Commission for the Blind

Draft Regular Meeting Minutes

January 24, 2018, 10:00 AM

Commission for the Blind

2905 Rodeo Park Dr. E. Bldg. 4 Suite 100

Santa Fe, NM 87505

1. Call to Order

The meeting was called to order by Chairman Schreiber at 10:04 AM

2. Roll Call

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

3. Introduction of Guests and Staff

Staff Present included Greg Trapp, Executive Director, Jim Salas, Deputy Director, Monica Maestas, Deputy Director, Kelly Burma, Skills Center Coordinator, Trish Adams, Executive Secretary, and Rebecca Garcia. Guests included Lynette Kennard, Financial Audit Director with the Office of the State Auditor, and John Kreienkamp from the Attorney General’s office.

4. Approval of Agenda

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

5. Approval of minutes for the Special Meeting of November 2, 2017

Mr. Babb moved to approve the minutes of November 2, 2017 and Mr. Schreiber seconded. Mr. Trapp said there needed to be some minor changes from what was sent out, specifically to remove tentative agenda from draft, change agenda to minutes in the section on the approval of the August minutes, add the October 26 date of the LFC hearing under major trends and developments, change he to Mr. Kreienkamp in the section about the felony question from Mr. Allen, and change think to thinks in Mr. Trapp's comments in the section about Braille certified persons in the Skills center report.

A vote was taken and the revised minutes were approved with Mr. Schreiber and Mr. Babb voting to approve the minutes. Ms. Lansing abstained, noting that as a new member this was her first meeting and she was not present at the November meeting.

6. Chairman’s Report, Arthur A. Schreiber

Mr. Schreiber welcomed Urja Lansing to the Commission board. Mr. Schreiber said that Mr. Trapp did an outstanding job presenting the agency budget at the Legislative Finance Committee meeting and the House Appropriation and Finance Committee meetings. He said that Greg presented how our budget works and the difficulties that the agency has faced due to the reductions in budget.

7. Director's Report, Greg Trapp

a. Major Trends and Developments, Trapp

Mr. Trapp welcomed Urja to the Commission, saying that she would continue to serve on the State Rehabilitation Council. He also thanked Dallas Allen for his work on the Commission board and announced that he had been appointed to the State Rehabilitation Council and would continue serving the agency in that capacity.

Mr. Trapp talked about the brief shutdown of the federal government and said that the agency had prepared for the potential of a shutdown by making sure that draws of federal funds were as current as possible. He also said that he expects that there will be another brief shutdown on February 8 should there not be a deal on immigration and the border wall. He said that in preparation for such an event the agency will draw the funds that are available to keep the agency running. He said that the agency receives its state funds 12 times per year in equal amounts. He said that should there be an extended federal shutdown, he plans to seek early distribution of state funds to help cover the funding gap.

Mr. Salas stated that there is a new computer system to submit for Social Security reimbursements. He said that everything has to be submitted at the same time and if the work gets interrupted it will be necessary to restart the submission process because it cannot be saved.

Mr. Trapp talked about the House Appropriation and Finance Committee hearing on January 11. He said that it went well and that the DFA recommendation had been approved, meaning that the agency avoided a $38,000 cut that had been recommended by the LFC.

Mr. Trapp spoke about Senate Bill 58, and House Bill 92, proposed legislation that would move the Division of Vocational Rehabilitation to Workforce Solutions. He said that the bill is written in a convoluted manner and that it could result in unintended consequences. He said that the language includes old statutory language that had been superseded by newer language, including the Commission for the Blind Act. He spoke about the budget difficulties that might be created because Vocational Rehabilitation funds are subject to very strict federal rules.

Mr. Trapp also spoke about the changes in Texas where services had been consolidated and said there is up to a two year wait for Independent Living services in the state. He also said that purchases of blindness-related assistive technology in Texas have dropped significantly since the consolidation.

Mr. Trapp spoke about the negative impact of the 15 percent reserve for Pre-Employment Transition Services and how it is hurting the Commission and agencies across the nation.

Mr. Trapp said he presented as a keynote speaker at the *Dare to be Remarkable* conference at the National Center for the Blind in Baltimore. He said that it was designed for residential training centers, and that it was well-attended, and that the Commission sent most of the teachers from the Orientation Center. He reported that the focus was primarily on Pre-ETS and said that the NCSAB and CSAVR conferences that followed also focused on Pre-ETS. He said that with the focus of these conferences on Pre-ETS the agency was able to fund attendance primarily with Pre-ETS funds.

Mr. Trapp discussed the issue of prior approval, saying that the requirement to submit a prior approval request was contained in a 2015 email from the Rehabilitation Services Administration that had nothing to do with the subject line of the email. Mr. Trapp said that the agency fiscal consultant, Seymour Levy, had spotted the direction when Mr. Trapp forwarded the email to him, and that as a result the Commission had been on the forefront of compliance with the prior approval requirement. As an example he talked about the Braille Touch that Kelly Burma was using and said that the device would be one item the agency would purchase that costs more than the threshold of $5,000. He also spoke about issues with Randolph-Sheppard vendors and the need to receive prior approval for the agency to pay for a vendor to attend training.

b. Administration and Finance, Maestas

Ms. Maestas said that the due dates for federal reports had been moved up, including the RSA 425, RSA 2, and RSA 15. She said that Seymour Levy will be coming in March to conduct a joint training with the Commission and Division of Vocational Rehabilitation. She said that the training will cover the span of a week.

Mr. Trapp thanked Daphne Mitchell and Audrey Trujillo for their efforts to make sure the RSA-911 report was submitted on time.

Ms. Maestas also thanked Mr. Schreiber and Mr. Trapp for their efforts in presenting on the agency budget. She said that she thought that Mr. Trapp’s presentation to help the representatives understand the agency budget was very valuable and especially on the issue of program income and the Commission’s non-reversionary language.

Mr. Trapp said that the agency recently learned that the combined state plan is due to RSA on March 15. He said that the agency will need to have public meetings prior to submitting the agency portion of the plan.

c. Independent Living and Vocational Rehabilitation, Salas

Mr. Salas discussed the current vacancies in both the Independent Living and Vocational Rehabilitation programs. He said that Barbara Kane has been hired as an Independent Living teacher in Las Cruces and that she is current receiving her staff training at the Orientation Center. He also said that Monica Becker who has been working at the front reception desk has been hired into the Independent Living secretary position.

Mr. Schreiber complemented Monica Becker on the job she has been doing

Mr. Salas said that the agency received permission to fill the vacant Governor’s Exempt position and said that they intend to hire a business engagement person who will focus on building relationships with employers.

Mr. Salas said that the Independent Living staff is meeting monthly and that they meet every other month with the Vocational Rehabilitation counselors.

Mr. Salas reported that for State Fiscal Year 2018, there have so far been eight closures in competitive integrated settings, none in self-employment and BEP for a total of eight with an average starting wage of $18.36 per hour. For Federal Fiscal Year 2018, he said there have been two closures in competitive integrated settings, none in self-employment and BEP for a total of two with an average starting wage of $9.50 per hour.

d. Orientation Center, Trapp

Mr. Trapp reported for Lucy Alexander, saying that there are 11 students currently attending the Orientation Center. He also said that the Center is short staffed at this time so they are not attending the training in Albuquerque. He reported that the heat on the second floor of the main building went out for a short time and he thanked the staff in Santa Fe for their assistance with getting purchase orders out in order to have the necessary repairs completed.

e. Skills Center, Burma

Ms. Burma said she has recently served 3 students through the Technology for Children program. She said that she is currently planning for the STEP program.

Mr. Babb asked her about the use of Hadley.

Ms. Burma said she was a Hadley Ambassador, and that one student using Hadley is being served in the Skills Center.

Mr. Trapp talked about HB171, the Rights of Blind Parents Act. He said that the National Federation of the Blind had worked to get the bill introduced, and that it would protect blind parents. Mr. Trapp said that it was especially a concern for blind parents during divorce cases. He said that he just received a bill analysis request on the HB 171, and that he has 24-hours to present his analysis.

Mr. Schreiber mentioned a person who was in hospice and had been served by the Commission, and thanked Jim Salas for working with this individual.

9. Unfinished Business

a. Update on HR consolidation, Trapp and Maestas

Mr. Trapp talked about the efforts to consolidate the Human Resource functions for all state agencies. He said that he attended a meeting that was called to discuss the implications for the agencies that receive federal funding. He said that the State Personnel Office reported that the consolidation will be phased in with those who don’t receive federal funds being transitioned first. Those agencies that do receive federal funds will be phased in later. He said that they were told that Pennsylvania and Utah have consolidated successfully and that they will pattern off of those states.

10. New Business

a. Acceptance of SFY 2017 Audit, Trapp and Maestas

Ms. Maestas thanked Lynette Kennard and Kevin Chavez from the Office of the State Auditor. Ms. Maestas noted that the audit had to be started over due to the retirement of staff at the State Auditor’s office. Ms. Maestas introduced Ms. Lynette Kennard to give the audit report.

Ms. Kennard said she would do a high level overview of the audit, saying that the Independent Public Accountant is required to present the audit at a board meeting. She said it was a clean audit and an unqualified opinion, and that it was the best opinion possible. She reported on internal controls, saying they did not notice any items that were significant. She said that the auditor has to report all findings, be they two cents or $10,000. She said they did not note any issues with compliance with federal programs. She said that the Office of the State Auditor does a more detailed review, and that the Commission had a "fantastic" audit.

Ms. Kennard said there was a very minor compliance finding over a purchase of high grade fuel.

Ms. Maestas noted that the agency did not concur with the finding. She added that instructions on the appropriate use of fuel cards was sent out to all employees who are approved to drive a state vehicle. Monica read the email, which was sent out on January 19. She also said that the agency will be more closely monitoring the purchases on the fuel cards.

Mr. Trapp said that he very much appreciated the report from Ms. Kennard and the work done by the Office of the State Auditor. Mr. Trapp said that, while the agency did not concur with the audit finding, the agency recognized the need to purchase the least expensive gas unless there were extraordinary circumstances. Mr. Trapp asked that the email that Monica read be attached to the minutes.

Ms. Lansing moved to accept the audit and Mr. Babb seconded the motion. The audit was accepted unanimously.

b. Discussion of Submission of Combined State Plan, Trapp and Salas

Mr. Salas said they now had to do the plan based on program year as opposed to fiscal year. He said that the plan is due on March 15, and that the State Rehabilitation Council will be meeting on January 30 to schedule public meetings and to consider the plan.

c. Approval of Code of Conduct for 2018, Schreiber

Mr. Schreiber asked Ms. Adams to read the proposed Code of Conduct Resolution. After the proposed resolution was read, Mr. Schreiber spoke about the importance of the Code of Conduct. Mr. Trapp asked Mr. Kreienkamp if he wanted to add anything regarding the resolution, and Mr. Kreienkamp said that it was good that the Commission was taking the step of approving such a resolution. Mr. Babb moved to approve the Code of Conduct as presented and Ms. Lansing seconded the motion. A vote was taken and the Code of Conduct was unanimously approved.

d. Approval of Designation of Commission Members to Resolve Conflicts of Interest Impacting Vocational Rehabilitation Consumers Requesting Review of Determinations Made by Commission Personnel Pursuant to Chapter 16 of the Manual of Operating Procedures, Trapp and Salas

Mr. Trapp explained the reasoning for having the long title on this agenda item. He said if someone looking at the agenda isn’t familiar with the agency Manual of Operating Procedures and doesn’t know what is covered in Chapter 16, they have no way of knowing if it is a subject in which they have an interest.

Mr. Trapp said that the agency has never had a fair hearing and only a couple requests for administrative reviews, but that it was critical to provide an administrative process to allow for agency decisions to be challenged. He said that the proposed revisions provide for more flexibility should there be a conflict of interest between a consumer and an agency employee. He gave the example of his having a family member who was a consumer when he became director, and how he immediately recused himself from the case as his first action. He said that the agency is proposing to revise Chapter 16 to reflect recent changes in the personnel structure of the agency, and to make it possible for a consumer who wants to file a request for an administrative review to have that request heard by a Commission board member should agency staff have a conflict.

Ms. Lansing moved to approve the revisions to Chapter 16 and Mr. Babb seconded the motion.

Ms. Lansing asked if a consumer who has a complaint starts with the Client Assistance Program. Mr. Trapp responded that the agency is supposed to inform consumers of the availability of cap services at different times during the vocational rehabilitation process, such as when a case is opened or closed, and when services are suspended, terminated, or denied. Mr. Trapp said that he would actually be concerned if there were no complaints to CAP as it might mean that consumers were not being told about CAP services.

A vote was taken and the revisions to Chapter 16 were unanimously approved.

11. Commission Open Discussion

Ms. Burma said that there were 27 persons in New Mexico who possessed National Certification in Unified English Braille, which was about 20 percent of the persons with certification in Unified English Braille in the United States.

Mr. Trapp said that he would like to attach the Governmental Conduct Act Resolution to the minutes.

12. Comments from the Audience

Chairman Schreiber talked about the invitations that he frequently receives to address a variety of groups. He said he was proudest of his presentation to the Rock and Roll Hall of Fame but said that he has recently been invited to address the media geezers.

13. Date and Location of Next Meeting

The next meeting was set for April 26 at 1:00 PM in Albuquerque. The meeting after that was set for August 29 in Albuquerque, starting at 10:00 AM.

15. Adjourn

Chairman Schreiber adjourned the meeting at 12:46 PM.

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Arthur A. Schreiber, Chairman

Commission for the Blind

**Attachment One (Email Regarding Fuel Purchases Dated January 19, 2018)**

**From:** Maestas, Monica, CFB
**Sent:** Friday, January 19, 2018 4:54 PM
**To:**

**Subject:** Fleet Guidance

Happy New Year CFB,

The Commission just recently completed the state fiscal year 2017 audit and was issued one finding. The finding identified two instances of high grade fuel being purchased with WEX fuel cards. Therefore, here is some guidance regarding the Commission’s fleet of vehicles:

**FUEL**

Whenever possible, drivers are to purchase the least expensive fuel. Whenever it is not possible to purchase the least expensive fuel, such as when a more expensive fuel is the only fuel available, or when the available least expensive fuel does not meet manufacturer's octane recommendations, or when purchasing the least expensive fuel would otherwise be inappropriate, the driver shall inform their immediate supervisor of the purchase and the circumstances justifying the purchase within 3 business days. The supervisor shall review the circumstances of the purchase to determine whether or not the purchase was appropriate, and forward his or her conclusions and the circumstances of the purchase to the CFO within 2 business days. Should either the supervisor or the CFO determine that the purchase was not appropriate, the supervisor and CFO shall take the necessary actions to make sure that inappropriate fuel purchases do not take place in the future.

The Fleet Coordinator will also be monitoring any non-fuel charges to WEX fuel cards and following up with driver and supervisor.

**AUTOLOSS**

Per 1.5.3.28 NMAC, authorized drivers shall file an auto loss notice for any auto accident in a state vehicle within twenty-four (24) hours or the next business day regardless of severity of accident. A police report and automobile loss notice are required with or without property damage, bodily injury, whether or not the authorized driver is at fault.

Additional guidance was issued from the Transportation Services Division (T S D)  on January 27, 2017 regarding the acquisition of police reports when state vehicles are in accidents and is as follows:

State Centralized Fleet Authority (S C F A) has experienced a significant increase to insurance claims associated with state vehicle accidents being denied because we are failing to acquire police reports. 1.5.3.28 Accidents and Accident Reporting NMAC requires that whenever a state vehicle is involved in an accident a police report must be acquired. Instead our state drivers and those involved in the accident are being directed to the nearest police sub-station and are asked to file a police report. Since the reports are completed by the various individuals that show up at the sub-station, identifying the individual who is responsible for the cause of the accident becomes very difficult. This allows the private insurance companies to dispute the claim and therefore they are denying any claim leaving the state to repair all damages associated with the accident. Our existing budgets are already being pushed to the limits and we need to ensure that we do everything we can to ensure that the costs associated with repairing the vehicles are taken care of by responsible party. Every effort must be taken to get State Police to respond first, if not, then another police agency needs to respond and produce a report. The police report identifies who was at fault making it difficult for the other party’s insurance company to deny the claims. Failure to acquire the police reports that lead to insurance claim denials will result in the agency having to pick up the costs associated with repairing the vehicle. This will be treated as if though your driver was at fault.

**LIVE MILEAGE**

T S D is now requiring that mileage needs to be reported “live” for the month. This means that our Fleet Coordinator will need to obtain a scanned and emailed version of mileage logs by close of business on the 24th of every month. Please continue to send signed mileage logs to the Santa Fe office to the attention of the Fleet Coordinator no later than 5 business days after this date. The Fleet Coordinator will be sending out a standard template that everyone should be using.

\*Note: Please do not tape receipts to a piece of paper anymore. If the tape covers any part of writing on the receipts, they are no longer legible for audit purposes, so please staple them to your mileage log.

**\*Please note that when you sign the mileage log, you are acknowledging that you are conducting official state business in a manner that’s allowable to our federal grants and in adherence with 1.5.3.14 NMAC Traffic Laws and Operator Conduct**

**REQUIRED DOCUMENTS IN STATE VEHICLES**

Please ensure you have a copy of your Defensive Driving Certificate in addition to 1.5.3.11 NMAC Required Documents listed below:

REQUIRED DOCUMENTS IN STATE VEHICLES: Each state agency shall ensure that current copies of the following documents are kept in the glove compartment of all state vehicles in its custody.

1. Auto Loss Form. These are forms and instructions that are included in the packet provided by RMD on how auto accidents in state vehicles are to be dealt with by the authorized driver.
2. Fuel credit cards. Each vehicle will have detailed instructions and procedures for use of the fuel credit card with a list of authorized purchases.
3. How-to brochure. Each vehicle will have a brochure that provides the driver simple instructions regarding the use of the vehicle, telephone numbers, emergency processes, and waivers.
4. RMD financial responsibility document. These documents include the state's official proof of insurance and letter stating the state's responsibility to have proof of registration in a state vehicle.

Vehicle maintenance manual. This is the manual that is provided by the manufacturer which includes the manufacturer's specifications. Additional maintenance requirements or specifications may be required by the director or designee and provided to the leasing agency in writing.

1. Vendor list. This is a current list of SCFA authorized motor vehicle maintenance and repair vendors throughout the state of New Mexico. The list is to be used for preventive maintenance, emergency road service and repair.
2. Vehicle registration. This is the official proof of vehicle ownership/registration document issued by the state motor vehicle division. This document shall remain with the vehicle until ownership is transferred or the vehicle is sold by SCFA.
3. Vehicle mileage log. This log should have the date, employee name, beginning and ending mileages, destination, purpose of trip, type of fuel purchased, number of gallons purchased, total fuel cost, other vehicle related purchases, and a place for a supervisor to make verifications.

Attached:         1.5.3 NMAC Administration And Use Of State Vehicles

Thank you,

Monica F. Maestas, CFO/CPO

Deputy Director for Finance & Administration

NM Commission for the Blind

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Santa Fe, NM 87505

(505) 476-4454

Attachment Two: Governmental Conduct Resolution)

New Mexico Commission for the Blind

Governmental Conduct Act Resolution

WHEREAS, the Governmental Conduct Act, 10-15-1 NMSA 1978, sets forth standards of ethical conduct that apply to the Commission for the Blind; and

WHEREAS, under the Governmental Conduct Act, the position of Commissioner of the Commission for the Blind constitutes a “public trust’:

NOW THEREFORE, BE IT RESOLVED that the members of the Commission for the Blind, meeting in regular session in the City of Santa Fe this 24th day of January, 2018, shall:

1. Use their public office only to advance the public interest and not to obtain personal benefit;

2. At all times maintain the integrity and discharge ethically the high responsibilities of public service;

3. Fully disclose real or potential conflicts of interest;

4. Review on a regular basis the terms and provisions of the Governmental Conduct Act; and

5. In every other way fully abide by the provisions of the Governmental Conduct Act.

Passed unanimously by the Commission for the Blind this 24th day of January, 2018.

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Arthur A. Schreiber, Chairman