



State Consumer & Family Advisory Committee (SCFAC)
MEETING MINUTES

Date: January 11, 2017 **Time:** 9:00 a.m. - 3:00 p.m. **Location:** Dix Campus - Dix Grill on the Hill

MEETING CALLED BY			Kurtis Taylor		
TYPE OF MEETING			State Consumer & Family Advisory Committee (SCFAC)		
ATTENDEES					
COMMITTEE MEMBERS			STATE STAFF ATTENDEES		
NAME	AFFILIATION	PRESENT	NAME	AFFILIATION	PRESENT
Kurtis Taylor	Chair	<input checked="" type="checkbox"/>	Stacey Harward	CE&E Team	<input checked="" type="checkbox"/>
Ben Coggins	Vice chair	<input checked="" type="checkbox"/>	Eric Fox	CE&E Team	<input checked="" type="checkbox"/>
Bonnie Foster	Cardinal	Excused Absence	Suzanne Thompson	CE&E Team Supervisor NC DHHS/DMH/DD/SAS	<input checked="" type="checkbox"/>
Mike Martin	Alliance	<input checked="" type="checkbox"/>	Ken Schuesselin	NC DHHS/DMH/DD/SAS Consumer Policy Advisor	<input checked="" type="checkbox"/>
Doug Wright	Alliance	<input checked="" type="checkbox"/>	Jason Vogler	Interim Senior Director NC DHHS/DMH/DD/SAS	<input checked="" type="checkbox"/>
Patty Schaeffer	Partners	<input checked="" type="checkbox"/>	Glenda Stokes	CSCR Team NC DHHS/DMH/DD/SAS	<input checked="" type="checkbox"/>
Wayne Petteway	Trillium	<input checked="" type="checkbox"/>	Josephine Tetteh	NC Asst. Attorney General	<input checked="" type="checkbox"/>
Benita Purcell	Cardinal	<input checked="" type="checkbox"/>	Monica Hamlin	IDD Consultant to DMA	<input checked="" type="checkbox"/>
Dennis Parnell	Alliance	<input checked="" type="checkbox"/>	Christopher Lewis	CE&E Team NC DHHS/DMH/DD/SAS	<input checked="" type="checkbox"/>
LaVern Oxendine	Alliance	<input checked="" type="checkbox"/>	Wes Ryder	CE&E Team	x
Marie Britt	Resigned	<i>Resigned</i>	GUEST		
Bev Stone	Trillium	Excused Absence	NAME	AFFILIATION	
Ron Rau	Sandhills	<input checked="" type="checkbox"/>	Ms. Christine Robertson	Cardinal Innovations LME MCO	
Brandon Tankersley	Alliance	<input checked="" type="checkbox"/>	Ms. Juanita Jefferson	Cardinal Innovations LME MCO	
Catreta Flowers	Trillium	<input checked="" type="checkbox"/>	Lt. Col. Kenneth Brown	Retired Army	
John Duncan	Cardinal	<input checked="" type="checkbox"/>			
Deborah Page	Cardinal	<input checked="" type="checkbox"/>			
Martha Brock	Alliance	<input checked="" type="checkbox"/>			
Pat McGinnis	Vaya	<input checked="" type="checkbox"/>			
Mark Fuhrmann	Partners	<input checked="" type="checkbox"/>			

1. Agenda topic: Welcome **Presenter(s):** Kurtis Taylor

Discussion	<ul style="list-style-type: none"> Opened the meeting at 9:05. Welcomed everyone to the meeting. Reviewed the basic housekeeping items. Introduction of all members, staff and guests. 		
Conclusions			
Action Items	Person(s) Responsible	Deadline	
<ul style="list-style-type: none"> Public Comment—None. 	Kurtis Taylor		

2. Agenda topic: Agenda approval **Presenter:** Kurtis Taylor

Discussion	<ul style="list-style-type: none"> The agenda was amended to reflect that due to a speaker coming in at 1:00 PM the subcommittees will meet during lunch.
Conclusions	<ul style="list-style-type: none"> Agenda approved with revisions noted.
Action Items	

3. Agenda topic: Review of past Minutes Presenter: Kurtis Taylor

Discussion	<ul style="list-style-type: none"> Draft Minutes were reviewed for the December 14, 2016 SCFAC meeting and the December 21, 2016 SCFAC to Local CFAC conference call. Martha Brock - Stated that it appears from the October minutes that at some point there were not enough people present for a quorum. Martha Brock - Asked that both the SCFAC minutes and the State to Local Conference Call minutes be revised to include her comments on the CURES act which had passed Congress and included language from the Murphy Bill.
Conclusions	<ul style="list-style-type: none"> The minutes were approved by consensus of the committee with the revisions suggested by Martha Brock.
Action Items	
Person(s) Responsible	Stacey Harward
Deadline	January 31, 2017

4. Agenda topic: Update on SCFAC membership Presenter(s): Kurtis Taylor

Discussion	<ul style="list-style-type: none"> Marie Britt - Resigned from the committee stating some concern about the new leadership coming in. Marie represented Substance Abuse. There is another opening for a person from the Eastern Region. Marie Britt's position was Substance Use specific and is a Secretarial appointment. The other open seat is an Eastern Region position and is appointed by the NC Council of Community Programs and according the Chairperson would preferably represent I/DD.
Conclusions	
Action Items	
Person(s) Responsible	
Deadline	

5. Agenda topic: Review of the SCFAC letter to Governor Roy Cooper Presenter(s): Kurtis Taylor

Discussion	<ul style="list-style-type: none"> Kurtis Taylor - Reviewed four draft letters with the committee. The Committee discussed drafting another letter stating their support for the new Governor's position on Medicaid expansion. Martha Brock - Raised an objection to the letters focusing so much on service delivery and would like to see support for other services such as those provided by NC Vocational Rehabilitation. Instead of saying the only thing we are trying to do is promote MH DD SAS services but support all other services offered through DHHS specifically services that assist people to get and maintain jobs. Doug Wright - Stated that there is a redundancy in the first two sentences of the letter to the Governor and suggested deleting one of them. The committee agreed to strike the first sentence and revise the second sentence to mention DHHS rather than mentioning the General Assembly twice. Committee members suggested the third sentence be revised to delete 'behavioral health' to "stemming from the providers of services/supports in our local communities". The committee agreed to these changes and Kurtis T. thanked the subcommittee for drafting these letters. On the next to last paragraph delete the word "provide" after the word "members". Some discussion about who would receive the letter and who would sign it.
Conclusions	<ul style="list-style-type: none"> Letters will be revised as discussed. SCFAC approved the letter being sent by consensus.
Action Items:	
Person(s) Responsible	
Deadline	

<ul style="list-style-type: none"> After letter is revised Kurtis Taylor will sign and send the letter. Brandon and Benita will revise the letter. 	Kurtis Taylor	Not specified.
	Brandon and Benita	Not specified.

6. Agenda topic: SCFAC letter on Stigma

Presenter(s):

Discussion	<ul style="list-style-type: none"> Mike Martin - Letter assumes there is no anti stigma campaign from the state level. Doug Wright - There are no statewide campaigns however each of the LME MCOs has some anti stigma campaign going on at the local level as part of their contract with the state. Mike Martin - Suggested that the SCFAC possibly advocate for more coordination across the state on the anti-stigma campaigns. Kurtis Taylor - This was a recommendation of the MH SA Task Force. Mike Martin - Suggested adding a brief statement that the State coordinate a more focused approach to the ongoing anti-stigma campaigns which currently exist within the LME MCO's. Martha Brock - Made a motion that the letter be deferred until the subcommittee can broaden the letter to include all three disability categories, state that the Governor's Task Force has already recommended this, that this is a gap not being addressed and also determine who the letter would be sent to. Mark Furman seconded the motion. Discussion, Brandon Tankersley - Asked who is going to do it? Pat McGinnis - Has attended some national conferences and discussed stigma at length and they do call it discrimination and would like the letter to state that stigma is discrimination. Martha Brock - Clarified she does not want to do something in a rush that the committee could take more time to work on and improve. 	
Conclusions	<ul style="list-style-type: none"> Motion was approved to table the letter. 	
Action Items	Person(s) Responsible	Deadline

7. Agenda topic: Remaining two letters

Presenter: Kurtis Taylor

Discussion	<ul style="list-style-type: none"> Letter of thanks to Secretary Brajer and letter in regards to 122-C. These letters will be reviewed by email and if possible, approved and sent prior to the next meeting. 	
Conclusions		
Action Items:	Person(s) Responsible	Deadline
<ul style="list-style-type: none"> Kurtis will email the letters to the committee to finalize and send the letters prior to the next meeting. 	Kurtis Taylor	February 8, 2017

8. Agenda topic: Presentation: Public Records Open Meetings Law

Presenter(s): Josephine Tetteh, NC Asst. Attorney General

Discussion	<ul style="list-style-type: none"> Ms. Tetteh - Presented on the topics of Public Records and Open Meetings law. Ms. Tetteh - Provided the committee with a copy of the PowerPoint presentation that she went over with the committee. The presenter engaged in questions and answers throughout the presentation. The presenter ended the session at 11:08. 	
Conclusions	<ul style="list-style-type: none"> Ms. Tetteh - Was invited back by the Chair to finish her presentation at the February meeting. 	
Action Items:	Person(s) Responsible	Deadline
<ul style="list-style-type: none"> Ms. Tetteh will return to the February meeting of the State CFAC to finish her presentation. 	Ms. Tetteh & Stacey Harward	February 8, 2017

9. Agenda topic: MH/DD/SAS Update

Presenter: Dr. Jason Volger, Interim Senior Director of NC DHHS/MH/DD/SAS

Discussion	<ul style="list-style-type: none"> • Jason Volger - Urged the committee to consider reminding people who attend SCFAC meetings that there is no expectation of confidentiality due to the Open Public Meetings Law. • Jason Volger - Provided a Division update which touched on the following topics: <ul style="list-style-type: none"> • All of Governor McCrory's appointments have expired as of December 31st. • Currently DHHS has an Interim Secretary, Dempsey Benton. We are fortunate to have him back as he has familiarity with the issues. He will serve in this role presumably until a new appointment can be named and confirmed. • Mike Martin - Asked if it would be appropriate to invite him to a SCFAC meeting. • Jason V. - Encouraged the Committee to consider doing so. • HB 17 changed the number of people who are exempt. At DMH/DD/SAS there is now only one position which is exempt, the Division Director position which is currently vacant. • Governor Cooper's pursuit of Medicaid Expansion. There has been a lot of work towards this goal within DMA and DMH/DD/SAS. • Suggested the committee to invite a speaker from DMA to present on the Mega Rule and how that may change provider enrollment. • Some discussion of how Medicaid expansion would play into the current pursuit of the 1115 waiver. Jason V. - Responded that they are separate issues. That the 1115 has been submitted as well as the TBI waiver, the Autism state plan amendment, HCBS waiver. These are essentially on hold until the new federal administration transitions in and makes decisions. • There were some questions and responses about current funding and RFAs for direct services including opiate treatment and the building of two child facility based crisis units and funding for the renovation of community hospitals to provide inpatient psychiatric care. • Kurtis T. - Asked Jason of the twenty million dollars that were allocated to fund pilots based on the Governor's Task Force recommendation how much has been allocated and are their dollars available for an anti-stigma campaign. Jason V. - Responded that that is a possible use for some of those funds and that there may be additional sources of funding for anti-stigma campaigns. • Brandon Tankersley - Asked who Jason would suggest the committee send their anti-stigma letter to? • Jason V. - Responded he recommends the letter be sent to him. • Pat McGinnis - Shared a personal story about a family member who had difficulty communicating with the Social Security Administration and how this was a result of stigma. She made the point that we need to address stigma in a variety of places. • Jason V. - Replied stigma and education. • Kurtis Taylor - Added that the original recommendation from the Task Force called for successful people who found long term recovery to present to a wide variety of groups including providers. He reminded the group that the original recommendation was to address stigma around opiate use as people affected by substance use are dying due to stigma. • There was additional discussion on the issue of stigma and discrimination. • CURES ACT was passed so there will be additional funding distributed for opiate treatment. This may be time limited funding. Division staff are pulling plans together and will then engage stakeholders on feedback on the plans. • Martha Brock - Is the NCMHO still in existence? Jason V. - I am not sure if they still exist however DMH DD SAS no longer contracts with them. We have issued a new RFA to provide WRAP training. • CCBHC grant initially started out as a grant to integrate behavioral health and physical health care. We had really great applicants. We did not receive the grant from the federal government. We have heard from some of the provider groups that they are going to continue some of the practices they had planned during the application process. 	
Action Items	Person(s) Responsible	Deadline

10. Agenda topic: Lunch and subcommittees meet

Presenter(s): Subcommittee Chairs

Discussion			
Conclusions			
Action Items	Person(s) Responsible	Deadline	

11. Agenda topic: Ground rules contract

Presenter(s):

Discussion			
Conclusions	<ul style="list-style-type: none"> • Brandon Tankersley - Made a motion to accept the ground rules as written. • Martha Brock - Made a suggestion that the document be revised to add they committee would always refer to their bylaws. • Wayne Petteway - Seconded the motion. 		
Action Items	Person(s) Responsible	Deadline	
<ul style="list-style-type: none"> • SCFAC members will sign the document. 	Stacey Harward	Not specified	

12. Agenda topic: Consumer Policy Advisor Update

**Presenter: Ken Schuesselin
NC DHHS/MH/DD/SAS, Consumer Policy Advisor**

Discussion	<ul style="list-style-type: none"> • An RFA was posted the Division by for a Consumer Run Consumer Operated Business opportunity. • In partnership with UNC NC State the Division is hosting a Leadership Academy to train people who consumers to operate consumer run businesses and create a network of people with experience operating these businesses. February April and June will be face to face on site training. The months when they are not face to face they will be participating in webinars and online trainings. Pat McGinnis is one of the people involved in this initial training. We currently have sixteen (16) people in this group and we hope to grow this in the future. • Ken Schuesselin - Responded to questions about the Leadership Academy initiative. • An RFA for a Peer Operated Crisis Respite Service is being developed. • Discussions are ongoing on ways to address Anti Stigma. • Suzanne Thompson - The RFA for the COSP to perform WHAM or WRAP we need a volunteer from the SCFAC to review the applications. Deborah, Martha and Brandon volunteered. • DMH and DMA are working on changing any service definitions which required a provider to be a CABHA. Suzanne T. - Would like volunteers to serve on the related work group. • DMH is working on a service to support employment. Martha and Benita volunteered. • Suzanne T. - Mentioned that DMH/DD/SAS. • Suzanne T. - Talked to Lisa Haire about the State Plan. According to Lisa it has been completely overhauled from what this group saw. She is hoping to be able to send a draft out to the SCFAC within the next five days. She would then like to schedule a conference call within one week of sending them the plan so they may give input into the plan. • Kurtis T. - Requested that they be given more than one week to review the plan before giving input. Suzanne will suggest that Lisa Haire come to the February meeting to get the SCFACs input. • Suzanne T. - Offered to invite the Asst. Attorney General back to the February meeting. • The committee asked her to make a standing invitation for the Asst. Attorney General to attend and present on open meetings and public information on an annual basis. • Ben Coggins - Asked Ken if he was working on anything related to stigma. Ken S. - assured the committee it is on his radar. • Pat McGinnis - Talked about the lack of a real raise for Social Security recipients and the need to provide stipends and other supports to people who are consumers in order to allow them to be at the table and have input. Ken S. - Agreed and has been talking with the current DMH/DD/SAS Medical Director about how we can better support people to be at the table.
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	<ul style="list-style-type: none"> • Martha Brock - Spoke in support of what Pat McGinnis said especially as it relates to transportation. If we don't do something about this then the only people who can participate are people with an income from somewhere else. • Kurtis Taylor - Thanked Ken for attending and presenting.
Conclusions	
Action Items	

13. Agenda topic: Rule making committee of the MH DD SAS Commission Presenter(s): Denise Baker

Discussion	<ul style="list-style-type: none"> • Ms. Baker - Is the rule making coordinator for DMH DD SAS and for the Commission of MH DD SAS. • Ms. Baker - Passed out a flow chart which illustrated the rulemaking procedure. • Ms. Baker - Provide a summary of the rule making process of the MH DD SAS Commission which included the following points. <ul style="list-style-type: none"> • Before a rule can be developed there must be rule making authority in statute. • There are several statutes which govern the rule making of the Commission. • The Division assigns a subject matter expert in this process. Ms. Baker works with this subject matter expert to develop appropriate rule based language i.e. "shall" rather than "may", etc. • Ms. Baker - Will send an example of a rule by email. • Commission is divided into two committees. The Rules Committee and the Advisory Committee. If it is a Secretary Rule then the Secretary has the final say in what the rule will say. If the rule is written pursuant to the Commission's authority than the Commission retains the authority to finalize the rule. • Ms. Baker - Reviewed the appointment process and makeup of the 32 member Commission. The statute requires inclusion of people who are consumers and their family members. There are positions for QDDPs and attorneys. • Commission must quantify the cost of the implementation of any rule written. • Costs must be certified by the Office of State Budget Management. If costs cannot be certified the Commission must reevaluate the rule and come up with two alternatives to implementing the rule. • Publication in NC Register (60 day Public Comment period). • Final Review by Commission Rules Committee. • Adoption by Commission. • Rules Review Commission. • Publication in the NC Administrative Code. • Ms. Baker - Spoke about ways that the SCFAC could interact with the Commission and provide input into the rules making process. The Commission is required to maintain a list of all parties interested in the rule making process. Once the SCFAC is added then the committee will be notified when the rule is published in the NC Register. • There are other methods of interaction in the process for example serving on work groups designated as subject matter experts. • There is always a public comment period of each Commission meeting. All these meetings are open to the public including meetings held electronically. 	
Conclusions	<ul style="list-style-type: none"> • Benita Purcell - Made a motion and Pat McGinnis seconded the motion that Kurtis Taylor will send an email to Denise Baker asking the SCFAC be added as an interested party with the Commission. Motion passed by majority vote. 	
Action Items		
<ul style="list-style-type: none"> • Ms. Baker will email an example of a rule to the SCFAC. 	Ms. Baker	Not specified.
<ul style="list-style-type: none"> • Kurtis Taylor will send an email asking that the SCFAC be added as an interested party. 	Kurtis Taylor	Not specified

14. Agenda topic: IDD Consultant to NC DHHS DMA Presenter(s): Monica Hamlin

Discussion	<ul style="list-style-type: none"> • Ms. Hamlin - Was present sitting in for Renee Radar. Renee R. had sent a number of updates including. • External Quality Review of LME MCOs are almost finalized by CCME. Reports will be posted once completed. • Innovations Waiver services were looked at as a package but now looking at each service individually. • Stakeholders will have an opportunity to offer input into gaps and needs of I/DD services. • New Leadership at DHHS Interim Secretary Dempsey Benton. At DMA, Deb Gouda is the new program manager at DMA. • DMA is considering adding new B-3 services and there will be opportunity for stakeholder input during this process. • Doug Wright - Asked if there has been much feedback about the new Innovations Waiver. • We have seen a small uptick in legislative inquiries about Individual Budgets. • Services that are medically necessary cannot be denied based on an individual budget. These budgets are guidelines. • Mark Fuhrman - Received a letter about the new budget and he complimented the language of the letter saying that it was a little better in readability than previous communications. Even though the families budget was cut the letter was much more understandable than in the past. • Ms. Hamlin - Explained that the letters are not written by the LME MCO but by a contractor. • Mark Fuhrman - Also knows someone in his community who actually just received a Waiver slot, he is happy to see something happening and that some families are getting support. • Ms. Hamlin - We were given 250 additional slots. Drop in the budget compared to the 10,000 on the wait list but it is some small improvement. • New Service Definition, Supportive Living where you can live in your own home and receive services. There was recently a three day living to train LME and MCO staff in this new (to NC) model. • HCBS Comment period ended 12/16 DMA Currently working on responding to those comments. • Autism Spectrum Disorder will be a state plan definition developed called Research based behavioral health treatment. 		
Conclusions			
Action Items	Person(s) Responsible	Deadline	

15. Agenda topic: Open Discussion Presenter(s):

Discussion	<ul style="list-style-type: none"> • Dr. Martin - Introduced a visitor Lt. Col. Kenneth Brown (Ret. US Army). • Dr. Martin - Suggested the SCFAC invite someone who can speak about upcoming mandate of providers to be fully compliant with electronic medical records. • Disability Rights is having a legislative breakfast on January 28th at the Friday Center and is offering CEUs. 		
Conclusions			
Action Items	Person(s) Responsible	Deadline	
<ul style="list-style-type: none"> • Suzanne Thompson will look into who the subject matter expert is on electronic records. • Stacey will send out the email detailing the legislative breakfast. 	<ul style="list-style-type: none"> Suzanne Thompson Stacey Harward 	<ul style="list-style-type: none"> Not specified. Not specified 	

16. Agenda topic: Expanded Telemedicine letter Presenter(s): Kurtis Taylor

Discussion	<ul style="list-style-type: none"> • Asked the committee to review the letter to Dave Richard regarding expansion of telemedicine services. • There were several suggestions for revisions of the letter. 		
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	<ul style="list-style-type: none"> Pat McGinnis - Made a motion and Benita Purcell - Seconded the motion to send the letter. Motion passed with one objection. 									
Conclusions										
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<ul style="list-style-type: none"> Once revised Kurtis Taylor will sign and send the letter. 	Kurtis Taylor	Not specified.								

17. Agenda topic:

Presenter(s): Kurtis Taylor

Discussion	<ul style="list-style-type: none"> Asked the committee to review the letter regarding the salary of the Cardinal Operations CEO. Some revisions were suggested. Much discussion. 						
Conclusions	<ul style="list-style-type: none"> It was decided to make this letter an agenda item during the next meeting to wordsmith and finalize the letter. 						
Action Items	<table border="1"> <thead> <tr> <th></th> <th>Person(s) Responsible</th> <th>Deadline</th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> SCFAC will wordsmith the letter at the next meeting. Suzanne offered to bring an easel and paper to the next meeting. </td> <td> Kurtis Taylor Suzanne Thompson </td> <td>Not specified.</td> </tr> </tbody> </table>		Person(s) Responsible	Deadline	<ul style="list-style-type: none"> SCFAC will wordsmith the letter at the next meeting. Suzanne offered to bring an easel and paper to the next meeting. 	Kurtis Taylor Suzanne Thompson	Not specified.
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Meeting Adjourned: 3:00 p.m.

Next Meeting: February 8th

Dix Campus- Brown Building Hearing Room 104

801 Biggs Drive, Raleigh, NC

SCFAC Ground Rules – Signed agreement for meeting conduct

During the December meeting, with the assistance of Barb Kuntz, the committee developed a list of items that you concur will benefit the running of a smoother meeting. With the development of this list the committee in turn developed a working agreement that can be updated as time goes on.

1. One person talks at a time – when speaking
2. Ask clarifying questions
3. Respect in general
4. Respect other points of view – challenge ideas not people
5. All have a voice and need to use it
6. Share the responsibility- encourage those who are quiet to speak and share their ideas.
7. Focus on common interests not your own agenda (begin with an end in mind)
8. Proactive comments / proactive versus reactive
9. Commit to follow through
10. Equity among MH/IDD/SAS – avail oneself to cross train in the other disability areas
11. Share information in a concise manner
12. Provide monitoring by the Chair or designee to maintain order and timely adherence to the agenda
13. Documentation – subcommittee notebooks need to have a clear purpose- How it goes about its business / a simple standard operating procedure
14. Date Setting for timeframes for letters, projects, and feedback- be accountable , recognize achievements
15. Be prepared for the meetings--- Review the Agenda and Minutes
16. Be informed
17. For all letters, set timelines and document the process via email.
18. Consensus – all contribute / majority rules
19. Respond to emails – text – all request should have a date to respond by
20. When communicating try to put intellect over emotions.

X

Public Records and Open Meetings Overview for CFAC Members January 11 2017

Josephine Tetteh (N.C. Attorney General's office) s

Public Records

- "all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government." N.C.G.S. 132(a)

Public Records Q&A

- Are there exceptions to what counts as a Public Record?
- Can you charge for a public record?
- Can public records be destroyed?
- Can you require a person asking for a Public Record to disclose their purpose or motive?
- Can a requester of Public Records request the medium within which they want to receive the information?
- Does an Agency have to respond to a Request outside it's business hours?
- Can a request for Public Records be denied?
- Can a Requestor receive money for being denied Public Records?

What is the Open Meetings Law (OML)?

A collection of State laws that govern the meetings of public bodies

Purpose of OML?

"Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly." N.C.G.S. § 143-318.9

Why Follow OML?

• It's the Law

Sanctions for not complying with OML

- Attorney's fees may be assessed against public body and/or individual member/s
- Declaratory judgment may be entered
- An injunction may be issued

When must OML be followed?

- Leading up to a meeting by giving reasonable public notice
- At all times when a public body is having an official meeting

Who has to follow OML?

- All elected or appointed members of a public body including members of:
 - Commissions
 - Boards
 - Committees
 - Councils
- State and local government authorities

What is an official meeting?

It "[m]eans a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article." N.C.G.S. § 143-318.10 (d)

What are requirements of OML?

- Generally, the public body must
 - Give meeting notice through regular channels
 - Provide regular and revised schedule of meetings to Sec. Of State's Office or applicable office
 - Keep full and accurate minutes of meeting
 - Permit anyone (including press) who wants to attend to come and record proceedings
 - Make written ballots available for inspection
 - Avoid acting in a way that would be impossible for those attending meeting to understand what is being acted on
 - If recess meeting, publicly give formal notice of time and place where will reconvene during meeting that is being recessed

Closed Sessions

- Must only be held when necessary to allow public body to act in public interest
- Have to be conducted under N.C.G.S. § 143-318.11
- Keep a general account of minutes of session

Who can call a Closed Session?

- Any member of the public body who makes a motion to go into closed session

Bases for Closed Sessions

- [1] To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- [2] To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- [3] To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- [4] To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.

Bases for Closed Sessions (cont)

- [5] To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- [6] To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
- [7] To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- [8] To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.
- [9] To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.


