

Vermont Developmental Disabilities Council
Executive Committee Meeting Minutes~ May 7, 2018
VTDDC Office, 322 Industrial Lane, Berlin VT
Approved June 4, 2018

Present: Miriam Stoll, Terry Holden, Kay Stambler, Julie Arel, Kaiya Andrews
Absent: None
Support Staff: None
Guests: None
VTDDC Staff: Kirsten Murphy, Susan Aranoff, Chelsea Hayward

1. Welcome, Minutes, and Updates:

Miriam greeted everyone and asked for feedback about shortening the length of the Executive Committee meetings to 1.5 hours (with at-home preparation prior), instead of the traditional 3 hours. Members were optimistic and welcomed the change. Because of extensive business today, the meeting will be 2 hours.

2. Executive Director Update:

Council Budget and Finances. The Office of Grants Management (OGM) within the Administration on Intellectual and Developmental Disability (AIDD) has changed the window within which Councils can spend their annual appropriation. Councils and their grantees must spend their allocated funds within two years, instead of three. This change is effective with FFY'19. The Executive Director and the AHS Business Office will make every effort to ensure that money will not be returned to the Federal Government due to the new guidelines.

Although Congress has appropriated additional funds, AIDD has not yet informed Councils what their revised FFY'18 allocation will be. FFY'19 is expected to be the same as FFY'18.

Conflict of Interest Policy. The Council has been asked to write an *amicus* brief to the State Superior Court on behalf of a case brought by Vermont Legal Aid. The case involves whether AHS must consider a margin of error when using an individual's IQ score to determine eligibility for services.

AHS has expressed concern that Council members who represent offices of state government not vote on the question of whether to file the brief, since this would amount to voting against the Secretary of AHS. Per the Council's Conflict of Interest Policy, representatives of state government will not discuss or vote on this matter.

Kirsten has revised the Council’s Conflict of Interest Policy to be clearer (attached); there are no substantive changes. She asked the Executive Committee to review the suggested changes. Voting on those changes will wait until the Quarterly Meeting.

Motion: Kay made the motion that the Council file an *amicus* brief in support of VT Legal Aid regarding eligibility for developmental services and the margin of error in IQ scores. Terry seconded. There was no additional discussion. **The motion passed: 3-1-0.**

Location and Rent. Kirsten recently received an email from AHS Operations Director Dawn O’Toole indicating that AHS would not renew the lease for 322 Industrial Lane where the Council is currently located. Council staff were offered two potential locations for office space. Council staff reviewed the sites and did not think they would meet their needs. They have politely responded to Dawn and reminded her that the ideal location would be in Montpelier, close to the State House. They have not heard a response back.

Expanding membership. Several ads have been placed through local newspapers, and there will be a mailing through ARIS with a new recruitment brochure. Four self-advocates and two parents have indicated that they are interested.

3. President’s Report:

Sub-Committees. The Membership Committee will be Gina Carrera, Melanie Feddersen, and Adrian Vaut, with Carol Hassler offering to participate in some interviews. The Program Committee is Steve Kieselstein, Terry Holden, Kay Stambler, and Mike Gruteke.

Executive Committee Meetings. Several meeting dates have changed to honor holidays and to avoid having Executive Committee meetings immediately after Quarterly meetings. The July meeting has been canceled. The September 10 meeting is moved to the 17, and the October 1 meeting is moved to October 8. A revised calendar will be sent out. All meetings will be from 10 am to 11:30 am, unless extra time is needed to accommodate the agenda.

4. NACDD Annual Conference in Washington DC:

The Annual Conference will take place in July. Kirsten, Sue, and Miriam will attend, and an invitation has been sent out to all Council members. Five people have expressed interest, and there is sufficient room in the travel budget for 4 to make

the trip. It was decided that the newest Council Members may not be able to “take it all in” and will have opportunities in the future to attend. Terry Holden, Mike Gruteke, Kaiya Andrews, and Gina Carrera will attend; Melanie Feddersen may attend in the future.

5. Executive Session – Executive Directors Annual Evaluation:

Motion: Miriam made the motion to go into Executive Session. Kaiya seconded. No discussion. **Motion passed: 4-0-0.**

Title 1, Section 313(a)(3) of the Vermont Statutes specify that “The appointment or employment or evaluation of a public officer or employee” may be discussed in executive session.

The meeting adjourned at 12:15 pm.

Respectfully Submitted,

Chelsea Hayward
Administrative Assistant

Section 5: Conflict of Interest

Discussion:

All VTDDC members are encouraged to participate in Council and Committee discussions and decision-making. However, VTDDC must also avoid any potential conflicts of interest -- or the appearance of a conflict -- as it does its work. This is so important that it appears twice in the federal DD Act and in State of Vermont policies. The Governor's office asks members of the public who join the Council to sign a form stating that they will not seek personal gain when participating in a Council decision.

What is a conflict of interest?

When a member participates in making a Council decision, he or she must not be swayed in their decision by the fact that they could get something of value as a result of the Council's decision. A conflict of interest occurs when a Council member, their immediate family, or an organization that the member serves, could benefit from a decision made by the Council.

This comes up most often when awarding a grant. A member should *not* participate in discussion or vote on a grant that could (1) benefit him or her; or (2) benefit a close family member; or (3) benefit an organization where the member or his/her immediate family serves as an officer, trustee, staff member, or paid consultant. This is because their own personal interest could influence how they feel about the grant.

A conflict of interest does not necessarily need to involve money. The benefit could be property, a favor, services, or the promise of future employment.

What does conflict of interest mean for a member who represents an entity of State government?

Along with the definition above, a conflict of interest also occurs for an *ex officio* member when VTDDC is taking a position on a bill, law, regulation, rule, or policy that directly affects the programs and services of the agency represented by the member.

Definitions:

A “member” means persons who are appointed by the Governor and agency staff who serve on the VTDDC by virtue of the office they hold or the agency they represent. Members who represent State government are “*ex officio*” members.

Policies:

1. A member who is affiliated with an entity applying for or receiving VTDDC funds shall abstain from deliberation and voting about awarding, withholding or terminating grant funds. This policy also applies to any VTDDC member who is a family member of someone affiliated with an entity that is applying for VTDDC funds.
2. An *ex officio* member shall abstain from deliberation and voting on policy positions when the agency he or she represents is affected by that VTDDC policy position.
3. A member must declare any potential conflict of interest and disqualify himself or herself from deliberation and voting on a grant award or policy position when those conflicts of interest occur. Such abstention from voting shall be noted in the minutes of the VTDDC meeting.
4. No member's salary may be paid from any contract or grant of the VTDDC.
5. Challenges by other members of VTDDC regarding an individual's potential conflict of interest will be brought to the attention of VTDDC's President and determined in accordance with Roberts Rules of Order.
6. A member or employee who has a developmental disability or who has a relationship or association with someone with a developmental disability shall not be construed as having a conflict of interest because of that disability, relationship or association.

[Adopted June 26, 2008; revised xx-xx-2018.]