



Emergency Executive Committee Meeting

Tuesday July 7, 2020

1:30 PM until 3:30 PM

Location: Remotely Via Zoom

Present: Alicia Eakins, Alison (Ali) Thompson, Angela (Angie) Moss, Mariah Gillaspie,

Absent: N/A

Guests: Josh Winkler

Staff: Joelle Brouner, Bob Lawhead, Vanessa Hernandez

1. Angie called the meeting to order at 1:41 PM.
2. What an Executive Committee Should Be:
 - Should be the directors most valuable think tank.
 - Make sure goals and objectives are met as well as hold the director accountable.
3. Staying on the Sunny Side of the Sunshine Law:
 - Do your work in the committee meetings and not through emails, texts or chats.
4. Administration of Disabilities Concerns:
 - Assigned the executive director to senior staffing meetings.
 - Directed leadership requirements for the executive director.
 - Intends on conducting the performance review of the executive director.
 - Drafted an MOU for the Council signature and did share with Angie.
 - Intends to redeploy the executive director personal care assistant to another location.
5. Alicia: DSA Review- Purpose of the DSA in relationship to the Council work.
 - Revised the Attorney Response on June 18th. The state attorneys opinion that their role in overseeing as the DSA as it relates to state laws. Position of the AG office and DHS is saying that state statute states they are the DSA and the Council is supposed to carry out everything according to state law and the designated state agency is responsible to do reviews.
 - Yolanda and Mindy Gates are the appointing authority over Joelle. Then Joelle is the appointing authority over Council staff.
 - The Council does not have legal representation.
 - Council position: No, simply the designated state agency is the "purse that holds the money for the Council" and does the paperwork for procedures.
 - Joelle did go to review with Yolanda and Mindy and then the feds sent their letter.
 - Since then, Department of Human Services (DHS) has not collaborated on the response due July 10th.
 - A few days ago Angie received a draft Memorandum of Understanding (MOU) from Yolanda to be signed without any feedback.
 - Until the Council is moved to a different designated state agency or the relationship changes, the Council will be operating under these guidelines until state statute is changed.

- Angie received a chat to attend a Lieutenant Governor meeting with Josh Winkler, Yolanda and multiple staff members of the Lieutenant Governor's office.
- Meeting was to contact Josh and the conversation was that the Council does not belong in DHS and they would like to see the Council moved.

6. Recommendations:

- Meet with DD Council staff and members to better understand the situation.
- These recommendations were based on what DHS has
- Joelle shared that Josh has been a Council member and Council chair. It is nice everyone has an opinion of where the Council should be but the Developmental Disability Act states the Council has guidelines it must abide.
- Letter from the feds: According to Sheryl, this is the first time in 17 years that the feds have drafted this letter.
- Joelle has been invited to 24 Department of Human Services leadership meetings.
- Evaluation of the director: The reviews were conducted with no input with the Council.
- Reasonable Accommodation: An email written by Yolanda shared with Angie and not shared with Joelle that states her accommodation, Tina Trammer, will be sent to Fitzsimons hospital to work since she is unable to work with Joelle due to the pandemic. Joelle referenced the Americans with Disability Rights Act- If the employer and EEOC gave guidance for reasonable accommodation during a pandemic. Joelle hired a private attorney to write a letter to DHS and shared with Angie and Alicia.

7. Bob explained the Type 1 Agency definition.

8. Josh Winkler:

- Disability Funding Coordinator
- Plan needs to be established: What does the Council want? What direction do they want to go?
- Process: Ultimately the governor's office would sign off on the approval.
- Council states where it wants to be agency wise.
- Conversations need to move up to Michelle Barns.
- Josh reminded Angie and informed the committee that Department of Human Services sent their version of an Memorandum of Understanding (MOU) and suggested that the Council update their own version and send for review by Department of Human Services. They did not say their MOU version was the final.
- Earliest the Council could move would be July 1, 2021 based on the process.
- Another option would be an interoffice agreement for the Council to go under a different agency.
- One difference with the DD Council is the Type 1 title, which is very uncommon and not many standard MOUs to reference this type.
- Multiple opportunities to clean up state statute before moving to a different agency
- Goal is to move divisions then start the process of requesting a new designated state agency formally on Council letterhead would be beneficial.

9. Meetings for Joelle with DHS:

- Angie and Alicia will send a letter to DHS to state that it is inappropriate for Joelle to attend leadership meetings held by DHS.

10. Joelle feels the only advocacy strategy is to push passed DHS.

11. Ali suggested an MOU should be used to submit with the letter.

12. Public Comment: None at this time.

13. Meeting adjourned at 3:53 PM.

NEXT Committee MEETING:

LOCATION: Remotely

Motions Made:

1. Ali made motion to approve June meeting minutes. Mariah seconded. Membership approved.

Action Items:

1. Angie will send the draft MOU from DHS to the entire committee.
2. Alicia will begin creating an MOU via Google docs and will share with the executive committee.