

# Meeting Minutes: Full Council

**September 27, 2018**

**121 East 7th Place**

**St. Paul, MN 55101**

**Minutes prepared by: Shannon Hartwig**

## Attendance

* Council Members David Johnson, Brian Bonte, Trent Dilks, Nancy Fitzsimons, Kathy Peterson, Shaneen Moore, Dean Ascheman, Jim Thalhuber, Muzamil Ibrahim, and Quinn Nystrom. Ex-Officcio’s Jill Keen, Joani Werner and Holly from MDE : Attended in person.
* Council members Hilary Hauser, Lauren Thompson, Kate MacDonald, and Ted Stamp. Ex-Officio’s Karly Eckhoff and Annette Towes: Attended via phone.
* Staff members: Joan Willshire, Shannon Hartwig, Margot Imdieke Cross, Chad Miller, David Fenley, Stuart Cross, Kody Olson, Laura Weiber, and Linda Gremillion: Attended in person.

## Agenda

* Presentation: Stakeholder Survey, Department of Human Services Dean Knutson and Mat Rinston
* Presentation: Vulnerable Adult- Sean Burke
* Presentation: MN Department of Human Rights
* MCD Public Policy Draft Agenda
* Council Member Regional Reports
* Committee Updates
* MCD 2018 Year in Review
* ADA Conference Update
* State Fair Update
* Chair’s Report
* Executive Director Report

## Call to Order and Introductions

Council Chair, Jim Thalhuber called the meeting to order at 10:05 a.m.

## Approval of Agenda and Minutes

Brian Bonte motioned for approval of the agenda. Kathy Peterson seconded the motion. The motion was unanimously passed by roll call vote.

Brian Bonte motioned for approval of the minutes for the June 67 2018, full council meeting. Kathy Peterson seconded the motion. The motion was unanimously passed by roll call vote.

## MCD Public Policy Draft Agenda

Kody Olson and Joan Willshire provided a review of the MCD Public Policy Agenda. Document: 10-CM-2019 Public Policy Agenda-DRAFT with Erica tweaks 2.doc as listed as follows.

## 2019 Legislative Priorities [DRAFT]

The Minnesota Council on Disability supports policies that promote Access, Equity and Independence so Minnesotans with disabilities can live, work and play in their communities.

### The Minnesota Council on Disability Operational Budget (Tier 1)

The Minnesota Council on Disability (MCD) exists to ensure programmatic, physical, and digital access to government for all Minnesota taxpayers and to promote Americans with Disabilities Act (ADA) accessibility in the private sector to fuel a stronger Minnesota economy. The agency is a free policy, training, and technical resource for people with disabilities and their families, the private sector, and federal, state, and local governments to strengthen communities. The Council seeks a xx% increase in our biannual appropriation to carry out our mission.

### Accessibility

#### #MNParksForAll (Tier 1 or 2)

None of our 75 state parks and recreation areas are inclusive for people with disabilities. In 2018, $500,000 was secured in bonding funds for the design and construction of improvements to bring facilities within state parks and recreation areas to the Americans with Disabilities Act standards. As 2019 is not a bonding year, the Council will partner with DNR to educate policy makers on the need for accessible state parks, should there be a bonding bill.

#### Accessibility of Public Buildings (Tier 1)

The State of Minnesota’s Building Code accessibility guidelines state that State-owned facilities built or remodeled after July 1, 1963 are required to meet the accessibility requirements in place at the time of construction or remodeling. If they choose to remodel, they must come into full accessibility compliance, but they are not required to remodel solely for the purpose of becoming accessible. This does not conform to federal requirements under the Americans with Disabilities Act, which state that all public accommodations must be accessible. While the change would not add any obligations that the State is not already subject to under the ADA, MCD proposes amending the State Building Code language to preclude any confusion about what the State’s obligations are for accessibility of its public buildings and programs. (Senator Draheim, chief author)

#### Accessibility of Assisted Living Facilities

Minnesota is one of the few states that does not license Assisted Living Facilities. These facilities are regulated under a variety of building code classifications based on number and type of residents. This often results in limited accessibility options for assisted living residents. The Council is engaging with the Department of Health, Department of Labor and Industry and other stakeholders to promote accessible standards within new assisted living licensure and/or an expanded and unified Consumer Bill of Rights for residents in hospitals, long term care and assisted living facilities.

#### Voters with Disabilities (Tier 2)

MCD will partner with the MN Secretary of State’s Office to promote access for a voter with a disability to cast their ballot.

#### PCA Driving Reimbursement (Tier 2)

Under current statute, PCA’s are not able to be reimbursed for driving their clients with disabilities for activities defined in the service plan. MCD supports the expansion of reimbursable activities for PCAs in order to ensure the implementation of a person with disability’s service plan.

#### Data Accessibility Standards (Tier 2)

MN Senate has a working group to examine and develop best practices for universal accessibility of legislative documents produced for the public.

### Equity and Independence

#### Connected and Autonomous Vehicles (CAV) Policy (Tier 2)

Autonomous Vehicles have tremendous potential to promote the independence and equity of people with disabilities to live, work, and play in the community of their choice. MCD Executive Director Joan Wilshire serves as an ex-officiomember of the Governor’s Advisory Council on Connected and Automated Vehicles. This Advisory Council will submit key recommendations to the Governor’s Office by Dec. 1, 2018. MCD will work to establish CAV policy at a Level IV with high autonomy, no steering wheel, and no licensed drivers in the vehicle.

#### Transportation Network Companies (TNC) Legislation (Tier 2)

Transportation Network Companies (TNC) hold broad challenges and benefits for people with disabilities to maintain choice and independence in their lives. The Council is working with the Minnesota League of Cities and other stakeholders to draft legislation to monitor and regulate the statewide operations of TNC companies, such as Uber and Lyft. The Council will ensure that TNC policies will maintain and expand accessible transportation options for people with disabilities.

#### Education Discrimination (Tier 2)

According to MN DOE student discipline data, significant disparities in suspensions and expulsions exist for students with disabilities and other minority populations. Students with disabilities were twice more likely to be suspended or expelled than their peers without a disability. Under the Minnesota Human Rights Act, these disparate outcomes and this differential treatment has the potential to deny educational access and negatively impact student achievement. MCD will partner with MDHR to promote non-exclusionary disciplinary practices to help support students with disabilities in their classrooms and reduce instances of suspension or expulsion.

#### Physical Therapists Disability Parking Authorization (Tier 2)

The Council supports expanding authorization of disability parking permits to include physical therapists in order to increase access to permits for people with disabilities, especially in rural Minnesota.

#### Adaptive Fitness Grants (Tier 2)

Courage Kenny legislation

### Legislative Research and Projects

#### #MNParksForAll

The Council on Disability is working with the Department of Natural Resources to design a fully inclusive 72 hour recreational experience at William O’Brien State Park, and possibly Ft. Snelling State Park, utilizing bonding funds secured in the 2018 legislative session. Future bond funds will be sought for construction. These parks will serve as models for future upgrades to additional parks. Processes for predesign work has been established to create greater efficiencies for design work and construction at other state parks.

#### Roundabout Accessibility for Pedestrians

Currently, roundabout standards and design vary depending on governance by city, county and state. The Council is partnering with MNDOT in order to evaluate safety and access of state-funded roundabouts for pedestrians with disabilities, specifically blind and low-vision users.

#### Accessibility of Assisted Living Facilities

The Council is engaging with the Department of Health, Department of Labor and Industry and other stakeholders on research to promote accessible standards within new assisted living licensure and/or an expanded Consumer Bill of Rights. Specifically, we want to know if other states that license assisted living facilities require a higher number of fully accessible units beyond what the building code requires. And we are also assessing the potential to promote assisted living accessibility within an expanded and unified Consumer Bill of Rights. Currently, the Health Care Bill of Right in state statute governs residents of hospitals and long-term care facilities while the Home Care Bill of Rights governs residents of group homes and assisted living facilities.

Discussion: the group made suggestions for add to the draft agenda which include a key to the tier rating. Staff will make the suggested edits.

## Presentation: Madelyn Nelson, MN Department of Human Rights.

[Presentation]

## Council Member Regional Reports

Council Chair, Jim Thalhuber informed the group that Shannon will be making requests to individuals to present regional reports from their respective areas.

## Committee Updates

Council Chair, Jim Thalhuber informed the group that we have two new committee chair persons appointed to both the access and employment committees. Brian Bonte will be chair of the access committee and Quin Nystrom will chair the employment committee. Brian Bonte and Margot Imdieke gave a brief review of the work that the access committee is working on, and meetings are held on a monthly basis, attendance has been good. Quinn Nystrom gave a brief reported that the employment committee has been inactive while the staff position has been vacant, and that they are working towards scheduling dates to meet and activities, she will report at the next meeting. Dean Ascheman reported that the council Vitality committee is working on the nine member openings that will take place in January of 2019. The committee is actively working with members whose terms will lapse, as well as well as the 3 members that will exceed the term limits. Focus will be on recruiting future council members. Shannon and Dean will be contacting the nine members about the application process.

Executive Committee Nominations Committee. The focus of the committee is to maintain active members on the Executive Committee. Currently the executive committee members include the Council Chair Jim Thalhuber, Nate Aalgaard, Dean Ascheman, Kathy Peterson, and Amber Madoll.

**ACTION:** Dean Ascheman brought forth the motion to add a sixth member Nancy Fitzsimons in to the executive committee until the next election, which is scheduled for December 6th, 2018. The Motion was seconded by David Johnson. The motion was unanimously passed by roll call vote.

## MCD 2018 Year in Review update

Joan Willshire, MCD Executive Director provided a review of the agency. The information is located on document: 9-2018 Summary for Council.doc

### Goal 1

Successfully completed the core supervisory training with Minnesota Management and Budget on training for disability awareness and the ADA. Held an event for October Disability and Employment Awareness month, focusing on digital accessibility.

Under businesses and employment this year, MCD is now ex officio to the Governor’s workforce development Council for their statute.

#### Building code

This is one of our big pieces that we work on as ongoing work with the stadiums that have already been built, as continued upkeep and changes will occur in these venues.

Disability parking continues to be one of our main information and referral categories that receives many calls and continued questions on this subject.

#### Emergency preparedness

Successfully planned MCD‘s activities to match FEMA plans.

Collaborated with Minnesota’s Homeland Security.

Presented at the governor of Homeland Security conference and displayed a conference booth.

We have very successful at which an engagement in this area that you live in a State Fair in give me another 10,000 red emergency bags, whistles and emergency Emiro does plan too.

#### ADA Activity

Partner with DNR and bonding bill for accessibility in state parks is very successful.

Continue to strengthen building code throughout the state and developed bill for compliance to State-owned facilities, but it was included in the big omnibus bill which was vetoed.

Utilized our digital access toolkit for trainings for businesses and others to become compliant in digital access.

#### Businesses

Our new compliance an ADA program to businesses. It’s been a huge success working with the Minnesota Chamber of Commerce. Over XX trainings have been completed.

#### Transportation

Monitor and advocate for state wide transportation successful, but continues to need more work.

Continued involvement with the Minnesota Council on Transportation Access Committee. Continue to support the work on the Autonomous vehicles and was appointed to the Governor’s council on Connected and Autonomous vehicle as Ex Offcio.

Overall in this goal number one we’ve received over 20,000+ information referrals for a variety of areas in these categories.

### Goal 2

#### Legislative

Successfully created legislative plan which included working with DNR and accessible parks bonding bill for $20 million that did pass for $500,000.

Had developed successful building code change bill. However it was vetoed because it was in the Omnibus bill.

### Goal 3

#### Communication

Ongoing Work on developing strong social media and outside communications. Continue to develop internal communications for the council as well.

### Goal 4

#### Operations

We continue to do good work in the finance and accounting area, budgeting and prompt payment area, contract to you and overall business operations. As well as council business running a smooth efficient manner at meetings

### Goal 5

Continue to work on developing council’s appropriation budget with Executive budget officer.

## ADA Conference Update

David Fenley provided a brief review of the ADA Conference he attended in September.

## Chair’s Report

Chairman Jim Thalhuber gave a review of an item that was added to the by-law revisions in June of 2017. There are two items that need revising. One item which is “conflict of Interest” is not necessary, as it does not apply to the council. The second item is concerning the work involved around the MN state fair. Both revisions will be included in its entirety. Listed as document: 7-CM-By-Laws Amendment-Conflict of Interest. doc and 8-CM-By-Laws Amendment State Fair.doc

### PROPOSED AMENDMENT TO THE BY-LAWS: REMOVE REQUIREMENT FOR ANNUAL SIGNED CONFLICT OF INTEREST STATEMENT

#### Background:

Article II, Section 3 of the Minnesota Council on Disability By-Laws pertaining to Council member Conflict of Interest was amended in mid-2017 to include a requirement for all Council members to sign an Annual Conflict of Interest statement.

After subsequent checking with the office of the Minnesota Attorney General, the Council was advised that having Council members sign a conflict of interest statement is not needed, as it is duplicative of statements signed during the Council member vetting process.

#### Motion:

The following sentence shall be removed from Article II, Section 3 of the By-Laws of the Minnesota Council on Disability:

“Council members will review and sign an Annual Conflict of Interest Statement.”

### PROPOSED AMENDMENT TO THE BY-LAWS: STATE FAIR PER DIEM AND EXPENSE REIMBURSEMENT

#### Background:

Article II, Section 7 of the Minnesota Council on Disability By-Laws states:

1. Expenses – Council members shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties on the Council as allowed by state law.
2. Per Diem – Pursuant to MS15.059, Sec. 2, Subd. 3 (2001), Council members who are not full time employees of the state of any of its political subdivisions and public employees as limited by that law, may receive a per diem payment.

In order to be conform with the State of Minnesota’s policy on “Special Expenses,” we have been advised by the State’s Accounting Director that we must now also include language in our By-Laws to allow state fair specific expenses claimed by Council members.

#### Motion:

The following sentence shall be added to Article II, Section 7 of the By-Laws of the Minnesota Council on Disability:

1. Special Expenses/Per Diem – Council members shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties at the Minnesota State Fair, and may receive a per diem payment.

**Action:** a motion was called by Jim Thalhuber, Council Chair: The following sentence shall be removed from Article II, Section 3 of the By-Laws of the Minnesota Council on Disability: “Council members will review and sign an Annual Conflict of Interest Statement.” The Motion was seconded by Brian Bonte. The motion was unanimously passed by roll call vote.

**Action:** a motion was called by Jim Thalhuber, Council Chair: The following sentence shall be added to Article II, Section 7 of the By-Laws of the Minnesota Council on Disability: Special Expenses/Per Diem – Council members shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties at the Minnesota State Fair, and may receive a per diem payment. The Motion was seconded by Brian Bonte. The motion was unanimously passed by roll call vote.

## Executive Director’s Report

Joan Willshire provided a recap of the AMPERS project and CAV.

## Public Comment

No comments from the public.

## Adjourn

The meeting was adjourned at 2:52 pm.