year on individual RFP’s for each project, Laura Waterland seconded the motion. Laura Greene and Deb McCann abstained. Motion passed.

IX. Committee Reports

- **Personnel Committee – staff review document review – vote required** – Karen McGloughlin stated that the Personnel Committee met and reviewed Council’s recommended edits. Karen asked the Council please review these documents one last time for any final edits. A motion to approve will come from the committee and a vote will be requested at the November’s meeting.

X. New Business

1. DD Act Training – October 17th – DDC staff asked that all members RSVP for the upcoming DD Act training on October 17th from 6-9 p.m. at DDDS Fox Run, as requested by the Council at the July Council meeting. Staff requested RSVP’s by October 10th. The staff will need a head count for the caterers. The federal granting agency staff has requested that any questions regarding information the members feel needs to be reviewed during this training be sent to the DDC staff by September 21st.

2. Bylaws – review – vote required – Victoria stated that the federal granting agency liaison as well as the Executive Committee’s recommended edits are incorporated as well as changing any items as they are currently in conflict with state or federal law. Many are to conform to language within the DD Act. Victoria reviewed the many recommended changes with the Council (for a copy of the recommended

changes, please contact Victoria Counihan). The Council agreed to wait until the November meeting to review and approve the recommended revisions. Victoria stated that the intent to revise the bylaws must be noticed at two meetings before it can be voted upon so that all members have adequate time to review them. Discussion stopped at this time due to loss of quorum.

XI. Other Council Business / Future Speakers – No future speakers were mentioned at this time.

XII. Adjournment – The meeting adjourned at 9:00 p.m.

*****Executive session may be held pursuant to 29 Del. C. 10004 (b)(6) and 10002 (l)(1), (3), & (6)**

*****In accordance with 29 Del. C. 10004 (e)(2), this agenda was posted at least seven days in advance of the meeting.**

*****This agenda is subject to change to include the addition or deletion of items which may arise at the time of the meeting.**

*****Agenda items listed may be considered out of sequence.**