

GOVERNING BOARD MINUTES

Utah State Developmental Center

February 8, 2024

5:00 pm-6:00 pm



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:

Lauren Gutierrez, Quality Assurance Director

Heather McGinley, Assistant Attorney General

Mark Forbes, USDC Administrative Director

Emilie Campbell, Public

BUSINESS:

Electronic Meeting:

This meeting will be held in-person and 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) +1 414-858-7102 listen to the prompts and enter the (PIN: 949 090 823#). 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:

Discuss and Vote on SB113:

It is important to pull the board together again to discuss SB113. Some members met with legislators to see where the bill was and what was happening. Senator Buxton, the sponsor of the bill, shared new bill language with some board members.

Scott Pingree noted that the legislation draft remains in the same format. Jennifer has dedicated significant time to discussing the bill with various stakeholders. The

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bill's current status aligns closely with where we last left it. We aim for transparency and ensuring everyone understands its implications. We have prepared some talking points that we can share and possibly vote on. That summarizes the current state of affairs.

Dr. Scott Smith expresses appreciation for all the work done so far. He agrees with the concerns raised regarding the bill, which appears to involve USDC, the governor's office, and DFCM. This raises concerns as it seems to pave the way for developers to acquire the land, which goes against its historical significance. There was considerable effort to acquire this land in the 1920s for individuals with intellectual disabilities, and preserving this heritage is crucial. Even if it requires seeking a veto from the governor, we should oppose this.

There was a query regarding discussing protected documents/language in an open public meeting. It's clarified that we can discuss it; however, we need to verify who shared the protected document during the discussion. The draft document was shared by Senator Buxton with members of the governing board.

Jennifer May outlined the proposed committee structure. The governing board, DFCM, and the governor's office would each have three votes before it goes to the committee. A majority vote would determine whether it moves on to the EAC (Executive Appropriations Committee). Notably, the bill removes the requirement for a 2/3 vote in the legislature, bypassing it directly to the EAC for the final decision.

Paul Smith inquired about the involvement of the governor's office, suggesting it might be the head of the support services office. It's clarified through Paul Smith that Marvin Dodge oversees government operations and is part of the governor's cabinet, operating within the executive branch.

Jennifer May said when she was talking to Senator Buxton, he kept saying a name, but she thought it was in the governor's office.

Jennifer May asked if they are under the direction of the governor? Or can that person operate independently of what the governor wants?

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Paul Smith replied they are in the executive branch, under the governor.

Jennifer May stated Senator Buxton was saying that is not going to work, it would have to be an independent position. We couldn't find a way to make it work. We are on a roller coaster with what to do. If we could hold our ground and get the bill tabled or just get more time for preparation, that would be best. Ultimately, we decided we have to do what we feel is best as representatives of the individuals here and on the governing board. Jennifer expressed frustration and shock that the narrative is not around who decides when property is sold and why, but instead around how USDC has historically not been taken care of and the governing board is not cooperative. The more we talk with legislators, the more we can see they do not have a clear picture of what is happening at USDC.

Dr. Smith replied the new bill seems to take a lot of the governing board authority away as well as the state legislative body. If this new group sells the land, it is bypassing the legislature as well. Dr. Smith is worried about developers coming in and taking the land. The underlying purpose of this whole thing is to sell the land to developers and that is disturbing to many people. The legislators are not getting the truth and that is what is bothersome about the bill. We have to be really careful with this. We just need to say this is unacceptable and get the public involved to push back and have the governing board participating just like they do now.

Scott Pingree is in agreement. To be blunt, the sponsors are calling this a compromised bill. However, we were never given any input. We only found out about it as happenstance. And now they are calling it a compromised bill. There has been a lot of misdirection. It seems they are trying to market the bill. We have to look at it with our stewardship of individuals with disabilities. To be marginalized with a 2-1 vote is a clear violation of the principles that were set up originally. We have a moral obligation to oppose it flat out.

Paul Smith expresses his appreciation to everyone who has put together talking points that he thinks explain the position of the board really well. The talking points are really good and if we need to adopt those as our position then we should. Jennifer May wanted to share her frustration in meeting with Senator Buxton. He had a map of USDC, and someone had gone in and put a red line around what land was not being used. It included the hippotherapy arena so whoever did it was not

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familiar with USDC. Last time we had a legislative consultant, she had a good thought for us to consider. At the bottom of the talking points one good thing to do would be to have a statement that said our ask. We can ask if we can table the bill until the next session and ask for a study. But that is also not standing our ground that nothing needs to change. We could also come up with an amount of acreage to submit to be protected by statute. We just need to make sure we have considered everything before we vote on something.

Tim Mathews asked is we think we can win here? Or do we risk a chance of losing it all?

Jennifer May said the ones who are familiar with the issue and are talking and willing to share information, say we do have a good chance of defeating it in the senate. Others not familiar with the situation say it will just go through because of who is sponsoring it. The next thing it will need to do is go through the other committee and we talked with the chair for the rules committee, and he was the one saying things that we felt defeated about. We don't know about the house.

Tonya Hales asked if there is a possibility that we could have a worse outcome where the perception of the board's involvement would lead to something happening like removing the board altogether?

Patrick Horrigan was thinking if they want the land and keep pushing for it, we really want the land for the new stuff and we need to hold on to it and push back.

Dr. Smith stated this whole process has moved really rapidly. We are just getting the word out to the disability community. There has been a lot a misrepresentation at the legislative level and as we get the word out, if we can't stop it in the senate, we have a good chance of stopping it in the house or getting the governor to veto it. The compromise they are proposing is not a compromise. We have the moral high ground, we are just getting the word out, and we can stop it. The legislature has been misled and they think this is a good thing for USDC. We need time to do our master plan. We need some time to work it out. Why does it need to happen now and why didn't they come to us first.

Tim Mathews asked if we have enough time to rally supporters. Can we get the disability council involved?

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Jennifer May said as far as rallying people, they have been rallied though email. At least enough get it circled and not discussed on the floor today.

Paul Smith thinks Tonya and Tim raise a good point. We talked about the risk we have fighting this and what we could lose. We came to the conclusion that we would lose either way. We aren't going to be criticized for fighting for what is right. There is a good chance to at least get us some time to think about things. Maybe that is our ask, to give us some time. It is crazy how fast this is coming. There is possibly a much better group to be part of this and we can ask for the summer for other groups to have input and give us time for our master plan.

Scott Pingree to summarize where we are on this- what we are articulating about the legislation is it is trying to fix something that is not broken. From our last action everything has happened as it should have. What are we fixing? When we really look at it, developers want the land, and this is how they get it. They are removing our voice. It has been alluded to, but the historical context is important. In the past, the land was misused. The process that was set up was specifically designed to bring the voice of those with disabilities to the conversation. That is the role of the board. In this case, I don't know what we can come back with other than we need more time to work on the master plan to see what needs are. We need more time. If the bill was passed today, it would still take time to get the land developed. Why does it need to happen today? We need more time.

Angie Pinna asked, after listening to everyone, is it time to present talking points to vote on? Or voting to oppose or support the bill?

Paul Smith wondered if instead of going through the talking points here, instead move to adopt a position from the board to oppose the legislation and develop talking points and communicate our position.

Patrick Horrigan is glad we are still fighting for the land and to hold on it. He is proud of us for fighting for the land for us and USDC. We do an awesome job fighting for this land.

Jennifer May wondered if we can open to public comment before a vote.

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Angie Pinna opened for public comment.

Emilie Campbell, a member of the public, has nothing new to say but echoed what everyone has said. We have gone every which way to make this work and it is not going to work. We don't have enough time to do everything that we need to do. It feels shady, but we have told everyone to trust the governing board in what they decide to do.

Scott Pingree said one of the reasons we created the talking points was because we got a lot of requests to tell people what the bill was and what our position on it is. The only thing I could see to change was adding an ask to table the bill. We can oppose it straight or add something that says we just need more time.

Paul Smith motioned that the board take a general stance of opposition to the bill and work on sending out talking points to interested parties supporting that opposition.

Dr. Scott Smith seconded that motion. We just started this. We may lose in the senate, but some of us should meet with the governor and have a conversation about our role in families with disabilities. A lot of people don't understand what this bill is. I think we are going to win. If we compromise too much, we may lose everything.

Vote on the Proposed Motion:

Yea – Dr. Scott L. Smith, Public Appointee

Yea – Paul Smith, Public Appointee

Yea – Scott Pingree, Family Advocate

Yea – Jennifer May, Family Advocate

Yea – Patrick Horrigan, Consumer Advocate

Abstain – Tonya Hales, DHHS Assistant Deputy Director

Abstain – Tim Mathews, USDC Superintendent

The motion passes with 5 affirmative votes.

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Tim Mathews suggested the board engaged with the Disabilities Council. Lauren will send out the contact information to the board members by email.

Tonya Hales wanted to clarify one point about the EAC. The EAC is one committee that involves both senate and house members. The committee Dr. Smith attended was the land use committee. Tonya just wanted to make it clear the EAC was the top leadership that decides what is funded and what is not.

Paul Smith wanted to thank Bill, Mark and Heather for information and guidance. As we develop talking points, we can work together to get information out there.

Angie Pinna said we consistently work with Heather and give information out so that should not be a problem. There are no concerns if it is routine information.

Dr. Smith had a quick question about the committee that was mentioned, the disability council.

Angie Pinna said they are federally funded, and it would be interesting to talk to them. They typically focus on more integrated community services, but they do care about people with disabilities. They employ people with disabilities, and they are good partners. There is also a governor's council on employment for people with disabilities. That one is housed in the Department of Workforce Services. It would be beneficial to connect with them.

USDC Community:

Public Comment and/or Questions:

Public comment was opened before the vote and no further discussion occurred.

Dr. Scott L. Smith motioned to adjourn the meeting; Patrick Horrigan seconded the motion. Unanimous concurrence to adjourn the meeting.