

FINAL MINUTES
Virginia Office for Protection and Advocacy
Richmond, Virginia
Board Meeting Minutes
September 26, 2006

Call to Order/Welcome/Introductions	Brent Brown, Chair, called the meeting to order at 9:04 a.m. Mr. Brown welcomed all members, guests, and staff and asked that each individual introduce themselves.
Members Present	Brent Brown, Ray Burmester, Bill Fuller, Waja Grimm, Chris Harrison, Maureen Hollowell, Susan Kalanges, Rita Kidd, Pat Meyer, Elizabeth Prialux, Irene Rebholz, Dink Shackelford, Dave Wilber
Members Absent	None
Guests Present	Lynn Hall (via phone), Linda Moore
Staff Present	Sherry Confer, Colleen Miller, Lisa Shehi For portions: Hilary Malawer, Julie Triplett
Training	
• The Pickle Amendment and other "Return to Work" developments	Hilary Malawer, VOPA Staff Attorney, and Julie Triplett, VOPA Disability Rights Advocate, provided training on Social Security law including the "ticket to work" program, work incentives, differences in Social Security Disability Insurance and Supplemental Security Income, and the Pickle Amendment. Ms. Malawer and Ms. Triplett took questions from attendees at the end of the presentation and during the lunch break.
Mission Statement	Chris Harrison read the Mission Statement.
Adopt Agenda	Colleen Miller, VOPA Executive Director, requested an amendment to the agenda to include a closed session during the Director's Report to discuss personnel matters. Ray Burmester made a MOTION to approve the amended agenda. Bill Fuller SECONDED the MOTION and it passed with unanimous approval.
Approval of July 20, 2006 Minutes	Board members reviewed the draft minutes from the July 20, 2006 Board meeting. There being no revisions or corrections noted, Ray Burmester made a MOTION to approve the minutes. Bill Fuller SECONDED the MOTION and the MOTION carried unanimously.
Public Comment (10:15 – 10:30)	Lynn Hall provided public comment via telephone. Ms. Hall read a prepared statement which had been provided to Mr. Brown. This statement included a request for a diversion of funds to employ an attorney to represent her. No MOTION was forthcoming from any Board member to support this request. Ms. Hall took questions from Board members. Linda Moore read a prepared statement from her son, Tim Moore. Ms. Moore provided comments and information regarding the

special education structure in Hanover County Schools.

Following public comment, Ray Burmester requested that the Board be kept apprised of any follow-up or actions taken.

Finance and Resource Development Committee

- Financial Report

Dr. Fuller advised that the Finance and Resource Development Committee met on September 25, 2006. Dr. Fuller led the Board members through a review of detailed financial reports. Dr. Fuller advised that one report, the Cash Balance of Grants Award for Federal Grant Period, may continue only as an “exception” report for the Board in the future but will continue to be reviewed by the Committee.

Following discussion of the Financial Report, Dink Shackelford made a MOTION to approve and adopt the Financial Report. Chris Harrison SECONDED the MOTION and it carried unanimously.

- Fiscal Policy Development

Dr. Fuller discussed the development of new fiscal policies pursuant to the MOTION adopted at the July 2006 Board meeting. Dr. Fuller advised that the Committee will meet in December and again prior to the January Board meeting to compile the policies and procedures into manual format. The Committee will present the manual to the Board in January with a recommendation and vote at the April 2007 meeting. Colleen Miller distributed a copy of Tennessee’s P&As accounting manual. Dr. Fuller explained that this manual will be used as a guideline and contains valuable information including comprehensive explanation of each of the grant areas which will subsequently be valuable to auditors, new Board members and others.

Dr. Fuller advised that the Auditor of Public Accounts (APA) has offered to provide technical assistance and review the policies. State-wide, the APA will begin reviewing agency or departmental policies regarding access to information technology.

The Finance and Resource Development Committee brought forward a MOTION that, in light of the APA technical assistance, VOPA delay hiring an outside accountant. No SECOND was required and the MOTION carried unanimously.

Internal Policy Committee

- Policies Proposed at July Board Meeting

- None

Susan Kalanges, Vice Chair, noted that no policies were proposed at the July meeting for consideration and vote at this meeting. The Internal Policy Committee met on September 25, 2006.

- New Policies

- Inclement Weather
- Standards of Conduct
- EEO
- Lay-Offs
- Public Speaking

Ms. Kalanges reminded the Board that under the current process, the Board members review Policy Statements as introduced by the Internal Policy Committee. Procedures for each policy are written and subject to revision without input from the full Board. Ms. Kalanges asked that the Executive Committee review this process and determine if the Board should receive both proposed policies and procedures.

The policies listed below, along with Committee recommendations, were studied as part of the review process of all policies approved by the VOPA Board in 2002 and were brought forward for Board consideration and vote at the January 2007 meeting.

Policy 4.6 – Office Closings/Inclement Weather

- No changes recommended.

Policy 4.9 – Standards of Conduct

- No changes were recommended to the policy statement. Ms. Kalanges noted that references to the Department of General Services in previous procedures have been deleted. Board members suggested changes to some of the language in the policy statement.

Policy 4.10 – Equal Employment Opportunity

- The policy statement was changed to reflect compliance with the Governor's Executive Order 1 (2006) regarding Equal Employment.

Policy 4.11 – Layoff/Work Unit Identification

- No changes were noted in the policy statement. The procedures were changed to replace references to the Department of General Services with the Executive Committee.

After discussion, it was agreed that future policy recommendations will include changes made be printed in italicized font.

The Committee presented Policy 7.1 – Information Technology as a new policy for consideration and adoption by the Board at the January 2007 meeting.

Ms. Kalanges distributed a final hard copy of the Discussion Memos procedures as adopted at the July 20, 2006 Board meeting for insertion into Board Reference Manual.

Priorities and Public Awareness Committee

- Objectives – FY07

The Priorities and Public Awareness Committee met in Richmond on September 8, 2006. Elizabeth Prialx reminded Board members that in 2005, the Board approved a biennial review of the Goals and Focus Areas with annual reviews of the Objectives.

Ms. Prialx noted that in addition to staff reviewing the Objectives under which they are currently working, constituent input was gathered through a web-based survey, focus groups, and trainings. The Committee thoroughly reviewed the suggested Objectives and compared them the comments received. Ms. Prialx shared that the Committee looked closely at VOPA resources where new Objectives were added. Proposed Objectives were provided to the Board for review prior to the meeting. The Priorities and Public Awareness Committee brought forth the Objectives to the Board for adoption. There was no

SECOND required and the Objectives were adopted by unanimous vote.

Ms. Priaulx requested that the name of the Committee be changed to Public Awareness and Goals Committee. Mr. Brown, in his role as Chair, approved the change in name.

Lunch

The Board adjourned for lunch at 12:20. The meeting was reconvened at 12:55.

Public Policy Committee

Ray Burmester, Committee Chair, noted that the Public Policy Committee met on September 25, 2006 and determined that the Committee will accept requests, in writing, for public policy from all sources. Accommodations will be made for individuals who are unable to provide their requests in writing. The Committee will review each statement request and provide the Board with a recommendation for approval, disapproval, or no action.

The Board discussed the need for the Committee to determine which statements are referred to the Board rather than submitting all statements.

Executive Committee

- Bylaws Changes

Mr. Brown noted that the Executive Committee met to review the Bylaws and make proposed revisions. Mr. Brown shared that the Committee is submitting the Bylaws for consideration at this meeting and, unless any change is determined to need emergency action, the Board will be asked to vote on the changes at the January 2007 meeting.

The Board discussed the proposed changes by reviewing the Bylaws section-by-section. Mr. Brown noted one significant change affects the Appeals Committee. After discussion of the changes affecting the Appeals Committee duties, the following text was recommended:

Appeals shall be reviewed by one Board member, selected by the Board Chairperson, generally on a rotating basis. The Chairperson and any Board member with a hardship shall be exempt from service as an Appeals Reviewer. The Reviewer shall operate within the policies and procedures established by the Board, except that Reviewer's recommendations involving organizational changes or to which the Executive Director objects are not effective until supported by a vote of the full Board, or, in emergency situations, the Executive Committee.

Pursuant to the Bylaws allowance of voting on actions at the same meeting in which they are proposed, and with a unanimous approval of that action, Ray Burmester made the made a MOTION to accept this change as an interim measure. Rita Kidd SECONDED the MOTION and it passed with unanimous approval.

- Board Representatives to Councils

Mr. Brown referred the Board to his request to Board members regarding Committee Membership. Mr. Brown noted that there is need for Board member representation on some Committees. Mr. Brown requested volunteers to fill this need. After discussion, and

pursuant to the authority of the Chair, Mr. Brown approved the following changes:

Dr. Pat Meyer will leave the Public Policy Committee and join the Finance and Resource Development Committee. Mr. Burmester will vacate his seat on the Public Awareness and Goals Committee (formerly the Priorities and Public Awareness Committee).

Mr. Brown further discussed the need to have Board members attend Advisory Council meetings. After discussion, several Board members committed to attend meetings. Those commitments include:

Susan Kalanges – will attend two Advisory Council meetings held in the Richmond Area

Waja Grimm – will attend two Disabilities Advisory Council meetings

Dink Shackelford – will attend a Council meeting during the General Assembly session times

Chris Harrison, Bill Fuller, and Brent Brown will each attend an Advisory Council meeting.

Legal Developments

Jonathan Martinis, VOPA Managing Attorney, reviewed two cases from other states. Both cases involve the right of the Protection and Advocacy organization in the respective state to obtain records of other agencies. Both cases involved schools and in both cases, the Court ruled that the Protection and Advocacy organizations do hold the right to obtain needed records.

Mr. Brown summarized a recent Supreme Court ruling regarding the Freedom of Information Act and Boards of Directors conducting business under a closed session.

Reports

- PAIMI Council

Irene Rebholz, Council Chair, noted that the Council met on August 16, 2006 in Charlottesville. Julie Triplett provided an informative presentation regarding paratransit. Council members discussed proposed Objectives. The Council continues to work on recruitment efforts. Ms. Rebholz inquired of Sherry Confer, VOPA Policy Director, about the status of applications which have been submitted. Ms. Confer noted that she has attempted communication with several applicants but has been unsuccessful. Ms. Rebholz announced that nominations were taken for officers. Irene Rebholz was elected Chair and Lisa Ritchie will serve as Vice Chair.

Ms. Rebholz shared that the Council plans to vary meeting sites to accommodate requests for outreach to various geographical areas. One obstacle to varying sites is the necessity to identify meeting spaces that are accessible and are available at low or no cost.

Chris Harrison added that the Council voted to accept the application for Council Membership from Donald (CW) Tillman.

The next meeting of the PAIMI Council will be November 16, 2006. The location is to be determined.

- Disabilities Advisory Council

Dave Wilber, Council Chair, noted that the Council was provided Fair Housing Training by Mary Aab, VOPA Disability Rights Advocate, at the September 13, 2006 meeting. The DAC is currently preparing its annual report.

Mr. Wilber shared that the Council is also working on recruitment. Specifically, the need has been identified to add members from southwestern Virginia. Dink Shackelford offered that he may be able to assist in identifying individuals in that area who would be able to serve.

The next meeting of the DAC is December 13, 2006 in Richmond.

- Progress on Priorities

Colleen Miller referred Board members to the Progress on Priorities Report provided in the Board packet. Ms. Miller advised the Board that the report is comprehensive for the federal fiscal year. Ms. Miller shared that the Resource Advocacy Unit has produced a number of information fact sheets which are available on the website. Additionally, Ms. Miller noted that five members of VOPA staff have been invited to serve on task forces of the Mental Health Law Reform Commission.

- Litigation

Ms. Miller reviewed the report and provided updates on litigation in which VOPA is currently involved.

- Director

- Audit Response Update

Ms. Miller distributed copies of the findings of the August 2005 PAIMI Review.

Additionally, Ms. Miller shared that VOPA staff have begun making progress on tasks identified in the recent APA Audit.

- Closed session

Ms. Miller withdrew her request to adjourn to a Closed Session.

There being no further business, Dink Shackelford made a MOTION to adjourn at 2:57 p.m. Rita Kidd SECONDED the MOTION and it carried unanimously. The next meeting of the VOPA Board will be January 30, 2007.

FINAL MINUTES:

January 30, 2007