

# OREGON DISABILITIES COMMISSION

Thursday • July 3, 2008 • 1:00 P.M. – 3:30 P.M.

Conference Room 137D • DHS Building • 500 Summer Street NE Salem, Oregon 97301

## MEMBERS PRESENT:

Frank Armstrong

\*Janet Campbell

Judith Cunio

Cindy Helvington

\*Marcie Ingledue

Bill Lynch

Ruth McEwen

Martha Simpson

Frank Synoground

Tina Treasure

[\*By Phone]

## MEMBERS EXCUSED:

Kedma Ough

Bill Wellard

## PROSPECTIVE MEMBERS:

Ann Balzell

Sherry Stock

## STAFF PRESENT:

Max Brown, Advocacy Coordinator

Becky Murphy, Administrative Staff

## AGENDA ITEMS:

### Call to Order

- Introductions
- Review and Approval of Agenda
- Review and Approval of Minutes
- Updates/Announcements

## CURRENT ISSUES

- The Americans with Disabilities Restoration Act – Federal and State Efforts, Bob Joondeph, Oregon Advocacy Center/Disability Rights Oregon

## COMMISSION BUSINESS

- Plan ODC Planning Day, Set September Meeting
- Bylaws

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- Logo, Brochure, and Website Update
- Real Choices Grant

## **LIAISON REPORTS**

- Capitol Restoration Project – Ruth McEwen
- SB 716 (City of Portland Steering Committee) – Jan Campbell
- Transportation Budget Note Steering Committee – Frank Armstrong
- Medicaid Long Term Care Quality and Reimbursement Advisory Council – Tina Treasure
- Building Codes Structures Board Representation – Bill Wellard
- Home Care Commission – Vacant

## **ODC APPLICANTS**

## **PUBLIC COMMENT**

## **CALL TO ORDER**

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Bill Lynch called the meeting to order.

### **Introductions**

Commission members, staff, prospective members, and guests introduced themselves.

### **Review and Approval of Agenda**

Members reviewed the agenda. Several items will be addressed under Announcements.

**Motion:** Frank Armstrong moved to accept the agenda as corrected. Judith Cunio seconded the motion.

**Vote:** 10-0-0-2

**Yeas:** Armstrong, Campbell, Cunio, Helvington, Ingledue, Lynch, McEwen, Simpson, Synoground, Treasure

**Nays:** 0

**Abstentions:** 0

**Excused:** Ough, Wellard

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**Motion carried.**

**Review and Approval of Minutes**

Ruth McEwen moved that the minutes be approved as corrected. Jan Campbell seconded the motion.

**Vote:** 10-0-0-2

**Yeas:** Armstrong, Campbell, Cunio, Helvington, Ingledue, Lynch, McEwen, Simpson, Synoground, Treasure

**Nays:** 0

**Abstentions:** 0

**Excused:** Ough, Wellard

**Motion carried.**

**Updates/Announcements**

- Bill L. and Max reported there is nothing in writing regarding PDAC as yet.

**Action Item:** Max will follow up on this next week.

- Jan brought up the Mega Disabilities Conference and some issues. Marcie gave background information because her organization was involved in planning of it. In general, the conference was good; however, there were some accessibility and communication issues with facility staff.

**Motion:** Jan Campbell moved to send a letter of support and to request ODC to be involved in the planning next time. Frank Armstrong seconded the motion.

**Vote:** 4-3-3-2

**Yeas:** Armstrong, Campbell, Simpson, Treasure

**Nays:** Cunio, Helvington, Ingledue

**Abstentions:** McEwen, Lynch, Synoground

**Excused:** Ough, Wellard

**Motion carried.**

- Bill L. reported he is invited to present at the National Council of Disabilities meeting in Seattle regarding current issues from the perspective of Region X State Councils on Developmental Disabilities. He wanted to know if members felt the need for something to be shared about ODC. Tina plans to attend but not be on the agenda, and volunteered to say something during public comments.

**Motion:** Jan Campbell moved that Tina report on the new ODC's support of the Council during public comments. Judith Cunio seconded the motion.

**Vote:** 10-0-0-2

**Yeas:** Armstrong, Campbell, Cunio, Helvington, Ingledue, Lynch, McEwen, Simpson, Synoground, Treasure

**Nays:** 0

**Abstentions:** 0

**Excused:** Ough, Wellard

**Motion carried.**

**CURRENT ISSUES: THE AMERICANS WITH DISABILITIES  
RESTORATION ACT—FEDERAL AND STATE EFFORTS---BOB  
JOONDEPH, OREGON ADVOCACY CENTER/DISABILITY RIGHTS  
OREGON**

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Bob Joondeph introduced himself and his organization which now has a new name Disability Rights Oregon (DRO - formerly the Oregon Advocacy Center). The non-profit organization provides legal services and advocacy as Oregon's federally authorized Protection and Advocacy agency. DRO defends the rights of people with all disabilities on a case by case basis and through systems advocacy.

One handout was included in the meeting packet and one distributed during the meeting.

Bob shared:

- The importance of Oregon law over the federal ADA law.
- ADA Amendment Act of 2008. Issues dealing with "mitigating measures," where the Supreme Court has determined, over time, that measures to mitigate a

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disability would exempt someone from protection under ADA. This legislation is intended to restore the original intent of the ADA. Although there were stronger mechanisms of enforcement in the original bill, it has been amended to bring in the support of employer groups.

- 2009 Legislation: DRO will introduce a bill to keep pace with federal legislation at the state level. Bob is getting it drafted so that it is read early during the legislative session.
- Washington and California have stronger laws for adequate protection than Oregon.

**Action Item:** Bob will send staff the legislative concept for 2009 to forward.

**Action Item:** Bob and staff will keep the commissioners in the loop.

**Action Item:** Staff to invite Bob for an update at a future meeting.

Jan Campbell mentioned that the DRO Board needs representatives if anyone is interested.

Bob said the name was changed to better reflect what the organization does. DRO have a new logo and website also.

## **COMMISSION BUSINESS**

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### **Plan ODC Planning Day/Set September Meeting**

The September meeting will include team building, strategic planning, setting priorities, and commission business.

**Decision:** Planning Day will be September 30<sup>th</sup> in Salem and the Executive Committee will plan the day. All members are welcome to assist in planning September's meeting.

**Action Item:** Staff to set up Executive Committee meeting/conference call for planning September's meeting.

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## **Real Choice Grant**

The information in the meeting packet was reviewed. ODC has been requested to provide a letter of support and a representative on the grant's the advisory council.

Questions included:

- Target audience limited because of a waiver or by choice?
- Differences from Long Range Plan?
- Distinctions of other states regarding ADRCs?

**Motion:** Frank Synoground moved send a letter of support for the grant but to include raised questions and interests. Cindy Helvington seconded the motion.

**Vote:** 10-0-0-2

**Yeas:** Armstrong, Campbell, Cunio, Helvington, Ingledue, Lynch, McEwen, Simpson, Synoground, Treasure

**Nays:** 0

**Abstentions:** 0

**Excused:** Ough, Wellard

**Motion carried.**

## **Bylaws**

Bill L. briefly reported on the history of the Bylaws. He drew a distinction between bylaws versus policies and procedures, and reminded commissioners that both are living documents. Each section of the Bylaws was reviewed and minor corrections were made. At a later meeting policies and procedures will be reviewed.

**Motion:** Jan Campbell moved to establish/adopt the Bylaws as corrected. Marcie Ingledue seconded the motion.

**Vote:** 10-0-0-2

**Yeas:** Armstrong, Campbell, Cunio, Helvington, Ingledue, Lynch, McEwen, Simpson, Synoground, Treasure

**Nays:** 0

**Abstentions:** 0

**Excused:** Ough, Wellard

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**Motion carried.**

### **Logo, Brochure, and Website Update**

Discussion of the logo, brochure, and website will occur at the next regular meeting.

### **ODC APPLICANTS**

The two prospective members, Ann Balzell and Sherry Stock, gave a brief biographical sketches and why their interest in becoming ODC members. Members gave their support and felt both would be assets to the Commission.

**Motion:** Ruth McEwen moved for ODC to recommend both Ann and Sherry as commissioners to the Governor's Office. Judith Cunio seconded the motion.

**Vote:** 10-0-0-2

**Yeas:** Armstrong, Campbell, Cunio, Helvington, Ingledue, Lynch, McEwen, Simpson, Synoground, Treasure

**Nays:** 0

**Abstentions:** 0

**Excused:** Ough, Wellard

**Motion carried.**

### **PUBLIC COMMENT**

Scott Lay, Chair of the Home Care Commission (HCC), he attended the meeting to show support for the new ODC. He also wanted to emphasize that HCC has been mandated by statute to have a member from ODC, and currently there is a conflict of scheduled meetings. Bill L. assured Scott that the schedule will be looked at during Planning Day meeting in September.

Sherry volunteered to be the representative upon the Governor's appointment.

### **LIAISON REPORTS**

**Action Item:** Staff to draft a list of groups (liaisons) and their meeting schedules.

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Discussion on using the form for reports which was included in the meeting packet.

There was a reminder to send all materials electronically.

List of Groups:

- Capitol Restoration Project – Ruth McEwen and Bill Lynch alternate. [Reports of two meetings were electronically sent previously.]
- SB 716 (City of Portland Steering Committee) – Jan Campbell. [Update for next time.]
- Transportation Budget Note Steering Committee – Frank Armstrong. [Update for next time.]
- Medicaid Long Term Care Quality and Reimbursement Advisory Council – Tina Treasure. [Update for next time.]
- Building Codes Structures Board Representation – Bill Wellard. [Update for next time.]
- Independent Choices (IC) WorkGroup (meeting in May only) – Ruth McEwen and Judy Cunio as alternate. Ruth reported that IC is going statewide with new rules. There are problems for some already in the program to fit within the new rules. Tina shared her concerns of abuse in the past. Ruth will continue to monitor efforts.
- Long Range Planning group – Bill Lynch and Ruth McEwen. [Update for next time.]
- Home Care Commission – Vacant. [Update for next time.]
- Groups/Agencies Commissioners Represent. [Written reports next time.]

**Action Item:** Commissioners to submit written Liaison Reports for the next meeting, including the groups they represent.

**Action Item:** Staff to research through the State Library if there are any other groups who has a statute mandate for ODC participation.

Sherry reported the Legislative Council is moving back to the Capitol next week.

Bill L. invited all members and staff to give any last thoughts. Comments included: good meeting with good information; ODC has recommended two excellent members; glad ODC is official with Bylaws established; etc.

**Meeting Adjourned:** 3:42 p.m.