

Public Meeting Minutes
Saturday, August 2, 2003
9:30 a.m.
Grand Island, Nebraska
(Meeting is available on tape.)

Approved
Call to order and Introductions:

Barbara Walker, Chairman of the Board of Commissioners, called the meeting to order. Board members present were: Barbara Walker, Dorothy Westin-Yockey, Bob Burns, Nancy Oltman, and Bill Orester.

Staff in Attendance: Dr. Pearl Van Zandt, Carlos Serván, Bob Deaton, Terry Harris, Candy Laursen, Fatos Floyd, Sheila Gawrych.

Members of the Public: Ardyce Earl, Judy Beck, Howard Simons, Dennis Wright, Tanya Wright, Fritz Yockey, Sibby Lebeau, Roy Hoblely.

Announcement Concerning Public Comments and Tapes of Meetings:

Chairman Walker announced that anyone can call the NCBVI office for tapes of Commission Board meetings. Tapes are available at each office site, and draft minutes are on the NCBVI Web page, and on NewsLine ® .

She also announced that, in addition to the time specified for comments from the public, the Chairman will recognize people from the floor for comments throughout the meeting, time permitting.

Minutes of the May 17, 2003 Meeting:

Minutes were approved with one correction. Chairman Walker pointed out that the Board had neglected to include the motion for Dr. Van Zandt's raise in the minutes, since it had been made in Executive Session. It should have been made in the public part of the meeting. Since Chairman Walker did get the language of the motion to the proper people, this mistake didn't cause the raise to be affected, but such a motion should have been made and voted upon in open session. Burns moved, and Westin-Yockey seconded, that the motion and the vote be added to the May 17, 2003 minutes. The motion carried unanimously. Chairman Walker provided a print copy of the language to add to the minutes when they are removed from draft status.

Focus Topic: Nebraska Business Enterprises, Terry Harris, NCBVI:

Since Commissioners had received Mr. Harris's printed report (attached) prior to the meeting, Chairman Walker thanked him for it and opened the floor for questions. After much interaction, the Board requested an update for its November meeting. The Board is particularly interested in follow-up concerning training opportunities for vendors and progress toward making Braille an integral part of both public accessing and site manager inventorying of products.

Since Mr. Harris had other commitments in the afternoon, the topic "Consideration of Set Aside Increase" was moved up on the agenda so that he could field questions from the Board. Mr. Harris stated that during the last BEP Committee meeting on June 6th, the members voted to raise the set-aside from 12 to 13 percent of their proceeds. Van Zandt explained that this would need Board approval before she could submit an official request for it to take effect. Burns moved to approve the increase.

Westin-Yockey seconded. The motion carried unanimously. The next approval needs to come from the Federal level based on figures from the RSA report last year. Van Zandt will write to RSA indicating the Board's decision and requesting approval. Van Zandt reported the financial impact of the increase would be \$3,258.00/year.

Break: The meeting was recessed while everyone brought lunch from the cafeteria.

Report from the Chairman:

Walker congratulated Van Zandt on a great speech at the NFB Convention in her role as president of NCSAB (National Council of State Agencies for the Blind). Walker met with Van Zandt on June 18th for her evaluation and results were sent to Karen Billings. Van Zandt received high evaluation marks and will continue as Executive Director. Discussion regarding an online application process followed and Van Zandt will check on this and information will be sent to the Board of Commissioners.

Walker expressed concern the Board had received information that there was some money returned for the Transition Grant. Serván explained that the amount returned was from a small grant from Nebraska Department of Education to the Transition Team, for meetings, not services. Use of that money isn't altogether determined by NCBVI. The next request will be for \$500.

Walker reported that she had filled out the survey guide for the Client Assistance Program and hoped that focusing on that topic would make it possible to have informed answers for some of the questions for which she had none.

Walker expressed appreciation for knowing that the In-service training grant was approved. She said Commissioners appreciated knowing that there was an interpreter at the proclamation ceremony for Deaf-Blind Awareness Week. Walker thanked everyone involved for making that happen.

Report from the Executive Director:

Staff updates : Sheila Gawrych has decided to go to graduate school in Minnesota and her last day is August 15 th. Kelly Coleman was hired as Orientation Counselor in Omaha and will finish Center training August 29 th. Jodi Fraction moved into Kelly's position. Michelle Nelson was just hired as Support Staff to take Jodi's place. She has an Associate Degree in Management Information Services. Van Zandt recognized Carlos Servan, as tomorrow is his fifth year anniversary.

Goals & Objectives : The Board of Commissioners expressed approval of the goals and objectives submitted by Van Zandt for the coming year.

Case Services : October 1, 2002--served 710 people in all statuses of VR, 695 in IL. Training Center--At the end of June, 69% employed in their employment goals, 19.5 % still students, 11.5 % not working.

Workshop : Van Zandt presented information on a workshop on public records and open meetings. The meeting will be available on audio-tape along with a manual at a cost of \$329. It was general consensus to purchase the materials with the use of In-service training funds.

Immersion Training through RSA : There is a potential for funds making it possible to sponsor immersion training. Van Zandt will submit a proposal, which is due August 5.

Van Zandt also commended everyone involved in arrangements concerning having an interpreter during the Governor's Proclamation of Deaf-Blind Awareness Week.

She then reported on a situation at Southeast Community College involving a blind student's experience in a sign language class. With both the student's self-advocacy and assistance from Commission staff, the issue is being resolved.

Jobline in Nebraska : Since HHS and Nebraska Department of Labor determined it was used very rarely, it has been discontinued.

WAGES : Another excellent summer experience for teens ended a week ago.

Center : We have developed a backup plan for the Center during weekends. Fatos Floyd has been the only one receiving calls during weekends. NCBVI supervisors and Bob Deaton are now going to provide backup.

OLD BUSINESS:

Budget Update:

Everyone is finding ways to be conservative in spending. Furloughs, not immediately filling Sheila Gawrych's position, using social security funds, continuing third-party agreements, cutting Home Teaching Plus and `Round Tuit for a year and not contracting with a paid NewsLine ® Outreach Coordinator were discussed in this connection.

Basic support case services are 27.5% higher than last year; 11% less than two years ago.

Operations are in good shape because we're always looking at where we can cut expenditures.

Rules Review:

Van Zandt reviewed Lynn Melson's suggestions for Chapters 1 & 3. Melson does not believe an additional public hearing will be required if the Board approves changes she suggested. Once the Board approves, the revision will be sent to the Attorney General, Secretary of State, and the Governor's office. It's still possible that someone else could determine that we need a public hearing if the changes are considered to be substantive. Van Zandt stated that the full text is available on the web site and consumers may request copies on tape, in Braille or in large print. NCBVI will look into providing links to the appropriate Federal Regulations.

Orester moved to approve Title 192 Chapter 1 & 3 as amended. Burns seconded. The motion carried unanimously.

Chapter 2: Carlos Servan is working on this one. He has consulted with Lynn Melson and Kristin Petersen, legal counsel at Vocational Rehabilitation. Chapter 2 governs impartial hearing reviews. Van Zandt will let the Board know if a public hearing is required.

Chapter 4: One of Van Zandt's goals is development of NCBVI workplace policies and personnel policies. This would be another Chapter of Rule. Work was begun on this at the same time Chapters 1 & 3 were being written. A decision was made to concentrate first on service delivery and then on personnel. It is the practice in Nebraska that when an agency is transferred into or out of another, the policies of the former entity are used until those specific to the new agency are in place. What we use now are those carried over from HHS, which were carried over from Department of Public Institutions (DPI). There are a few things specific to the way we operate that can be made different and we need to have our name on them. The groundwork has been laid. We will move ahead from there this year.

Website Update:

We now have 23 on the NCBVI ListServ. Activity level (successful requests): May—2,443; June—2,272; July—2,487. Jim Jirak in Omaha has had some training from Kelly Coleman on websites and is interested in developing his own skills. He has offered to be web master on a volunteer basis. Nancy Flearl and Kelly Coleman will be working with him.

Friends of the Commission Update:

Ardyce Earl asked for an explanation of Friends. Orestor said Friends is incorporated as a 501 (C)(3) support organization to provide funds directly to the Commission. Van Zandt said Friends is looking into eligibility for agency staff to make automatic donations through community funds.

The Board expressed its appreciation for receiving minutes of Friends meetings, and considered requesting treasurer's reports as well. Hopley, a member of the Friends Board said this is not an inordinate request. He will raise the issue at the next meeting.

NIS Update:

This summer, a young blind man is working in the NIS office helping to identify snags. Progress is being made. The go live for procurement was delayed from August 1; accessibility issues played a definite part in the delay. We are being taken seriously now. Limited training has begun for field support staff and supervisors to begin learning the basics. Once it gets closer to being implemented, Jonathan Ross and Bill Brown will train staff using screen readers. The biggest barrier is the use of PDF (Portable Document Format) files.

Survey Comments:

Walker expressed concern about the wording used this past year with regard to the confidentiality of comments. The language "Your comments will remain confidential and, if sent to us via email at commission-board@nol.org, will not be seen by anyone except the Commissioners" caused us a dilemma in the handling of suggestions. It would be more reasonable to let people know that we will pass relevant information to appropriate people, but will do so without revealing the sender. This would fulfill the Board's intention in creating the survey.

Suggestion Box: Van Zandt reported that, after much discussion, it was determined that this will be fulfilled by a URL on the web site for staff only, accessible with a password. Anonymous suggestions will go to the Chairman of the Board. Currently, the only item there is the suggestion box. It may be possible to have the evaluation and survey forms done that way, but a way would need to be devised for making it possible only to submit one per person.

Walker expressed appreciation for the effort of all in making this possible. If it becomes either unnecessary or problematic, will do away with it or rethink it.

Public Comment:

Comments were made concerning the vending program, the vitality of the North Platte District, home teaching plus, NFBN Senior Division raffle, commendation for the awesome task of Commissioners, minimizing bureaucracy, and encouraging consumer input.

NEW BUSINESS:

Consideration of Set Aside Increase:

Covered earlier.

Election of New Officers:

Burns moved that Walker be elected Chairman. Oltman seconded. The motion carried unanimously. Burns moved that Orestor be elected Vice Chairman. Westin-Yockey seconded. The motion carried unanimously. Orestor moved that Burns be elected Secretary for Executive Sessions. Oltman seconded. The motion carried unanimously.

Materials for New Commissioners:

Public Meeting Law was sent to Oltman as a new member. Otherwise, she has read material from the web site.

NewsLine ® Contract:

Covered earlier.

Suggestions for Developmental Disabilities System Grant

Proposal: Although this particular grant application was due July 25 th, it was put on the agenda to encourage discussion for future opportunities. Deaton said it is one of those competitions which occurs every 6 months. After some discussion, Walker thanked Deaton for continuing to work on new ideas.

Confidentiality: Walker received a call from Larry Mackey on the morning of August 1, with a follow-up e-mail that evening, which she read to the Board. He requested that the Board "review all paperwork, policies, and procedures concerning confidentiality at NCBVI." Van Zandt will send any documents that deal with confidentiality to the Board.

Other Business: Burns announced that September 20 th is the date for the Omaha White Cane Banquet. He gave details, including that half of the proceeds go toward NewsLine ® . He encouraged Commissioners to attend.

Focus Topic for Next Meeting:

CAP (Client Assistance Program)--Vicki Rasmussen.

Location, Date and Time of Next Meeting:

Burns moved that the next meeting take place on Saturday, November 22 nd, at 9:00 a.m. in Lincoln at the Medical Center Stephen Carveth Building. Orester seconded. The motion carried unanimously.

Executive Session::

Request from Commissioner Westin-Yockey to Discuss Confidential Matters-- Walker stated that, although the Executive Session item was on the agenda, Public Meeting Law requires a vote for that purpose. Burns moved to go into Executive Session. Orester seconded. The motion carried unanimously.

Executive Session Commenced--3:40 p.m.

Open Meeting Reconvened--4:37 p.m.

Adjourn:

Burns moved to adjourn the meeting. Oltman seconded. The meeting was adjourned at 4:38 p.m.

BUSINESS ENTERPRISE PROGRAM AUGUST 2, 2003

For the benefit of those of you who are new we will discuss a bit about the history of the program. The program is under the auspices of the Randolph-Sheppard program, which is set-up by Federal Law, first mandated in 1936. The law, known as the Randolph-Sheppard Act, so named from the Congressmen who helped promulgate the law. The purpose of the law is to provide employment to blind individuals in need of employment. When first implemented, the law provided a few good jobs, but it was not until 1973 that the law in it's present form really took off and provided some excellent opportunities in Federal Facilities. There are even blind managers, under the Randolph-Sheppard program, that are managing multi-million dollar mess hall contracts for the military bases across the nation.

There are several terms that describe the program. For those of you who have not had the opportunity to become familiar with them, I will describe a few of the terms that I use in this report. Many people call the positions within the vending program, vending sites. We refer to them as facilities and the vendor operator as a facility manager. Sites are actually a specific place that has vending. We have combined several sites as a vending facility route for a few of the facility managers. For example, most of the rest area facilities are comprised of four sites or rest area locations. There are a few exceptions to the number of sites that are put together as a route. In the routes, a facility manager must have a vehicle and a driver; again there are a couple exceptions. With reference to the vending program, the Commission is called the State Licensing Agency, often referred to as the SLA. The Commission trains and certifies facility managers by actually issuing them a license.

Most of our larger facilities are in Federal locations. We continue to expand on Federal facilities. Recently we completed a permit to provide vending services for those Federal employees working at the Post Office in North Platte. It is a smaller Postal Facility so it was added to our current North Platte facility manager as part of his route. The Commission has eight facility managers on Federal property.

Seven Facility Managers operate vending routes on the Interstate Rest Areas, and five on State or City/County property. Except for one area, all are vending machine locations. The average income for last year was \$16,265.60. We have since combined one of the smaller ones with another, which will bring the average up considerably for next year. A couple of the Interstate routes are small and skew the income figure down as well. The fixed costs are greater with the routes because of the necessity of a vehicle and a driver.

The major changes that have happened, since I last spoke to the Commission regarding vending, are in the area of City-County Buildings. We added vending to several buildings in Hall County and deleted one and combined another in the City-County building in Omaha.

We do manage 62 different contracts and permits. Each rest area is under its own contract and each area in the Federal buildings is under separate permit. We have several State contracts that are part of a route. For instance the Facility at the State Capitol has four other contracts as part of that route. Each contract has its own set of circumstances, and in some instances, a different rent is applied. There are two major differences between a contract and a permit. The permit is for an indefinite period, the contract has a set life, and the contract usually means a rent is applied while the permit has no rent. In some states they do pay a 1 1/2% rent for electricity under the permit. We pay a utility rent at the rest area facilities.

The facility manager operates the facility as a sole proprietor. It is a different from being self-employed in that they must run their business with in guidelines set by the Randolph-Sheppard Act and rules set by the State Licensing Agency. They all pay 12 percent of net proceeds back to the SLA to keep the program going. During their June meeting, the Blind Vendors Committee voted to raise set-aside to 13 percent. This was due to a decrease of about 32 percent in the set-aside fund. The monies from set-aside pay the portion of the match for federal dollars so that state dollars are not used in the vending program.

These monies can only be used on the facility or for the facility manager. They can participate in a retirement plan that will match up to \$50.00 per month. They receive vending parts and repair from the SLA and management services as needed. The SLA, through the set-aside fund, provides replacement equipment for worn or out-dated equipment. All contracts and or permits are between the Building Management and the SLA. The facility managers are then given a license to run their business within these contracts and or permits as sort of a sub-contractor. The SLA oversees each business to assure a good service is given and the needs of each contract and or permit are met. The SLA reports its expenditures and revenues to the Federal Government as part of the Randolph-Sheppard license given to the Commission as the State Licensing Agency. In other words, for the Commission to have a Business Enterprise Program and offer jobs to the blind in Nebraska, they must first apply and meet the guidelines as a State Licensing Agency. The SLA then certifies and Licenses the facility managers to run the facilities that are under contract or permit.

There have been some questions raised regarding how a complaint is handled. Many complaints are handled directly by the vending facility manager. These managers generally handle complaints related to products or a malfunction of a machine. Basically, this means that customer relation issues are handled by the facility manager. In fact, it is usually the facility manager who first deals with all complaints. The service we provide is contracted or through permit between the Commission and the Building Management. The food service in each building is provided by Building Management for their workers or lessees as lunch rooms or break areas. This is the reason many complaints regarding the vending service go to the Building Management and then down to us. Many times, however, if a person has a question about why things are a certain way, they would best be advised to ask the facility manager, who is on the spot and in the best position to know. When I receive a complaint from Building Management, it is the facility manager that I immediately call. Most types of complaints that come from Building management are about coin return policy, lost item policy, or machine malfunction. All of these complaints could first be answered by the facility manager. I do receive calls that are complaints specifically about the facility manager. I do my best to resolve these complaints right away.

There have been times when Dr. Van Zandt, as the State Licensing Agency head, must get involved or at least be made aware there is a problem. She is informed anytime a complaint could lead to a legal issue or could be severe enough that some sort of reprimand might be in order. Otherwise, the problems are first handled by the facility manager, the Building Manager, or myself.

MATERIALS LIST

5-19-03 Van Zandt: message from 4-30 sending interim report for In-service Training grant

5-19-03 Van Zandt and Walker: about materials for new Commissioners (put on next meeting's agenda)

5-19-03 Van Zandt: 5-9 to Lynn Melson, Rule Chapter 3 revision, vending

5-19-03 Gerri Harris: NCBVI Section 107 final report

5-19-03 Deaton: thank you to those who went to VIPs conference and helped it be successful

5-19-03 Van Zandt: sending 107 Monitoring report

5-19-03 Walker: sending Commissioners evaluation and survey results for Nancy O. to compile survey

5-19-03 Walker: to Commissioners for Burns about motions for salary increase

5-19-03 Walker: clarification about survey results (several messages followed, concluding with putting the topic on the next meeting's agenda)

5-19-03 Van Zandt: to Nancy O. copy to Walker, sending some recent articles from Center students

5-19-03 Walker to Oltman: Public Meeting laws

5-20-03 Van Zandt: to staff from state personnel encouraged to participate in Wellness Assessment (several, concluding with corrected link)

5-20-03 Van Zandt: 8-2 inconvenient day for Terry Harris to come to meeting (several messages, concluding with moving time up on same date)

5-23-03 from Van Zandt: update from Jack Duncan about appropriations, including testimony from Chris Boone

5-21-03 Van Zandt: to Tom Conroy & Lori McClurg concerning NIS - PDF and other outstanding accessibility issues

5-21-03 Van Zandt: sending IM-03-09, which is tool used for dealing with 107 Monitoring

5-23-03 Van Zandt: general International Council for Education of People with Visual Impairment web site for news and attachment of it

5-23-03 Van Zandt: sending her goals to staff

5-23-03 Van Zandt: from Mark Schultz about Tech Connect for recycling equipment

5-23-03 Van Zandt: from Rasmussen about self-employment for people with disabilities policy recommendations

5-27-03 Nyman: minutes of 4-28 Friends meeting; next meeting

6-2, Van Zandt sent letter requesting \$50 disbursement every 6 months or so for personal items for Commission students; passed

5-29-03 Van Zandt: IL tracking sheet by counselor (excel)

5-29-03 Van Zandt: invitation to speak at NFB Convention

5-30-03 Van Zandt: sending minutes out for Website, Newslite ®, RTB

5-30-03 Van Zandt: to supervisors about suggestion box

5-30-03 Van Zandt: letter from Joe Cordova saying approving State Plan amendments for 2004, effective 10-1-03

5-30-03 Van Zandt: about her being on call for jury duty during June

6-2-03 Van Zandt: Don Anderson's death

6-2-03 Fraction: sending message from Poff about deaf-blind awareness

6-3-03 Deaton cancellation of grant process for HHSS Health Care Cash Fund

6-3-03 Van Zandt: moving forward about budget

6-5-03 Walker to Commissioners: Van Zandt's evaluation for comment or suggestion (subsequent messages concluding with doing evaluation 6-18)

6-9-03 Van Zandt: response to cap survey guide

6-9-03 Van Zandt to Gerri Harris: set aside and protocol increase from 12 to 13 percent 9-1 of this year (subsequent messages, concluding with putting on August 2 agenda)

6-9-03 Van Zandt: financial report from transition team from Karen Mosier

6-9-03 Van Zandt: to Mike McCrory saying online application for state employment not accessible (several subsequent messages on same subject)

6-9-03 Van Zandt: 23 on ListServ for NCBVI

6-9-03 Van Zandt: VR Tracking for 5-03 (excel)

6-9-03 Van Zandt: IL Tracking 5-03 (excel)

6-11-03 Fatos: article from Brent Heyen about being a vet intern

6-12-03 Van Zandt: from Gerri Harris, letter about 107 Monitoring Review (several subsequent messages about same)

6-13-03 Van Zandt: from Poff with 3-14 HKNC affiliate Advisory Board minutes

6-13-03 Van Zandt: job available in MN for director for state services for the blind

6-13-03 Van Zandt: regional memorandum about meeting in December for VR and Field Service administrators

6-13-03 Van Zandt: to staff saying will get raises of 1.5 percent

7-1 of 03 and 04, no raises 1-1 of either year

6-13-03 Van Zandt: to Brown saying NCBVI will implement prescribed raises for staff

6-13-03 Van Zandt: moving forward about PDF files

6-13-03 Van Zandt: update on changes in Texas from Terry Murphy

6-17-03 Van Zandt: will send copy of tapes of Commission Board meetings to each office (subsequent thank you from Walker)

6-18-03 Van Zandt: Training Grant for 2004; RSA has approved

In-service Training grant for \$57,666

6-18-03 Van Zandt: staff and Commissioners about monographs from New Mexico conference, to get cutting edge practices: expectations, employment, empowerment" (subsequent clarifying messages)

6-19-03 Van Zandt: thanking people for competition for raising money for food bank

6-19-03 Van Zandt: documents about Set Aside proposed change (8 attachments)

6-23-03 Van Zandt: moving forward about deaf-blind awareness week, new website for Helen Keller National Center for Deaf-Blind youth and adults is www.hknc.org; includes information about deaf-blindness from Poff

6-24-03 Van Zandt: letters about people with Dual Disabilities, letters attached

6-25-03 Van Zandt: letter to Gov Johanns thanking him for having interpreter at Proclamation

6-26-03 Walker: to Gerri Harris sending responses to cap interview guide

6-27-03 Van Zandt: to Lynn Melson sending Chapter 1 of Rule revised

6-27-03 Van Zandt: to Dottie saying appreciate her attention to detail in sending VR information to RSA

7-3-03 Ludwig: NCBVI state employees Combined Campaign

7-8-03 Deaton: Developmental Disabilities System, part of HHSS, issued request for proposal about small grants (subsequent messages, concluding with putting on agenda)

7-8-03 Deaton: letter to Lions attached application for funds from Lions for assistive technology

7-14-03 Walker to Ludwig and Commissioners: will try to get agenda done by end of week and requesting items

7-16-03 Van Zandt: attached report from Terry Harris for 8-2 meeting

7-17-03 Van Zandt: IM-03-13 about vending statistics

7-17-03 Van Zandt: final 2003 report, Nebraskans with deaf-blindness from Cheryl Poff (April through June, 2003)

7-23-03 Van Zandt: Jobline contract discontinued

7-23-03 Deaton: Lifelines article about organizing time and materials as a blind person

7-24-03 Van Zandt: annual report concerning NCBVI Deaf-Blind Project from Cheryl Poff

7-25-03 fatos: article by Sarah Anson, "A New Found Freedom"

7-25-03 Van Zandt: VR Tracking for 6-03 (excel)

7-25-03 Van Zandt: VR Statistics quarterly

7-25-03 Van Zandt: IL Tracking database 6-03 (excel)

7-25-03 Van Zandt: June quarterly for IL

7-25-03 Van Zandt: goals

7-28-03 Van Zandt: reauthorization of Rehab Act status of appropriations updates from NCSAB legal counsel

7-28-03 Van Zandt: RSA IM-03-14 statistical information for 2002 about vending, correction

7-30-03 Van Zandt: letter from Attorney General's office, response to changes NCBVI has made to Chapters 1 and 3 of Rule

7-30-03 Walker: sending Deaton's response to cap interview guide to commissioners;

7-30-03 Van Zandt: sending Rule Chapters 1 and 3

7-30-03 Van Zandt: Sister Bernard article from 4-03

8-1-03: Fatos: article from Braille Monitor 7-03, which includes article from Lincoln paper,

5-20-02 (Commissioners also received Center Evaluations throughout this time)