# 9/26/20 MISILC Council Business Meeting

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>> All right. Well, it's right 10:00. Should we get started, Steve?

>> Yes.

>> All right. Hi, everybody. How are you doing?

>> Good.

>> Good. I am Yvonne Fleener and you all appointed me as chair at our last meeting. So, thank you and bear with me as I get acclimated to being in that role. Let's start by taking the roll call and establishing a quorum, Tracy.

>> Frank Animikwam

>> Present.

>> Allen Beauchamp.

>> Here.

>> Jamia Davis.

>> Here.

>> Stephanie Deible.

>> Here.

>> Teddy Dorsette. I don't see Teddy on my list. Yvonne Fleener.

>> Here.

>> William Harrison.

>> Here.

>> Mindy.

>> Here. Jan Lampman.

>> Here, Theresa Metzmaker.

>> Here.

>> Mark Pierce.

>> Here.

>> Madam chair, you have a quorum.

>> Great. We're gonna read a new statement as part of our beginning of our meetings. The council would appreciate having members of the public attending the meeting today identify themselves and mention if they would like an opportunity to speak during public comment. However, you do not need to give your name to attend this meeting. Is there anyone here who would like to identify themselves as a member of the public?

>> Yes, my name is Joe Harcz. Mount Morris, Michigan.

>> Thanks, Joe.

>> Aaron Andres.

>> Marquette, Michigan.

>> Thanks, Aaron.

>> And this is Jackie Tahinen, I'm attending on behalf of the Michigan Rehabilitation Services Council for half of the day. And then I believe our chairperson Carol is going to join in the afternoon. So, thank you.

>> Great. Thank you.

>> This is Carol Burquist. I'm on right now. I will be on off and on during the meeting due to a conflict that came up.

>> Okay. Great. Thank you. Any others.

>> I'm Lisa Kisiel from the Service for Blind Persons. The liaison to the bureau. From the council to the bureau, sorry.

>> All right. We'll go ahead and ‑‑

>> Hello? This is Bill Addison. I'm representing MRS for Tina Fullerton.

>> All right. Thanks. Hi, Bill.

>> Good morning.

>> All right. Are there any accommodation requests from this time from council members or the public in order to participate in today's meeting?

>> Yes, Joe Harcz.

>> Go ahead, Joe.

>> I have several. One, again, I'm pointing out that your website is non‑ADA compliant, non‑Section 508 compliant. Violence of law continues. Secondly, people need to identify themselves when speaking for those blind users and other people on the phone and for the public record.

>> Thank you for that reminder, Joe. We will really hard to make sure we do that and remind each other to do that. All right. So, you received three sets of minutes in your packet. One for ‑‑ oh, I'm sorry. I'm skipping ahead to minutes. We've got to approve the agenda first. So, you were able to review the agenda. Can someone please make a motion to approve the proposed agenda?

>> I make a motion. This is Will Harrison.

>> Thank you, Will. And a second?

>> Jan Lampman, I second.

>> Are there any amendments?

>> This is Steve. I'm gonna request that we under reports, monitoring report, that we remove that from the agenda and push that to an October council meeting due to the fact that the current still that we're under comes to an end on September 30th, next week. Once all of the SIL data is entered into the state database, I will be able to produce a final monitoring report after September 30th. Which is, again, the end of the current SIL that we're in that ran four years this time from 2017 until September 30th, 2020. That will allow me to have a full picture of exactly what happened during those four years. And then we'll review that monitoring report next month.

>> Okay. Just so people know where we are, under reports under 11 a.m., Steve would like to take off item number four and create a meeting in October to cover that information.

>> Correct.

>> Are there any other amendments? All right. Hearing none. We'll vote on approving our agenda as amended. Tracy, a roll call vote, please?

>> Frank Animikwam.

>> Present.

>> Allen Beauchamp?

>> Jamia Davis?

>> Vote yay or nay on the approval of the agenda. We already did the roll call. We're switching gears.

>> This is Frank Animikwam. I think I took us down that path. I didn't hear a roll call. Aye in favor.

>> Jamia Davis.

>> Here.

>> Jamia, yay or nay or approving the agenda?

>> Yay.

>> Okay.

>> Stephanie Deible?

>> Yay.

>> Teddy Dorsett? Will Harrison?

>> Yes.

>> Mindy Kulasa.

>> Yay.

>> Jan Lampman?

>> Yay.

>> Teresa Metzmaker.

>> Here.

>> Mark Pierce? Mark, you're on mute.

>> I'm sorry, I'm on mute. Yes.

>> Motion carried.

>> All right. Thank you.

>> Yvonne, this is Steve ‑‑ it looks like Teddy is on the call. If you look under the participants, he did raise his hand. So, if we could have the interpreter please address the council on behalf of Teddy.

>> The interpreter speaking. Can you hold so I can find him on my screen?

>> Yeah. It looks like Teddy does not have his video going. So, if Teddy could start his video, that way the interpreter can interact. Or in the alternate, we can use the chat feature as well.

>> Steve, I don't see raised hands on mine. So, you might have to help me out.

>> If you click on participants and open up the entire list.

>> Oh, you're right. I just didn't have it up to Teddy’s. Okay.

>> Yeah.

>> So, in the alternate, Teddy, you can also use the chat feature. If you click on chat, you can type a message in here that everybody can see.

>> Somebody's got a pianist in the future there I hear. [piano playing in the background]

>> Okay. Teddy's here.

>> Yvonne?

>> Yes.

>> This is Tracy. It also looks like Allen is back on the line with us. He was not here when we went through this the first time.

>> Oh, okay.

>> Yeah, I lost my Internet connection. I'm back.

>> Hi, Allen.

>> Welcome back. All right, well, I'm just going to start. Steve, can we start to stay on course for our guest speaker?

>> Yep.

>> So, as you can see, we don't meet that often. And so, our agendas are pretty full, and the meetings are a little bit longer so that we can get everything covered. So, I'm ‑‑ as the new chair, I have been thinking about how we can most effectively handle all of this information. So, I'm going to go through a couple things that we'll be doing at today's meeting and future meetings. One thing I do want to start with, it's important that you read the material sent to you, so you're educated on the topics and you're able to vote and be part of the dialogue. If you're stuck or not understanding something, reach out to me or Steve before the meeting so we can make sure you have all the information you need so that you can fully participate in that. On voting. So, Robert's Rules says that every member has a duty to vote the issues that they have an opinion of. As the chair, I will only be voting to break or create a tie. So, that's a change for us. I won't be voting unless I'm breaking or creating a tie. Ties for the purposes of voting means that the motion will fail. A simple majority passes a motion. A simple majority is the quorum ‑‑ the quorum and then the majority of that quorum. An abstention vote suggests that you either have a conflict of interest or you don't have an opinion on that matter. So, if during the ‑‑ during the voting process we will look at abstentions first. So, instead of saying, just going through the roll call, I will ask if there are any abstentions so that vote. To put those to the side before we actually do our voting of yays and nays. Which is a little different than we've done in the past. If you are going to abstain from a vote and it's due to a conflict of interest, we need to have that identified up front. If you have a conflict of interest, you shouldn't participate in the dialogue of that discussion. Let's see. What's my other point here? At the beginning of each meeting, so, right now, we'll start with this. Are there any conflicts of interest to any agenda items that council members have at this time? Okay. Great. Moving on to the minutes. Does anybody have any questions about what I just read? Kind of how we're gonna process votes? Does that make sense to people? Okay. If you do have questions about Robert's Rules, I'm certainly not calling myself an expert. But if I don't know the answer, I will find out. Or we now have a link to Tom, and we will ask him. Right, Thomas?

>> I heard ya.

>> Okay. The minutes. Did you all get a chance to review the minutes? Great. Okay. Then we're gonna go ahead and do a motion to adopt the minutes as a whole. So, a motion to adopt the minutes from June 13th, June 25th and August 22nd. And you can make this motion by just saying "So moved."

>> Frank: So moved.

>> Yvonne: Great. And a second?

>> Jamia: I second.

>> Yvonne: All right. Are there any amendments to the minutes? All right. Tracy, can you please do a roll call vote to approve the minutes from June 13th, June 25th and August 22nd?

>> Sure. Frank Animikwam.

>> Aye.

>> Allen Beauchamp.

>> Aye.

>> Jamia Davis.

>> Aye.

>> Stephanie Deible?

>> Aye.

>> Teddy Dorsett?

>> Tracy, this is Steve. I just chatted with Teddy and asked him to enter his vote into the chat feature. And he responded aye to everyone if everyone can see that. Thank you, Teddy.

>> Will Harrison.

>> Aye. Mindy Kulasa.

>> Aye.

>> Jan Lampman.

>> Aye.

>> Theresa Metzmaker?

>> Aye.

>> Mark Pierce?

>> Aye.

>> Motion carries.

>> All right. Great. And we are right on schedule for our guest speaker. Steve, would you like to introduce Thomas?

>> Yes. This is Steve. I am really, really pleased to introduce Thomas Quasarano from the Attorney General's office. An expert in the freedom of information act and the open meetings act. And he has generously shared his Saturday with us to give a training to the council on FOIA and also the open meetings act. So, this is an opportunity, once he's done with his presentations, for you to get all of your questions answered about FOIA and the OMA in general and then as it pertains to the council and our nonprofit corporation. So, without further ado, I'm going to turn it over to Tom. Tom, welcome to our Saturday business meeting.

>> Thank you, Steve. Good morning. I'm pleased to be with all of you, the members of the council, guests from other entities, organizations, and the members of the public who are joining us this morning. Steve mentioned I am with the Attorney General's Office. I will be celebrating 33 years there this March coming. After 13 years in private practice in the metropolitan Detroit area. So, I have been doing this quite a long time. Back in 1994, one of my assignments at the Attorney General's Office included the presentation to agency client’s information and representation in cases involving Michigan's two transparency and government substitutes. The Freedom of Information Act, as we know it, FOIA, and the Open Meets Act, also known as OMA. This morning we're looking at about a 45‑minute time period. I'll do my best to stick with that. I know that I usually put a watch aside and watch it carefully. But I have a pastor, when he puts his watch on the pulpit, I know he's not following it and it means nothing at all. But I'll try to be different and stick to the time frames. So, we're going to be talking about, again, transparency in government. I'm going to take you back to your days as students in civics or government classes in high school or courses Akin to that at the college level. So, we'll reminisce a bit. But we know that when we talk about transparency in government, we're talking about three aspects. We're talking about the public's trust in government, we're talking about the public's collaboration with government and we're talking about the public's obvious participation in government. So, these statutes promote what we call accountability. And when we are accountable to the citizens, the taxpayer, the constituents, you know, those who pay the salaries of public employees at the federal, state, county and local levels, there has to be that trust instilled in the public. And the public has a right to know what public officials are doing on their behalf. And so, we'll see that play into these two statutes. Transparency in government. It promotes openness. And that's where the collaboration comes in so that the public can ultimately participate in the democratic process as we call it. So, that is why you'll see, for example, in OMA, a requirement for a public comment period. That is why in FOIA you will see that the public has a right to nearly all tangible items created by government on behalf of the people. And this transparency in government concept, if you will, philosophy, however you want to call it ‑‑ whatever you want to call it ‑‑ is not new. I teach a class at Michigan State University to journalism students required for their graduation in news media law and in ethics. And so, part of that lecture I give a little bit of historical background. And you can go back to James Madison. I think our fourth President. And at the James Madison Memorial Building in Washington, D.C. which I visited many, many years ago, all of these quotes are on plaques around the building and in the interior of the building where he speaks about transparency in government. Quoting from James Madison: Knowledge will forever Govern influence and the people who need to be their own governors must arm themselves with the power which knowledge gives. He goes on to say, nothing could be more irrational to give the people power and to withhold from them information without which power is abused. One more: The advancement and diffusion of knowledge is the only guardian of true liberty. So, why do we have a Freedom of Information Act? For those very reasons I just mentioned. The FOIA is a means of acquiring information. It promotes and safeguards the first amendment of our state constitution. Especially those four of the five. If I asked you all to recite the five rights within the First Amendment, you could do it. Speech, press, assembly and religion ‑‑ for religion, speech, press, assembly, petition, all of those rights are what FOIA is about. The federal FOIA, the rights in the US constitution. There is a reason for FOIA and that is precisely the reason. And when Madison talks about the diffusion of knowledge, he's talking about the press and how important the press is in distributing information. In a fair and accurate way, mind you. So, if you looked in at your ‑‑ you think everyone has a handout. Hopefully you have it. If you don't, that's okay. We can still get through the presentation. But the first part of the FOIA summary, as it's called there, talks about the core purpose. That is the core purpose of the FOIA? Ultimately to provide us full and complete information in how government operates both by departments and agencies and the folks who work within those departments and agencies. Those public officials and public employees. And why? There it is. We can ‑‑ so that we can participate fully in the democratic process. And there's your tie‑in to the First Amendment of the Michigan Constitution. Looking at the definitions, you know, we're not going to look at every one this morning. But it's there for your use. Public body means any ‑‑ any organization, any public body, consul, whatever, authority, in the executive branch of government in the State of Michigan at the statute, county and local level. From the Department of Natural Resources to the Detroit School Board. And everything in between. There are over 10,000 public bodies in Michigan subject to this act. And you probably know the controversy that we hear about the governor's office and legislators not being subject to the act. There is present legislation looks into including the Governor's Office and legislators. Michigan is not the only state that does not include the Governor's Office. But when you look at the federal FOIA, which was the model for the Michigan FOIA, the federal FOIA was 1966 vintage. Michigan FOIA, 1976. The President of the United States, the presidential office, that executive office is not subject to the federal FOIA as Congresspersons are not subject to the federal FOIA. It's not that this is unique to Michigan. It was just a template of sorts, if you will. Does it mean that we can't include the Governor and the legislators? And that is being reviewed right now. When you look at the definition of public record, it's quite broad. It's a right prepared and used or retained in the performance of a specific function. That's section two there, the second paragraph. From the time it's created. No matter where the record originates, once it's with a public body, it's that public body's public record. So, if a citizen inquires of the consul or of any of the State Department or local department and say, hypothetically, were to request that their letter be treated confidentially, the public body cannot honor that request necessarily because it becomes the public's record at that point. Of course, there are exemptions that might protect personal information from being disclosed if someone were to make a FOIA request for that particular letter or email. But remember, everything that we create as individuals, persons working for government, no matter what it is. A State Department, you know, go through the whole laundry list again. Anything we create is subject to the Freedom of Information Act. Now, the presumption is, when I said that, it means disclosure under the Freedom of Information Act. That is the presumption. It is rebuttable. There are exemptions that may be there. Exemptions that the legislature put into the FOIA. We'll review those briefly a little bit later. That's why the Act separates as you read here records into two classes, those that are exempt and those that are not exempt. Well, if it's the public's records, how can they be exempt? Well, the only way to really balance that against the logic that seems so illogical is that it's the public body's records for which the public has a presumption of access. Again, these records are all ‑‑ should be available to the public with very limited exceptions applied. Again, if a public record is a writing, what does a writing mean? And you see at the bottom of page one of the handout. It's everything that you can think of. If there's anything missed, or other means of recording or retaining meaningful content at the top of the second page of the handout. You can tell this is a 1976 statute because it talks about punch cards. If you're as old as I am, you remember what a punch card is. But again, it's every form of writing that you can imagine. Section three introduces us to one of two parties involved in what I call the FOIA relationship. There are two parties involved. The requestor and the public body. Fair enough. Not just the requestor. The requestor stands in the shoes of the entire known world. The entire world. Because whether a public body discloses to a requestor a public record, that goes out to the world as large. There's no way for the public body to condition the disclosure on some kind of a written or verbal agreement that the requestor will not provide for ongoing dissemination. Once it's out, it's out. That's why the exemptions. So, that if we, as a public body, have personally identifiable information about a citizen, because of the nature of the records we work with, and someone made a request, the public body has permission by the legislation in that section of exemptions of FOIA to withhold information that would be an unwarranted invasion of the individual's privacy. I'm quoting from the privacy exemption. What's that all about? It's about balancing the underlying or overarching, however you want to describe it, right to know. FOIA and OMA have one right. And that is the right to know. That dovetails with those rights in the First Amendment, speech, press, et cetera. The right to know. But there are a lot of other rights. What about the right to privacy? What about the right to confidentiality? What about our rights to make sure that government provides for the health, safety and general welfare of the citizenry at all levels of government? Those are rights. And those rights could be forfeited, impugned on, if you will, by this right to know and accessing records to the world at large. So, I might want, as a member of the public, to know something that would disclose homeland security measures taken by the Federal Government or the State of Michigan Government. That's my right to know. But that has to be balanced against the greater public's right to be kept safe in the homeland. So, we'll see that the legislature had to deal with this balancing of equally compelling rights. They're all very important. But there's ‑‑ there's a balance that has to be struck. So, with that said, let's move on to section 4. Steve, if you're doing that there. This right to know includes the right to inspect records, to ask for copies made, or to make our own copies. If the citizen wants to bring a copier into the public body's office, it can do that. The only burden on the public is they must describe the record sufficiently or the information they want sufficiently or enable the public body to locate it. But section 4 is what the legislature put in there to allow public bodies to recoup their actual costs to process a FOIA request. It's a permissive imposition of costs, not mandatory. And I would say probably in the Department of Attorney General, probably 85 to 90% of our requests don't get billed because it's either readily available information or our ‑‑ it's ‑‑ it doesn't exceed the threshold where there's a charge. So, the idea is, that this is recouping whose dollars? Taxpayer dollars. Because the legislature did not intend taxpayers to subsidize FOIA requests. But fees should be limited. And if you read section 4 on your own time, you'll see that there are many hurdles that a public body has to clear in order to charge. And one of the aspects of this section is the heavy amendments that were placed in it back in 2015 to require such things as, for example, a detailed fee itemization form where you have to identify every single cost. So, I think that was important. And again, it's balancing the public's right to know against the concerns and the fiduciary responsibility of public bodies to conserve taxpayer dollars. Steve, we could go on to section 5 if you will on that. Go through and I think that's at the top of ‑‑ get there with you as I scroll down. That's the top ‑‑ the middle of page 4 there. Get to page 4. So, section 5 introduces us to the second party of our two‑party relationship. And that is the public body. The public body shall respond within 5 business days, not calendar days, business days after receiving the request by doing one of four things. Granting the request, issuing a notice explaining why the records requested are exempt in full, or grant in part, deny in part. Some records aren't exempt, and some are. And take 10 business days after which one the public bowed must do one of the first three. And the request doesn't necessarily mean giving the records. It means there could be a fee involved where the public may receive ‑‑ or demand and receive a 50% good faith deposit after which time it completes the request and then bills for the balance. I'm not going to dwell on fees. but I'm just talking about a process. Every public body has a FOIA coordinator. That's the individual statutorily charged with doing all of this processing that I'm overviewing with you right now. If a public body fails to respond at all, then that's considered a denial without a reason. And if you don't give a reason, there's sanctions involved. And there's automatic penalties, monetary penalties. An attorney fee charged against the public body if the plaintiff sues. The FOIA requestor becomes a ‑‑ and sues in the circuit court for the county and local bodies. If a public body were to deny the request, you can see at the bottom of page 4, it must explain under the Michigan FOIA or another statute ‑‑ federal statutes and federal regulations would apply ‑‑ for saying no to the disclosure of a record or part of a record. Or if the record doesn't exist according to the public body, it must certify to the best of the public body's knowledge, information and belief. The record you described does not exist within the public body. It might exist somewhere, but not with this public body and your FOIA request is only with this public body. Or under the description reasonably known to the public body. That language has to be in there. There are no magic words that the requestor has to use. We know what the requestor asked for but didn't use our phraseology or the identification of document we know. Some other name. Again, the burden is always on the public body to provide the information. And to give a full explanation too of the remedial rights of the public and the citizens. If you're going to deny the request of a public body in full or in part, you must explain to the requestor that he, she or it has the right to appeal to the head of the public body. That's an appeal step that was amended to the act 15 years ago. Or they can go to the court of claims or circuit court, depending on the level of government. It's not either/or. They can appeal. And opposed the denial in the public body, you can go to court. Section 6 introduces us to a statutory required public position called a FOIA coordinator. And only a FOIA coordinator can deny a request. They process the request. A FOIA coordinator may designate another individual, we recommend in writing, to act on his or her behalf. Why would that happen? The coordinator is going to be on vacation or whatever. Then finally, section 10 gives us the remedies. So, that if a public body violates this statute and a court agrees with the plaintiff in that FOIA lawsuit, the public body can be ordered to disclose records that were improperly withheld. It can order that any attorney fees, and, of course, there has to be an attorney to get an attorney fee award, any attorney fees and costs have to be paid by the public body. If the public body's reason or withholding the information is arbitrary and capricious, that means that there was no principled reason. It doesn't mean that the public body was arbitrary because it invoked an exemption that the court disagreed with. That it really wasn't a privacy issue. Well, that's debatable. That would necessarily punish the public body for invoking an exemption. And either party who does not prevail at the trial court level can go to the Michigan Court of Appeals and ultimately the Michigan Supreme Court to finalize this disclosure issue, all right? So, again, like any other basis for legal action in Michigan, FOIA provides for these remedies. And you'll see there there's also civil fines and punitive damages, et cetera. I'm not getting into the details. You can read that at your leisure. Going to page 6 if I can. Trying to keep up with you, Steve, as best I can. I said 6. I should have said 7, okay. And there we're going to see section 11. This section was in the FOIA from the very beginning, 1976. This was ultimately saying that at the state level of government, there were already records that should be subject to the public's access and disclosure, even if there weren't a FOIA. And that is all kinds of final orders and decisions of contested cases, promulgated rules. The things we're very familiar with in state government. All of that is subject to disclosure. Certainly, you make a FOIA request for it. And there may be some exemptions depending on what's in the content. But I think in 1976, the legislature was saying, we already know these records are for all time subject to public disclosure with very limited exception. We're going to go to section 13. And that is president exemptions to the Freedom of Information Act. Very curious. If this is an open records act, if you will. How can there be exemptions? Well, what's the old saying? For every rule, there's an exception. These exemptions are in there for a number of reasons. There are four general categories. These categories aren't literally in the FOIA. We create this category system to allow all of us to better understand where they fall. There are records of a personal nature. The disclosure of which or release of which would be an invasion of individual's privacy. Government at all levels. Does it like a dragnet, pulls in a lot of personal information about all of us. And therefore, if someone were to make a FOIA request for the personnel file of a state employee, is that a legitimate request? Is the personnel file of a public employee public record? Yes, it's used in official functions by whatever State Department created that personnel file. But that personnel file, if we were to look at it, and you know this, public and private, we're a talking public here for FOIA purposes. Would include home address, maybe names of family members who are beneficiaries in insurance policies provided by the state. Social Security number. All sorts of things that really if disclosed wouldn't help the requestor more fully participate in the democratic process. How is my home address going to help the requestor better understand the inner workings of government? One could make the argument is it does, the exemption is there. Permissive exemption to protect PII, personally identifiable information as we all know, and PHI, protected health information. There could be health matters in there. What about my performance evaluation or my salary? Is that personal? Oh, I might think it is. But who pays that salary? My boss. I'm not talking about Dana, she's my boss. But the taxpayer. They can look at how well I'm doing, the performance evaluation, for the moneys paid, that is the salaries. Okay. That's pretty typical type of distinction between what is personal and really not personal. Records the release of which would impair the safety of a public body. So, if someone made a FOIA request of the Michigan Department of Corrections for the blueprints of the Cooper Street Prison in Jackson. MDLC is likely going to say, no, not disclosable because disclosure could corrupt the security of that facility by knowing the outline. The outlay of how the building is put together. Whatever. You get the point of what I'm saying there. Again, the right to know being balanced against the public's right to their health, safety and general welfare. Not just these citizens who live around the prisons, but citizens anywhere. That if somebody used the blueprints for malicious reasons. Records exempted in the basis of public policy. These are all the common law privileges that we know about. Attorney client privilege, doctor patient privilege, deliberative process privilege. In other words, the legislature here is saying certain records that are composed of attorney‑client communications are protected. It's a long‑standing privilege. And a public bodies attorney in the public body have the same relationship as a private attorney to a private client. As the assistant Attorney General, I need to speak freely and openly in advisory roles with client agencies. All of my colleagues do. The Attorney General herself does. So, those are privileges that are recognized, acknowledged within FOIA. How could you have a doctor/patient privilege in government? Well, there are hospitals that are part of the prison system. So, there are medical records. We all have medical records ‑‑ not all. But likely medical records associated with our personnel file. Not in the personnel file, but as a separate medical record. Maybe family medical leave act information. Those sorts of categories of records may be protected from public disclosure. And finally, a very large category. Records exempted by other statutes. The Michigan Revenue Act says that if under FOIA employees of the Michigan Department of Treasury use records, that's a 5‑year penalty, $5,000 fine and immediate discharge from public employment. Those are not teeth, those are fangs. Thou shall not disclose. Think about HIPAA and FERPA. There are many statutes that supersede the records. And our state department's other governmental bodies would be familiar with that. All right? So, moving on, so we can go to our next statute. But here are exemptions of a personal nature. And those letters in parentheses, this is section 13, subsection 1, ABCD, all the way down to AA. We ran out of letters of the alphabet on these exemptions. So, you see A is the classic privacy exemption. Invasion of an individual's privacy. If disclosed, this would cause the release of intimate or embarrassing details of an individual's life. Or finally, they included ‑‑ because the federal FOIA does in Michigan ‑‑ would result in harm, threat or endangerment to an individual. The state lottery into the treasury for the name of all winners of lotteries. They can give the ‑‑ the city or the county where the winner is. The lottery bureau may withhold, however, information of the winners because you could only imagine some of the malicious reasons that someone may ask for that information. There is a set of winners that are not subject ‑‑ mandatorily not subject to disclosure by name. So, lottery knows what is permissible and what is mandatory depending upon the amount of money won. Because a public body cannot ask for the motivation or reason for asking. Their intended use. There's no way that would be lawful. Therefore, any information in the hands of the requestor can continue in ongoing dissemination. There's no mechanism in FOIA to stop the dissemination. Again, that's why we have exemptions. The medical records are covered Social Security number is covered. That would supersede FOIA. The next one, Steve. Security records. If any of you were given state of‑issued or other types of identification cards, those would be protected under these permissive exemptions here. Our employee identification numbers are used for us to access state computer systems. That information would be balanced against the public's right to know. Again, when it's a permissive exemption, a requestor can challenge it, even if it's a security issue, and challenge it in court and see if the court would agree it would be disclosed. If it's a mandatory nondisclosure by a statute, a trial court is going to say, you're going to have to go to the state legislature or the Congress. I have no way as a trial court judge to wave this exemption. When it's mandated, that supersedes. And you can see Y, as in yellow, records for the ongoing security records. That's an immediate post‑9/11 addition to the FOIA. They realized in the Michigan FOIA, we didn't have exemptions that would speak to such things as infrastructure, public water supply design. Prior to 9/11 it really wasn't on our radar, if you will. Z and AA were added within the last three years dealing with cybersecurity incidents. Again, the word cybersecurity in 1976, not sure it existed back then. And then infrastructure protections. Again, balancing the public's right to know against our right to be secure in these many areas that are being listed here. Public policy, if a public body is conducting a law enforcement investigation. Not just criminal, but civil law enforcement. They could be enforcing the Elliott Larson civil rights act of being free from sexual harassment in the workplace. And the target of the investigation, a public employee, wants to know what's going on in this point of the investigation. I want all public records. The public body might say denied under this section dealing with open investigation. Because your right no know, we acknowledge we have a right to know. But we have the right to do a thorough and competent investigation. Again, this is a balancing test. Trade secrets, commercial or financial information. Attorney‑client privilege. Any other privilege recognized by statute. Bids and proposed. That's more of the DTMB dealing with procurement contracts. Et cetera, et cetera. We can go on to the top of page nine. My students at MSU, when they learn that the examinations, I give them in class or online class are public records subject to FOIA. They would love to make a FOIA request a week or two before the exam to get the tests. But then I remind them that 13‑1K, test answers and academic examination may be held. The right to know because they were able to do well on the test. That's a silly example. But you get the gist of it. M as in Michigan, communications. This is a very often invoked exemption. Because this is the type of communications within a public body where it's not attorney‑client. Now, there is the attorney is advising client. But it could be even non‑attorney credential or JD credentialed employees of the state and local governments where they're giving their opinions. Three civil engineers in had the Michigan Department of Transportation by hypothetical example are discussing the blueprints of a bridge to be erected. And one of the three do not agree that the blueprints show all the safety measures necessary. And the other two are anxious to move forward. And back and forth, they're emailing. To encourage frank communication, to encourage public employees to be candid, to speak their minds, the legislature would allow certain parts of those emails to be redacted if they're purely advisory. It's opinion. It's not fact. Factual parts of those communications would have to be disclosed. I'm using that as an example. We want to encourage. The public is saying I want public body employees that I pay their salaries to speak frankly and openly. I might traverse that bridge and my right to health, safety and general welfare outweigh my right to know about what was said in that series of emails concerning the security of the bridge. Or the blueprints of the bridge. Whatever it might be. There's a million and one and I could exaggerate examples. Maybe there are a million and one examples we could use. V as in victor allows records to be withheld for a civil action between the requestor who’s a plaintiff in another independent lawsuit to use discovery. It's not fair to the public body and the public body attorney if records are being disclosed related to an action where both attorneys in that action are using discovery, a request for production of documenters or whatever. Legislator decided to amend the act and put that in there. And then if you go on, you have D and E, all the other statutes we talked about. State and federal. Federal regulations. E simply says the exemption runs with the document. So, if it's exempt with one State Department and the record ends up in the hands of another State Department, the receiving State Department might be able to invoke this exemption. And then oddly enough, they put in a federal statute that would protect records from Michigan FOIA disclosure, FERPA as we call that act. I don't know why we put that in other than FERPA was enacted in 1976, the year of the Michigan FOIA. Throw that in in, not as an example. Just simply that Act supersedes the Michigan FOIA. They could add literally thousands of other statutes. And the balance, you can read those at your leisure if interested. None of them really apply to as broad a swath of governmental bodies as the ones we just talked about, all right? So, page 10. Let's see. Again, some exemptions are written with conditions if, unless that ‑‑ again, I use this too with FOIA coordinator training. That's why it's a little bit more detailed coupled with other more detailed presentations for coordinators who need to know this in more detail. There's a balancing test. It only applies to six exemptions of the 27, 8, whatever we have now. Unless many the public interest in disclosure under this Act outweighs the public interest in disclosure, you may withhold the following. They have to clear another hurdle that's pro‑public disclosure. And that's that the requestor shows that the public interest in disclosure outweighs the interest of non‑disclosure. Who ultimately is going to decide how those scales tip? It's gonna be a trial court judge or an appellate court after that. But this gives the requestor an opportunity to dispute the public body's claim that the interest is a non‑disclosure as to these six exemptions, right? And then there's the duty of the public body to do the obvious in section 14. Separate the exempt from the non‑exempt and make the exempt available. I think that concludes that, Steve. Am I right? Is everybody still on? Okay. So, I'm going to close that out if you would like to move to the open meetings act.

>> Sure.

>> Questions. First, questions. I'm sorry.

>> Yeah. Thank you so much. This is Steve. Everyone's on mute. But are there any questions for Tom recording Freedom of Information Act before we move on to the OMA?

>> If you have a question, please use the raise your hand feature so that we can recognize you. Mark, I think you were about to talk, and I don't see any other hands up. So, go ahead.

>> Okay. This is Mark Pierce. Tom, that was a great presentation. I did have one question because there's a lot of different pieces of information that may be exempt. But when it comes down to emails or information concerning discussions for 22 people. Do you submit the whole email out? Or do we have the right to block out different pieces that are maybe personal/should not be disclosed?

>> Good question, Mark. Thank you. It's interesting that the word "Email" did not exist in the original FOIA.

>> Yeah.

>> 1976. When you look at what a writing is, it's got that laundry list, but it does say other means of recording or retaining meaningful content which would include electronic mail, email. Email was included in the FOIA request, electronic requests, why stick that into the laundry list of a writing? I think because it says other means. It's not the location of the information. In a tangible written letter. In a file folder. In a file cabinet. On our computer. Within an electronic mail. By fax. It's the nature of the record. So, an email. Just because it's an email doesn't say anything to us. What's the email content? You look at the content of the email. If in that email you are deliberating with a colleague back and forth by email of an advisory nature, then 13‑1M as in Michigan, deliberative process. Not the factual part of the email, but the deliberate. If I use an email as my form of transmission of advice to a client, the fact that it's an email makes no difference. No difference than if I did a memorandum. Typed it up and put it in ID mail, see what I'm saying? so, it's not the location of the information that it's located in the email or in a tangible piece of paper. It's the content. The nature of the information. Does that make sense? Is that answering your question?

>> Yep.

>> In other words, emails are more popular today than any other form of communicating. I might be wrong. But wing I'm right. I look at it every morning. What I'm saying is it makes no difference how the information is transmitted. It's what the information says.

>> Okay. I understand that piece as a text message is a way of giving some information out also.

>> Right.

>> Okay. That answers my question on that. And then I have one more, I'm sorry.

>> No, please.

>> So, the whole piece of personal information being put out there. If someone's personal information is involved in a response or something going back and forth, does that exempt that message or do we have to blot out the person's personal information? I mean, how does that work?

>> Well, you would ask any FOIA coordinator that county and they'll frown because they know what you just asked talks about the very intensive labor that's placed on the FOIA coordinators working on those. You have to separate the exempt from the non of had exempt. That means, of course, there's different Adobe features or whatever. My FOIA coordinator who works with me tells me about. Now, you would have to redact. You know, that's the popular masked parts of records we see on the news and whatever. You see words and then you see the masked-out parts. So, no, you have to separate the exempt from the non‑exempt. It could be by sentence by sense, paragraph by paragraph, whatever. But you cannot say because this document contains some exempt information, we're withholding the document.

>> Okay.

>> That's very time‑consuming. And that gets us into the fees if you're talking about hundreds and hundreds of pages of records. Either electronically formatted or in writing.

>> Okay. Thank you.

>> You're welcome. So ‑‑

>> Any more questions? Had

>> Any other?

>> This is Mindy Kulasa.

>> Yes, Mindy.

>> What's the most common misunderstanding on behalf of requestors of information under FOIA.

>> Well, you know, I could say that there are a number of misunderstandings. By misunderstandings, I mean, the disputes that would result in the appeal to the head of a public body, the DNR director, the Attorney General, whoever. The School Board President. These are the people who do the appeal responses or going to court eventually if necessary. But I think what it is is there's some procedural misunderstandings what it comes to the 5‑business day response. It's usually repeated back in the request as 5 days, and then they object it's late. Everything is in business days. Because government generally does not work on weekends like we are today. But generally, it's ‑‑ legislatures, it's business days. That's the procedural. The substantive part of it is sometimes a misunderstanding as to the agree of exemptions permitted and this whole concept of balancing the right to know ‑‑ which is what the requestor comes with. The requestor comes, even if they're not using that expression and thinking that in their mind, that's the right to know. When you ‑‑ when you reached the other rights and you have to balance, it's the balancing test that sometimes is confusing. And it's not understood. This is a wide-open disclosure statute. Is that ‑‑ I hope that answers your question. I don't have any one single thing that's most often raised by a requestor. And I have been doing it for many years. So, there isn't a top ten list that I can really think of.

>> Okay. No, that's fine. Thank you. I was just curious.

>> You're welcome. No, it's a good question.

>> And I'm going to go on my Zoom. My bottom row is Teddy. Does Teddy have any questions? Okay. If you do, Teddy, go ahead and type it in the chat. Next row is Frank ‑‑

>> This is Frank.

>> Go ahead, Frank.

>> I just had a quick question. Thank you, Tom, for the presentation and for providing insight into FOIA. This is really helpful. My question pertains to kind of communication and transparency. So, as we partner with other organizations in our state to help with moving our work forward and helping those with disabilities, what would you ‑‑ what would be your recommendation with regards to I guess being transparent about FOIA as they say they come and join us for a meeting and give a presentation. Just so they're aware that everything is subject to Freedom of Information Act given that they don't have much experience working with the government or organization.

>> It's interesting that phrase in the public record, retain ‑‑ you know, from the time it is created. That means any private or public entity in communication with counsel. Verbal communication, not so, unless it's being recorded would not be a writing. Anything in writing, anything tangible, no matter how it's transmitted, facts, email, whatever. Becomes a public record of the consul. It's public record no matter where it originates. Any email traffic received by consul from an outside party, even a private organization, whatever. Becomes a public record. And I take that to heart when I email. I think to myself, am I giving the information necessary for the recipient to understand what I'm doing without getting into any unnecessary discussions or sidebar discussions or personal opinions on unrelated matters. Again, this is the people's business. So, that if an email that I created, or anyone creates, falls within the scope of a FOIA request and I say to the FOIA coordinator, because I have to help the coordinator get the records that are responsive, don't send that email out because I made a snide remark about my boss. That's the public body's public record. Now, that might be an opinion. That one might argue that there's an exemption that might apply. I'm not sure there is or not, I'm not going down that path. But the point I'm making is we create it. We create public records with post‑it notes. We create public records by choosing to put emojis into emails. I vehemently oppose that. Not only because I think it's a waste of space, but because it is liable for all kinds of interpretations. You see what I'm saying? I mean, I think ‑‑ I don't think any one of us disagree. I know you're on mute. Anything we disagree. The winky eye emoji speaks volumes, does it not? That's what we have to be aware of. Not because we aren't being transparent, we are being transparent. We're talking about how that what we create is subject to FOIA. And rebuttable assumption is subject to disclosure under the FOIA. So, when we're dealing with private sector individuals, it bears reminding everyone that we're doing the people's business and the people have a right to know the business we're doing on their behalf. So, don't be expecting privacy, don't be expecting confidentiality in certain ways. I mean, we get emails all the time. This is a confidential email. Citizens writing, as they say, this is a confidential letter. We do apprize them when we write back that we treat everything as a public record.

>> Thank you. I appreciate that. This is Frank.

>> Yeah, I think that's a really good point and one we should maybe create a paragraph that we share with those that say, just be aware. Mark, I see your question, but I want to ask if Will or Jan or Stephanie have any questions or comments? Okay. Mark's question is, oh. It looks like it already got answered. So, Mark asked if there was training available for people to attend to ensure that they know how to respond to a FOIA request. And Steve said, Mark, the Attorney General's website has published their procedure on responding to FOIA which I found very helpful and it sounds like there is training for FOIA coordinators as well.

>> Let me point out that we do training through the civil service commission training and development division. We've done it twice a year, at least once. Because of COVID we didn't have one this year. Hopefully this upcoming year we'll have one. Anyone can attend that through the State of Michigan. FOIA coordinators or other state employees who are interested. We do a general FOIA, we do a FOIA training, others can attend if they wish. We do an open meetings act. We try to do it twice a year. If you want to stay tuned for that, you can. And our PowerPoints and everything are available on our website.

>> Frank, I may have interrupted you. Did you have an additional question?

>> No, Thomas provided an answer to my question. I didn't have a follow‑up. I think you also added an answer as well with regards to how we should move forward with engaging partners and having that communication.

>> I think that's a great point. All right. Let's go ahead and move on to the OMA.

>> Yes. The OMA is not quite as comprehensive ‑‑ well, it is for the purposes of the statute ‑‑ but it's not as lengthy as the FOIA. Because it doesn't expand to the right to know in such a broad way. Dealing with all sorts of tangible items of information. This is really dealing with the public's right to know, to view, to hear how the public body is making its decisions. That goes to the FOIA. Why an open meeting act? For what we mentioned at the beginning, transparency in government. The OMA promotes accountability. And posture openness. Openness again, to enhance responsible decision making. Requires certain public body meetings to be open to the public. The Federal Government has a federal FOIA. It also has a more flowery expression for its open meetings act, it's government in the sunshine act. Which is interesting. That every portion of every meeting of certain agencies be open for public observation and participation. Okay? So, that's the core purpose. It's not as reflective as FOIA so that we can participate in the democratic process. But that's implied in the preamble there. There are, again, over 10,000 public bodies subject to OMA. This is a general rule. If the public body is subject to OMA, it is likely subject to FOIA. But if it's subject to FOIA, it's not necessarily subject to OMA. What I mean by that is, the Attorney General's office per se is not subject to OMA. We have a single decision maker, the Attorney General, as with most state departments. But when you get to our state boards and consuls and authorities, it's a multi‑person decision maker. Which is done at a meeting open to the public. So, that's why OMA would apply to the consul as well as the FOIA. So, public body means, right? There it is. Any state or local. And you can see it's a very all‑encompassing definition. The word meeting, the convening of a public body at which a quorum is present. Generally, half plus one of the numbers. But a bylaw could change that. But that's the general definition. By which a public body is present for deliberating toward or rendering a decision on public policy. Decision means a determination, action, vote. When we think of decision, we think of a vote. But it could come through other forms. But a vote is what I think of. And then why is there a decision being made? What is the purpose to affectionate or formulate public policy? That is the work of the people. Public policy is very generally not defined. But it's defined essentially as government doing its business to promote the enforcement of law in Michigan, okay? I mean, it's ‑‑ that's what the executive branch does through decision making. The decisions of individual heads had of public bodies or collective heads of public bodies if you will. In short, the OMA requires that all decisions and deliberations of a public body shall take place as a meeting open to the public. The FOIA ‑‑ rather the OMA says always decisions and deliberations at an open meeting. With one exception. You can deliberate in a closed session. We'll talk about that in a moment. And all meetings, there are discussions. So, there's three D, as in David, if you will. Three D works. Discussions, decisions, decisions. The discussions, if you see at the bottom of your handout, I just gave some general diction father definitions where the OMA itself did provide a definition. All right? So, at this open meeting, this present one that we are all participating in, we're having discussion. The chitchat back and forth. There's no deliberates going on that I heard. No decision being made that I've heard. What I'm hearing right now is this ‑‑ it's a part of an open meeting where there's discussion. Which would include the period of time set aside for public comments, all right? So, we go to the second page, then, of that two‑page handout, Steve. One thing I want to add that's note in the handout. There is an entity. It's not per se in the statute. But through case law and Attorney General opinions, we do acknowledge that something popularly known as an advisory committee might exist. An advisory committee is a word for an advisory sub Committee, it could be a sub Committee. In other words, public bodies subject to OMA will appoint what is referred to as these kinds of subcommittees. Usually these are in there. That's to look at background work, the review proposals, that are under consideration by the whole body. So, the advisory committee is not subject to the OMA. But only if the following three prongs are met. The membership is composed of less than the quorum of the full body. Its function is making recommendations. A recommendation is not a decision. And all items considered by the subcommittee, advisory committee, whatever you call it, come before the full body at an open meeting for the full body's decision. So, just a real simple example. Public bodies subject to OMA decides to appoint three members as an advisory committee to look at three options before the public body as a whole. And they're asking the advisory committee to study these three options and come back with a recommendation. It's less than a quorum. They're only going to make a recommendation. They cannot make any decisions. And then everything is brought back to the full body for open discussion, deliberation and decision at a publicly‑hosted meeting. So, let's say this hypothetical advisory committee comes back and says, our recommendation is that you go with option one. Thank you. Well, what about options two and three? Well, we decided not to look at those. Uh‑oh. There's that D word, decided. What they would ‑‑ what they ideally do, and legally many my opinion, personal opinion, they come back with the three options. They could rank them. Option one, two, three. Option three we're ranking as the preferred option. Option two remains the middle option and option one is the less desirable. It's for these reasons. But it's not up to us as a whole, but it's up to you. We have pulled all of this information together and we're bringing it all back to you. Really, we're bringing it all back to the people, to the public. We're bringing it all back to you. That's a very ‑‑ very limited example. But you see what I'm saying. In other words, the winnowing down process. That happens to the major universities that are arguably subject to the open meetings act, some say they're not. They had presidential search committees, less than a quorum whittling down from 10 candidates for President of the University to three and they got sued on it. The legislature bailed them out and said they can reduce it to 5 and then bring the 5. But the point I'm making here, that would be an example of when an advisory committee is now becoming a decision-making body. Even if it's less than the quorum. I just point that out because that is a very popular question that we get from our state agency clients. And questions that citizens raise when they come to a public meeting and hypothetically there's a vote on a matter with no discussion deliberation. It's a decision immediately. Or they might even say, okay, now we've got the recommendation from the advisory committee. All in favor of adopting, aye. Nay. Well, wait a minute. The public is saying, we didn't hear any discussion, any deliberation. Well, that ‑‑ that was done by the advisory committee. See the point I'm making here is that it could be done properly and at the last minute there could be a problem when it comes before the full public body. The public has a right to know. This is about the public's ‑‑ not just the public body. The public has that right to know. Okay. So, let's going back to the handout itself. There's a public notice requirement. Obviously there has to be a public notice requirement. How does the public know if there's not proper notice? And there's a list of required ways to post the public notice including the public body's website. We have closed session. How can it be an open meeting and you have the word closed in there? Much like we have exemptions and non‑exemptions in FOIA. There's the exception. The legislature permits a public body to meet in closed session only for a limited number of persons. Okay? Is that if let's say, for example, you received a memorandum of advice from the Attorney General's office on an issue pending with the consul. And you got the written memo of advice transmitted by email, fax, email, however you got it. And someone made a request for open records and said they knew there was an AG memo. Or it's an expansive enough of a definition that it would in and of itself might include the memo. You might deny it under the 13‑1G of the attorney records. It might be the subject of an open meeting. I'll go to the meeting and listen to them discuss the AG memo. Well, get to that point where it's moved to go into closed session under section 8H ‑‑ you don't have to keep track of the letters and numbers and all that ‑‑ of the open meetings act that says you can go into closed session and discuss records protected by disclosure from another statute. FOIA, 13‑1G. It's a way to harmonize what the legislature has permitted public bodies to withhold because protecting attorney‑client relationships is more important than the right to know. That's the argument, okay? So, that would be a permissible purpose. There are very limited reasons to go into closed session. There are limited exemptions even though we listed more than the alphabet could contain. Minutes. At a minimum, the minutes must state, time, place, members present, members absent, reasons for closed session. And closed session minutes, by the way, are not subject to the public. If you disclose closed session minutes in response to a FOIA request, or you could call it an OMA request, because the OMA provides that minutes should be made available, be careful. It's a misdemeanor. You could be charged by prosecutorial office, by prosecutor. So, the closed session minutes shall not be disclosed. What is the exemption? Under FOIA, if someone FOIA'd ‑‑ we turned that into a verb ‑‑ someone FOIA'd closed sessions minutes, you would have 13‑1D, by another statute, not disclosable. What statute? The open meetings act. See how the two statutes help each other. And there is a misdemeanor charge that could be brought against members of the public body. Now, in my history of working with these statuses, I'm not saying I'm knowledgeable with all of them at the county and local level, I haven't seen or heard of any successful or any undertaking of criminal prosecution. But nonetheless, it's in there and it's something to pay attention to, okay? So, if you look at the enforcement there, you'll see that it provides for ‑‑ it will provide for attorney fees and costs, et cetera, just like the FOIA does for a civil action brought by an aggrieved party. A member of the public who said I was denied my rights under the OMA to attend the meeting, to participate. I have a right to video tape a meeting. And they won't let me do it. Any of those rights that were violated could end up in a civil action that would allow the person to enforce the rights that are given them under the OMA. This is just talking about the penalties. And I wanted to emphasize that. But you'll see there in the decision made by a public body may be invalidated if not complied with the requirements of section 3, 1, 2 and 3. The right to attend, the right to participate, the right to video tape. All these rights. Remember, we talked about trust, collaboration, participation, the First Amendment. That's all rooted in those sections. Or the failure to give notice. Any time the public body let the public down, if you will, in quotes, there are sanctions available to the public. And remember, even as members of a council, you're also members of the public. We're all members of the public. These are all of our rights. If you go to a school board meeting for one of your children. As I participate in the school board meeting, a member of the public, you have these rights. And knowledgeable with the OMA, you're going to watch how the school board members are conducting the meeting. Are they doing everything, the old expression, according to FOIA? The injunction relief. I think the legislature did a brilliant job here in putting this option into the original language. OMA is also a 1976 statute. Enacted within just a month apart. They're like, you know, first cousins if you will. If a public body is sued in a civil case, alleging non‑conformance with the statute, they didn't let me talk, they didn't let me attend, any time something like that happens, nay didn't properly post notice. The public body may, without any admission of liability, any admission contrary to its interests, reenact the disputed decision which would then constitute full compliance with the act. Now, remember, one of the penalties is invalidation of a decision. That's a heavy‑handed sanction. When you think about it, going through the whole process of, finally, after all these months, whatever it might have been, that you're conducting the people's business about, you reach a decision only to have it invalidated. It means what? You start all over again. Well, the legislature said, we're going to give public bodies an opportunity to ‑‑ the Mulligan, the do over, to make it right. This is the people's business. It's about pushing the business forward, not about tripping government up. Now, again, if there was malicious, intentional, that's criminal sanctions that we talked about. And I think because school boards, for example, are part of the 10,000 public bodies subject to the acts. And school boards are often ‑‑ their members are moms and dads, you know? Folks in the community that get little or no pay for doing the work. They should not in my personal opinion face criminal sanctions, that may be unlikely here, give the public body an opportunity to do it right. So, if someone were to bring an action, I advise public body clients at the state level, you don't have to wait to be sued. If a citizen wrote a letter and said I found this to be the case this is my allegation of violation. And maybe in consultation with the Attorney General's Office or your own executive staff, someone says, I can see where that's interpreted. I don't agree with it. But it may be worth our looking at reenacting that decision. Or consulting with the attorney to see. And that's before a lawsuit is filed. So, it's a matter of looking at, again, our introduction to this ‑‑ bringing this to a close. Our introduction. We're talking about public trust, public collaboration and public participation. We're in this together. It should not be adversarial. FOIA is not an adversarial relationship between the requestor and the public body. OMA is not an adversarial relationship between the participant, the public at the meeting, and the public body. I think it was maybe Mindy, you asked the question about what do I see arise most often? If I had to find one thing, you would say it's probably this ‑‑ what I ‑‑ this which I just mentioned. Is that both parties could be ‑‑ or could find themselves in the wrong frame of municipal bond. That is an adversarial relationship. I'm speaking personally now, not for the Attorney General when I say that. But that's one thing that I have seen over these many, many years is that the FOIA requestor comes in making demands and writing the request in such a way as to not even give the public body benefit of doubt. You must give me my records in 5 days ‑‑ actual 5 business days ‑‑ or a member of the public's saying that, you know, the board is intentionally violating the act because they're doing this. Maybe there is a problem and it needs to be reviewed. But I always ‑‑ it's my personal opinion. One thing I learned is civility. That the public body and its audience and the public itself and the public body is it's a matter of civility. And if we can be civil, we are going to accomplish so much more. So, that's my sermon for the day. And I will now open this up to any questions.

>> I'm going to go ahead and do what we did last time. You'll get a second ‑‑ I'll go around twice. But Will and Jan, you're now in my top row. Any questions from the two of you or comments?

>> Excuse me, Yvonne, this is Joe Harcz, could you please announce yourself for the public record.

>> Thank you, Joe, sorry. This is Yvonne speaking. Going on to the next row, Mindy, Stephanie and Mark? Comments and questions right now? All right. Jamia and Allen? Frank and Theresa?

>> I do have a question. And I don't know how to ask if without being specific to the SIL because I'm just ‑‑ that's where the question comes from. So, we create a document that's basically like the ‑‑ and Steve, correct my language, please. Like it's basically our work plan for all the SILs in the state. It's like our main document. Would those meetings to create that document and that work plan need to be open to the public?

>> All right. I'll ask a question with a question. I would need to see what's in the document. Let's say I'm at FOIA coordinator for the agency that does your FOIA coordination. I would need to look at the document to see what the content is. I would inquire of the author of the document or authors. I would inquire of the division of bureau within the department that creates this record and say, what is the reason or reasons that all of this or part of this should not be disclosed to the public because the following would happen? In other words, it's a right to know. That's the spotlight on this work document. Okay? Now, what in that document would the public be more interested in not seeing disclosed because disclosure would cause this unintended result or negative result. Is that making sense? It's hard to say that certain documents are known to be exempt. Certain information and Social Security numbers, that's an easy one. But in terms of the content of the record. So, you called that a work plan document?

>> Steve, you can correct. It's called a SPIL.

>> Sure. Tom, just to give you some context, the main purpose of our council is to jointly and collaboratively create a three‑year state plan for independent living.

>> Of okay.

>> And so, we do this through a series of public hearings and gathering public input throughout the state. Then we form a ‑‑ what's called a state plan writing team that is made up of three council members and three or four Center for Independent Living Directors who take that public information and create a draft state plan for independent living. That state plan draft is then brought back to the full council for review and approval. It also has to be approved by at least 51% of the Centers for Independent Living. So, the question is that SPIL writing team that consists of less than a quorum of council members who are essentially creating ‑‑ making the sausage based on public input, are those writing team meetings subject to OMA?

>> Now, the meetings, okay. We have two questions. I think one is FOIA and one is OMA. But let's go to the OMA aspect. Who is ‑‑ who populate this is meeting? Who is present at the meeting when you said there's a review of the plan or the document?

>> There ‑‑ go ahead, Yvonne.

>> We're not going to be able to answer this question today and stay on track. I would like us to get your advice on this particular issue at another time. So, I don't want it to drop it. But it's too extensive, I think, and I don't think it's fair to you to not give you all of the details to answer it. I will say, speaking as the chair, that we do need to revisit and rethink how we manage the SPIL writing team and make sure that we are in alignment with OMA and that we're being transparent and open about it.

>> I concur, Yvonne. Some questions can only be of a general nature and setting. And I think that what we need to do is determine, you know, what is the question or issue? Okay? What is the rule? What law applies to it? What would our analysis be and then what would our conclusion be? And we do that quite often. That's one of the functions of the Attorney General's office for all of our state agencies.

>> Yeah.

>> On that. And also, Steve, and my phone number is available to our clients and my state phone number. Yeah, we can follow‑up on that. And certainly, would be glad to look at it. This would also include staff from the labor division that is your general consul. call your house counsel for lack of a better term. But I work with my colleagues there to help you out.

>> Thank you. We will get back to that, though, Theresa, we're not going to lose sight of that. Teddy, you're the last one I didn't ask. Do you have any questions? If you do, go ahead and put it in the chat or let your interpreter know to ask the question. While we're waiting for that, I do have a question around discussion ‑‑ discussions between council members. Even up to the point of asking other council members, how are you gonna vote on this agenda item? Where is the line? What's acceptable? What's not acceptable? You know, picking up the phone and making a call? Where is that line?

>> All right. So, I'm going to answer the question based on the specific situation you mentioned. In other words, one counsel or more by email or whatever asking how other council members might fall in a potential vote coming up. You happen to hit on the one exception that the courts have permitted under OMA without having to conduct a public meeting ‑‑ noticed public meeting. And it's ‑‑ I happen to have the case. Because it's ‑‑ it's a remarkably unique case. St. Alban versus the city council, don't worry about the spelling of the words. It's a 1992 decision. And the little blurb, an informal canvas by one member of a public body to find out where the votes would be on a particular issue does not violate the open meetings act so long as no decisions are made during the discussions and the discussions are not a deliberate attempt to avoid the act. See the D word that's being used there? Discussion. Didn't say deliberation, didn't say decision. Discussions. So, one of the criticisms of public bodies under the OMA is can they conduct the round robinning. They go one to the other to the other. And it's two on the phone or less than a quorum on the phone. But doing more than discussion. They're actually deliberating. They're actually keying up things for decision. The only way a public member or member of the public might see this clearly is where they go to an immediate vote on something with little or no discussion. Little or no deliberation. So, the answer to that specific hypothetical is that would be permitted under the St. Alban case. Does that answer your question?

>> You're on mute.

>> I said yes it does, thank you.

>> Oh, good. I wanted to make sure there wasn't more to it.

>> Nope.

>> And certainly, through Steve, Steve, any questions that come as a result ‑‑ later today or as a result of today, please feel free to put them in writing and send them to me at the Attorney General's Office. I'll be glad to provide a response.

>> Any other last-minute burning questions that you want to present? All right.

>> I'm going to thank you all again.

>> Thomas, I apologize. Theresa did raise her hand. Could we recognize her for a second for her question?

>> Absolutely.

>> So, maybe this will be added on to our questions we want to talk to you more about. And I ‑‑ you did go over the corrective non‑conforming decisions. But I guess I'm still not understanding. What happens if a series ‑‑ something happens where decisions are made outside of the open meetings act and then the whole council makes a decision. Let's say you had a bunch of meetings that made decisions outside of the open meetings act and then you vote on it as a council. Is there a corrective action if it's brought to the public's knowledge that the meetings were not open to the public? Like what is the corrective action?

>> All right. The question would be more than one ‑‑ there could be more than one allegation that a public body made a decision as defined under the OMA at a meeting that was not open to the public. And if that's been recognized, then what would happen, the possibility, would be to post and convene a meeting at which any decision allegedly not made in compliance with the act would now be made in compliance with the act. Now, it depends ‑‑ there's no time limit. It didn't say that you can only do that if it's last month's meeting or it's a meeting that was less than two weeks ago. I would say any time a public body finds that there is a question on whether a decision was made outside of an open meeting. Because as I say, that's a contradiction in terms

decisions aren't made by a public body subject to the OMA at a meeting not open to the public. But life is real. I mean, a mistake could happen. So, the legislature wants public bodies ‑‑ encourages public bodies, provides public bodies to correct a non‑conforming decision. If it's determined by any type of public body that a non‑conforming decision was reached, then it's a matter of rolling that into a public body meeting. A meeting open to the public. As which then is an agenda item or whatever and then you have the discussion, your deliberation, your decision. That would be one way of doing it. In other words, you can do more than one correcting meeting. Or more than one item at a correcting meeting. To use the term "Correcting meeting" to get the gist of what I'm saying. I think that's a very important part of the OMA. Because, again, the legislature recognizes that mistakes can happen. And recognizes that. FOIA recognizes that mistakes can happen. If you exempted a record under an exemption that didn't apply, in the lawsuit you can raise a different exemption. And that's considered timely. Even though it's a lawsuit. It can be part of the affirmative defenses. The legislature doesn't want to punish a public body but protects the right of the public to know. The legislature is not here to burden public bodies, to hammer them on the head. We're here to say to keep the people's business through FOIA and through OMA moving forward. But not be so punitive as to actually trip up ‑‑ because if the public body's decisions are being invalidated, who is hurting? Who is ultimately the victim of that? The public. So, the public would want this sort of corrective measure in there. Again, based on the fact that we are all adopting a simple attitude toward how this relationship is supposed to work.

>> All right. Well, thank you so much. I'm sure we will have more questions for you along the way. But we really appreciate your time. Especially on a Saturday.

>> Well, I don't mind it and I'm sorry I kind of went over my time.

>> It's okay. It was worth it. It's good for us to learn.

>> I will leave you now as you proceed on your meeting. Unless there's any other questions?

>> Yvonne: Theresa, is that a hand up. Oh, that's a ‑‑ okay. No, thank you!

>> Tom: Okay. Good‑bye, everyone.

>> Yvonne: Thank you.

>> Steve: Thanks, Tom.

>>Tom: Take care and be safe.

>> Yvonne: Does anyone else need a 5-minute break? Get a drink? Use the restroom. It's 11:40, can we get back by 11:45? All right. We'll see you in a minute.

[. Break]

>> Yvonne: Okay. So, 5 minutes is not very long. I'm out of breath. We'll go ahead, and when you're back, if you could turn on your camera so I know you're back. Jamia, you're in the car?

>> Jamia: Yeah, I'm in the car. Traveling. I'm in the backseat, though.

>> Yvonne: Okay. Good. All right. Teddy, are you back with us? Maybe not. I'm not sure. Because it doesn't look like the captioner ‑‑ or the ‑‑ oh, there's the interpreter right there. Frank, are you with us? I'm going to wait 30 more seconds. 5 minutes isn't long enough. You will do 10 next time. Oh. It looks like Frank might have fallen off the Zoom. Maybe he'll join us back. There he is right there. I see you, Frank. All right. So, that was really informative. A lot to know. Not something we're going to retain all of. But we have through Steve a contact and good information to help us improve for sure. I haven't been the chair for very long and, you know, I've talked a lot to our past chair, Aaron, and to Steve. And I think there are two things that we're trying to really focus on. And that's efficiency and transparency. And that's a balancing act sometimes, right? Because if you're overly efficient, you may go too far and not be transparent enough. So, but that ‑‑ that's why we are doing things like creating the policies and procedures. Inviting people in from the AG's office to inform us. Make sure we're on the right track with open meetings. All of this is being done with the intention of improving our council. These aren't meant to be gotcha moments. They're meant to say, learned. Now what do we do from here? How do we make it better? So, that's the intention that I'm using in going in with this. So, we will get back to that though, and I want to reiterate Theresa's questions around the SPIL monitoring. But it's something that we need to work on. How we handle and manage that. Because we can do better. So, thank you, Theresa, for bringing that up. Okay. Aaron. Do you want to put your video on? Or no? Aaron Andres.

>> Yvonne, I actually have Aaron patched in through my cell phone.

>> Hello.

>> He's having some trouble.

>> There he is. I can see him. So, as some of you know, Aaron is our immediate past chair of the council. He ‑‑ I don't know how long you served as chair, Aaron.

>> Since Robin Bennett was removed from the council because of term limits. I became chair so I don't know. Steve, could you remind me how long?

>> We'll just go with several years.

>> Yes.

>> So, we just wanted to take a minute to recognize your work and your contributions to the council, your contributions to the independent living movement. Aaron is a recent grad. He just got his master's in public administration within the last year.

>> Yes.

>> Yvonne: So, we're really excited to see where you use your talents and skills next. And I'm glad you're attending and contributing to this meeting as a past chair/public person now. So, thank you for being here. And let's just give Aaron, if you could take off your microphones for a minute. And we're gonna give Aaron ‑‑ you can clap, or you can ‑‑

>> Aaron: Thank you very much. I appreciate it.

>> Steve: Thank you very much.

>> Aaron: It's been a pleasure. And it's been quite fun, and I learned a lot and I hope everybody contributes and learns a lot as well. I really am enjoying my time and hope that I ‑‑ during my time of the independent living we move forward in a positive direction. That was the goal. I think and overall, we did that during my time. And I hope you all take the Torch and move it forward even further. So, thank you.

>> Yvonne: Thank you, Aaron. I'm on mute. Sorry about that. Staff reports, Steve.

>> Steve: Yes. So, executive director report. The first topic is our end of fiscal year. Our fiscal year will end on September 30th and we are preparing to close out our financial contract with MRS. We are also preparing our year‑end statements for the council's review and approval. We are in the second year of a three‑year contract with the ALG group out of East Lansing for auditing services and the preparation and submission of our form 9990. This year's auditing services is budgeted at $4,000. And 9990 and submission at $800. At the end of every calendar year, SIL and the DSC are required to collaboratively submit to ACL our annual performance report, fore known as the Addison report. met with Bill to lay out the review by MRS, the SVP and the council with our intent to submit this to ACL by December 1st. Which is one month before the December 31st deadline. This will give ACL an opportunity to review the report and request any modifications if are needed prior to the actual deadline of December 31st. Our 20,000‑21 contract with MRS has been fully executed and a final copy has been sent to me yesterday. That has been distributed to our accountant to we can get the budget spread in the spreadsheet format so that the finance committee and the council can track those expenditures as they happen throughout the year. We will also make sure to put expenditures within the month that they will occur. So, for instance, the net SIL licensing, we pay that at the beginning of the year, typically in October. We will spread that expenditure 100% in October as opposed to doing a 12‑month spread so that we just stay on track and you can see actual to budget month‑to‑month as an accurate reflection of the days or the months in which we anticipate expenditures to be made. The next item is a request for quotes for our website redesign. I issued a request for quotes for redesigning SILC's website for ADA and 508 compliance two weeks ago and proposals were due yesterday. We received three proposals and we will begin the review process on Monday. Proposals are going to be evaluated and summarized according to the criteria that was in the request for quotes. And that will be forwarded to the appropriate committee for expenditure approval in accordance with our financial policies. Updates on the new SPIL. During a September 21st call with the office of independent ‑‑ programs ‑‑ SPIL approval letters will be coming out they were hoping yesterday. But no later than this coming Wednesday. On the call, she stated that seven states and/or territories got full approval of their SPIL. 49 states and/or territories got conditional approval. One state or territory did not even submit a SPIL. Conditional approvals have 90 days to submit updates. ACL does plan for the training and TA provider to be available to help states with their updates. Some of the reasons for conditional approval could inning but are not limited to sections being left blank, 30% or more of part B funding justification was missing. If a SILC needed to maintain more than 30%. Statutorily, that's the limit that could be limited out of part B. There was no justification for retaining more than 30% of the part B funding. Directions not followed in a particular section. And we were told letters will be very specific with what updates our state would need to make if we are given a conditional approval. So, that letter is supposed to go to the SILC chair, Yvonne, she will be receiving that on or prior to this coming Wednesday. And I'm working with the SIL networks, the user group, for capturing data for the objectives in you are a SPIL. That's a monthly reoccurring meeting to bridge the gap between SIL data collection and recording on the statewide independent living plan. Regarding SPIL monitoring, the final 2017‑2020 report will be in October. Our current SPIL ends September 30th. It will be with other council business that needs to be addressed at that time. And the last part of the report is upcoming training opportunities for the council. SILC members are encouraged to participate in one national conversation every three years. And we have lunchtime trainings. Today was prior to that out of respect for Tom's time on a Saturday. But as we move through the agenda and start scheduling our next years’ worth of meetings, I'm gonna share with you the responses of all the council members on their availability. But typically, we hold at lunchtime a working lunch with a training opportunity for council members. An implicit bias virtual training is being offered with Raymont McCoy, it's going to take place on October 20th and 27 from the 10 a.m. to 12 p.m. eastern time on both days. So, a total of four hours spread across four days. The registration fee is reduced to $100 a person. And the SILC will cover costs to participate. I think this is a value training considering the time we are in right now and I encourage all of you to participate if your schedule permits. Tracy sent an email on Wednesday with details on the training and she will handle your registration process. Please let her know as soon as possible if you would like to be registered for that very important virtual training session. Again, ILRU hosts what they call SILC speak monthly peer calls. Those calls are one hour and typically run from 3 p.m. to 4 p.m. I think the third Thursday of the month. But we get notices for that and I'm going to add all the council member's emails so that you get those directly from ILRU. It's really a great opportunity. They typically have one or two topics for the hour-long discussion. It's very interactive. Paula McElway, the technical assistance provider for SILCs across the country facilitates those. But they are made up of SILC directors and SILC council members, view live. So, you have access to your peers across the nation to bounce ideas and questions off during this one-hour monthly call. I have found it to be incredibly valuable. And you, especially as new council members, will have an opportunity to interact with your peers and ask questions of, hey, how are you guys doing this in your state? This what we've run up against. And we have the technical assistance person who holds a federal contract to provide TA to SILCs and SPILs. I like to plug ILRU.org. Independent living research utilization .org. And that is the organization that does SILC speak monthly calls. But their website is a huge repository of information related to independent living. There are on‑demand video trainings. There are live trainings that they offer. But it's a massive archive of anything related to independent living. They have categories that are spoken to SILC and SILC council meshes. So, please feel free to dig into that library. Our training policy does ask that you do at least two of those trainings on annual basis. And then we are going to add to our agendas at the very end, and you can see it on this one, an opportunity for council members to share your experience with doing those trainings on your own. What you found of value and other information that you would think would be valuable for other council members to know. So, that is my report and I would be happy to take any questions on anything that we covered or anything that you would like to know that I didn't cover.

>> Are there any questions from council members? Okay. For our ex officio members hanging on with us on the call, it is noon. Which is the time for you to give your report. We could skip down to you and then go back up to our internal reports if any of you were planning on noon and needed to leave.

>> Just ‑‑ this is Mark.

>> Yeah.

>> I was looking on the participants. I do see two of them already online for their reports.

>> Okay. I think I saw Bill Allison and Lisa.

>> Right. Lisa and Bill, do you need to do your report at noon? Or can you ‑‑ can that be delayed ‑‑

>> Whenever you guys want me. I can at least speak.

>> Yeah, I'm Fine.

>> We'll try to get back on track.

>> Yeah, absolutely. I expected to be with you until 2:00.

>> Thank you.

>> Yvonne, this is Steve. We have Annie on the line from the Department of civil rights.

>> Annie Urasky, did you have a report, and did you need to make it right at noon? We can't hear you if you're talking. Okay. If ‑‑ if you ‑‑ if the audio ‑‑ if you figure out the audio, please just interrupt me.

>> She just entered it into group chat, Yvonne, this is Steve.

>> Yvonne: Okay. Gotcha. Great, thanks. She said in the group chat that she can wait and whatever works best for everyone. So, thank you. Okay. Executive director ‑‑ I mean, executive committee report. You have the minutes from that. There is really nothing additional that I need to report out on that. Mindy will do a more thorough discussion about financials and so, I'm going to pass it over to Mindy and Steve for the financial reports.

>> Thank you. Steve, will you go ahead and give just a quick overview and then I have some comments and recruiting to do of SILC members.

>> Yes, absolutely. I would be happy to do that. Let me make ‑‑ let me pull up ‑‑ make sure I've got the right documents here.

>> Mindy, while he's pulling that up, I'm going to ask you to hold the recruiting of members for that part of the agenda so that we can approve these reports. Because you're on the agenda twice.

>> Yes, I was just gonna put in a plug.

>> Okay. Then people can think about it until that part of the agenda.

>> Okay.

>> Okay. Okay. This is Steve. I am ‑‑ I've pulled up our statement

Financial position as of August 31st of 2020. And our bank account we have a total of $97,714. For our accounts receivable, we have $10,882 receivable. This is typically when we send in our drawdown requests to MRS. It's just a delay back and forth and bills that we paid and then waiting on reimbursement ‑‑ expense reimbursement ‑‑ from MRS. So, we have total current assets of $110,500.29. As we drop down to liabilities and equity, the one-line item that I want to point out to you is line 2900‑00 which is called deferred revenue. We have $42,417.93 of deferred revenue sitting on our books. This resulted from some over drawdowns from the bureau of services to blind people over the past several years. So, there was an amount that we had ‑‑ that SILC had drawn down from 2015 through 2018 or '19. And the council has addressed that situation. We talked with BSBP on what they wanted us to do request that overfunding of SILC from their agency. We agreed that we would suspend billing our current year contracts and we would bill down that amount until it came to zero. So, we completed that process in April of this year. So, prior to 2015 there was an additional overdraw over a several year period prior to 2015 that represents the $42,417. We have also been in talk with BSBP. And so, we're going to apply the same process to this and bill this overage until it zeros out and then we will then continue billing our current contract at the point in time once this is spent down. There may be a portion of this ‑‑ I know that SILC way back in the day did a fundraiser with Michigan disability rights coalition. And I need to get with our accountant to tease out where that amount is. But I know that at one point they had raised like $30,000 for SILC. But I will need to verify what that amount is where that sits in our books to make sure that it's not the part of this deferred revenue. So, I will report back to the council on that once I'm able to work with the accountant to figure that out. Any questions on the statement of financial position? Okay. I'm going to move on to our budget year to date through August. What we really want to look at is actual to budget these columns here for year to date. We were budgeted for revenue ‑‑ hold on a sec here. Total revenue of $291,699. We are underdrawn by $49,000. We are under budget for revenue, which is appropriate because SILC is on a reimbursement basis. It's money in/money out. Our budget should always approach zero at the end of each year because we are not in a revenue‑generating arrangement. We are strictly on a reimbursement base. The drawdown underage is due to us having that third employee position that was not filled. So, you're gonna so see in a lot of these columns the variance column, that we are underspent in almost every category as a result of that. The one item that I did want to point out was travel. We were quite over‑spent in travel. Let me see here. It would be line item 7000 that I have highlighted here. We had anticipated approximately $4900 in travel expenses and we ended up expending $9813 on travel expenses which was a 200% overage. That was due to the council members that did travel to the SILC Congress out in San Diego at the beginning of this year. We do have that budgeted correctly now for the budget that's going to start on October 1st. So, we did get with MRS and we did a line item transfer to make that line item whole. And we moved money out of the SPIL line item and fleshed that to the travel to make that even out. So, at the end of the day, when we get down to the bottom line here, as I said, for net operating revenue and net revenue, we should always come to zero. And where we are is at $28.61 which is pretty darn close to being right on target with our reimbursement‑type of arrangement. Any questions on budget year to date?

>> Is that a negative sign before the dollar sign?

>> It is.

>> Okay.

>> It is for actual, yes.

>> Okay.

>> And then this would be the variance column here.

>> You don't have any expenses ‑‑ end of year expenses that will skew any of this? Do you predict that you'll end up to zero?

>> Steve: Yeah, we should end up at zero. We do have a place hold we are MRS so that we can submit end of year expenses to them. I think we have a deadline of the first or second week of October for any September expenses. Because we don't know exactly what those are gonna be until our invoices come in at the end of September. So, we could be zeroed out at the end of September.

>> Okay.

>> Steve: So, the next item, our last item is the check register. And so, for the period of August, standard expenditures. Strategic supporting strategies is our accounting services, delta dental is self‑explanatory. Verizon is my cell phone reimbursement. AT&T is our Internet connection at the office. Biweekly payroll. Zoom communications to run meetings like today. Disability network is the rent for our office space. UNUM is our ‑‑ Jennifer welling is our interpreting services. Tracy Brown is expense reimbursements for the month. Microsoft is our Microsoft Office 365. Q&A reporting is our CART services for our meetings. And again, biweekly payroll. And Apple computers which I believe was a keyboard replacement for one of the iPads for a council member. Any questions on the check detail? Okay. I will turn it back other to Mindy.

>> Mindy: Yes, I wanted to make a few comments. One of the biggest challenges when we are all placed in a fiduciary position of oversight of others funds. We have a fiduciary duty to maintain the accuracy, integrity and transparency of those funds. And I've done a review so far with Steve. One very difficult part of this is that the SILC office is two people. It's Steve and it's Tracy. And so, a very important internal office principle is segregation of duties. So, I'm going to be getting together with Steve and Tracy and the accountant in October and they used several integrated financial systems to help maintain the segregation of duties. But I need to get in there for myself and see how those work and see how that interface so that when I give you a financial report, I'm doing my fiduciary duty to all of you. So, fiduciary duty, you'll hear me talk about that a lot. It's an extremely important concept. And I had the pleasure of serving as the chief internal auditor of a bank in some of my past work experience. So, these topics are all very near and very dear to my heart.

>> Yvonne: Awesome. That's great. We look forward to hearing from you and I know you're going to talk a little bit more about some of that work later on in our agenda too. So, thank you, thank you, thank you.

>> Mindy: Yes, Yvonne, you're very welcome.

>> Yvonne: Okay. Let me just check my notes here. Is that it for staff reports? Had yep? All right. Could we get a motion to accept in place the staff report and executive committee minutes as presented? You can do so by saying, so moved.

>> This is Jan Lampman, so moved.

>> And a second?

>> Mindy Kulasa, second.

>> Any other discussions ‑‑

>> I'm not trying to break Robert's Rules. Is Theresa. I have a question about them.

>>Let approve them and get your question. I actually had a thought I wanted to sure. Thank you. All right. Tracy? Could you do a roll call vote, please?

>> Frank Animikwam.

>> Aye.

>> Allen Beauchamp?

>> Aye.

>> Jamia Davis.

>> Here. I'm sorry. Aye.

>> Stephanie Deible?

>> Aye.

>> Teddy Dorsett? Will Harrison? Mindy Kulasa?

>> Aye.

>> Jan Lampman?

>> Aye.

>> Theresa?

>> A.

>> Mark Pierce?

>> Aye.

>> Motion carries.

>> Yvonne: Will did let Steve and I know he had to leave early today. He's at a family reunion today. I don't think he will be back for the rest of the day. He was going to try to pop in and out as much as he could. Theresa, your question.

>> So, in each of the minutes at the end, it says that public comment is in the CART. And I don't know about other councilmembers, but I would find it helpful if the CARTs were attached or put into whatever were sent so we could click to them and see what the public comment is. Right now, it says CART and the date. I think we have received CART with the actual minutes.

>> Could you put the link to the website where they're located? To the actual page so people can go to the page and look at any and all of them, Steve?

>> Steve: Yes. I can ‑‑ we'll have Tracy put those links into the minutes because the CARTs are posted right on our website under the meeting materials for which that CART transcript represents. But we could certainly put clickable links into the minutes.

>> Good. My question was, when you give us the SPIL monitoring report, if there is a way, especially since it's the end of the year, I would appreciate a summary with it. I know that's more work for you and Mark. Because I know you're going to show us each box and data and all of that. But if you could also do an overall summary that even says, you know, met the goal, partially met the goal, here's the parts that were met, here's the parts that weren't. Here's why they weren't. And then we could also go through all of the data because I think that is important too. But that summary I think is a nice overview of you guys interpreting the data a little bit for us up front.

>> Yes, absolutely. It would be more like an executive summary. And the SPIL monitoring report would be the supporting documentation for the summary. That's how I envisioned writing that. We're on the same thought pattern there.

>> okay. And I want to give you as much time as possible so you can give us as much time as possible to review the whole document. Hopefully when we get to scheduling, we can do later October so you guys can get all of that data pulled together.

>> Perfect.

>> Okay. Any other questions or comments that aren't with the particular minutes, but thoughts about process at this point? Check the chat. Okay. All right. Thank you to our ex officio members for your patience. We'll go ahead and start with ‑‑ you have Bill Addison as first on our list.

>> Good afternoon, everyone. I'm sorry I did not turn my camera on. You have an excuse for that, though. Steve did not tell me that they would be open viewing here. And I don't look real professional. Michigan's natural resources. So, it doesn't portray a very professional view. But next week I will change it. I want to give you an update. First of all, I want to introduce myself and how I fit on to this committee here. About three years ago, Sue Howell who was our director of MRS appointed me as a representative of MRS on to this council. Since then, Sue has retired. Tina Fullerton continued this with me to make me the point person. Tina Fullerton is as committed as Sue was to strengthen partnerships with this committee here. So, in fact, Monday what I do is I will give a kind of an update to Tina on the activities of this group. And again, for her it's very important. My part in MRS is I'm a division director. Some of my responsibilities are oversight of Steve's contracts. It's also oversight of contracts for CILs. We do monitoring and evaluation. We're kind of the folks that look at the federal regulations and build internal controls to make sure our contractors, which Steve is one of those, have a method to comply with the requirements. Sue thought I was a good person to be on this committee. Our contribution, which we want to continue is to talk about federal regulations, the audit requirements. Some of the internal controls that we can help on. I think we had a good discussion already on segregation of duties and how that's going to impact. And there are specific federal regulations that address that. And funded with federal dollars. So, compliance with that is important. Go over a couple things that I've heard before I get to a report here. In Steve's budget, he went over in the travel line item. I just wanted to say it is not uncommon for our contract, especially in this time period, to go over on certain line items and under on others. This is anticipated. In fact, what we've done in our contracting process is pretty much remove line item expenditure requirements. We have allowed the majority of our contractors to move allowable costs around to any of the line items they need to administer program. So, that's a little background and update of information. I wanted to talk about a little bit of things. Steve stole a lot of my thunder here. We did establish a new contract with Steve about a week ago. So, we can make sure that come October 1st Steve and Tracy will get paid here. Again, it's another extension of the contract. It is divided with how we call line items. So, I think you've seen an example of that line items. Steve is a federal contractor. That means he is paid with federal funds and he is subject to all of the federal funding requirements.

>> All right?

>> The other thing I want to talk about Steve and I and then also talked about what used to be called the 704 report. It's program report now. And last year we struggled with it. We were a little bit behind time on this. And I appreciate Steve's input on this. In this last week, we talked about establishing this timetable for making sure our federal reports are very timely and very accurate. And again, the 704 report is fairly complex. It has several different parties involved in this. It has the CILs, it has SILC. Tina Fullerton, my boss, is the signature of the document and we want to give her a couple extra weeks to ensure that she can review it and sign off on it before it is sent to our federal funding source. The due date that have document is really strange. It's December 31st. So, whoever works those two weeks before that is usually gone. To change gears here on you, kind what have we're doing at MRS is that we still provide services. We're still open for services here. Again, there are many struggles. All of our folks are working from home. My entire group works from home. We are still able to adhere to a lot of the federal requirements here. For example, VR was one of the organizations that probably got the fewest waivers in terms of our federal requirements. So, we are still busy complying with almost all of the federal requirements that are imposed on our federal funding amounts here. So, that's kind of a quick and easy review of what MRS has been doing here. Go ahead, Steve. That's all I have.

>> Bill, that's the end of your report for now?

>> That's it.

>> Thank you for going through that. I learned something too by you going over the relationships. So, I appreciate that. Lisa. You're next on my list.

>> Hi, good morning, how are you?

>> Good.

>> I, too, have a T‑shirt on. But I'm all in. So, here you go. I'm embracing my Saturday. Happy to be with you guys this morning and I just ‑‑ I'll follow Bill's example a little bit by explaining, especially for new members, who I am and how I represent the bureau of services for blind persons. I am the field services director for the bureau of services blind persons. And that is our division. We have three divisions within our bureau. We have the field services division, which is all things programs. We have the administrative services division which those folks, Mike and others help actually work with Bill Addison and Bill Robinson and others to talk about the budgets and talk about the resource plans and work out those logistics. And then we have our training center division which is here in Kalamazoo that provides services to individuals referred by the field services division. So, field services division manages the independent living older blind program which is very unique to blindness agencies. That is administrated throughout rehab services. The vocational rehabilitation also administered through the rehab services administration. The independent living part B program where MRS is the designated state entity. However, because we are separate agencies in Michigan and the BSBP manages the chunk of the grant for blind services, we work in tandem with our VR partner, with Michigan rehab services, to administer that program. We also manage the youth low vision program, which is a program designed for young people, babies through age 14, to provide wearable devices while they're in the education program. After age 14, we encourage them to participate in our potentially eligible or pre‑employment transition services programs that are designed to enhance the opportunities for young people to engage in post‑secondary training once they're finished with school. And also, to have a richer experience with their secondary education programs. So, we've got a lot on our plate. We've got a lot that we're managing and that's always true. Bill Robinson is our bureau director and he works closely with Tina Fullerton and our MRS executive team. In fact, we have weekly calls with them just to kind of process things and answer questions from each other and navigate these times that are a result of COVID‑19 and the ‑‑ and the interruptions of the pandemic. Although I'm very proud to say that I think both of our bureaus have moved on with diligence and with conviction to continue to provide services in this very interesting and unprecedented time. This year I can say to you they have been part of the ‑‑ as is always been the case where BSBP has been invited when we were the commission for the blind as well ‑‑ to be part of the writing of the SPIL and to be able to give input, which has been very helpful. And we've also this year we've taken a huge step back, step forward, it's a dance, you know? However, you want to say. In working with our independent living part B program. I can say that I have really spent several hours of my time in the last few months reviewing and revising and analyzing that program to determine how we can be most effective in serving individuals who are blind. And using those funds to do that. If and you ‑‑ you may or may not know that those funds are reserved for individuals who for BSBP who are not necessarily vocational. However, that have additional disabilities potentially in addition to blindness who are interested in being in the least restrictive environment possible. And learning skills of independence to do that. So, this year we have reviewed, as I said, and analyzed and revised our policy. We're working on putting that together. And we're basically really being very clear about how to provide those services and making sure that we're exemplifying the core services that are part of the independent living program. And, you know, we have a team of folks that have been dedicated to doing that. Myself as one of those people as well as service providers, boots on the ground folks that are actually providing those services. So, it's been really great. And we've also identified some key individuals within our bureau that are gonna be, you know, really taking a huge interest in this program and the work of providing quality services to our consumers and continuing that. And even just working on workflow documents, you know, how you manage referrals and how you make sure cases are open, you know, logistical things. Utilizing our case management systems and so on. So, we also involved ‑‑ and maybe I'm stealing your thunder, Mark ‑‑ but working with disability capital area where we are surveying individuals who have received BSBP services to determine how those independent live services are received. And as in any customer satisfaction process, how to improve and build. It's exciting and we're working on a project using our CIL partners to do that. We're also still very involved in working with our CIL partners in providing pre‑employment transition services. We will continue to do that. We definitely, you know, as Steve mentioned, you know, we haven't been able to participate in some of the activities. So, we are a bit underspent in that area because with the interruptions due to COVID. But we're certainly committed. And I think all of our partners have really, you know, rallied in terms of determining how to provide virtual services. BSBP definitely has a huge commitment to that because we know that individuals who are blind and visually impaired on some of the challenges that they have are with assistive technology and the inability for equal access in some cases. And sometimes it's just about learning these new platforms. So, our training center has been a big partner in that this summer by providing a ton of resources and opportunities for training to prepare our college students who have returned mostly to virtual service. Some in‑person, but a lot of virtual. In terms of helping them to use the Zoom platforms and use the Google Classroom platforms and different things like that they haven't had as much experience with. So, we're truly committed to that. Just a piece of information regarding reintegration. The Office of the State Employer announced we are home until October 31st. And we haven't received any additional information as to whether or not that will be expanded. So, stay tuned. And some of you may have heard or may hear that the ‑‑ the long‑time home of BSBP central office in ‑‑ and regional office ‑‑ in the Victor Office Center, the state and the landlord were not able to come to a place of agreement. So, we are going to be leaving that building. And we are taking up some residents at our braille and talking book library. So, we are in the process of moving out of that building. Obviously, all of our team are still working from home. So, you know, there will be more conversation about how to adjust that footprint and what does that look like as telecommunicating becomes more of a reality for many industries. But we're still here, we're still visible, we're still working, we're still here. All of those things are true. Our numbers are still valid. You know? We're still reachable. Really, you won't notice any of that change from the last 6 months. But just in case you heard. And that also applies to all of the workforce development team within Leo. So, all of the Leo partners are also moving from the Victor building.

>> Will you Leo ‑‑ spell that out?

>> Sorry, I apologize. Leo refers to the department of labor and economic opportunity.

>> Thank you.

>> Where that is the department where the bureau of services for blind persons and Michigan rehabilitation services resides at this time.

>> Thank you.

>> If any of you are familiar with state government, you know that our home, our landing spots for departments sometimes changes with the department, you know, with the Governor. So, you know, we're used to moving. It happens. So, that's kind of a pretty ‑‑ oh. I wanted to mention too. Some of the work we're also doing with our independent part B program is helping some of our CILs to become more accessible to individuals in the community whether or not they use our services or they don't boy providing some video magnifiers that also have speech‑to‑text component and we're also assisting a few of our one‑stops or American job centers with that same technology. So, very committed to assisting for the blind and visually impaired to be included in their community and have upward mobility in independence or employment.

>> Thank you very much. And good luck on your move.

>> Thanks. I got myself on a Monday. From what I've heard, we've done a great job and everybody's ‑‑ we've really gotten on point. We're blessed because the braille and talking book library, I should mention that, is at the Michigan history museum in Lansing. We actually had space there that, you know, storage space because, you know, we don't use cassette tapes anymore so there was a lot of space available. So, we were very blessed that we had that opportunity ‑‑ we had a plan. It worked out well. With the braille and talking book library serves over 10,000 patrons a year. That's a free service to anyone who can access printed material. You can go to BSBP at Michigan.gov. You can find some information there about that service. And I encourage that because you don't have to be blind, you know? You can just ‑‑ a person with a learning challenge or low vision or whatever that is that prevents you from using printed materials. And it's free.

>> Thank you. Just a side note, we should ‑‑ if we don't already, when you redo the website, it would be nice to have a list of those kinds of resources on a page, Steve. Okay. Annie, are you still here? Yeah. I see your name.

>> All right, yes. I was waiting for the interpreter. She's on mute. Okay. Hi, this is Annie speaking. It is great to see everyone. Thank you all for including time for me on the agenda today to have comments. Those who don't know me, I ‑‑ my name is Annie Urasky and I'm the director of the division on deaf, deafblind and hard of hearing with the Department of civil Rights. Our office obviously is ‑‑ was directly ‑‑ it directly impacts any office in this whole COVID crisis and everything working remotely. And there is a lot of things that we have been focusing on as far as communication barriers for the deaf, deafblind and hard of hearing community regarding the use of masks and there, you know, as you can see it prevents you being able to see lip reading and other body languages and so, we're just doing a lot of educational efforts. Trying to encourage people to use face shields, clear masks. The plexiglass. Or when you go into a place of business or a place of employment so, this is a very interesting time for this office the last 6 months has been addressing the user needs of the community. But at the same time recognizing that things are different now in how we need to keep the public safe. I have a few updates that I wanted to sure with the council. The department of civil rights is currently ‑‑ we have a new executive director. He just started on Monday. And the name of our new executive director is James White. And I'm sure that he would be happy to have any of you join our next meetings. So, in anyone wants ‑‑ from the council would like to meet him, you could probably do that. He used to work for the Detroit police department as the assistive deputy. We are thrilled to have him working with the department now. Our advisory council meets three times a year in person normally. However, because of the coronavirus, we had to suspend those meetings. The council decided to suspend is not hold any meetings because that is a huge barrier for our deafblind community. There is no possible way for them to access that information auditorily or visually. So, the council meetings are not happening right now. Also, I wanted to share, as a reminder, to make sure that the community continues to advertise here for people in our community to fill out the census. The state census website has a lot of information and resources available. Our office is partnering with their team to provide ASL that are in the census and filling it out. I wanted to mention that on Thursday we were notified that the Federal Government, the courts made a ruling that the census could be extended now to October 31st. We already knew that we were going to put in here ‑‑ that people could fill it out now. However, the deadline itself has been extended to October 31st, not September 30th as we initially thought. So, please feel free to check out our Facebook page if you would like to copy that, you know, get that ASL video. Also, I want ‑‑ there's a lot of resources and information there on the state census website that you all are welcome to use for your own newsletters or however you would like to disseminate that information to the people in your community. Also, I wanted to mention that in recognition of the ADA, Americans with disabilities act, the 30th anniversary was actually in July. And unfortunately, because of the coronavirus, we could not host a huge event in person. And so, the state agencies ‑‑ some state agencies partnered to provide monthly sessions. Just to recognize the 30 ‑‑ the 30-year anniversary of that. So, in the month of August, the department of civil rights and Michigan rehabilitation services and, well, LEO ‑‑ and, oh, the bureau of services for behind persons, also EEOC, the equal employment opportunity commission and the ‑‑ [cut out] ‑‑ as well as the small business administration of Michigan, they all partnered to host four different virtual sessions. And that was an opportunity to talk about returning to work. There was a lot of information that employers and employees needed to know as far as like what I may need to provide as accommodation for employees who may have a disability or what employees can reasonably ask for as an accommodation to return to work. All four sessions were recorded. So, you can check the state's ADA website. The address is www.michigan.gov/ada30. So, Michigan.gov/ada30. I wanted to mention in the month of October, excuse me, actually, it's national disability employee awareness month. And so, LEO ‑‑ well, MRS will host different virtual events in the month of October. So, you can check the website and you can register for any of those events that you see on the calendar. And one last comment that I wanted to share that I think is important for the council, because we're getting a lot of questions about ‑‑ [cutting out ‑‑] living interests and for those who are deaf, deafblind or hard of hearing. So, one specific concern that we're getting in regard to communication access is that we're trying to figure out placement for a deaf individual who may ‑‑ let's just say who may want to be around other deaf individuals whom they can sign and communicate with. So, there are new concerns that we're starting to see come up even more often. And so, where are we gonna get this data from for the deaf/deafblind individuals who live in group homes, who may live in a nursing home or may live in assistive living centers but are isolated. So, I will probably reaching out to you, Steve, to have more discussion about that. Because I do think that is a very important concern that needs to be addressed. And so, that's all that I have for now. Thank you all so much.

>> Thank you. That's a lot. You guys have all been busy. So, thank you for all you do. We appreciate it.

>> Hey, Yvonne, this is Lisa. If you could add to that, thank you for the reminder about the ADA30. Actually, October 1st is VR. We are jointly hosting the ADA30 segments for the month of October with LEO. So, we actually are going to be ‑‑ we will have a session on October 1 this is all about VR. But we will also be moderating and hosting all of the subsequent sessions throughout the month. And there are different department ‑‑ or different bureaus within LEO who will be doing pieces throughout the month. So, please feel free to be part of that. And also, on that same vein, I'll just say a shoutout to MRS's champion awards are being held on October 21st, and BSBP is October 22nd. We are embracing disability awareness employment month in our VR community.

>> Would it be possible for Annie and Lisa to put together like kind of a synopsis of that to Steve that he can send out or maybe Steve, he can do it on your own. But spread the word with council members and pass it back to CIL directors who may or may not already ‑‑

>> Yeah, we can share the invite with you. From Leo.

>> Annie?

>> This is Annie speaking here. What I can do is I can send a summary to Steve. About the specifics and how to find the ADA30th session information and the recordings and all that. I'm happy to take care of that. That's not a problem at all.

>> Thank you, Annie. And we can also provide that as well. We'll be getting some ‑‑

>> You want to share information or anything like that too, I'm also available for that.

>> Same.

>> And who said same?

>> I'm sorry, this is Lisa Kisiel from BSBP. And Leah is part of that team, Leah Avant, part of our deafblind specialist for BSBP. And I think you know Leah. So, feel free to reach out to her as well.

>> Is there someone here from the Michigan Department of Education? Okay. And I don't think so. But the DD Council? All right. So, we're back to you, Mark. Mark Pierce, representing the IL network update.

>> Okay. This is Mark Pierce with the IL network update. Representing for 15 CILs across the state. I would like to say a real shoutout to Annie Urasky who talked from the Department of Civil Rights. That was a real nice update and a pleasure to hear about things going on with the deaf and the blind. That if any way that we could help, please send me some information where I can let the CILs know about that. And I'll help you move forward in communicating with that community. So, thank you for sharing that. My particular update I hope is not too long. The CIL directors continued to meet biweekly ‑‑ we went to a biweekly thing. And these meetings are very helpful to know what's going on across the state and the CILs. The biggest thing that's been going with us ‑‑ going on with CILs right now is to close out of 2020. The virus as it relates to the CIL and the gee graphics because there's a lot of issues there. And just the budget supplemental. The bill. We have done a super job with the partnership, getting information out to us. We got that done. Everybody was able to submit and knows what their budget looks like in 20 21. We also had to deal with some things with the amendment of contracts through MRS. And that went pretty well also. Reopening is slow with the CILs. Most services and things and programs we're offering it virtually. There are some ‑‑ and mine too ‑‑ that are open where small groups can come in and have small meetings. Exercising the safety precautions from the CDC. A big thing has happened this last quarter was the SPIL's goals and objectives. Steve talked about that. We were able to put that into our plan for 2021. But we definitely have to work on that even more. This is a brand-new plan. We got a lot of things we have to share which kind of segues into some of the things I have been doing, the SPIL monitoring report and how to move forward with that in to 2021. We've got to close out 2020 which because of the virus I don't know what that's going to look like. But we've got to close it out and come up with a nice summary and move forward with the new goals and objectives that we have. Oh. I would like to share that the consumer needs assessment. Booklet is out. That's through MRS. Steve, I think you received it. Thinking if you could, I was trying to look for it while going through the reports. But it got released I want to say Thursday or Wednesday at the earliest. It would be a good thing for council members to look at. Shows the disability across the State of Michigan and some of the spots that need services and I think it would be very helpful in talking about things that apply to different regions. So, I haven't had a chance to look it totally over, but it's been helpful over the years. Basically, I think that's about the gist of my update. The partnership between MRS and CILs is going pretty good. Reconciliation of contracts is the main thing to close out this year. And start the new year. And that's about all I have.

>> Yvonne: Thank you, Mark. All right. While we still have our ex officio members with us, do any council members have questions for any of them? I should have asked after each one. I apologize for that. No? Let me check my chat, make sure I don't miss something. Too many ways for people to raise their hands now. Okay. All right. Thank you all for taking time on a Saturday to be here and to fully participate with us. We appreciate that. I think it makes us all stronger and helps our partnerships. So, thank you very much. We're going to move on to new business. And start with our operational policies and procedures discussion. Just a little intro while Steve pulls those up for us. And pull up the one with all the changes in it, not the one that doesn't have changes in it, Steve. So, policies and procedures, you know, some of them say they should be reviewed every year. And then if you looked, it would say adopted 2012, things like that. It was important for us to get everything in one spot because they were just bits and pieces. And not uniform. Look at what we were missing according to the feds and through the IRLU. We listened to several different webinars and such. And added some of those things that they recommended. And then updated things just to, you know, be more up to date with where we are today. And those were shared with the governor's Office as well as the Attorney General's office for review. They like what they see. That's good to get the sign‑off. We're talking about the policies and procedures. Not the bylaws. That's later in the agenda. I want to start with getting that introduction of a motion on the floor to adopt the policies and procedures as presented. There are some amendments that will likely happen. But let's go ahead and open that dialogue up. If I could get a motion to adopt the policies and procedures as presented. You can make that motion by saying so moved.

>> This is Jamia Davis, so moved.

>> I need a second, please.

>> This is Frank Animikwam. I second.

>> Okay. Discussion. Steve, are you pulling those up?

>> Yeah. They ‑‑ they're on my screen right now. Can everyone see my screen where it says recruitment, resignations and removal of council members document?

>> Oh, I apologize. I had it really small off to the side here.

>> Okay.

>> Okay. Now I see it. All right. We did get some feedback this morning from Theresa. I did try to go through those, Theresa and pull out the substantive ones. Ones that are word changes or formatting changes, typos, things like that, thank you for catching those. We won't ‑‑ we're not going to address those. Those we can just fix. I'm going to start with you just because you had some other things. So, recruitment, resignation, removal of council members. Hopefully you've had a chance to review this. But I'll just kind of lightly go through it. The Governor wants us to make it very clear that is it is their discretion to appoint, remove members. And so, we wanted that to be really clear in our process. And then also make it clear that our SILC director, which is Steve, will be our liaison to them. Doesn't mean they can't be contacted by anyone. He's the liaison. If you have a recommendation for an appointment, you can share with Steve, Steve can share with them, give an application to the person. However, that happens, that loop goes back to Steve because they contact Steve and get some of his feedback too. But ultimately, they make that decision. They include us in a way that they're comfortable including us for that. You'll see these updates. The way it was before, it really gave more authority to the council to make those appointments than they have. That's where that cleanup calm. Go ahead and ‑‑ is that the ‑‑ yeah. So, did anyone have questions about this particular policy. Okay. If something pops into your head, we can always scroll back up. Yeah. And that's the same too. All right. Go ahead and go to the next one for me, please, Steve. Election of officers. This is simply putting in writing what we already do. Taken from Robert's Rules. So, there's nothing in there that should surprise you of how we do that. Any questions about that one, though? Okay. Go ahead and keep going. Okay. Code of ethics. This is new. This is something that the committee ‑‑ we had a couple samples that we used. One was Kansas? I think it was Kansas. And some stuff through the IRLU website. Some stuff from California. And we've put those together. Uphold and enforce all laws, rules and regulations and oath of office. Just actually yeah. This one got updated a little bit and it was to include the Michigan code of ethics which will get added to this. Disclose conflicts of interest, uphold the independent living philosophy, which is stated below that, refrain from interfering with day to day operations, treating people with dignity and respect. Refrain from using for position for material or financial gain or the appearance of such. And safeguard restricted confidential information. As you heard today, we have a FOIA process. So, if someone approaches you and they want information, send them to the FOIA coordinator and put it through the process. Tracy does track all of that too. So, you know, we know that all FOIA requests are being met and such. Recognize that authority rests with MISILC as a whole and don't be making individual promises on behalf of the counsel. You can scroll down on that one. And those are ‑‑ go back up for just a second. We're going to add to this one the Michigan code of ethics. Which isn't that ‑‑ it basically goes along with the oath that says that you will, you know, not break any laws or regulations in your role as the council member. Okay. Go ahead and go down. Any questions about that one? Code of ethics?

>> Yeah, Yvonne, this is Bill Addison.

>> Yes.

>> Within your policy, does it tell us what happens if a person does violate that rule?

>> Yep. When we go down to the next one ‑‑

>> Okay.

>> Expectation responsibilities and just bump right down there at the bottom. It does say that the MISILC chair and the oversight committee will maintain oversight of the responsibilities and code of ethics. The governor’s appointments office will be notified of any code of ethics violations, unexcused absences or more than one excused absence. It is the purview of the governor's office to determine if an appointed member should be removed from the council.

>> Thank you.

>> Yep. And that was some language that they had asked us to include to make it clear that this council doesn't have any authority to remove members. That's really up to the governor's office. Good question. Thank you, Bill. So, expectations and respondents. Just cleaned up some language. This ‑‑ so, nothing had really changed ton. It just kind of was some formatting. I don't think we added anything new to that part except for the bottom paragraph. Which ‑‑ so, one of Theresa's suggestions was to remove the bottom paragraph. And now if you hear where that came from, to leave that in there.

>> It was duplicated. It was up above. I was saying it was duplicated. Either remove it up above ‑‑ it was just duplicated.

>> Okay. Can you go back up to where the other one is? Where did we put that other one?

>> I don't know what page it is. Page 2.

>> Okay. Okay. What's the title of that one? Is that the removal one?

>> Yes.

>> So, let's leave it on removal and take it off of the expectations, then. Does that make sense? Take it off of this one?

>> Sure. Yvonne, I'm sorry to interrupt, this is ‑‑

>> Okay.

>> Or we could have it there twice because it's a very important point. And sometimes it's okay to repeat something in different sections of a document if it's a point that we really want to make sure people remember. So, I would be fine either way.

>> What if we put as stated in the blah, blah, blah? So, please, people know it wasn't a mistake that it's in there twice?

>> Right.

>> I'm going to say that is a clarification and not something we're going to vote on as an amendment, then. Okay. So, go ahead and keep going, Steve. Conflict of interest. Theresa had some cleanup language which we can address later. It doesn't change the context at all. They were good suggestions, thank you. And we will certainly get this back out to you with those changes too. But there's ‑‑ we didn't have ‑‑ well, the FOIA policy we had was pretty short. And so, we spent some time on this to ensure that it ‑‑ that it was in alignment with the FOIA law. And this also was, you know, reviewed by our AG's office. So, we feel good about it. But does anyone else have any other thoughts? Yeah, Theresa.

>> I did have a comment on 2B.

>> That's right. I forgot. I wrote that one down. Yep.

>> I don't think it really makes a lot of sense. And then it says, no ‑‑ nor may council members or employees in any way use this. I think if you're gonna say that people can't say anything, I think you need to have a whistle blower policy or something. Like, I don't think you can just tell people not to say anything that may hurt the council to anybody. And I don't really understand who would not be interested in MiSILC information because we serve the public. I don't understand that one. I don't know if it needs to be rewritten so it's more understandable or if you want to explain it to me.

>> So, I'm going to read it just for those who can't see it. So, it says, it's under 2 which 2 is council members and employees should avoid any activity, investment or association that might interfere or conflict or appear to conflict with their judgment or duties. And then B says, council members and employees are prohibited from knowingly disclosing information about MISILC to those who are impertinent or whose interest may be averse to MISILC, either inside or outside of MISILC. Nor may Council members or employees in any way use such information ‑‑ mere existence of a relationship ‑‑

>> You missed a line. Nor may Council members or employees in any way use such information to the ‑‑ no presumption of guilt is created ‑‑

>> I'm sorry, Yvonne. Yeah, I just listed that from the guide ‑‑ the book that we received. So, I'm open to removing any clause. But I saw that in the conflict of interest in the guides that we received. I thought that was cool ‑‑ you know, that was something that I added.

>> So, I think the point of this, right? Is if you get information as a council member, that you can then share elsewhere that's a benefit to someone else but may not be a benefit to MISILC, that that's a conflict and you shouldn't be disclosing it. A real example that I had. We had a group come in here to do some advising for us. Shared with them all of our workings, our books, our contracts and in the process found out that the leader of that group is on the board of directors of a competitor ‑‑ a competitor business of ours. And so, I think that's what it's getting at. It is kind of convoluted. And we have a whistle blowers act in the personnel policy. So, suggestions to clean this up? Because I will ‑‑

>> This is Steve.

>> Yeah, go ahead.

>> Just to Jamia. You said this came directly from the guidebook?

>> Yes, I did. It's in the appendix area of the guidebook.

>> Okay. Perfect. So, I just wanted to ‑‑ yep. So, just confirming that ILRU inserted this into the SILC guidebook as a best practice. And certainly, this seems to be written in a way that is to be broad. But some other scenarios that I could think of that would fit under this that, you know, intentional or unintentional. For instance, when we need to share with council members privileged information from the Attorney General that is subject to attorney‑client privilege, that those council members that receive that are not going to then forward that on to members of the public. When we used to have a council member roster that had personal contact information for council members, that another council member is not going to share that protected information with members of the public who don't need to know. That is another reason why we are no longer doing council member rosters with that information. It's simply the SILC information for an official communication to the council members. There are multiple scenarios that could be applied to this broader language. But certainly, if we want to wordsmith this in order to really create clarity around what the intent of it is, that might be helpful.

>> Okay. That makes sense. Thank you.

>> So, do we ‑‑ at this point, if we're amend these one by one. So, if there is going to be an amendment, we would want to know what that is. The other thing we can do is just kind of go through these comments together. And then take it back to the advisory group that worked on them and bring it back to the meeting that we had now in October so that people can digest it a little bit more. I guess I would be more comfortable with that.

>> So, this is Steve again. My question back on 2B is what is the suggested language, then? Does somebody have a suggestion for modifying this language? And what could be in place of this for greater clarity?

>> Hey, Steve, this is Bill Addison.

>> Bill.

>> Yeah. The ‑‑ your federal funding requires you to have a conflict of interest statement. They also define what conflict of interest is. And they require it to be reported. I can get a copy of that and maybe we could start from there and maybe extracting some of that, those wordings into this one? The other thing ‑‑ and I can't see it on here. If I am a person with a conflict of interest, who do I report it to?

>> It is on here. We just haven't got than far yet. One second. I will say, this was taken from the feds, the ILRU which is our consultant. So, this is through the ACL, through the ILRU language already, Bill. So, I would suggest we leave it as‑is because it's their language. But if we have questions about what it really means, I think we need to understand that.

>> Okay. All right.

>> So, let's check on that. And move on to the next one. Go ahead. Keep going. Not to the next one. But go down a little bit. It says any possible conflicts of interest on the part of a council member or employee should be disclosed to the other council members and made a matter of record immediately.

>> Okay.

>> We also have a conflict of interest form that people have that form. If you have a ‑‑ this is why I'm asking about conflict of interest at the beginning of each agenda. If they say yes, they have to fill out the form revised that explains their new conflict of interest. So, just trying to cross our Ts and dot our Is on that one. And then the council members should immediately excuse themselves prior to voting if they have a conflict. That's new language. Taken from our federal partners. Any MISILC member violating this could be subject to disciplinary an action at the direction of the governor's office. We don't have the authority to discipline. And that's the end of that one. Other questions about that one? Nepotism. This is another one that the ILRU and feds said we should have. I will say theirs was quite lengthy. And I think part of that is they're the Federal Government. And so, you know, they have lots more nepotism opportunities happening. So, we try to take the highlights out of that just to make sure we are accounting for that in our policies and procedures. It applies to council members as well as employees. Next. Executive director performance review. This is something that people who have been on the council before this ‑‑ before the new council members that we did vote on a while ago. That this would be the process that we used. And it ‑‑ it didn't get altered from that process. Freedom of Information Act. I think I was using FOIA in the conflict of interest one. Sorry, I jumped ahead. So, we did spend more time looking at the Michigan FOIA law. And then making sure that we added those key components to it. I think that was one of your ‑‑ yeah, okay. There's nothing in here that is not part of the law. We didn't add in any sentences or anything that aren't directly from that or allowable from the FOIA.

>> I have a question about that.

>> Yeah.

>> As a Council, since we're serving people with disabilities, though, if someone FOIA's something that's not in an accessibility document, are we going to create it in an accessible document?

>> Theresa, this is Steve. Yes, we are. Microsoft Office has an accessibility feature for all of its suites. Whether it's an Excel spreadsheet, a PDF or a Word document, there's an accessibility checker that we use to get it in a format that is accessible to them. Including rich text format or plain text format, whichever way would work for them.

>> Are there limitations to that from an expense standpoint? Like are we saying we'll create whatever you need regardless of expense and time that it takes.

>> As a ‑‑ this is Steve. As a reasonable accommodation we would do that as a council and as staff at no charge. It's basically running an accessibility checker within Microsoft Office and it takes no time at all to do. And being a disability council, we would absolutely do that with no charge at all.

>> Okay. Cool. Good.

>> Sorry. Question.

>> Go ahead, Theresa.

>> Understand we're going to do that, can we put that in our policy, so it's stated?

>> This is Yvonne, I think that makes sense, absolutely. Are you making notes of these things, Steve?

>> Yes.

>> Okay. Yeah.

>> Number one, at the very end, where designate a Freedom of information requests presented by the Michigan statewide council in accessible formats.

>> Great. Go ahead and keep moving down. Rules for meeting peacefully. Another one that was recommended from the ILRU that we have. You know, we looked at Robert's Rules, we looked at the other samples that other SILCs use and advice from the ILRU. And this is the list that we came up with. You don't see any edits because this is something new. Again, there shouldn't be anything in there that surprises anyone. Okay. Go ahead and move on to the next one. Reasonable accommodations. Theresa had a comment about the ‑‑ about number one about posting the number of days which is required under the open meetings act. I would suggest we just put in accordance with the open meetings act. That way if they change, we'll just stay current with them. So, we ‑‑ I think that's great to add that. And then also, tell me more about your comment about alternative formats. Number three.

>> Number four.

>> Number four? Oh, yeah.

>> Number four, which says MISILC ‑‑ this is Theresa speaking, sorry. MISILC will provide alternate formats of information if requested. I believe as a Council, all of our documents are accessible. I don't know if we want to say something that we're providing accessible documents to begin with.

>> Because ‑‑ and this is Yvonne, don't say it because you're already doing it, is that what you're ‑‑

>> Theresa: I don't know if we just want to mention that we are providing accessible documents. We don't have to, that was my comment.

>> And this is Steve. That's not actually a true statement. Because we do not typically post things in large print unless requested. We do not provide items in braille unless requested. Typically, our Word and PDF are in accessible format, but doesn't cover the range of accessible formats depending on your disability. And we will provide that in the accessible format such as large print or braille if requested at the time. It's a hybrid of the two, Theresa. The stuff on the website is accessible. But there are other accessible formats that we don't engage unless directly requested. Perhaps we could wordsmith it to reflect that.

>> I don't think so it's necessary unless other Council members do. I could let go of that comment.

>> that's a good point.

>> Yvonne: Okay. Next one.

>> Steve: Whoops. I'm writing. Sorry.

>> All right. Public comment. This is a new policy. It's not one that we had. We had the statement. But we didn't have a policy. It was recommended by the AG's office that we have a policy. So, therefore, we have a policy.

>> I'm sorry to interrupt you, this is Lisa. Got stuck on the toggle from the mute. Going back to the accessibility piece, is there a particular reason we would not post materials in large print, essentially 14‑point font. That is what is accepted ‑‑ that doesn't work for everyone. But that is the process of, you know, the standard if you will for large print? And then, of course, you can make it bigger if you need to. But is there any reason why we wouldn't do that. I can appreciate that you're not going to make things available in braille unless requested. There would be no reason to do that. But I do think that as often as we can be universally accessible, we should be.

>> This is Steve. And I agree, Lisa. And we can start that practice immediately. So, when we start posting meeting materials and things like that, we will have them both in Word, PDF and then large print all in order so that folks can pick out what format works best for them from the website.

>> Right. And thank you for that. And if you're able to access Microsoft Narrator, just saying, it will read PDF documents. It does have a read aloud feature. Again, not suggesting that works for everybody all the time. It's just that it is an option, you know, that's out there for folks that are able to use those ‑‑ those accessible services.

>> Great. Thank you. So, Steve you captured that too? That doesn't need to be in the policy, but something you will start doing.

>> Absolutely we will, yes.

>> Yvonne: So, I will start with the question that was, oh, I have been wanting to be see that baby, Theresa. So, cute! How old now?

>> Theresa: 7 months. About to be 7 months.

>> Yvonne: So sweet. Sorry. Distracted by babies. So, Theresa was ‑‑ and we can go back through this again. I want to capture hers, she identified it. Is up by the law enforcement one, or down, kind of towards the end, I think, Steve, towards enforcement. I didn't write the number down.

>> Number eight.

>> Okay.

>> And her comment was, yes, that's available to us. And that is part of what we can do. It says so in the open meetings act. But do we need to put that in our actual policy? I guess I'll hold my opinion and hear from others. What do other people think? Or Theresa do you want to speak on it?

>> Theresa: Yeah, I wanted to expand on what you summarized. My thought is yes. Obviously if something is dangerous, obviously we can call the police. But I think as an agency, we need to recognize that 33 to 55% of people that are killed by police officers are people of color and are people with disabilities. And so, and they are ‑‑ that happens in de-escalation situations. Where something isn't actually maybe not even that dangerous and we call the police and people with disabilities end up dead. So, I think I don't know if as a Council we want to advocate that we're going to handle situations by calling the police. Whereas when something is unsafe, I think we could just justify calling the police. So, that is just ‑‑ I'm uncomfortable with that part being in there.

>> Other thoughts?

>> This is Mark. So, Theresa, you're saying I guess I am a little confused. If something comes to a level where we need someone to be removed and we call the police and what happens at that point ‑‑ I guess what I'm asking is, where is the discomfort? Is it because we called the police? Or because it's in here saying we will call the police?

>> Can I respond? This is Theresa.

>> Go ahead.

>> This is Theresa. I have an issue saying that in the removal of disorderly individual when individual's conduct interferes with the orderly process of the meeting versus the compromises the safety of individuals. You have an issue with us calling the police on disorderly conduct. Or we even saying that when we know the reality is that people with disabilities are shot by police at higher levels for things like de-escalation. I just don't know as an agency that knows that knowledge and I put links in my comments about news articles that talk about it. That we're going to be advocating that's how we're going to handle situations.

>> This is Mark again. So, you said something real critical there. De-escalation. Which does not require to call the police. Maybe we should wordsmith this a little bit better. And maybe we should look at having someone available to assist with de‑escalation. Does that make sense? I mean, we're having a meeting. We got people here that do the closed caption, different things of that nature, accommodation. One person that has emotional or mental illness concerns and they get a little bit hyped up. Are we asking that maybe someone understands de-escalation techniques? Does that kind of hit where we're at there, Theresa?

>> I wasn't guidance there. But ‑

does that kind of hit where we are at there, Theresa?

>> Theresa: I was not going there but that is a fantastic, I think that is a fantastic suggestion instead of using police force for de-escalation.

>> Mark: De-escalation techniques I agree with that.

>> The part where we say that removing a disordered individual when the individual's conduct interferes with an orderly progress instead of using it for safety.

>> So I don't remember and I will give others a chance to speak on this to but I don't remember who in the group wrote this and you don't have to identify yourself if you don't want to, but does anyone remember if this was taken directly out of the open meetings act this language?

>> Okay, there is nothing that presents us from making it tighter if it's in the open meetings act, that is fine.

Stephanie, were you about to say something?

>> Stephanie: There was nothing in the open meetings act so we can make changes to it.

>> Okay, great, does anyone else want to speak on this issue?

Frank, you look like you might have had something to say.

>> Frank: I want to show appreciation and as we point out issues and challenges that come up here, we need to also brainstorm and come up with ideas and solutions moving forward.

And I think providing an example is helpful for us to kind of understand how could we address it if we have someone trained in de-escalation the techniques for group meetings or maybe we do have a security personnel in place where we want to call the police and security personnel can help with moderating that.

Just some additional thoughts.

And we can reflect and maybe address it at another meeting but maybe looking back on our other past boards and Councils we sat on and how you when things seem to be getting disorderly how are they handled in a positive way as to not have anyone be harmed but then also you have the focus of the meeting maintained and then the goal for providing service to the community and moving forward.

One thing reflecting on working at Sparrow hospital any time there are I was working in the emergency room last night in the pediatric emergency room and there were to children who were having showing aggression.

So, we did not call police, that is not our policy and protocol.

We have our nursing staff and our doctors go and see and assess what is going on, what could be triggering that child to be aggressive and other psychiatric history that is contributing to it.

But if we needed to, if things started to get physically violent which it did, we call Sparrow security and they would help deescalating the situation.

The police were never called and something to think about moving forward having a person or someone within our Council be trained in de-escalation techniques to keep things orderly, keeping things safe and we all have understanding of different levels of disability and how people may be expressing themselves so things are not miss interpreted.

>> Yvonne: Jan, you have your microphone off, thank you frank.

>> Jan: I do have my microphone off and waiting to be recognized by the chair.

The last statistic I saw was that nearly 50% of people who are stopped by police are people with disabilities to it's a thing.

It's for real.

So, I share that concern about having police that we you know just sometimes having police when we don't need to.

I love what frank said how they do it at Sparrow hospital.

I worked for my career for 35 years with people with intellectual disabilities in a variety of settings and we were always trained how to listen to that communication that might become aggressive right, how to handle situations where people are getting really, really angry and deescalate them this a way that doesn't need to involve police.

So, I would agree.

I guess I say I'm saying that I agree and I think that the training and the we already have some of that institutional knowledge among ourselves and frank your experiences in the hospital, my experiences working in the field for many, many years.

And so I would like to also say that it would be great to change that but also as Mark suggested create some capacity and some ability within ourselves whether that be bringing someone in or just some of us getting trained in how to really handle those situations.

That's all I had to say.

I'm sorry it was a lot.

>> Yvonne: No that is great.

I too support that change.

I think in reading this now it is too subjective and too dependent on perhaps you know the executive director or the chair or whomever is feelings about it.

And I don't like that.

And so, I think we do need to clean that language up and bring it back to this group.

As far as the training I agree, there are many of us who have lots of experience in this technique but perhaps it's worth having someone come in who can do just a presentation for us on some tips and tricks.

So not ‑‑ that is not a good word for that.

On some tips.

Guides.

So yeah, I think that is great.

Any other comments about that one in particular?

Or this policy altogether?

>> Mark: This is Mark, I'm glad we took out some time to discuss it because in light of what is going on today we don't want to put any one in harm's way and we don't want to be per ‑‑ perceived as a group of people all we do is push something to our law enforcement and just leave people there.

As a person of color, I'm concerned about that too.

So, this type of conversation may approve some of these things and we pull that out and rewrite and let's give it some real time.

Anything involving engaging with humanity or people we should be very sensitive and accommodating in that area is what I want to say.

>> Yvonne: What I would like to do is not put a motion on the floor for this.

Let's I don't really know if we rescind it or just.

>> Steve: This is Steve.

You can modify the motion so that the motion is to send this back to the policy workgroup.

For revisions based on public discussion of these policies and then bring the revisions back to the full Council for review and potential vote at the next meeting.

>> Yvonne: I will simplify that Steve and just suspend the motion.

So, we will just suspend that motion and then go back.

What I would like to do and I want to recognize Jan if you just kind of wave so we all can see each other, Stephanie, Jamia, and frank, I did not miss anybody right and Steve and myself for working on these to come up with a good draft.

And I also thank you for the rest of the Council members for taking time to look at them.

But what I'd like to do now is and I saw you Theresa, one second.

Approve these on our October meeting we are now going to have but let's go ahead and have another meeting.

We won't welcome anyone to attend that we have kind of drafted this so we will keep that meeting open to anyone who wants to be there including the public and we will make those tweaks to it.

Based on the feedback today.

And then present those to the Council for a vote.

In October instead of today.

And I think Theresa waved first so Theresa and then Mark, no?

>> Theresa: It was a clap.

>> Yvonne: Mark were you also applauding.

>> Mark: I was applauding because that is not my expertise.

You guys kudos to you.

Anybody that sits down and goes through that.

So that's all I would just applauding, yeah.

>> Yvonne: Thank you it was a lot of work and it truly was a group effort and a great team that worked on it, so I appreciate all of them.

So, with that I think we can close out this topic and we will let you all know when that meeting will be. If you choose to participate, if you want to participate in that.

>> Steve: Yvonne, go ahead.

>> Lisa: I'm sorry, I'm not finding the hand wave deal so just bear with me.

I just want to say, yeah, I definitely kudos.

This is such a difficult topic and I'm also a huge proponent of critical incident debriefing training, motivational interviewing et cetera.

But I also just want to ask a question because I don't know the answer to this, but I think it might be prudent to ask.

I am going to guess that you all that Steve that they have board insurance that would you know cover them in case there was any kind of a litigation.

So, I would probably ask what if any restrictions there are in terms of do you know what I'm saying?

In terms of what you can get involved with and what you can't.

You would not want to jeopardize your liability insurance.

>> That is a good question.

>> Steve: We do have Directors and Officers Liability Insurance.

And we could run these policies past our insurance agent for their input.

But one point of clarification Yvonne.

>> Yes.

>> Steve: If we are going to open up this workgroup to a larger body of Council members we may be running into the OMA.

Was your intent to have this as a public meeting or to continue it as a workgroup to then bring the work of the group back to the Council in October?

Because we would have posting requirements we would have to meet if we are going with a larger group on this.

>> Yvonne: And I probably wasn't very clear, but my intent was just that.

I think the workgroup had a chance to kind of come up with a game plan, the Council gave input and now I'm happy to have it open so others can give us input as well.

So, yes, it should be public, and we should follow all of our requirements for posting.

>> Steve: Do you want that meeting separate and distinct from the regular business meeting we are going to then schedule in October?

>> Yvonne: Yes, please because we want to be able to vote on these in October.

>> Steve: Great, thank you.

We will send out a Doodle poll to the Council members on policy revision specifically in addition to once we get to the scheduling the next years’ worth of meetings.

>> Yvonne: Correct and we will have public comment at that meeting so you know this committee will do its work, but we will also have it open to the public and other Council members.

There is no voting at this committee anyway because it's advisory in nature, so Council members can join in and participate all they want so.

Okay, back to Mindy to talk about something similar but financial related for policies and procedures.

>> Mindy: Yes, I will have after I get together with the folks with Steve and Tracy and with our accountant, I'll have a much better idea as to the scope of changes that we need to look at making here.

So, my plug is that not everyone considers themselves a finance or a numbers person.

That's okay.

So, you know, don't hesitate if you want to have a good learning experience to perhaps join in with us on this process.

And it will be starting in October and I can't commit to an end date at this point, Yvonne.

Until I have a clear idea of the scope of what we are talking about.

>> Yvonne: Yep.

And so probably you would want maybe two, three people if you have an interest in the financial policies and procedures.

>> Mindy: Yes.

>> Yvonne: If you are running your own organization it would be a great learning experience to learn from Mindy on what we should be doing.

So, I'm kind of looking forward to it.

>> Yvonne: So, all right cool so if you are interested in that, you can let Mindy know.

Please CC me on that so I'm aware who is joining what committee but please let Mindy know.

>> Steve: Bill Addison is interested in participating on this and expert on CFR200 administrative rules for contracts and great resource in addition to Mindy's leadership.

>> Bill: If I can throw my hand on the ring on that certainly.

>> Yvonne: Appreciate that.

Meetings you saw the poll I guess if you will that was done about best times for meetings.

And we want to take a look at that.

And see what days are going to work for everyone.

So, we are not talking about dates at this point but just days of the week/weekend that will allow us to get as many Council members to participate as possible.

And ex officio members as well.

So, let's take a look at that, Steve.

Do you want to review anything out loud?

>> Steve: Yeah.

So, the easiest way for ‑‑ that it was for me to visually look at this was to look at the no responses from folks from the two groups.

First is the voting membership of the Council and then our ex officio membership on when folks can and cannot meet.

And then find the day that has the least amount of nos in it and so far, it appears to be Wednesday is the day for the group as a whole which is voting membership and ex officios together as being the potentially best day.

But some folks, you know, the reason we started this was because we have people that work full time Monday‑Friday.

And then we moved to Saturdays.

And some people rightfully feel that you know their days off work are being a little bit infringed upon due to Saturday.

So, we are looking at business day evenings after 5:00 p.m.

So during our discussion right now we need to really know how many of these nos are actual absolute hard nos that you have a previous engagement and flexibility to get majority of the voting membership and ex officios on a regular schedule for the next year as we plan our meetings out.

Right now, we are looking at four Council meetings, five if you include October, next month.

I know Yvonne wanted to talk about increasing frequency of our Council meetings to every other month.

But for now, we are trying to decide on a week ‑‑ a day of the week and then the time of that day for future Council meetings and/or committee meetings.

So right now, for the majority on Wednesday it looks like Wednesdays after 5:00 p.m. works for the majority of people except for Mindy on Wednesdays, that is a ‑‑ Mindy is that a hard no for you on Wednesdays?

>> Mindy: This is Mindy Kulasa.

That is only a hard no on the first Wednesday of each month.

>> Yvonne: Okay.

Well I think we have our winner then.

>> Jamia: I want to ask for my schedule that I'm open extending past 7:00 p.m. on weekdays.

So, after 7:00 that is fine.

>> Yvonne: Okay.

>> Steve: Great.

>> Yvonne: So.

>> Steve: We have Bill and van Della on Wednesdays as hard nos also.

If we were to move in to evening meetings Bill 5:30 or 6:00 p.m., would a Wednesday in one of those months’ work for you to be able to participate?

>> Bill: And Steve, I don't think I should be considered in what time.

Whatever time you guys do it, I'm going to be there.

>> Yvonne: We also could consider if an ex officio member says I want to be there to give my report but can't stay we can move your item up so that we can hear from you too.

So, thank you for that, Bill and for everyone who is willing to do that.

We appreciate that.

Well it looks like Lisa and Annie also didn't put evening availability.

Is that a possibility if it's 4 to 6 times a year?

Can you make some of those work?

I'm speaking to Lisa and Annie.

>> Lisa: I'm sorry if I did not say that evenings are fine and like Bill I don't have an issue and will make it work and I would appreciate an evening during a week instead of Saturday I will be selfish about that.

>> Yvonne: Annie may not be on the call and I'm not sure if I see her on there, but we can check with her too, but it looks like Wednesday is our winner.

>> Steve: Okay so Wednesdays after 5:30 as long as it's not the first Wednesday of the month.

Perfect we have that to go on.

So what Tracy will do is sent out Doodle polls to all Council members both voting and ex officios to poll for the second, third and fourth Wednesdays of October, November and then the three dates next year and then we will get those on our calendar if everyone could respond to those in a timely manner we can lock those dates in the next week or so.

>> I would like to talk for a second about the months we have meetings.

So, if you pull that agenda back up, Steve we will not have a monitoring committee.

Monitoring of the SPIL is one of the primary purposes of this Council therefore the monitoring will take place at a Council meeting because everyone needs to know what's happening and not happening on our SPIL.

My hope is that, you know, Mark and Steve of course will continue to provide us the data on the summaries and things like that.

But I want the whole Council to know what's happening on those things and not just get a little report.

I think that is really important.

It also makes you really knowledgeable about what is in the SPIL.

So that being said, we need to do two things we need to make room for that because it's a chunk of time so I'm comfortable sticking with quarterly meetings which would be four meetings knowing they are going to be a little longer because we have to tackle that monitoring piece.

Or we keep the meetings a little shorter, but we have six meetings versus four in order to make sure we are getting through all of the monitoring stuff that we have.

I know for Steve and I think Mark one of you had said that the quarterly really gives you time to sort of get the data that makes sense every three months versus trying to do this more frequently.

My preference would be to stick with quarterly so it's less commitment for dates, but the meetings might be a little longer because and they may not be.

I think we got to kind of play that by ear but just leaving some of that flexibility so that we can really do the monitoring the justice that it deserves.

With that being said, I would suggest that we meet the first month of every quarter.

Because we need to meet in October to finalize policies and procedures, we do October, January and March and we do June.

So that's the first month of every quarter and then September is our annual meeting so we would still meet at that time.

Hopefully next September can be in person and we can you know break bread together and enjoy each other's company.

So that is my recommendation is you just do the first month of each quarter.

And we extend those meetings a little bit.

But I am open and available to do more meetings if that is people's preferences.

Other input on that?

Just speak freely.

>> Steve: That would be great as long as we have the flexibility to call other meetings during other months.

Just thinking about the submission of the PPR reports which is due we are planning on submitting it December 1st.

So, it's not going to be done in October and if we are not going to meet again until January the Council needs to vote to empower the chair to sign that in conjunction with the director of the DSE.

Tina Fullerton so there may be calendar timing issues on submissions of official documents and reports that may run up against that ‑‑ the beginning the month beginning each quarter but we have the flexibility to call those meetings when we have something like that come up and have a one or two item agenda.

Just know that going into that schedule.

>> Yvonne: That would be my preference that we have a special meeting for that.

Those particular kind of agenda items and as we get closer to the SPIL process which it's my hope we identify that team sooner and that we are reporting the Council is involved in that much more along the way so there may be some special meetings for that as well that are short.

But intense in nature of that particular topic.

So, yeah.

So why don't we try for now if we did October let's go to ‑‑ if we did January that means that you guys would have to get October, November, December monitoring information ready for a January meeting.

So, would it be better to do that meeting towards the end of the month?

So, you have January to get the information pulled?

>> Steve: Typically, the third week of the month works well because by that time we have financials prepared.

And it gives the accountant a little bit more time to get those prepared.

So really the third or fourth week of the month in which it's going to happen will be helpful for staff to have everything prepared so the Council has everything they need to be informed on decision making.

>> Yvonne: Okay let's do this then let's try let's put out and just see if the calendar goes oh, no, the third week of October, the third week of January, March, June with September being our annual meeting.

So right now, we want to schedule our regular four meetings for those four months.

Does that make sense?

So, the first month of each quarter, third week is when we will do our regular meetings.

And then, Steve, you and I can talk, or we can all talk about later about other meetings that we need to pepper in there based on needs and deadlines for you.

>> Steve: Yeah so instead of doing a Doodle poll Yvonne we can have everybody pencil in the third Wednesday of each of those months starting at 5:30 and then block about a three‑hour period for those meetings.

That way we can avoid the Doodle poll and we are establishing it right now.

Tracy will follow‑up with an e‑mail for anyone that is not on the call right now to let them know we established those dates and times through September.

>> Yvonne: Yes, that sounds good.

>> This is the interpreter you said the third week starting when?

>> Steve: In October.

So, it's going to be October, January, March, June, and September so it would be the third Wednesday of each of those months from 5:30 p.m. to 8:30 p.m.

>> So, the September meeting is an annual meeting which is where we elect new officers, approve the budget so that is a very kind of specific ‑‑ sort of like a special meeting the annual meeting.

But, yes.

All right, great.

Not too far off schedule but go-ahead Mark.

>> Mark: I think we can do a lot better with the monitoring report.

I'm going to make a concerted effort along with Steve if we could do and produce a better dashboard and something just a little bit more user friendly for everyone.

Including making sure it's accessible.

I think we got to make that thing better.

Fortunately, though we have less goals this time, so I have to say that and get feedback from the Council.

It's just doing what we want it to do.

>> Yvonne: Yes, thank you for that.

We appreciate that.

All right, no old business so let's move on to public comment.

Is there someone in the call today that would like to give public comment?

Actually, I'm sorry before I start public comment Tracy can you read our public comment statement?

>> Tracy: Sure.

Members of the public who wish to speak will be called upon by the chairperson, you will be allowed five minutes as an individual and five minutes if you are the designated representative of a group.

The public must address the Council and not utilize this time engaging in dialog with members of the Council.

Members of the public are requested to refrain from repetitious comment during this portion of the agenda.

>> Do we have anyone on the line who would like to give public comment?

>> Joe Harcz.

>> Okay and Aaron I saw your hand as well Joe go ahead.

>> Joe: I'll let Aaron go first that is fine.

>> It's okay go-ahead Joe.

>> Joe: There is so much to go over here but today if I related to the Open Meetings Act right in the minutes the meeting minutes must be approved at the next subsequent meeting and they must have clearly delineated revisions.

You just passed three this morning.

That's a violation of Open Meetings Act itself.

Going into final agency decisions, many of these decisions have been made ad hoc.

In other words, it's not just a matter of things related to the FOIA.

We are not done at a public meeting by all members present.

But they were simply made by Mr. Andres and by you Ms. Fleener and by Mr. Locke in suspending FOIA for several months.

That is not only not deliberating before the public, that is making a final agency decision without the full board.

Before public meeting.

The reason that these things are so important oh, and by the way many things have been done in the past that have caused grave harm to the public and to us because they were made either through the executive committee or just ad hoc and that goes all the way back to the embezzlement of Rich Hartwick which is put forward by the so called executive committee and not before the committee as a whole.

No competitive bid was put out.

We need to learn about these things.

Goes to the RFP and RFQ.

When Steve related to the website.

Under a contract we are supposed to put out competitive bids and not approved by a committee like the finance committee but have to be approved by the full board.

At a public meeting.

If they are contracts, I believe over $5,000.

These things are not mundane.

These things are important for not only the ‑‑ well they go to the public trust because the purpose of this and the purpose of the FOIA which didn't get gone in to is to eliminate waste, fraud and abuse.

With the public funds.

Mindy is correct.

You are fiduciaries and holding a public trust and dealing with taxpayers' money with the ultimate goal of liberating people with disabilities.

Not constraining us.

And in that regard, I'd like to ‑‑ I have to mention today the passing of justice Ginsburg.

And we must recognize her contribution not only to women's rights and other people's rights but the significant contribution to all people with disabilities rights.

And majority opinion and Olmsted versus VLC which established clearly before the Supreme Court the right of us to live in our communities and to be institutionalized and that is a very important goal of all our centers for Independent and of the SILC.

Which is not fully met.

To this day.

Not fully met.

Ladies and gentlemen, we got people dying in nursing homes, in those settings.

Dying.

As I speak.

And because we have not fulfilled those mandates.

We have not fulfilled them nor have the centers for Independent Living, nor have other entities.

These are not just our issues or not a gotcha issues, they are issues of actual performance in the daily lives of people with disabilities.

The ADA30th anniversary is another thing.

That is a fundamental civil rights law.

And, ladies and gentlemen, yours truly and 200,000 blind people in this state routinely have our civil rights violated.

>> Thank you, Joe.

>> Joe: That is just us alone.

>> Thank you for your comment.

>> Yvonne: Aaron you had your ‑‑ you asked you are next.

>> Aaron: Can everybody hear me?

I don't see any.

>> We can hear you.

>> Aaron: Okay, a few things, great job on the revision of Bylaws and procedures and stuff.

One thing that I would like to clarify is in regard to disruptions in the meeting and stuff like that.

You need to make sure that you can conduct a public meeting appropriately and make sure that things are handled in an appropriate way while allowing for minimal disruptions and handling the disabled population in the most appropriate way possible.

And the other thing was with the meeting dates and times.

Since this is a public body for the general public and for the disabled community especially, I think there may be some problems with having the meetings so late in the day.

And I know that you as Council members are busy and stuff like that.

However, you volunteered for the position and it should be stated that if you didn't want the position or were unable to meet the obligations, then you shouldn't technically have applied in the first place.

The other one was with the accommodations of accommodation requests and stuff like that.

You don't want to back yourself into a corner and have to say if someone has a piece of software that is unable to be updated but they don't have the update available, the Council should not have to go forth and do the extra steps to make it accommodating to that certain individual just because their software may be outdated or whatever.

So that is something to consider as well.

And, again, I just wanted to thank everybody for the opportunity to serve and thank Lisa and Bill for their support as well.

I know I did not mention them earlier but thanks everybody for their support and I think the Council is in good hands and I look forward to hearing good things and positive things about what the Council is doing.

Thanks.

>> Yvonne: Thank you is there anyone else who would like to give public comment?

Okay, can I get an any other comments in general from Council members?

Okay, could I get a motion to adjourn?

>> Steve: Yvonne do you want to talk about the member education information sharing of our agenda going forward and then any announcements?

>> Yvonne: I apologize I'm used to public comment being last, so I did not even look.

This was a suggestion and I hope you don't mine Jamia I out you on this one that she suggested we have a place on the agenda where we can just share what we are learning, so as Council members you know part of the expectation is that you are getting educated on Council related issues using the ILRU or other trainings we have available.

For instance this implicit bias training that those of us who attend will bring that back to the Council and share kind of these are the five things that really struck me or that I think you know are really important for the Council to hear.

So, as you're out and about in your professional and personal lives and you are attending things it would be helpful to come back and share this will be the place to do that.

And then announcements we've had before the you have events going on shared with ex officio members, babies, Theresa, we always like seeing babies, you know, please that is the time to share that too.

So, we are going to bypass over member education for now but are there any announcements that are time sensitive that you would like us to know about before the next meeting in October?

I would appreciate when people are sharing those that I know it's a lot but if Steve and Tracy could capture those links and dates and such and get those back out to us when possible.

So, all right, now can I get a motion to adjourn?

>> Mindy: So, moved this is Mindy.

>> Yvonne: Thank you I was thinking nobody wants to leave the meeting.

>> Jan: I will second.

>> All in favor say aye.

>> Aye.

>> Any opposed?

Was there an opposed to adjourn?

No, hearing none we are officially adjourned have a great weekend everybody and we will talk to you soon.