# MiSILC Executive Committee Meeting

Telephonic Meeting

11/08/19 10:00 10:40 a.m.

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Joe: Hey, Aaron, some of the materials say this meeting goes from 10:00 to 11:00, and some says 10:00 to 1:00.

Aaron: On my agenda, it says 10:00 to 11:00.

Joe: Yeah. But then I'm reading

Aaron: Who is all on the phone besides Joe?

Joe: I am.

Hi, Mr. Harcz.

Theresa: Theresa Metzmaker.

Aaron: Hello, Theresa.

Yvonne: Yvonne.

Patricia: Patricia.

Aaron: Yvonne and Patricia. Okay.

Yvonne: Is Steve on?

Joe: Okay. See, mine says 10:00, 1:00 a.m. There's no 1:00 a.m. My agenda.

Joe: Did you hear that?

Aaron: Yes, I did.

Joe: 10:00 1:00 a.m.

Steve: Good morning, everyone, this is Steve.

Aaron: Good morning, Steve.

Steve: Good morning.

Yvonne: Good morning!

Aaron: Looks like we have a minute, according to my clock.

Aaron: Hello, and welcome to the November 8th Executive Board Meeting. Can we have roll call, see if we have a quorum.

Tracy: Aaron Andres?

Aaron: Present.

Tracy: Yvonne Fleener?

Yvonne: Here.

Tracy: Mairead Warner?

Mairead: Here.

Tracy: Alex Darr is unable to make it this morning. He has a physical therapy appointment. You do have a quorum.

Aaron: Okay. Excellent. We need to approve the agenda. I need a motion and a second.

Mairead: Mairead, I motion.

Yvonne: Second.

Aaron: We have a second, I believe that was Yvonne?

Yvonne: Yes, it was. Sorry.

Aaron: Any discussion? No. All those in favor Tracy, could you call the roll.

Steve: Actually, Aaron, this is Steve. If we could add one item before the last public comment and that's just an update on the SPIL public hearings?

Yvonne: I'm willing to approve as amended. This is Yvonne.

Aaron: Is there support for that?

Mairead: I support.

Aaron: Any further discussion? Tracy can you call roll?

Tracy: Aaron Andres

Aaron: Yes.

Tracy: Mairead Warner?

Mairead: Yes.

Tracy: Yvonne Fleener?

Yvonne: Yes.

Aaron: At this point, we'll open public comment. If individuals could on the phone could be respectful of other members, and not interrupt each other during public comment, or address a specific board member directly, that would be great. And we'll start with whoever wants to start first. If it's Joe, go ahead, Joe.

Joe: Joe Harcz.

Aaron: What?

Joe: I said that's not public comment policy those ad hoc comments you just made. First of all, there is not one single person on this call, or on this board, who attended the public hearings for the current state plan for independent living, except for Mr. Locke who was there in person and member of the independent statewide Living Council at the time. Secondly. We did not even look at public input that's gone on over the years for the planning from the new SPIL. And that includes, and people can go up and look on the Website, that includes the March 14th CART, which is kind of gobbledygook, of that meeting, of which all kinds of issues happened. We do not have our current SPIL even monitored, and I would challenge many people to see if they have even read it or monitored it. I have to go through hoops to get it in accessible form, and it's partially inaccessible. But I'm very, very disturbed at the fact that we're eliminating public comment in spite of basic policy that is long standing. You know, to put that in there. The whole purpose of what the SILC is supposed to be doing is gathering public input about needs and public comment in a meeting is part of that.

We're going be expending all kinds of money to reinvent the wheel and have virtual public hearings, et cetera, et cetera, et cetera, and nothing is listened to. Nothing goes into it from consumers. We also just appointed Mr. Luke Zelley from the Disability Network Flint my center of independent living, to the SPIL writing team. Mr. Zelley, openly, in bragging form, violated the current state plan for independent living, in removal of facility-based operations, sheltered workshops, and is openly collaborated with them for years and brags about it.

Ladies and gentlemen, the Federal laws require that we start to phase these systems out, or at least not support them, in long standing SILC policy is for competitive, integrated employment, period. We are for the integration of people with disabilities into our communities, and into that includes into the workplace. That is also Supreme Court law of the land. Lane V. Brown. The integration mandate of the Americans with Disabilities Act is encoded in that, and it goes to the workplace as well.

We have to stop feeding the beast. These CROs, they can live and let live, but independent living centers, vocational rehabilitation centers, under the workforce investment opportunity act, are not allowed to steer people into them, period.

They were even doing intakes in March to the garment center here in Flint Township. I also, once again, urge everybody to look at the common disability agenda which were public hearings, and which were really kind of gobbledygook, and going into what the needs are of people with disabilities. We have to stop this stuff. And we have to stop silencing the voices of people with disabilities just because we don't like what they have to say. We have to follow the law. I would urge people, actually, to read the title VII regulations and to read what Federal law requires of the Statewide Independent Living Council. I would urge people to actually read our standards and assurances which, by the way in our SPIL, we say, oh, it's all option, I think they meant, our opinion, that we follow, we do not. We do not have fully written policies about our having new members and that type of thing, recruitment. We do not have a lot of fully written policies that are supposed to be in effect. We do not have full compliance with accessibility requirements related to our meetings. And, finally, I'm just going to say, I see a whole thing about Roberts Rules of Order. I don't know who read those, but Roberts Rules of Order

Aaron: Thank you.

Joe: Okay. Whatever.

Aaron: Is there anyone else that would like to give public comment

Patricia: Patricia Sterling I wanted to let you know I was on the phone.

Aaron: Thank you, Patricia. Is there anyone else that would like to give public comment?

This is Theresa Metzmaker, I don't know if my comments went under public comment.

Aaron: Since you're a member you are welcome to give comments, yes.

Theresa: I want to echo a comment that Patricia is that correct, Patricia?

Patricia: Yes.

Theresa: said at the last meeting, I wonder if there's clarification that when SILC board members can talk that are not specifically on a committee and I also was hoping that we could also add the committees that people can still join. Because I'd like to officially join one of the committees. So, those are my comments. I was just hoping those things can be clarified at our meeting next time.

Aaron: Yes. Thank you. Is there anyone else that would like to give public comment? I'm going to close public comment at this time and move on to the review of the November 22nd Business Meeting Agenda.

Steve, do you want to go over the agenda, or do you want me to go over it, or? I'm just wanting clarification. I have the agenda in front of me. I'm just I don't see where I had sent Steve an e mail to talk about the letter from Patricia, which I had asked to put time on the agenda. I don't know if Steve was able to do that or not. I don't specifically see it on the agenda, but I would like to add it to the agenda

Steve: Sure. This is Steve, Aaron if you want me to jump in here.

Aaron: Yes.

Steve: Regarding Patricia's letter I thought we could discuss that under 3, as part of that discussion. We can put it in there. But that's what the place holder is for that.

Aaron: Okay. Sorry.

Steve: I think we should also add under finance committee report and minutes, the finance committee minutes for August 28th were tabled based on our future discussion on the 22nd about public comment in the minutes. So, we don't want to forget that we tabled those minutes. And then, we should probably also add under new business, what Theresa just mentioned, which is, we should revisit committee membership, because I believe we encourage all council members to be a part of at least one committee, and I know that we have a few council members that are not on a committee right now. So, to open up that opportunity for membership to the committees, we should add that under new business, and then also, under No. 3, the whole Roberts Rules of Order about when council members can speak during committee meetings, of committees of which they are not currently a member, I'll look it up under Roberts Rules to see if it's addressed my gut tells me council members can speak at any committee meeting.

Aaron: Right.

Steve: Just official motions, things like that where a vote is taken, that would consist of folks that are on those committees. Again, I'll research that prior to the 22nd and bring that information back to that meeting.

Aaron: Okay.

Steve: Most of the items that I want to give updates on will be contained in the staff reports, including the, you know, the SPIL amendment, the embezzlement issue. Actually, Tracy has that under old business. But there's several items we need to do a full sweep on and bring council up to full speed on. I have six or seven topics I'll cover in my staff report.

Aaron: Yes, Okay.

Yvonne: Aaron this is Yvonne.

Aaron: Go ahead Yvonne.

Yvonne: A couple things can we have a list of what some of the committees? Some of them are ad hoc, right? So, some are after their duties done and some are ongoing, so, if we can get a list of what those are, and maybe who is on each one right now. That might be helpful for us.

Steve: Yvonne, this is Steve. If you go to the bylaws, starting on page 5, it articulates all of the committees and then what the power of those committees are and then membership of those committee, pages 5 and 6 of the bylaws.

Yvonne: Okay.

Steve: I'll have Tracy do a Word document of our current committees and current members on there and send that out this afternoon to the full council.

Yvonne: And my other thought is it would be nice to hear from a CIL at each meeting. They can talk about success stories, what are the barriers they face in their community, since we have so many new people on the council including myself it would be nice if one or two CILs would give a ten-minute presentation about their work and what they do. I don't know. Maybe this is too soon to do, but I hope maybe in the future we can add that.

Steve: Yvonne, this is Steve. That's an excellent point. I sent out the e mail to all of the CIL Directors asking for one board director to volunteer to come to the meeting on the 22nd to do a presentation to the SIL to the council during our working lunch period.

Yvonne: Okay, Thank you. That's all I have.

Aaron: Okay. Is there any further discussion on the agenda for the 22nd? And I apologize, Steve, I didn't scroll down far enough to see all that you added.

[Laughter]

Steve: That's okay.

Aaron: Okay. We need a motion to approve, or um, are we

Steve: Yes.

Aaron: Or what?

Steve: You want to have a motion to approve the agenda as modified.

Aaron: Okay.

Yvonne: I move we approve it as modified with the additions that Steve added.

Aaron: Is there support?

Mairead: I support.

Aaron: Any further discussion?

Yvonne: I forgot Theresa. I guess I should say move to approve.

Aaron: Thank you.

Yes.

Aaron: Hearing no further discussions or anything, could you call the roll call, please?

Aaron Andres?

Aaron: Yes.

Yvonne Fleener?

Yes.

Aaron: Mairead Warner?

Yes.

Motion carried.

Aaron: Bylaw work group next.

Steve: Yes, this is Steve. Just an update where we're at about the bylaws work group. At the September council meeting the Executive Committee was empowered to do the bylaws reviews and revisions for approve by the full council. I recently emailed to the Executive Committee copy of SILC's current bylaws, bylaws from the West Virginia SILC and Kansas SILC both whom have nonprofit structures so we can have a look at exactly what those bylaws look like, currently they are written have the corporation as a separate entity versus the council and we need to merge the two of those so that the committees not committees of the corporation. They are actually committees of the council. We've learned that the nonprofit structure is really to act as an employer of record for SILC staff, and that the council is under the open meetings act and Freedom of Information Act and consolidating getting that language out of there that distinguishes them as two separate entities is going to be vital. I also included ILRU guidance on what should be contained in SILC bylaws for their guidebook for the committee's review. We also need to establish meeting dates for these revisions. So, if folks can review the reference materials prior to the meetings that we schedule on that will really help for efficient use of our time. We also have access to ILRU and Paula McIlroy for technical assistance on any draft by law changes that we make. Most know IRLU independent living research utilization is the federal contract holder with DCS to provide technical assistance to CILs and SILCs across the country. Also sent out a copy of Michigan's most recent open meetings act handbook about what is required and not required to be in meeting minutes for your review. This was sent out to the council and ex officios this morning. That's my update on the bylaws work group so far.

I know Yvonne told me her husband is an attorney, and he has some specialty in bylaws, and we might be able to, in conjunction with ILRU's technical assistance, maybe get an assist through Yvonne that way, if they would be willing to set another set of the eyes on that, but, at the end of the day, we really want to run these past ILRU. They are really a great go to source, and they are steeped into this kind of technical assistance and have been for many, many years.

Aaron: Did you want to set up a separate bylaw group, or did you want the Executive Committee to go over the bylaws and do it that way, or what are your thoughts?

Steve: Yeah, what we would do, once folks have a chance to review that stuff, start scheduling additional Executive Committee meeting was a single agenda item of bylaw revisions.

Yvonne: Steve or Aaron?

Aaron: Yes.

Yvonne: This is Yvonne. I scrolled through the by law, I looked at Kentucky ones they look pretty good. I know bylaws are funny. You need two thirds of your council in order to make changes to bylaws. Is that true for ours? I'm trying to find it quickly in here

Steve: Yes, it is.

Yvonne: Because they are bylaws, they have to be out 30 days before the meeting for review or is that just for membership?

Steve: It's for membership.

Yvonne: So, two thirds of the quorum or two thirds of the council?

Steve: Two thirds of the voting membership of the council.

Yvonne: So, we have to make sure we have good turnout when ready to present these then.

Steve: On page 4 section 4.15 under committees of the bylaws, it does say let's see here. The last sentence. Any committee so designated to exercise such powers and authority of the Board of Directors has been delegated to that committee by the board provides however no committee including the Executive Committee in article 5 shall have the power and authority to do and it lists out several items. And one of those amend the bylaws of the corporation.

Yvonne: I see that.

Steve: I have not seen where it's two thirds majority vote for bylaw changes. It may be a simple majority if it's not addressed in the bylaws. I have not seen it, so

Yvonne: Okay. We just use our normal process then.

Steve: Yeah.

Yvonne: Okay.

Aaron: Okay. Any further discussion? Moving on to executive order review update.

Steve: I've been in touch with appointments office. Last Friday I had some email correspondence with Aurelia Garza. I want to read the e mails I received to bring you up to speed on where we're at this with this.

On Friday I received the following email and I quote. Appointments to SILC have been put on hold because of complaints raised to the constituent services office. We are looking into a few things and our compliance officer will possibly be contacting you in the near future. They are also going to be looking to address the issues with Federal compliance and to determine who will potentially authorize the revised Executive Order. Let me know if you don't hear from Karina by mid-week next week which is this week.

I responded on Friday, is there any clarifying information you can share with me regarding the nature of the concerns raised with the constituent services office. I would like to keep our council informed and I would also like to assist in addressing any issues if appropriate. Aurelia responded, I do not have any information to be shared with the council as a whole at this time. Constituent issues are confidential in nature and give the sensitivity of the issues that were raised I think it may be best to let our legal team update you and provide you with information they feel is relevant to the situation. Karina will want you to answer questions regarding processes, and procedures on the council, and you might also be reached out to for information in records from Suzy Cicchiarelli from our office for council history if needed.

As of today, I have not heard back from Karina or Suzy yet. I reached out to Aurelia yesterday and waiting to hear from her. Good news the Executive Order is on the Governor's office's radar much and I have a contact name for this. We do have movement. They are aware of our Executive Order and it needing to be revised. As soon as I'm contacted by either Karina or Suzy, I will forward all of that information to all of the council members, so that you are up to date and real time on that.

Aaron: Okay. Steve, this is Aaron, I specifically haven't heard from anyone that you just mentioned in regard to any anything other than what you have just described. So, I'm still waiting to have somebody reach out to me as well. So, apparently, we're in a waiting, holding pattern kind of thing.

Steve: Yeah. And just to bring you up to date also, I had an e mail request from Karina Styles, who works for she is the acting Director of the office of independent living programs at the administration for community living. And I just want to read this e mail into the record also. And so, you know, I am trying to set up a conference call with Karina and Regina Bligh from who is our project officer, myself and Aaron. We're just trying to pin down dates that work for all four of us. Seems Regina's schedule is pretty tight. And we were trying to get this scheduled in the next couple of weeks, but it looks like it might be in mid-December when we have this conversation. But Karina's email stated this.

Good morning, Steve I wonder if you have time in the next how many could weeks to meet with me and Regina to discuss the Michigan SPIL development process, I'm having a difficult time understanding why the SPIL process includes advocates on the writing team. Based on conversations at the April conference that this methodology has resulted in the alienation of most CILs in Michigan contributing towards a decline in collaboration and partnership between the SILC and CILs. If you can send us a few days and times that work for you I'd love to talk this out a bit.

So, we're going to be having that conversation, and letting them know to date, consumers have not been put on the writing team yet, we are waiting for applications to come in, but we do have a spot for consumers on the SPIL committee which monitors the SPIL. I wanted you to be aware ACL is making those inquiries and Aaron and I will be talking with Karina and Regina on the information they received at the April conference.

Aaron: Thank you. Steve.

Steve: You're welcome. Any questions on either of those topics before we move on to our public hearings?

Okay. I have sent out e mails to all of the CIL Directors regarding the scheduling of public hearings for the first, second and possibly third week of December. I've gotten positive responses from several of them, including Detroit, Oakland, Macomb, Traverse City, Flint, and Muskegon. So far, we have one scheduled and that notice went out this morning. We have an in person public hearing on the SPIL scheduled for December 9th in Detroit, from 11:00 to 1:00. That will be at the CIL there in Detroit. They've reserved space for us. These meetings are going to be in person, and also available by Zoom meeting through a computer and by phone, for participation. We will have CART services also available at all of these.

The following day on December 10th we will hold our SPIL virtual public hearing by zoom meeting. This will be statewide also from 11:00 to 1:00. These notices were out to our CIL Directors and partners asking them to rally consumers to participate in these events. And we'll get a list of consumer advocacy groups also to push this out. It's been posted on our Website, and also our Facebook page, but we're going to be very proactive, Tracy and I will be, about getting these notices distributed to as far and wide as we can across the state to our disability partners and advocacy groups.

So far, we've got two scheduled. I'm working on one with Flint, I spoke with Luke Zelley, a couple of times yesterday and in December they have a community holiday party where they partner with the University of Michigan and in the past, they've had just over 400 people attend. And we're thinking about doing the one in Flint in conjunction with this community party that they have, because they already have consumers gathering for this event. And we're going to be able to set up a table and have a room inside and heavily advertised that we're going to have a public hearing to collect consumer information and information from the community at large on the next SPIL. So, I think that's a great opportunity. I'm also working with Kelly Winn at the Oakland, Macomb CIL, the Muskegon CIL in Muskegon. We're going to go with a room in the library there that's accessible. And still working out logistics for Traverse City and also UPSAIL, which is in CIL, in the U.P. As soon as we get those scheduled, you'll see public notices coming out to keep you informed where we're at with getting those scheduled.

Also, the needs assessment survey is being finalized today. I sent that out to all of the CIL Directors and got feedback to the modifications to the accessibility of the survey and question, modifications of question that were there, and then additional questions. So, we got some really good feedback from them. My hope is to get the last of those suggestions incorporated into the survey today, and then send the final draft out to the full council today, and to the CIL Directors and then have that survey go live today.

We will also include in the survey, information on if you need assistance with completing the survey, to call the SILC office, and we will provide that direct assistance in completing those surveys.

Aaron: Okay. Any other questions? Okay. Now we're going to go into public comment. Is there anyone on the phone that would like to give public comment?

Joe: Joe Harcz.

Aaron: Okay. Joe, go ahead.

Joe: First of all, I'm going to make an open request, for all of the information that Steve laid out today, that gets send to me via FOIA which applies.

Aaron: You can speak up

Steve: We can barely hear you.

Joe: I don't know whats up. Sorry. Can you hear me now?

Steve: It's a little better.

Joe: Can I start over?

Aaron: Yes.

Joe: First of all, I want to request all of the information Steve wrote into the record under Freedom of Information Act secondly, I would like to state before I finish, that Roberts Rules of Order doesn't apply when other superseding state or Federal laws apply.

I'll give you one good example. Generally, it says ex officio are voting members. Expressly they are not under Federal law.

Finally, the bylaws had been long messed up. It took Eleanor and I years to get them under Freedom of Information Act, and ACL ILA told people they are messed up. They are not in compliance with Federal law.

We also are down you know, it's very disturbing to me, that we're having a hold on new membership. We have one member who has left and one member who never shows up, who is going to be term limited at the end of the year. We have very, very severe violation. I'm very disturbed as well, when people say things are an ad hoc committee. The standing committees, and I've written this for years, and I've given the case law and everything else, are subject to the open meetings act, and also, under Federal law. We have three standing committees right now. We have they are not ad hoc committees. We have finance, we have the SPIL monitoring committee, which constantly gives change, and we have this Executive Committee. None of these committees, by the way, can make final agency determinations, period. They must be made before the full board. That is the law. But they also must be open.

When it comes to public comment, and including that, again, I'll reiterate that part of our purpose is to gather information from consumers. Whether the open meetings act states that you have to have it or not, is irrelevant. Irrelevant! We can exceed the minimal standards of the open meetings act, and many places do, by the way. I was a newspaper reporter in Houston, Texas. Public comment was attached to the meeting minutes verbatim. And that was before computers. That was before everything else. Anybody could go in and get it. In the old days, you had to go on, and go down to city hall, and get that along with the meeting minutes. Why are we stifling the input of people with disabilities?

I am just really, horribly offended at all of this mishmash around Patricia, and other people that aren't members of the committee. Look. These people donate their time and efforts, and many of them are new and that type of thing. Certainly, they have the right, you know, to have input. They at least have the right to have public comment. It's just silly. And, again, what are we holding these meetings for, these hearings? Again, where is passed out incorporated into the next SPIL development. Why are we dealing with a secret government? Don't we want to have people with disabilities giving their input? I've done it all along. Eleanor has done it all along. Dozens upon dozens upon dozens of people have done it all along. But they get scared away by all of this crap. Excuse my English. In all this process stuff.

You know, we haven't incorporated anything from the SPIL committee, which is supposed to be monitoring, you know, the current SPIL, into the development of the next SPIL. There are whole categories where nothing has been done. Nothing, no action taken and that was because everybody went behind closed doors, Tamara Collier, Dave Bulkowski. Tamara Collier is not even running the show, and other people with disabilities and they write this stuff up without having competent outcome measures or anything else, or any accountability.

Aaron: Thank you, Mr. Harcz. Is there anyone else that would like to give public comment?

Patricia: This is Patricia Sterling, I think Yvonne's suggestion to have a CIL provider presentation at our meetings is an excellent idea.

Aaron: Thank you. I think we'll proceed with that line of thought. Anyway, I think it's a very good idea, too. Is there anyone else?

Yvonne: If not, Aaron, this is Yvonne. I just want to say thank you for Steve and Tracy for working on putting all of those public hearings together. I'm sure that was pretty time intensive. I'm glad they are on the calendar and it's going to happen. So, thank you to both of you.

Aaron: Yes. Thank you.

Steve: Our pleasure. And, Joe, the email requests that you wanted from ACL and from the appointment’s office, I forwarded those to you about five, ten minutes ago.

Joe: Thank you.

Aaron: Anyone else? Hearing none, I will go ahead and adjourn the meeting.

All right. Have a good day.

Thanks, everyone, have a great weekend

Bye.

Bye bye!

[Meeting concluded at 10:40 a.m.]