

**RHODE ISLAND**

**STATE REHABILITATION COUNCIL**

**RI Department of Labor and Training**

**September 13, 2004**

**MINUTES**

**Present from State Rehabilitation Council: William Anderson, Janice Belasco, Annette Bourbonniere, Raymond Carroll (Ex-Officio), Bob Cooper, Domenic Di Orio, M. Kathleen Ellis, Joseph Ferreira, Steven Florio, Margaret Hoye, Catherine Sansonetti, Rosemary Scribner, J. David Sienko, Michaela Stannard**

**Present from Agency: Stephen Brunero, Gary Wier**

**1. CALL TO ORDER AND INTRODUCTIONS - The Vice-Chair, D. Sienko, called meeting to order at 4:05 P.M.**

**2. OLD BUSINESS – D. Sienko**

**1. Acceptance of Minutes**

**Motion**

**J. Belasco made a motion seconded by D. Di Orio and unanimously approved to accept the minutes from May 3, 2004.**

### **3. NEW BUSINESS – D. Sienko**

#### **1. Discussion pertaining to meeting date change**

**D. Sienko: We're going to entertain a proposal to move the item discussions regarding a letter of support for the reauthorization of the CMS Medicaid Infrastructure Grant. If we can entertain that right after the meeting date discussion, we can have action before losing our quorum.**

**First order of business is to change the Council meeting date from the November 1st to November 9th. We have to move it in order to accomplish the goal of having the thirty (30) day period between nominations for officers and elections.**

**A. Bourbonniere: I'm going to ask that we vote on the officers in December because I figured the first Monday of the month is committed to this. I've made other obligations for other Mondays, which is why I have to leave early today. I can't keep all four Mondays of the month open just in case something happens here.**

**D. Sienko: I appreciate that. Any other issues or concerns.**

**R. Carroll: I have a scheduling conflict on November 8th. I'm at a conference out of state, so I won't be available on the 8th.**

**D. Sienko: asked if this creates a problem for us in terms of the By-Laws if we did postpone the elections until December? I know the By-Laws say a minimum of thirty (30) days, I don't know if there's a maximum.**

**B. Cooper: The By-Laws also say they will be elected annually at the November meeting. Now whether that means you can vote to have the November meeting some other week in November, I don't know. Only the general assembly they can stop the clock and the dates.**

**A. Bourbonniere: Last year, we did the voting in December because we had to cancel the November meeting. I think that we should be making the Nominations Committee give them a reminder to do it earlier. The reason it got postponed so late last year was we just got caught in the whole time line too.**

**D. Sienko: We also were lacking some information about which members were up for renewal. We did lose time, you are right. It has been difficult to establish and maintain a quorum. It is important that we have one, especially when it comes to elections. Therefore we would have a conflict if we were to keep the meeting date where it is, and propose a ballot because it wouldn't be thirty (30) days. And we would be in conflict with the By-Laws by not doing it November. So**

**we're between a rock and a hard place and, it is kind of like when you have two rules that conflict with each other.**

**D. Di Orio: asked how would D. Sienko advise the Leadership Committee.**

**D. Sienko: said it would be an advantage to your committee to have that extra time to finish the ballot.**

**D. Di Orio: remarked we understand it has to be done, and this is not a problem with J. Belasco and M. Hoye who are very much in harmony with me. We do not need extra time.**

**B. Cooper: There's not a reference to thirty (30) days, there's a reference to meeting before the prior meeting. The By-Laws simply say, the meeting prior to the November meeting.**

**A. Bourbonniere: well, there you go.**

**B. Cooper: Election and Term of Office. The offices for the State Rehabilitation Council shall be a Chairperson, Vice Chairperson and a Secretary. The officers shall be elected annually at the meeting. Nominations for legislative officers shall be offered to the full Council at the meeting prior to the November meeting. Officers shall serve for one year. Officers cannot hold office for more than three consecutive terms. So it's whatever meeting falls before November you have to**

**have legislative officers.**

**A. Bourbonniere: let's do it and then, keep the meetings the same.**

**D. Sienko: asked to entertain a motion regarding the scheduling of the November meeting.**

**A. Bourbonniere: moved to keep the meeting November 1st.**

**S. Florio: asked if the Council had to entertain a motion to keep the meeting on the original date.**

**D. Sienko: remarked that that was a good point because it's already scheduled.**

**J. Balasco: remarked that she was under the impression that we were going to meet on October 4th, and at that time the Nominating Committee was going to present nominations, but there needed to be thirty (30) day before the vote.**

**N. Baker: said that somewhere there's a thirty (30) day limit. Let me review something, one moment.**

**D. Sienko: I'm at a little bit of a disadvantage here. I do not understand what the thirty (30) day statutory question is.**

**M. Hoyer: I believe the thirty (30) days pertains to if you're going to have a change in the By-Laws. You have to have a 30-day notice on that.**

**N. Baker: I believe in Robert's Rules it states a thirty (30) day period between nomination of officers and voting.**

**B. Cooper: Robert's Rules are only used when your own By-Laws don't speak to an issue. By-Laws specify that, the way I read it, you could have your October meeting the last day of October and your November meeting the very next day. It just says whatever is prior to November. Last year our problem was we weren't planning a meeting between September and November, but there had been some discussion at a prior meeting about potentially putting one in October. I don't think we had a thirty (30)-day problem we just had to get an October meeting in and that created additional problems.**

**D. Sienko: with that clarification then, my understanding is that we do not have a conflict in our By-Laws regarding the presentation of officers at the October meeting and we can hold the meeting as scheduled on November 1st.**

**S. Florio: then we don't need a motion because we are not changing the meeting.**

**D. Sienko: asked N. Baker to make a note that is reflected in the**

**minutes; based on the clarification in the By-Laws we've made this decision to leave the meeting as scheduled.**

**Note: Based on the By-Laws, Section 2 - Election and term of office, the meeting date was not changed.**

## **2. CMS Medicaid Infrastructure Grant**

**D. Sienko: the second item is the discussion regarding a letter of support for the reauthorization of the CMS Medicaid Infrastructure Grant.**

**Background was given on this grant and the Steering Committee's work.**

**A. Bourbonniere: added that the SRC has been a partner in this endeavor all along, so it really fits in with our mission. The whole Medicaid Infrastructure Grant is part of that part to reduce barriers. That's what it's all about. It will be dealing with other issues as well, like transportation, employer accommodation, things along that line. Another accomplishment of the SRC that's come out of this grant was the original notion of a business leadership network that's also started up. So it is going forward in a positive direction. So we would like to see it renewed and continue.**

**D. Sienko: requested for the minutes that whether we approve it or not, he would like to have someone from the project give us a briefing and update on the efforts of the Steering Committee.**

## **Motion**

**A. Bourbonniere made a motion seconded by D. Di Orio and unanimously approved to authorize the Chair to write a letter of support for the Medicaid Infrastructure Grant.**

## **3. ORS Administrator's Report – R. Carroll**

**R. Carroll: ORS has had a very busy summer this is an update on some of the significant happenings that are occurring at the office.**

**- Annual State Plan – updated for 2005 was mailed to the RSA. There are two and a half (2½) more weeks for 2004. I spoke with our Federal partners, the Rehabilitation Services Administration, this morning to find out where the approval process stands and I was told that the plan is approvable and it only needs a few more sign offs. During the summer since the plan was mailed there were some clarifications needed and R. Conner did make them. The new year begins on October 1st.**

**- Resources – ORS is already working on the State Fiscal Year 2006,**

**which begins next July 1st. Despite reducing expenditures by ten percent (10%) we are still moving forward.**

**· Personnel - ORS hired another counselor who started, right after Labor Day. We have a couple of more postings and recommendations into our Human Resource Development office. Services for the Blind has one counselor vacancy that is approved for recruitment and another support position will be posted. This will put us in a situation where there will be no vacancies at Services for the Blind and then the Vocational Rehabilitation Program will probably only have one vacancy. We're vamping up in terms of our most important resource, which is our staff. That's a really positive picture from the personnel point of view.**

**· Budget preparations for 06 - we have finished our program narrative, which is an in-depth comprehensive overview of our programs. Some new outreach initiatives that we want to embark on; a new initiative working with the Federal Department of Veteran's Affairs to develop a cooperative working agreement to work with veterans with service connected disabilities. We also are working on developing a better working relationship in service to Native Americans, in particular the Narragansett Indian tribe.**

**· News Line - resources will be implemented at the beginning of the New Federal Fiscal year.**

**· The joint review to look at transition services in Rhode Island –**

**copies of the Federal Report were handed out to the council. ORS and the Department of Education are moving forward with a memorandum of understanding.**

- Eighth Annual Employer Honor Roll – is slated for October 6th, at the Radisson Airport Hotel.**

- The Federal Rehabilitation Services Administration – continues to move forward with training for SRC chairs and members.**

**S. Brunero: passed out a graph that reflects ORS's goals and the Program results thus far. ORS has until December 30 to finish up for the year. We have to look at Standards and Indicators, which identify the goals vs. what we have achieved.**

**Applications - the goal was (1,752) as of today we have (1,828).**

**Employment Plans/Status 12 - the goals was (1,034) as of today it is (1,013).**

**Successful Outcomes – the goal was (616) (which is above the Federal Law for 605) as of today there are (565), so we have another three weeks to reach that number.**

**There was a break and the Chair called the meeting back to order at 5:30.**

**A discussion regarding changing the By-Laws regarding thirty (30) day time frames between nominations of officers and voting occurred.**

**S. Florio: commented that if the meeting were postponed to November 8th, we would not have a quorum because of the seven (7) members waiting for reappointments.**

**N. Baker: if members are not seated, then they don't count in the quorum of the Council. They're no longer members, so the Council has fewer members, thus a smaller quorum.**

**M. Hoyer: said I think we have to go by By-Laws, if, for the people that are reapplying. The meeting is on November 1st, if we bring up these people and the Council votes to reinstate them, what would happen then?**

**B. Anderson: the Governor has not appointed them, so they're not members of the Council. This was the reason why I wanted to try to address this with the thirty (30)- -day question, because this would be an attempt to go back to resolve the problem that we had last year. That is why it was on the agenda and apparently B. Cooper addressed that. I would like to get B. Cooper's reading of this, because obviously, we have a different interpretation of the By-Laws and the law in general.**

**B. Cooper: there's a reference to the slate of offices meeting prior to the November meeting that's all it says. If you have a Council meeting on the 30th of October, and they present the slate and then you have another Council meeting on the 1st of November, there's no reference as to days between meetings, it's just whatever meeting is prior to the November meeting that's the one that the slate has to be prepared.**

**B. Anderson: not withstanding what's in the By-Laws, one of the concerns is that Robert's Rules will control when the By-Laws don't specifically reference that.**

**B. Cooper: the By-Laws do specifically reference. It says, nominations for the slate of offices shall be offered to the full Council at the meeting prior to the November meeting.**

**B. Anderson: however, Robert's Rules says there will be thirty (30) days.**

**B. Cooper: this supersedes that because it says you have to have a full Council meeting prior to November.**

**B, Anderson: but there's no date reference.**

**B. Cooper: correct, that's why I'm saying Robert's Rules only take**

**effect when there is not a provision in the existing By-Laws, and the By-Laws spell out when the offices shall be nominated. As such, you don't then fall back on Robert's Rules and come up with an alternative.**

**B. Anderson: there's a reference in that there is a thirty (30) day period between one and the other that's why Robert's Rules exists.**

**B. Cooper: there is no reference in that.**

**B. Anderson: that's my point.**

**B. Cooper: and my point is that Robert's Rules are only used when the By-Laws don't spell something else out. If you use the thirty (30)-day rule, then if you had a meeting in August, and then you're not going to have another meeting until November, does that mean that people can be simply notified of a slate or do they have to be told in August at a meeting?**

**B. Anderson: if you told them at the August meeting that you were going to provide, the slate of offices then that would meet both requirements. It would give them the thirty (30) days, which gives you the Robert's Rules, reference, and it would meet the By-Laws requirements**

**M. Hoyer: we have to change the By-Laws. Because the way you're**

interpreting it are two different items. The Council could have the meeting on the 31st of October and then the next meeting on November 1st. That does not make sense. We have to incorporate in our By-Laws the description of the election. We would have to put the thirty (30) day implement into it. That's the way I read Robert's rules. I would make a motion to do this.

**B. Anderson:** the whole provision of the thirty (30) day requirement is so that people have the time of notification between one and the other. If you look at the way the By-Laws are and read it the way B. Cooper is doing, and I'm not necessarily disagreeing with him. If you want to look at it from the point of view of the way the Council has done it before, if we have a meeting on the 31st and then another meeting on the 1st, there would not be thirty (30) days between the two dates.

**B. Cooper:** the only thirty (30) day reference is with referencing the By-Laws. At that time it's very specific. The other is also very specific to the fact that the meet prior to the November meeting is when the slate of offices gets presented. The language is very specific about when the slate must be given and I don't think you fall back onto Robert's Rules to add to that. Normally Robert's Rules is used when there's no, let's say no definition of the word quorum, then you fall back on the rules but when the By-Laws are very specific and spell out the fact that it has to in fact take place in November, it is very explicit in here as to how, and when the offices are nominated

and when they're elected. So I don't think Robert's Rules would trump the fact that there's very specific language in the existing By-Laws on that issue.

B. Anderson: asked, you don't really feel there is a need to make sure there's a thirty (30) day difference between one meeting and the other.

B. Cooper: no, because the only time that's required is when someone is proposing changes to the By-Laws.

D. Di Orio: I don't have a legal background, but the Leadership Committee has an obligation to submit names for chair, vice chair and secretary. Where do we stand on this?

B. Anderson: that's why we're trying to get an understanding of what to do here. We've had issues before where people would argue there wasn't a thirty (30) day difference between Nominations and the election. Since we have had a discussion I want an agreement that this is not a problem. We should take this up at a By-Laws committee meeting, since we can't work with anything other than the information provided to us by B. Cooper. Our By-Laws say it has to be submitted prior to the November meeting.

M. Hoye: I make a motion that it's clarified in the By-Laws committee.

B. Cooper: can I add a friendly amendment and ask the committee to mail out any proposed clarifying language more than thirty (30) days

**before the November meeting so that they can come back with a proposal and send it to the full Council for it to address in November. That would be prospective. I don't think they need to report back on October 4th and everyone has to wait until next year.**

**M. Hoyer: isn't the proper way to do it to put out, it should be side by side really, the old proposal and the new proposal so people can more or less figure it out.**

**B. Cooper: I'm saying have them mail it out before the October 4th meeting so that in November, we can elect officers and make clarifications to the language.**

**B. Anderson: I would agree.**

**B. Cooper: so I would second the motion.**

## **Motion**

**M. Hoyer made a motion seconded by B. Cooper and unanimously approved that the By-Laws subcommittee review the language of the By-Laws, and any proposed language changes are submitted to the membership of the Council thirty (30) days prior to the meeting on the November 1st, for clarification of this language on the issue of utilizing thirty (30) days between nominations of officers and the**

**election of officers.**

**J. Ferreira: asked if anything had come from his questions about McCormick's restaurant. S. Greco had told the Council he would look into the situation regarding the front entrance back in June.**

**B. Cooper: said he would check it out and get back to J. Ferreira.**

#### **4. Subcommittee reports**

**\* Nominations and Leadership – J. Belasco**

**J. Belasco notified subcommittee members that she received a July 27, 04 phone call at work from a council member who gave three names for officer positions. A reminder is made to all SRC members that nominations should be submitted on September 22, 2004, when all Council members are invited to attend our committees meeting, or when names are called from the floor at the full council meeting. (Committee report enclosed)**

**\* State Plan and Policy – J. Ferreira**

**The committee will be meeting next week to discuss Policies.**

**\* Legislative – no report**

**\* Quality Assurance – no report**

**\* Employment – no report**

**\* By-Laws – no report**

**\* Cooperative Committees**

**- Governor's Advisory Council for the Blind and Visually impaired & Statewide Independent Living Council quarterly report – E. Graves (reports disseminated to Council)**

**- State Workforce Investment Board – B. Cooper**

**The State Workforce Investment board will be meeting in the 28th of September at 7:30 a.m. in this building to look at the plans from the regional Workforce Investment Boards. We're unsure at this point as to what the Workforce Investment Board membership will look like as of January 1st, because at that point, the existing Human Resource Investment Council will go out of business and a new one will take its place.**

**With the support of this Council, the General Assembly did change the membership reference, so that there will be one person with a disability as opposed to simply somebody who has expertise in disability. We don't know who the governor will be appointing for those. And there may potentially be a constitutional crisis on that because the Federal Government requires members of the State**

**Legislature to serve on that Board and if the vote is approved for constitutional amendment to band members from that board, there may be a problem. They're looking at a loss of three (3) million dollars. For a State to apply for the money you have to have one sitting member of the State Legislature.**

**5. Adjournment – the meeting was adjourned at 6:20 pm.**

**Respectfully Submitted,  
Nancy L. Baker, Staff  
State Rehabilitation Council**