

GOVERNING BOARD MINUTES

Utah State Developmental Center

February 3, 2024

2:00 pm-4:00 pm



Governing Board Members:

Angella Pinna, DSPD Director
Dr. Scott L. Smith, Public Appointee
Tonya Hales, DHHS Assistant Deputy Director
Patrick Horrigan, Consumer Advocate

Tim Mathews, USDC Superintendent
Jennifer May, Family Advocate
Paul Smith, Public Appointee
Scott Pingree, Family Advocate

Public / Presenters Present:

Emilie Campbell, Public
Nate Checketts, DHHS Deputy Director

Mike Kennedy, Utah State Senator

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) +1 423-720-0146, listen to the prompts, and enter the (PIN: 801 405 735#). 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.

USDC Business:

Two items were on the agenda: discussing SB 113 and receiving feedback to notify families with individuals at USDC, ensuring they are aware of the legislation. The board will vote on the position or approach to address this bill.

Tim, Tonya, and Angie will abstain from voting, but the rest of the members still constitute a quorum.

During the committee meeting, Dr. Smith noticed support for the bill from someone at DFCM, prompting questions about official lobbying. The board aims to

GOVERNING BOARD MINUTES

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2:00 pm-4:00 pm



remain primarily neutral. There is a process for supporting or approving bills, which must be approved through the governor's office, and the executive branch should have an official stance on the bill.

The board discovered that Senator Buxton had not acknowledged the existence of a substitute bill. He collaborated with Senator Kennedy on a compromise outside of the meeting. The decision on whether the property will be sold requires three votes: one from the USDC Governing Board, one from DFCM, and one from the governor's office. A two-thirds vote from the board and two out of three votes from those three entities are needed to determine whether the property will be sold.

Dr. Smith communicated with Senator Kennedy regarding this matter. The governor's office represents both DHHS and DFCM, effectively granting them two votes. This arrangement raises concerns about the independence of the vote. Preserving this land is crucial for future services, benefiting both current residents and outpatients. Dr. Smith questions the timing of this proposed change. If there are intentions to expand the center, retaining the land would be logical. Dr. Smith feels that the issues were not adequately addressed during the meeting with Senator Buxton.

Jennifer May had previously inquired about the DHHS stance on this bill, expressing significant concerns. DHHS reached out to the sponsor to seek a substitute for the bill, indicating no intention to entirely exclude the Governing Board. There was discussion in a previous meeting about updating the master plan, reflecting a shift in the demographic of people needing support over the last decade. Angie suggests that if a compromise can be reached, pausing on the USDC governing board portion and allowing time for updating the master plan could facilitate a more informed discussion involving the surrounding community.

It was conveyed that concerns were raised by an external party, including Senator Buxton, about the absence of a timeline. Suggestions were made to explore avenues to maintain the approval process while incorporating timelines into the statute. Additionally, Scott Pingree discussed the bill with someone who has been in communication with Senator Buxton. The genesis of the bill appears to stem from frustration within DFCM. According to what has been shared with Senator Buxton, there is a perception that the governing board is inflexible and delays decisions.

GOVERNING BOARD MINUTES

Utah State Developmental Center

February 3, 2024

2:00 pm-4:00 pm



The board is being perceived as obstructing land-related matters. An alternative approach could be to attempt to defeat the bill. It's important for everyone to understand each other's perspectives. Our best defense lies in having a well-organized plan. We have engaged stakeholders and gathered data to understand the demographics of the people we serve. Even if the bill is passed, it would still need to align with our plan. A good plan would make it challenging to argue against investing in it. In the short term, we need to decide whether we are open to supporting the revised bill or if we choose not to support any legislation and instead oppose it.

Emilie Campbell, Dr. Smith, and Jennifer May attended "pancakes and politics" with Representative Brammer, who chairs the Rules Committee for the house, where they hoped to halt the bill. However, Representative Brammer was not receptive to their concerns. While we are receiving support from individuals who may not be fully aware of the details, those who are knowledgeable about the situation and its history are starting to question it. Perhaps compromise could offer a solution that provides us with more time to address the issue.

A Request for Proposal (RFP) was issued to Bill Exeter for the master plan to identify the necessary steps. Several companies with which previous collaboration occurred have expressed their ability to produce a plan by midsummer. The meeting was open to public comment. Emilie Campbell initially leaned towards attempting to defeat the bill, but after engaging with various stakeholders, she recognized the challenges associated with that approach. Scott Pingree emphasized that the available resources may not adequately represent the interests of the individuals involved. Therefore, we need a proactive plan to help them understand our perspective. As a board, our message should convey our commitment to utilizing our financial resources prudently and responsibly.

Paul Smith inquired about the origin of the bill, suggesting that if it originated from an agency rather than the senator, it would be beneficial to directly engage with that agency, as they would likely have influence with the senator. During the governing board meeting, Dr. Smith participated in a conference call with Senator Dayton and Stewart Adams, the President of the Senate. Through this call, Dr. Smith discovered that the bill originated with Adams. He received a call from a developer

GOVERNING BOARD MINUTES

Utah State Developmental Center

February 3, 2024

2:00 pm-4:00 pm



expressing interest in the land and questioning why USDC requires such a large parcel (100 acres) of state land. The developer suggested that the state legislature needs clarity on USDC's land requirements due to pressure for development. Based on this information, Paul Smith proposed approaching President Adams to request additional time to work on the master plan and presented a proposed timeline for this endeavor.

Senator Kennedy introduced himself and mentioned that he had spoken with Senator Buxton, who indicated that he could advance the bill through the legislative process swiftly. Senator Buxton suggested that if the board delays or obstructs, he would push the bill forward. Kennedy was not aware of the information Dr. Smith shared earlier. Kennedy warned the board that if Senator Buxton is taking directives from the president, then the president now has additional insight. As the rules chair on the senate side, decisions from the president would expedite the bill's progress. However, if the president advises to hold discussions, Kennedy will respect that decision. He suggested finding a middle ground between DFCM and the Governing Board to decide on how to utilize the land.

Dr. Smith emphasized the board's intention is not to obstruct but to review the master plan. He highlighted the evolving needs on a state level, including plans to open respite care, adult autism housing, and an adolescent center. Tim proposed opening a board seat to a DFCM member to ensure they are informed about the proceedings. Paul Smith clarified that the aim is to compromise with Senator Buxton, but the choice of the third-party voter needs careful consideration. He suggested involving the Governing Board and DFCM but excluding the governor's office. He proposed considering another party for this role.

Previously, it was noted that President Adams had mentioned that efforts would be made to have a master plan by a specified time. Tonya noted during the meeting that the Executive Appropriations Committee (EAC) would play a role in determining the third-party voter, but this aspect is not currently clear in the proposal. The current language states that the Governing Board approves, and the Legislature has final approval. Nate Checketts explained that SB 113 with the first substitute would involve the proposal going to the Board, which would then make a recommendation. This recommendation would go to the EAC, who would then

GOVERNING BOARD MINUTES

Utah State Developmental Center

February 3, 2024

2:00 pm-4:00 pm



make a recommendation to DFCM, which may or may not take action. Tim suggested aligning the decision-making process with the master plan's timeline, allowing time for its update before a decision is made. Scott Pingree expressed support for the proposed approach over what is included in the substitution. He emphasized the importance of giving adequate time for stakeholder engagement and reflecting DFCM's input into the process. The initial message we want to convey is that we're open to dialogue. Crafting a comprehensive master plan could take at least six months to ensure its quality.

Angie highlighted the challenge of space in addressing specific needs, which could become increasingly difficult depending on the land's fate. We're actively seeking ways to best cater to the requirements of individuals with disabilities. Inquiring about potential alternatives for the third vote, Angie asked Senator Kennedy if someone other than the governor's office would be suitable. Senator Kennedy responded that the board, governor's office, and legislative bodies represent the people's interests. However, he stressed that the board should hold a central role. Approval by two-thirds of the board is required. Kennedy expressed uncertainty regarding the extent of pressure on him to proceed with the board's decision.

Jennifer inquired about our stance on requiring approval from two-thirds of the legislature. Scott expressed his preference for the governor's office as an approving authority, noting that DFCM members are appointed and not bound by the same constraints as elected officials. He emphasized the need for compromise over the current structure. Jennifer pointed out that the substitute bill doesn't involve the full legislature but rather goes through the EAC and DFCM. She raised questions about whether a two-thirds vote, or a three-pronged option would be better, or if conversations could be initiated to delay the process until a certain date. Tonya stressed the importance of conducting the Request for Proposal (RFP) properly, without haste. Angie echoed the sentiment that we seek to move forward and have a say in the matter, emphasizing the importance of adhering to a master plan. Scott reiterated the key message that we are willing to collaborate. His preferred solution involves completing the master plan and addressing the issue in the next legislative session, with a two-thirds majority vote in the legislature being his first choice.

GOVERNING BOARD MINUTES

Utah State Developmental Center

February 3, 2024

2:00 pm-4:00 pm



Jennifer suggested that our immediate action might be to request a meeting with President Adams, Senator Buxton, and non-executive branch board members to find a solution. Scott emphasized the need for a well-thought-out plan and sufficient time to execute it. Senator Kennedy agreed, advocating for an ambassadorial approach to engage the special needs community across the state and secure their investment in the compromise. Dr. Smith proposed that we accept the latest compromise, ensuring clarity about the involved parties, and arrange a meeting with President Adams, Senator Buxton, and any board members not affiliated with the executive branch to discuss the approval by two-thirds of the legislature. Additionally, he stressed the importance of sending a letter to the special needs community, as their long-term care is directly affected by this matter.

Angie Pinna clarified that the board doesn't necessarily need to make a formal motion; the committee was convened in case a formal motion was required. Scott Pingree concurred, stating that a formal motion isn't necessary at this time. The board's stance against the bill as currently written has been made clear, and they seek to engage with the full legislature or other stakeholders to emphasize the necessity of updating the formal plan. They will await a response before taking further action. Dr. Smith will meet with President Adams to address any additional inquiries. The approval of the letter to the community is pending. Board members will convene after the meeting to determine who will engage with President Adams and Senator Buxton.

Tim read the letter to be sent to the parents and guardians regarding SB 113: "A Utah State Developmental Center (USDC) Governing Board Meeting was held on February 3, 2024, to discuss legislation that may impact the Developmental Center. Because the USDC Governing Board does not have access to names and contact information of individuals residing at USDC and their families, the Governing Board requested that we send you an update about this legislation. Senate Bill 113S01-SB0113 proposes changing the role of the USDC Governing board in the approval process for any sale or lease of property or water rights associated with the USDC. The current laws require the Governing Board to approve any sale or lease of property or water rights. SB0113 would no longer require approval by the Governing Board. SB00113 would require the Governing Board to review any proposed sale or lease and provide a recommendation to the Division of Facilities

GOVERNING BOARD MINUTES

Utah State Developmental Center

February 3, 2024

2:00 pm-4:00 pm



Construction and Management and the Legislative Executive Appropriations Committee regarding the proposed sale or lease of property or water rights. If you have any questions or would like to discuss the bill, please reach out by text to the Governing Board members (numbers will be provided in the official letter). Thank you for your support for USDC, and please let us know if there is anything more we can do to support you."

Dr. Smith moved that the Governing Board approve the letter. Patrick Horrigan seconded the motion.

Abstain- Tim Mathews, USDC Superintendent
Yea- Dr. Scott L. Smith, Public Appointee
Yea- Jennifer May, Family Advocate
Abstain - Tonya Hales, DHHS Assistant Deputy Director
Yea- Paul Smith, Public Appointee
Yea-Scott Pingree, Family Advocate
Yea, Patrick Horrigan, Consumer Advocate

Dr. Smith motioned to adjourn the meeting. Scott Pingree seconded the motion.

Motion to Adjourn:

Yea- Tim Mathews, USDC Superintendent
Yea- Dr. Scott L. Smith, Public Appointee
Yea- Jennifer May, Family Advocate
Yea- Tonya Hales, DHHS Assistant Deputy Director
Yea- Paul Smith, Public Appointee
Yea-Scott Pingree, Family Advocate
Yea, Patrick Horrigan, Consumer Advocate

The Special Governing Board meeting held on February 3, 2024, was adjourned.