

# GOVERNING BOARD MINUTES

Utah State Developmental Center

September 7, 2023



## Governing Board Members:

Angella Pinna, DSPD Director

Dr. Scott L. Smith, Public Appointee

Jennifer May, Family Advocate

Tonya Hales, DHHS Assistant Deputy Director

Tim Mathews, USDC Superintendent

Paul Smith, Public Appointee

Patrick Horrigan, Consumer Advocate

Scott Pingree, Family Advocate

## Public / Presenters Present:

Mark Forbes, USDC Administrative Director

Lauren Gutierrez, Quality Assurance Director

Bonnie Hardy, Records Manager

Clover Meaders, Assistant Attorney General

Heather McGinley, Assistant Attorney General

Shauna Bradley, Records

Marshall Christensen, Finance Manager

Michael Kelley, Assistant Attorney General

William Exeter, USDC Project Manager

Emily Campbell, Public

## Excused:

Cynthia Church, Administrative Assistant

## BUSINESS:

### Electronic Meeting:

This meeting will be held electronically in accordance with Utah Code Ann. 52-4-202, House Bill 5002, Open and Public Meetings Act pursuant to a written determination by the Chairperson, finding that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present. Due to the infectious and potentially dangerous nature of the COVID-19 virus, all agencies, institutions, and the general public may attend via a conference line. To attend please call (US) +1 413-308-2315 listen to the prompts and enter the (PIN: 254703178). Opinions and comments by the public may be presented as the meeting progresses or at the closing, as requested by the USDC Governing Board Chairperson.

### Introductions:

A new member of the board was introduced. Patrick Horrigan, an individual at USDC, was on the interview panel when the superintendent was hired. Patrick is super dynamic, and we are excited to have him on the board. The other meeting attendees introduced themselves.

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## Meeting Minutes Approval:

Governing Board Meeting Minutes, a special session, dated July 27, 2023, were unanimously approved. Motion to approve by Dr. Scott Smith with a second by Jennifer May.

## Motion /Minutes Approval:

Yea – Dr. Scott L. Smith, Public Appointee

Yea – Paul Smith, Public Appointee

Yea – Jennifer May, Family Advocate

Yea – Tonya Hales, DHHS Assistant Deputy Director

Yea – Tim Mathews, USDC Superintendent

Yea – Patrick Horrigan, Consumer Advocate

Dr. Smith mentioned the board has not seen the minutes for the first meeting in July. These minutes were for the special session, but we have not yet approved the minutes for the first meeting in July. In the special session the minutes for May were approved, but the for the July meeting. Lauren will follow up with Cynthia to get those out and on the agenda for approval.

## USDC Projects:

### USDC Maintenance and Projects Report:

The first update is for the development project. It is closed. We got our final check and are just finishing the water rights paperwork with Highland City. It was a fun project; we are doing some extraordinary things with the money and the development looks great. It is now out of our hands and with Boyer. Dr. Smith noted Boyer has been good to work with from a city level, the decision we made was good. As background, it has been a lot of work to figure out what to do with that land. It was contentious at times but has worked out well. It was really a miracle the way it worked out for everyone. Bill thanked everyone who was involved. Everyone worked together to make it happen.

For the Medium Voltage Project, we are getting close. We are three years into it and dealt with some COVID issues and supply chain issues, but we are almost there. Thanks to Bret Hardy who handles the day to day of the project. He has stuck with

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it and stood his ground to get everything done. We have all the switches in place and are pulling the last bit of electrical cable. After that is complete, it will be done.

The fire panel upgrade is still in process. It started slowing but we are gaining speed. Right now, they are working on punch list items while waiting to move into Sunset and Quailrun next week.

The flooring is so close to being done. It has been ongoing for 2.5 years. They are working in the last building now. Once Oakridge is completed, all residential buildings are done. Every building that has been occupied or needed new flooring will be done by the end of October. Hopefully we will be good on flooring for the next 5-10 years.

The summer boiler project, where we are putting in a smaller boiler to run the summer to reduce the load of the larger boilers, is about done. The next meeting to wrap things up is scheduled for September 12<sup>th</sup>.

The asphalt project started 2 days ago. They are removing two trees and an island of grass now and making new parking spots, about 15-18, that we lost for the new comprehensive therapy building (CTB).

Camera replacement is being done in Oakridge right now. They are running cables and installing new cameras.

A couple questions were asked about the projects. Dr. Smith asked what kind of flooring is being put in? LVT in residential. Epoxy in bedrooms. We had a lot of problems with Mediflex flooring. It did not adhere, and it would bubble. We then decided to go with LVT and that was a great decision. It is wearing well. Patrick relayed there is a big bubble in oak and that flooring will be fixed.

Scott commented the project updates may sound boring, but they contribute to big improvements day to day for people. Thanks to Bill for doing all of that. Minor improvements, but they make a big impact.

## USDC Projects:

### Comprehensive Therapy Building:

We have construction fencing up on the 3 buildings that are being demolished.

They are currently in abatement. 2 of the 3 building are completed. The demolition

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stage is due to start the first part of November. It is up for bid, and we should have a construction team soon. Construction is due to start between Jan 1<sup>st</sup> -15<sup>th</sup>. In the event we want to do a groundbreaking, we can do it anytime between now up until construction starts. It will be nice to have a groundbreaking ceremony. We are planning on having one. USDC will work with Tonya and upstate to get a date for it. What is the projected time frame for building? About 18 months but plan on 20 months.

We did a tour with the legislators yesterday and they were very receptive to what we are doing. The legislators had never been here before and didn't know what we did exactly. Tim and Alan Owens did a great job talking about the history and it went well. We talked about the CTB and what it means to us and our campus.

The greenhouse was approved for some additional funding at the special session in July. A couple things that were not discussed were some soft cost expenses. These are design and architectural costs. Because we are doing concrete and footings, we had to hire an engineer and architect. Construction costs were discussed, but we need to come back and ask for \$52,000 roughly to cover soft costs. Bill will need to get it on the agenda as a voting item. We can start the project with what we have, and Bill will bring the item back for vote.

## USDC Finance:

### Sustainability Fund Update:

The sustainability fund is extremely sustainable! With all the hard work that was done to land us this contract of selling off land, we have over 30 million dollars of principle in the bank. We have been working with Treasurer's office and they have hired some professional investors to help the fund. With how things are going, we are easily going to be hauling in a million dollars a year in interest for the next 2-3 years. Many thanks to the people involved with putting this fund together. It is going to help us and DSPD.

We have incurred over 1.5 million in the 3 projects we have going. The music therapy contract is closing soon. It is well underway. We have the greenhouse

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project, and we are moving forward with the hippotherapy riding arena project as well. The next project on board is the playground, spearheaded by Jennifer May.

As soon as we get someone hired, the music therapy program will start. We are putting it out for a 5-year contract/pilot program. We are hoping to start it in the next month. It is a part time position. We have set aside a good amount of money that we should not have to ask for more money.

For the hippotherapy riding arena time frame, as soon as we get a contract manager we will move forward with approvals. We learned the hard way that they throw in soft costs, but we will be ready this time. We will need to come back to the board with the scope of the project. The nice thing is there are a lot of examples out there to look at to prepare for the project.

As we move money over for projects, looking at earnings available, we will still have a million dollars available going into next fiscal year.

Paul asked if we are calculating costs based on project maintenance. The answer is sort of or partially. The issue comes down to whether they are Title XIX qualified expenditures. We think they are, but we need the input of financial auditors. We need to see if the federal government will participate in the maintenance costs. It looks like that is the case now. If it is a program that is not Title XIX approved, we leave it in our budget. We haven't added those costs in yet, but we will at some point, but we are waiting to see how everything turns out with the financial auditors.

Do maintenance costs take away from approving funds for direct care costs? This is a unique thing. Potentially, certain projects may affect costs and we will need to identify percentages to come out of the different buckets. If it comes from USDC funds but is open to the general public, that is just something we have to track. This year is new ground for Marshall to deal with these situations.

Playground Project Discussion:

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Jennifer May presented pictures of the basic layout of what the proposed playground will look like. The biggest hurdle to get over are the safety spaces required for pieces of equipment. The amount of space needed drastically increases the cost and overall size of the playground.

The original quote was for 14,000 sq ft. We probably want to scale back down to 10,000 sq ft. In meeting with Bill and Marshall, we ran into a location problem. The memorial garden was initially discussed. The area has underground building waste and the surface there is hilly so it will require a lot of leveling. Bill had another location, right next to the green house. Behind and north of the rose building. It is an underdeveloped, flat area. It has some pine trees, but we all agree that will be a great location for it. It is smaller than 10,000 sq ft. The ball field would fit the 10,000 sq ft. size, but on the master plan that area is slated for a new administration building. We had talked about adding it on to the arena, but that imposes on the pasture area, and we don't know if that will save any costs.

Assuming a 10,000 sq ft area, the equipment on the scaled down version, currently 8,000 sq ft of it will have concrete or surfacing. That will leave a grassy area of 2,000 sq ft. and it will need 400 ft of fencing.

Total cost of that plan is roughly \$730,000. The equipment and shade combined is \$280,000. \$16,000 in freight, \$84,000 in installation. \$190,000 for rubber surfacing and for the concrete underneath, \$150,000. Fencing would be about \$10,000. That is the breakdown for everything. The rubber surfacing and concrete really increase the cost. For the shade and equipment cost, the shade portion is about \$100,000. This is the outdoor cost of a shaded playground.

If we remove the cost of shade but add the cost of a 10,000 sq ft building with no foundation or electricity, that will bring us to \$1,230,000. That gives us a rough idea of what we are looking at.

The shade cannot be left up year-round. It will need to be taken down for the winter. Other options are, we could go for less and remove some equipment. Remove the zipline and add more swings, for example. Also, we could do a smaller playground with shade and see how it is used. We could work with rec techs and see if we can get some demographic data and prioritize our equipment. A smaller playground would just be for USDC and not include community outreach. An

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important aspect included with this option would be running space, maybe a picnic table, etc.

On the other end, we go full scale and put this out with a 5-year plan. 10,000 sq ft in a building with possible heating and cooling. Or we could just cover it all and not use a totally enclosed building.

Patrick had a comment for shade. Every summer it gets really hot so maybe keep some on the playground, so others don't get overheated. I know we have to stay in the budget so maybe we can keep some shade at least.

When we talk about the safety space, we have to consider the poles of the shade to make sure there is room for wheelchairs and emergency services.

If the playground is not in a building, how many months will it be used. We don't know. Probably 6 months. We could get a better idea of how hard the shade covers are to be removed from the company. We could get some data from the Highland all abilities park that is being built by Sonntag.

Bill suggests we do it as an outdoor playground. It would work like the green house. There would be a project manager assigned to help. Bill is concerned about the cost and shade covers. How labor intensive is taking the shade covers up and down and we would need follow the weight limits given. It is easier and more cost effective to do it as an open-air playground. We could, at a later date, come back and add shade or a pavilion.

Jennifer will not move forward without shade. That is a deal breaker. We could possibly cut back on shading. We need to get data on how many are averse to the sun, abilities, etc. We should march forward with assuming we want to shade the entire thing.

Paul commented his appreciation for all the thought and work that has been going into this. USU has an outdoor playground. It may be beneficial to reach out to them and ask questions about making this playground more usable year-round. If we can extend this to 365 days used, it spreads the cost out. If we are going to only look at 140 days of use, the cost goes up significantly. Doing it inside is probably going to be more money than what we are looking at here. Thinking outside the box, there is a ton of available office space. It is convenient to have a playground on campus, but



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if there is a way to look around for some office space and see if we can do a pilot of some sort and put it in there to see how it works is an idea to think about. We may run into transporting individuals as that can be hard at times.

A good metric to measure would be cost per use and not per day. We need to do everything we can to make it easy for staff to take individuals to the playground. We already have resources available that are not used because staff cannot take them.

Dr. Smith commented it sounds like we are talking about an open air or a closed structure. What if we did something in between like a pavilion. It would be a hard top that we would not have to take shade covers off and on, but it would be open to the air and not need a building around it. If we can't do a huge pavilion, we could do 2 or 3 pavilions. It is a hybrid idea of the two ideas.

It would be a good idea for all of us to look at the master plan. There we can see where space will be and where is it going to be utilized. Everyone had a copy of the master plan at one point.

Patrick likes the idea of a playground a lot. He worries about getting dehydrated, the heat, individuals running away, and emergency service access. The playground will need to be safe.

Access and space are the two biggest concerns for Tim. An idea would be to break it up and move it around campus. Gear the different equipment to the area it is near. Easier for the canopy to be built because it will be in smaller areas.

Paul has always assumed this project would be highly utilized for people living at USDC. It would be beneficial to gather some information on who would use it. How many people want it? How many people will use it? Ideas to collect from campus. If people who want to use it can't move well, maybe breaking it up will be a better idea.

Something to consider is if we want to open it up to the general public, breaking it up would be harder to implement use for the general public.

Moving forward, we should bring in the master plan and see what options we have available first. How is it going to fit? Then after reviewing the plan, we will be more informed to see how to move forward with one big playground or breaking it up across campus and opening it up to community or keeping it with USDC. We will ask



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for more information from USU and the school for the deaf and blind while we are working on this project as well.

With the sustainability fund, we always need to be thinking about ways to involve the community. Keep it in mind to extend it out to all disabled in the state. The top priority is to help those at USDC, but we also want to open services as much as possible to others in the DSPD community.

Patrick wonders if the playground is going to be here or somewhere else. Due to weather, sometimes the cars are grounded, and we won't be able to go off campus to play. The playground will be on will be on campus.

Another place to look into is the Pingree school. It has an outside playground that is open to all autistic kids who is used every day.

Will we move forward with master plan and usage and then come back to discuss. And keep in mind that, if you build it, they will come.

Jennifer does not want it to be 5-10 years from now for this to be completed. She will take any and all assignments to get this thing done.

Bonnie gave the reminder that if we are opening the playground to the public, we have to keep the privacy of the individuals in mind. We will work with risk and the attorneys to make sure we are keeping the individuals safe.

## USDC Procedure & Policy:

Dr. Smith had a question about cooking. Is the food prepared in a central location and then taken out into the areas or is it prepared in the areas? Right now, each apartment has its own kitchen where the food is prepared. What happens when one resident is on a certain dietary program but sees someone else eating something they like better. We try to group residents with similar diets as much as possible. The staff follow menus and when times come up when diets have to be modified, staff are aware and prepare the correct foods.

One of the things we are looking at, in the very beginning stages, is to have a central kitchen. We want to look to see if that will be beneficial to staff, for coverage and transportation purposes, etc. Cooking takes away one staff from providing

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active treatment. Luckily, we have one of the best dieticians in the state working for us.

## Dietary Services Policy 60.02.01:

Details the importance of having a nourishing, well-balanced diet for all individuals, including specific dietary needs that are outlined in medical records or dietary programs. Contains Title XIX requirements. A question was asked about the difference between natural licorice and candy licorice. Natural licorice comes from a plant and can interact with certain medications whereas candy licorice is just a flavoring. It was also asked if individuals can purchase coffee, tea, and soda with their own funds since those items cannot be purchased with state funds. Yes, those items can be purchased with individual's funds.

Dr. Smith moved that the USDC governing board approve policy 60.02.01 Dietary Services. Jennifer May seconded the motion.

## Policy Approval:

Yea – Dr. Scott L. Smith, Public Appointee

Yea – Paul Smith, Public Appointee

Yea – Scott Pingree, Family Advocate

Yea – Jennifer May, Family Advocate

Yea – Tonya Hales, DHHS Assistant Deputy Director

Yea – Tim Mathews, USDC Superintendent

Yea – Patrick Horrigan, Consumer Advocate

The policy passes unanimously.

## Visitors for Individual/General Public Policy 50.03.01:

Updates were made to the policy including individuals receiving visitors at any reasonable hour without prior notice with certain conditions being met including no interference with active treatment or completing assigned job duties, staff ensure privacy during personal care of the individuals in the area, apartment-mates give consent, if able, and letting visitors know time may be adjusted or moved if unsafe or inappropriate behaviors are demonstrated. The changes also include option if the conditions of the visit are not met. The policy revisions were reviewed to verify they fall within 42 CFR 483.420 and Title XIX regulations. We want to express the

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importance of communication between families/visitors and the treatment team. What happens if the individuals in the area would like to smoke? The lead is the area will work on the smoking issue if it arises. One of the benefits of the updated policy is more areas to visit so the outdoor areas can be open if an individual wants to go smoke. The term reasonable is used a lot, who determines what is reasonable? The treatment team determines it. We use that word in policy because Title XIX uses that word, and we would like to be flexible between the areas. Do families need to get a visitor badge when they come or just visitors? Family do not, but any non-familial visitors need to get a badge. Is there a sign to indicate where switchboard is located? It was confirmed, yes, there are signs that point to the location of switchboard.

The original ask was to visit in bedrooms and bathrooms. When the policy was that visitors can enter program areas, it does not specify how that is done. That process will be up to the treatment team because each area will be different. When it says a designated visiting location will be provided, that just means an area will be supplied it is not just one location. Correct. No where in the policy states as parents we need to be escorted so we can stay behind with our individual. Yes, as long as the treatment team is aware of that plan. It also states that only staff can provide the care for the individual, can we help if we are around? If the treatment team is aware and approves that situation, yes, helping is allowed.

The policy states that the general public will request an escort, but clergy, ministering, and former USDC staff need to wear a visitor badge, but it does not indicate they have to be escorted. They are considered general public and are not allowed in bedrooms. This policy needs to be postponed and reviewed with the volunteer policy. There are many concerns that clergy, ministering partners, and volunteers are able to have unsupervised access to the individuals. The policy does not say they need as escort. The former USDC staff should not have access to being alone with the individuals either.

Individuals do have default rights that we need to take into account when reviewing this policy as well.

Dr. Smith motioned to continue this policy until the issues have been address. Jennifer May seconded the motion.

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## Continuance Approval:

Yea – Dr. Scott L. Smith, Public Appointee

Yea – Jennifer May, Family Advocate

Yea – Tonya Hales, DHHS Assistant Deputy Director

Yea – Tim Mathews, USDC Superintendent

Yea – Patrick Horrigan, Consumer Advocate

## Food and Nutritional Services Policy 60.03.01:

Not discussed. It will be reviewed next time.

## USDC Community:

### Public Comment and/or Questions:

Emily Campbell applied for open seat on the governing board.

Dr. Smith motioned to adjourn the meeting; Patrick seconded the motion.