**SILC POLICIES AND PROCEDURES: A SOLID FOUNDATION**

**FOR MANAGEMENT**

**Presented by Kathy Cooper, Paula McElwee and Liz Pazdral**

**June 29, 2016**

**3:00 P.M. ET**

>> PAULA MCELWEE: Good afternoon, everyone. This is Paula McElwee with ILRU, and I want to thank you for joining us for this webinar, this SILC policies and procedures, a solid foundation for management. I am filling in for Tim Fuchs who usually moderates these webinars. Unfortunately, Tim is unable to be here with us today because of the recent and unexpected death of his mother. I know that our thoughts and prayers and sympathy go out to Tim and his family at this difficult time.

Today's presentation is brought to you by the SILC‑Net training and technical assistance project of the SILCs for the SILCs specifically. SILC‑Net is operated through a partnership between ILRU, NCIL, and APRIL and we have support provided by the administration on community living at the US Department of Health and Human Services. As always, we are recording today's call so that you can have access to it. It will be archived on our ILRU website and it will be posted in about 48 hours.

We will have several breaks during this live call to take your questions, and so I look forward to those times, as you go along.

If you have a question that occurs to you early on, you can certainly type it into the chat box when you think of it. So if you look on the right‑hand side of your screen, there's a little box at the bottom that says chat and you can type your question in there. That's one of several ways that you can ask questions. You can enter the chat box at any time. We encourage you to do that.

We are going to wait until the Q&A to address them, though. And then also, if any of you are on the full screen CART captioning, that's the ccproductions.com link that was sent to you, and displayed on our webinar ‑‑ it displays at the bottom left, I think, but we are logged into the chat there. So you can also use that chat box as well, and then finally if you are only on the phone and you want to ask a question, you can indicate that by pressing star pound and ask that question live and vocally.

So the operator will moderate that and you will be added into the questions and answers, when it's time for your question. So keep that in mind and as I said, we will remind you of those instructions when we break for questions and answers at the end of each of these.

Now, there is a companion PowerPoint today. So if you are on the webinar, you can see that already. And you can follow the presentation automatically. But if you are on the full screen CART or only on the phone, you want to make sure that you have a copy of that PowerPoint available to you. That was sent to you in the confirmation email. You want to pop that up and go along with it during the presentation today. It will help you to track what we are ‑‑ what we are presenting.

And then the last thing I want to mention before we go ahead with the presentation today is the evaluation form. If you are on these calls regularly, you already know that evaluations are quick and easy to complete. There's only a few questions. We kept it short so it's not a burden for you but it still gives you the feedback that we feel helps us to continue to improve the training we provide to you.

So as far as the evaluation, it's on one of the slides today and you will see that when we get close to the end. There's a live link to that evaluation form. And like many other things that are sent with you, it is also in the confirmation email that you received. So those are the housekeeping kinds of things that you might need to know as we go forward.

Well, here is the presentation today on the SILC policies and procedures. And we're very fortunate to have two SILC directors with us to present. One of them is Kathy Cooper. She's the executive director of the Kansas SILC and actually, it's the SILC of Kansas. So it's SILC K with a "k" on the end. I always thought that was Kuwait clever.

And then Liz Pazdral. And then myself, I'm Paula McElwee, I'm the technical assistance coordinator for the ILRU's technical assistance project.

So that brings us to our presentation. So let's talk just a minute about policies and procedures. Also on slide 2, you will see our contact information. If we say something today that you want to follow up on later, you know how to get ahold of us and we would welcome your feedback in that way, as well as the evaluation link that we told you about.

What we are going to cover today is how written, administrative policies and operating procedures for SILCs support good governance. These are the goals that are listed on slide 3. We are going to talk about meeting rules and expectations for officers and members, including rules for term limits and member removal. We talk about financial policies and procedures and how they are matched to the amount of financial responsibility that that individual SILC has.

We will talk about strategies for managing public comments while adhering to state open meetings law. You have all had some very recent experience and I expect there are some really good questions that will come out of that, because you had hearings recently for your SPIL which hopefully is ‑‑ if not entered, being entered soon. So those strategies for those public comments, I'm sure you have some good examples and questions that will come from that.

And then best practices for strong operating procedures that matches your responsibilities as the SILC. Those are all things that are helpful to us and we believe will be helpful to you as we proceed with this training.

What is the purpose of independent living? I always like to put this in because it's a point of focus that we can all agree to. It's written into the Rehabilitation Act. The philosophy of independent living is already in our law, which is always exciting to see.

The surprise of independent living then on slide 4, is to promote a philosophy of independent living, including a philosophy of consumer control, peer support, self‑help, self‑determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence and productivity of individuals with disabilities, and the integration and the full inclusion of individuals with disabilities into the mainstream of American society.

That's our purpose. That's something we all share as we are part of this independent living network at the state level, and also at the national level.

Now, the SILC is a key partner in accomplishing this. On slide 5, you will see some of the areas where you are directly involved in accomplishing the purpose of independent living. First of all, you have a distinct role to play in that network, the independent living network in your state. You are a partner in that but you also have many things related to the development of the statewide plan that you are even more active in and have a very specific role in that. That role is defined in law. So it's actually in the Rehabilitation Act, in Title VII and that is the basis for all of the policies that you are going to come up with.

The actual wording in the law is the first, best expression of what you are required to do. And so when you can, we suggest that you follow that language because then you won't stray on the intent from the law if you use the language of the law in your policies and procedures.

You have legal documents some of sort with your SILC. Some are private, not‑for‑profit entity and you have articles of incorporation and bylaws and some policies and procedures related to that role. And if you are not a separate nonprofit, you also will have some legal documents that will describe your role, what you use to describe to the governor for your board being appointed.

Some states would you still have bylaws, even though you are not a separate corporation, that describe your makeup and provide the framework for what you are going to do. And then the policies and procedures should flow from those. Policies and procedures and if you are a nonprofit, your bylaws will provide that framework then to help you do what you are required to do and you have some very specific duties that are specified in the law.

Slide 6. Not all SILCs are created alike. As I said, some are nonprofits, more than half of you have been organized as private nonprofit corporations in your states. And that council is the governing board of that nonprofit entity as well.

In a few states that have a nonprofit status, the SILCs have actually created side by side corporations to serve as the nonprofit and sometimes they have a different board of directors because their boards can be appointed separately and so there tends to be a little bit of a drift away from the exact same membership as the SILC council.

Now, each board is different in what it does for the SILC and the SILC council serves distinct roles and the side by side corporation usually functions as the fiscal entity or handles some of the business components of the SILC separately from the council. Okay? On behalf of the council.

Some SILCs are an independent state agency that was established in your state by executive order or state legislation, and, yes, if you didn't know that that was a possibility and you like the sounds of that, talk to me later and we can talk to you about how you might change how your SILC is organized. That's certainly an option for you to do that. And many of the SILCs that are remaining, that haven't gone into these three categories are councils appointed by the governor and have chosen to stay in that status. Some folks have felt it will not be useful to them. So they have stayed in that council, very cleanly in that council category.

All of those are acceptable processes, acceptable ways for you to be a SILC, but the policies and procedures you have will be different depending on which of these you are. So if you have ‑‑ if you have a situation where you are not a nonprofit, where the state operates all of your fiscal things, we will hit this in a little bit. Well, it's a great example of, would you even have fiscal policies and procedures? If you do, they would be limited to saying how you connect with the state structure.

So you are going to be very different from the nonprofit that writes all of the its own checks and have specific processes that needs to lay out the same kind of accounting processes that you wouldn't see in any other nonprofit, where you have some separation of duties and things like that. So not all SILCs are created equal and as a result, there isn't one set of policies and procedures that resolves everything that you are going to run into as a SILC.

Slide 7. Regardless of your organizational structure, the SILC is established and it's Title VII, as I said, Section 705. To be eligible to receive financial assistance under this chapter, each state shall establish and maintain a Statewide Independent Living Council that shall not be established as an entity within a state agency. So they are a separate organization in some way, not part of a state agency, even if you don't set up your separate corporation.

And as I said earlier when the law speaks to specific items, you can use that language in your policies and your bylaws in your written documents. So start with a law and then describe your specific process as you go forward. So regardless of your structure, you still are established to do these things that are in the Rehab Act.

Now, we will talk to Liz next, and ask Liz would she tell us a little bit about how her SILC is structured and how that drives the policy development in California. So Liz, would you be willing to take that away?

>> LIZ PAZDRAL: Sure. Thank you so much, Paula. The SILC in California is a standalone state agency that was established by executive order. We're required to purchase a lot of our services back from the state and so all of our human resources laws and our financial management laws are the state regulations and that's what we follow. We do have some accounting desktop rules that we use in‑house and that are part of the state leadership accountability audit that we have to file every year.

It's been really fun in our SILC because the way policies have evolves has really depended on the councilmembers and what they are interested in or concerned about at the time. When I started here in 2007, the chairperson was a former military man, and had worked with other organizations on writing their policies and procedures, and he was really committed to completely rewriting all of our policies and procedures. And so that was one of the sort of legacies of his two years in office, is that he got all of our policies and procedures rewritten at that time.

Since then, we have had other issues come up that drove additions to the policies and procedures. The council got very interested and invested in diversity and leadership within diversity and so we did a diversity plan. We got some feedback from RSA that 9 way our governor appointees for ex‑officios were appointed was not correct. And so we needed to revise that policy, and we did.

We had a history of giving scholarships to people who wanted to attend conferences or paying to support conferences that RSA told us was not legal and so we had to create some policies around how we would still support the community, even though we weren't allowed to do what we had been doing before.

So right now, the council recently finished an action request form, which they designed to create accountability when somebody is bringing an issue to the council that they want addressed, a policy issue primarily, and then they are also working on a reasonable accommodation policy. They want to have a more intimate dialogue with individuals about their reasonable accommodation needs. And so we have working committees. One of the working committees takes the policy on. The policy gets fleshed out. It gets voted on by the committee and then by the full council and then we store it on our website so that everybody can get to it at any time.

I feel like that ‑‑ I mean, it actually makes my job a lot easier to let the councilmembers drive the boat and let them decide what it is that they want to work on and how. I think it creates a great culture as an organization. It builds our internal cohesion. It makes people feel like they are being heard.

It makes them feel like they have influence and power in the actions of the organization. I think it promotes team work. And so by putting everything on our website, we also reinforce our commitment to transparency because it's been very important to us to make sure that everything that we do is visible to anybody who cares.

So I already told you some of this story about how different modules have been added organically and I didn't talk about the mentoring program, but the councilmembers as part of their interest in succession planning decided to create a mentoring program for more experienced councilmembers to mentor new councilmembers as they started on. Originally it started off with sort of assigning new members to a mentor and, again this was something that councilmembers themselves took responsibility for, and then they added on a component where at every one of our meetings, they have a mentors ‑‑ a peer mentors breakfast, where the mentors get together with their mentees or the whole group gets together and they have discussion topics. They also sometimes play games. You snow, independent living jeopardy or something fun, and they sometimes ‑‑ the councilmembers who are running the mentorship breakfast will have incentives, you know, like a Starbucks gift card that will winner will get, inspire people to participate more fully.

But, again, it's really supported us having a group of people who maybe didn't know each other before they came to the SILC, but feel connected once they start working on the SILC.

One of the things that we adopted pretty early after I started was something called the rules by which to meet peacefully. And this is a document that was created by our statewide association of Independent Living Centers. And we took it almost whole cloth. You would ‑‑ some sort of plagiarism engine on the Internet would say we plagiarized it, but we asked them and they said it was okay. We did change a few things.

We read it aloud at the beginning of each day that we have a meeting. And there are ‑‑ I mean, it's a very long document and I was encouraged to share it but I didn't want to share the whole thing because I know we are limited on time. But some of the bulleted points, some of the things that have been really helpful is that everybody agrees that the SILC chairperson or their designee will facilitate. You have to be recognized by the facilitator in order to speak, that the facilitator makes sure that everyone gets to talk so that the conversation isn't dominated by one person.

We agree that the discussions are focused on the issue and we will use I statements and not insults.

It's so funny when we get ‑‑ when we hit that bullet that says cell phones and pagers will be silenced how many people around the room you see reaching for their purses or whatever. But it's effective. And, again, getting the people to read it and review it and agree to it helps to keep us on track and helps to keep things moving so that we are able to get a lot more business done.

When I started, we usually had meetings that were two and a half days long and now we have cut it down to one and a half days, and we usually get everything done. But, you know, time is kind of like water, and it's going to fill whatever container you put it in. And so the rules by which to meet peacefully help us create a container for our meeting.

The majority of our policies and procedures are posted on our website, the link is showing here on the slide. And then some of the policies I have mentioned, like the diversity plan, are still listed on the website but they are in different places. You know, if you want copies of any of these things, feel free to email me and I'm happy to share.

I think that's my last slide, Paula. Is that true?

>> PAULA McELWEE: That is true, because we are ready for questions. We wanted to stop time because Liz has presented some very specific things and you might have specific questions for her around the things that she's described and the policies that she's described.

I really liked your description as time is like water in a container. That's true. It's true that policies and practices that we formally decide on together are what helps to make our meetings work well. I thought that was very well said.

So here we are at a Q&A break. As I said, I would remind you all, you can press star pound to indicate you have a question and the operator will work you into the list.

You can type in the chat if you have a question and type the question there. So you can actually see that and don't forget that if you are on the full screen CART captioning, we are also logged in to help you with that so you can use that and the question will be automatically pulled over and used ‑‑ placed on the chatter so everyone can see it.

So if you have a question or even a comment that you would like to follow up on related to what Liz has just told you, we would invite you to type it into there or whatever it is that you can do.

So any questions?

Type your questions in, if you have them. We will go ahead if we don't see any questions for another minute or two, we will go ahead and go on to the next ‑‑ to the next section but do type in any questions you have. Don't forget to hit enter as Sharon has just reminded you.

I will give you just a second to do that.

I understand we are having a little trouble with my audience. So I'm trying to figure out how to fix that. If you didn't hear us, please type in your question. We will go on to the next section, but please type your questions as we go along. Questions and answers is part of what makes us a network, right? So it's very helpful if you add your comments or questions there.

Okay. Well, next, we'll have Kathy talk to us about the Kansas approach. So Kathy, I will turn it over to you on slide 13, and it's all yours.

>> KATHY COOPER: All right, thank you, Paula. The Kansas approach. Well, I will tell you, we have had to redo our policies and procedures and bylaws about ‑‑ oh, gosh. Well, three years ago when I started. That was really one of the first things I was tasked with. You know, what really drove that in our situation was audits. We had been under some federal and state audit reviews that were quite painful and, you know, one of the things that we did because of that was redo all of our policies, all of our bylaws, all of our procedures, our conflict of interest statement. We really needed to become much better and accountable and transparent and that's not such a bad thing. We have done that, and I feel very confident, as well as the board does, that we would pass an audit no problem.

So we had to do a corrective action plan with our state because of the audit findings and that was one of the things they put in the corrective action plan. And when we looked at our policies and the things we had, they were very old. If I remember correctly, which I'm not sure, but I think back in '96, is when our policies were developed and they could have been updated along the way, but not much. So ‑‑ so, you know, we had that corrective action plan driving us.

And, you know, we had all new staff, and we had all new ‑‑ not all new, but we had a lot of new board members. So it was really kind of a good time to do it.

So what we did was we looked at best practices and we reviewed policies and procedures from other states, from online things, and then we have also put in there that we are going to regularly, you know, take a look at them and make sure that they are current.

So next slide.

We decided that we needed a bylaws and policy committee and it's a standing committee for our board. It contains two SILC board members, the executive director, and a CIL representative so somebody who is not even on our board or a staff person, we decided to bring somebody in who was kind of considered an expert on policies and procedures who was a CIL staff person and that worked out well. It wasn't really a very large group, which I think is better in the long run. We got a lot done. We met mostly over conference calling and we rewrote everything, bylaws, completely rewritten. Our fiscal policies, we definitely had to add to. When I started, we became just a one‑person staff. And so when you have one person, it creates quite a bit of difficulty for your financial side because you have to have that accountability.

You can't have the same person writing checks and signing checks. And you can't have the same person, you know, opening the deposits and depositing them. So we had to figure out a lot of that kind of stuff. I think we did a really good job with our fiscal policies and utilizing our accountant and having them do some stuff for us.

And also, we really had to utilize our board treasurer and they had to step up and do quite a bit more than probably what most board treasurers would have to do. The personnel policies, that was one of the places that we really saw was outdated, and so it was interesting to kind of see what was the norm back in 1996, versus, you know, 2013 '14. The conflict of interest statement also had to be really beefed up.

We worked with our DSE at the time, and they helped us quite a bit with that. Probably a little more than we would have liked but it turned out really well, and it's a very good document.

We looked at a lot of current CIL policies because we found that some of them had really had to go through theirs and update theirs and had been able to use attorneys to help them. So we kind of piggybacks off of that and used that as a resource as well.

You know, I have to brag on Paula. Paula helped us tremendously and we sent a lot of stuff to her for clarification, and also to give us ideas on how to really, you know, make our policies strong. So next slide.

After we initially developed all of our policies and everything, now the committee is still together, and what we do is if an update needs to be made, if a change needs to be made, then we come together and we do that. We work on it and then we take it to the board for more discussion and approval. We also meet once a year. We have that as a policy that we will look at our bylaws, policies, financials, all that kind of stuff once a year and make sure that everything is completely up to date and we have the board ‑‑ we bring it up at a special board meeting and everything.

So, again, we just think that makes us a lot more accountable and transparent and that our policies will not sit there for another 15 years and not be updated. Again, it's all about accountability.

When we have new board members join the board, I do an orientation with them and that's one of the things that we talk about. I give them a copy and, you know, ask them if they have any questions. So every board member has a copy. I really liked Liz's idea of having it on the website and I think that's probably something that we will look at at as well. That's how we make sure that all of our board members get it, at orientation and then at the once a year annual kind of meeting update where we elect officers and all that kind of stuff as well.

Next slide, but I think that's it for me, isn't it? Oh, no. One more.

Oh, and I kind of touched on this before. Fiscal policies for a one‑person office is extremely difficult and so we have had to learn a lot as we go, but I feel very confident now that we're solid. We have had to put those internal controls in place because of the audits and it was a required action with our corrective action plan by our DSE.

But, you know, in the long run, we want full transparency. We never want to be in the position again where we would be afraid of audit results. So we have a lot of internal controls. Like I said, our accountant does a lot of stuff. They do the payroll for us. They do awful of the fringe benefits, paying of the taxes, health insurance, you know, that kind of stuff.

A copy of our bank statement also goes to our accountant, as well as our treasurer, as well as me. So we have people that can ‑‑ that have access immediately. So with all the online stuff, they all have access to that as well and when I say all, I mean the treasurer and the accountant.

The other thing is signing checks. I'm a signer, but I don't sign them. I write them. I go to a board member who is able to sign checks. I do a lot of driving and I drive back and forth. I write the checks. They sign them. I bring a copy of the bill or the invoice and we go over that. And then every month, I send all of our financials from the accountants and I send our invoice that we send to our DSE to be reimbursed. I send a reconciliation and the bank statements to every member of the financial committee, and then, you know, once a quarter when we have our board meetings, we go over all the financials. The board members are sent them in advance, and, you know, so I feel that we completely and totally, you know, make sure that everything is transparent on those financials.

So I did give Paula and I think she sent out with this PowerPoint a copy of our fiscal policies and procedures, as well, but, again like Liz said, I'm willing to share anything, our bylaws, policies, conflict of interest statement, anything, because I understand how difficult it is to have to tackle these big things. So I'm more than willing to share.

I think that is it for me.

>> PAULA McELWEE: Thank you, Kathy. That was great. I don't know about everybody there, but I heard several things that I thought to myself, what a good practice! From both Liz and from Kathy. As you are thinking about any questions, some of you also might want to think about having a comment about something that you heard, that you thought, oh, it would be great to be able to somehow apply that at any SILC. So it's time for questions and answers again, but in addition to that, if you have comments on some practices here that you are going to be following through with, we would love to see that as well.

So I will remind you that you can do this on the chat box. You can type in a question there. You can press star pound on the phone and the operator will turn your sound on so you can talk with us.

And don't forget if you are in the full‑screen CART captioning, we are logged into the chat there and those questions and answers will be shared with the group and we'll discuss those. So if you have any questions or answers about these practices, I would love to see what you are going to do with some of these ideas.

I thought the mentoring of new SILC members was good from both of you. You both had a little different way of doing it but took it into consideration, that when a new perp is appointed, how important it is that they are brought up to speed, given all the documents that they need, mentored through whatever methods are the best fit.

So try to keep that in mind.

That was great.

>> KATHY COOPER: I will say one more thing that I think we will look at in the future for Kansas is our opening meetings law. In Kansas, our SILC is actually under that, and so we have really had to learn how to deal with that as well. Because, you know, that's run through our state attorney general's office, and they provide absolutely no advice to you whatsoever. They just say, oh, well, we can't provide legal advice. Look at our guidance. Well, the guidance, you know, that's never completely enough. So I will say that that's one of the things that we will probably have to do deal with in the future is a policy around open meetings and open records and stuff like that.

>> PAULA McELWEE: What a good example. I know that first of all ‑‑ if you are not aware of that, open meetings laws are different from state to state, bust I do not know of any state where the SILC could not be subject to those laws because you are a council appointed by the governor. So as far as I know, every SILC is subject to the open meetings act in your state.

And you need to learn some things. You need to learn whether or not you can hold email vote, because typically you cannot, if you are doing an open meetings. How do you have an open meeting if you are sending the email only to your councilmembers and you are not informing anybody of it, and so forth.

Typically an email vote which is a practice that some SILCs are doing, you probably want to examine a little bit longer and see, hmm, are we really following the open meetings law here?

Also for a lot of SILCs this kind of blends in with Liz's rules to meet by, but for a lot of SILCs there has been some disruption some of their meetings. Due to the open meetings law, you have people who are guests that are at your meeting, as you should, as you must. But then the question is how do you do that in an orderly fashion? And so your council members agree to a certain behavior but also you may need a policy about how you take the input seriously, get it into your record in some way but still are careful not to let anyone runaway with the meeting in a way that causes you to not be able to finish the business that you are required to do.

So you need to figure that all out, and I think looking at those open meetings laws is another good practice for us to talk about for sometime.

Are there any questions? Don't forget to type them in there if you have any questions. And Liz and Kathy, I hope you jump in if you have any comments on the rest of the presentation as well.

We will go to slide 19. Just to remind you, the Rehab Act, which is the law that oversees this, is the foundation for our policy. Now there are standards and indicators out right now ‑‑ we won't talk about them right now. They are out for comment. We will talk about that on the next SILC speaks conference call, which is coming up next week. So you will see an announcement about that. But we will talk about the standards and the indicators there and they will further inform this.

But the law has a lot of information that you need on how you do your policies. And so most SILCs need to update their policies because the law changed when the WIOA was passed.

When the law was passed, we know there are some things coming that are different about membership, about how a quorum is determined, about who votes. And so all of the confusion there needs to be clarified in your own policy and procedure. Now, the regulations aren't out and they may give us more detail on some of those areas.

But want to match the statute and the resulting regulations in your policies and procedures. So the review, Kathy, that you mentioned, an annual review of everything is really important because sometimes the laws and the regulations around you are changing. So you want to make sure that you know what is actually needing to happen.

The confusion ‑‑ when I hear from different SILCs about what they are confused about, with their own policies and procedures. It seems like it's almost always that there are written policies and there are bylaws and their tradition may or may not be an agreement. And their tradition may or may not be in agreement with the new regulations or requirements. And so that is a real important thing for you to do, to find a cohesive way of doing it and make sure you update it as your understanding of the law continues to evolve.

We have the regulations shortly. And once the regulations are out, we expect that there will be on‑site reviews or audits of all the recipients of the funds which includes both SILCs and CILs and when the audits begin, we will probably see more clarification in how the law is applied. And so we will continue to share with one another kind of what is happening. Be sure in the statutory requirement, you know them and you take a look at the wording and the law. Don't let what you have done in the past confuse what actually feeds to be done. So kind of keep an eye on that.

One of those is the composition of the council, and I have had a lot of questions about this, because it is different from what people understood and sometimes it's different from what they understood as they worked on some other council in another place. And so it's important to look at the law first.

So you know among voting members at least one director of the center has to be chosen by the directors of the centers. So that's a change in how we do things and making sure that that representation is there is an important piece.

And then among the voting members for a state in which one or more centers are run, by one of the tribal groups by one of the American Indian tribes, there's a separate representative.

And then as ex‑officio, nonrepresentative members are designated from the stay entity and representatives from any other state agency that you decide to include or your governor decides to include, and note that any state agency representative is ex‑officio. Can't say they don't work for that entity. If they are, then they don't vote. So that's a little different than what the practice has been among some of the centers. So it's good for you to keep an eye on that law.

21. Additional members may include other representatives from independent living, individuals with disabilities, parents or guardians of individuals with disabilities and you can kind of scroll through the rest of the list. Representatives from private business, from organizations that provide services to people with disabilities and other appropriate individuals.

One of the things that I still have had come up recently with one of the SILCs that I work with is the issue of whether a parent is considered a person with a disability ‑‑ an individual with a disability. And the answer to that is a parent is an individual with a disability if they self‑disclosed that they are a person with a disability. They are not automatical represented as a person with a disability. The child is.

Unless the parents themselves have a disable they don't count into that number. They don't count as an individual with a disability unless they themselves disclose a disability. So that's good to keep in mind.

22, qualifications in general. Talk about some of the things you are looking for to fill in, with some diversity across geographics, across backgrounds, across types of disabilities, across, you know, all the different things you might have represented in your state. And then it says who is knowledgeable about Centers for Independent Living and independent living services which gives us a little bit more of an argument if there are people who are appointed and the SILC hasn't been very involved in looking that. They certainly need to be people that know about independent living.

And the majority are people with disabilities who are not employed by either state agency or a Center for Independent Living. So if the person works for any state agency, whether they are there as a state agency representative or not, we have had recent clarification on that. If they work for a state agency, they cannot count in the majority of them on this membership.

And if they work for a center, whether they are there representing the center or not, they cannot count in that majority. So that's a real important clarification that has recently been clarified by our funders.

The voting members of the council are a Ma ‑‑ a majority of them must be people with disables who are not employed by a state agency or a center and so that's the language you ought to use in your bylaws and policies. That will guide the governor's appointment office regarding the people that they appoint. It's one of the necessary elements that are necessary or required and if you help them to see that information, it's very useful. So take a look at that.

And then chairperson among the membership. So that means a state agency representative cannot serve as chair. Any state agency representative is ex‑officio.

Now, Tina is asking as an ex‑officio member, what if you are not asking someone to represent an agency formally, but you see them as someone with a degree of knowledge and connections that will be of assistance, for example, if they are a person with a disability, who works for the Department of Transportation, must they still be a nonvoting ex‑officio.

We understand you can't count them in the majority but can they still be voting members of the council?

And Tina, as far as we know, probably, but that's not been clarified and it's real hard to know, how would you distinguish between when someone is representing an agency formally and when they are not? So I think it's an area where if that's something you are wanting to do I would suggest that you find ways to really clearly state what you want, and then run that past your program officer at ACL at ILA, because your program officer can help to review that and see if you are doing what is intended with this law. The again, the regulation should give us more clarity but they are not available yet. We don't really know the answer yet.

As soon as the regulations are out, we will have some deeper discussions on those things.

On slide 25, you see the terms of the appoint. Even member of the council will serve three years. There's some exceptions if they are filling someone's vacancy. I think some centers ‑‑ some SILCs have interpreted that as meaning they can fill a vacancy and then get another six years after that. But it's for the fewer number of years not the greater number of years. They can only serve two terms. If they serve part of someone else's previous term, that will shorten the length. Your policies and bylaws should reflect this. If we get better clarification from the regulations, of course, that extended language as well.

Remember if you type in questions there to push enter after you type because your question will not appear in the chat box until you press enter. Feel free to enter those questions as we go along here.

On 26 is term limits specific and followed? You have mirrored language and in some states the government's appointment office is looking to that, but sometimes they are not. If you are specific about whether they are or are not filling a vacated position, if you are keeping your positions very clearly designated and you want someone to start fresh with a three‑year term, you will need to specify that to your governor's office if that makes sense. So that's really an important element of your term limits is to know specifically the length of a term and whether someone is filling a vacant position or not may change the length of the term.

The law says not more than two consecutive ‑‑ full consecutive terms. That's always been interpreted to exclude the term. I'm looking for this in our regulations.

Yeah, you are right, the way it's stated on slide 24, no one may serve more than two full consecutive terms but there's another place in the language that talks about ‑‑ the terms of service, the ii of the members inertially reported should be specified by the governor for such fewer number of years as will provide for the expiration of terms on a staggered basis.

I'm not sure if that's really applies here. I think I misread that and it's the initial appointment and we are all well past that one. That's a good point, Kathy, I will continue to get clarification on that.

And then Nicole asked a question, is it good practice for us to be documenting the public comments in our SILC meeting notes?

Well, your meeting is open and if the public is commenting during a designated period in your open meeting, then it is a part of what should be documented in your minutes. Now how much detail you put in your minutes is going to vary a great deal from ‑‑ you know, from one SILC to the next. Some do almost a full transcript of the meeting. You have somebody there doing CART anyway, or recording it for some reason. So a lot of times you will see that very complete information.

But you are not required to keep an entire transcript of a meeting of your ‑‑ of your activities. You can summarize it in minutes if your council agrees that that's what you want to do and if your open meetings law doesn't preclude that. So keep that in mind.

The duties of council on 27. So your duties as you know very well, because you have just done it is to develop the state plan. There's another section that details that and you want a policy or procedure around that state plan development. There are two things that you are really going to look at around that state plan development. One is, do you have committees working on elements of that plan or not?

And then another is how do you accept ‑‑ how do you bring in the comments and what is your timeline? You have some leeway in deciding exactly how you seek input and how you include the input into your plan and whether or not you have a chance to go back and ‑‑ and change your plan based on the input. I mean, you should always have the option to change your plan on the base of the input but sometimes timelines have been a barrier so that.

And so you want to kind of look at that, look at anything that has been happening in your state plan process that you had questions about this time, and think about which of them might make good policies. Is it time to put a policy or procedure in place that would clarify so that you know more completely what you need to do related to that?

Keep that in mind. You are to monitor and review the implementation of the state plan. Both Liz and Kathy mentioned that they have committees and I ‑‑ I don't know how much your committees are involved in that monitoring, reviewing and evaluating, but I would guess they are.

Would either of you like to comment on that? Sorry to put you on the spot. Don't forget to unmute.

>> LIZ PAZDRAL: Hi, this is Liz. And our SPIL committee, they decided that they would create a SPIL committee that during the season where you are writing the SPIL, is writing the SPIL and then once the SPIL is approved, then their job is to monitor and evaluate the SPIL.

>> PAULA McELWEE: So it's one committee that does that, right?

>> LIZ PAZDRAL: Correct.

>> PAULA McELWEE: And then Kathy, I think you use a committee for each goal maybe?

>> KATHY COOPER: Well, it's a little different because the committee is formed of staff from not only the centers but from other disability organizations in the community. But what they do is they come to each one of our SILC board meetings and they report out as to how they are doing and, you know, I ‑‑ we have all of those different SPIL work groups that are reporting but as far as monitoring and evaluating the progress, our entire SILC board is then charged with that at the meeting to, you know, ask questions and have discussion and all of that.

>> PAULA McELWEE: Okay. Great. As you can imagine, it's very important for you to think about how this is going to happen because you don't want to wait six months before your next SPIL to monitor and review and evaluate what is happening with the current one.

Think about what makes good practice and when it's appropriate and fit that practice into a policy. That will be helpful for you.

There's more information on that slide about some more elements of that.

But you can take away from that whatever you would like to. Meet regularly. For example, how often do you meet? The regulation or the law says meet regularly and ensure that such meetings of the council are open to the public there's the law. And sufficient advanced notice of such meetings is provided. And that usually ‑‑ what is sufficient advanced notice is often also defined in your state's open meeting law.

That's the other law besides the Rehab Act that you want to put down and use as you determine your policies is your open meetings act for your state and then submit periodic reports and other entities which should be defined in there.

What your policies and procedures do on slide 28 ‑‑ what your policies and procedures do is help you describe how you do what you are required to do. We just read that you have to meet sufficient number of times. Well, what does that mean? How do you do that? That should be in policy. Do you do ‑‑ is twice a year enough? Probably not. Is quarterly enough? Maybe, maybe not. Is every other month enough? Is monthly what we ought to see?

As you look at all the things that make sense for your state and make sense for your situation, the how to is what you can describe in your policies and procedures. How do you ensure that your meetings are open to the public? What is sufficient advanced notice and how do you provide it? Where do you do that? So pull that stuff in so that you know what your actual practices are.

And if any of you have great policies on some of these topics that you would like to share, if you would send that to us, we can take a look at your policies and maybe we can post some more on that same website with this webinar so that we can share it with some of the other people.

So a policy on reports and record keeping might address reports from the council ‑‑ to the council from the executive director, reports to the DSE, the development of the 704 report, which as we have heard will no longer be the DSE's responsibility but the DSEs don't realize that in some states but there's some activity around that that may have to happen.

Take a look at these practices and how you will accomplish the things that you are required to do. You have some authorities. These are not prohibited ‑‑ if they are not prohibited they are not prohibited in federal law, so consistent with your plan, you can do additional things. Improve service by coordination with public and private entities. How will do you that? How do you conduct resource development and how are you going to perform other such functions that you think that the council worked into your SPIL. You have it written in there now and you need to think about, okay, but how? So think again about the how‑toes as being the written policies and procedures.

And that's especially with the policies on authorities because they are optional, you ‑‑ they are less restricted by regulation or other language right now. So they are optional and not required and you need to make sure you are all on the same page.

So how do you coordinate services with public and private entities? What does that mean? And what is the SILC's job and what is the CIL's job and how do you collaborate all of that? Those are very important conversations to have with your SILC. And as you have that conversation, some of the how‑to will emerge with your policies and procedures. Policies and procedures is always something that should come from that conversation and this is a little side comment that I want to make, because what you are doing is clarifying the conversation in writing. So you meet. You discuss it. You come to a conclusion. Your council comes to a conclusion about how they want it to be. Those under your minutes and they are not readily available. So the document you use to carry it forward is a policy that comes out of that decision that the council has made.

Figure out the policy or sometimes it can go the other way around. You can look at it with a committee or the staff can look at it independently, and say, boy, I'm wondering what I'm today do with this, and draft something and take it to the council and say, you know, I'm struggling a little bit with the fact that we all have different expectations for how we coordinate services with public and private policies.

I have drafted this policy and I would like your feedback. If you think that reflects what the council intends to do, I would encourage you to include it in the policies and procedures. And then the chair has probably seen it beforehand and can ask if there's any conversation and then may or may not have it go back to a committee for further work.

But you can go either direction. A committee can bring one forward. The council as a whole can bring one forward and individual staff member can bring one forward, but in the end the council needs to approve it and then you have a manual of policies and procedures that describes what you all agreed upon.

So it's agreement on the ‑‑ you know, what functions are going to happen, how much authority different people have to get it done? Are there timelines related? The how‑toes around the things that you have agreed to.

There are some limitations in the Rehab Act and the negative stuff can also be in policy. You might keep that in mind.

And then the resource plan, as you heard from Liz and Kathy. Kathy has some very specific things related to budgeting and finance that are necessary in a single person nonprofit office. Liz works very closely with the state and follows their policies around the fiscal stuff. So you have very different approaches and the same will be true with the development of your resource plan. What is developed in a committee and what is developed by a staff and how do you push that forward? You ought to take a look at that.

You know, we are getting close to out of time and so I will flip through these pretty quickly.

If you have staff, you may want a policy or procedure on supervising an evaluating staff. And the executive director's performance would be part of that and generally, that ‑‑ any of these would be annual the executive directors performance evaluation is sometimes really done differently state to state. So I think it would be very valuable for you to have this conversation with your ‑‑ you know with your council if you haven't. And decide, you know, was the staff supposed to present a self‑evaluation first? I always liked to see that approach because I think often the staff know much more about what's going on day to day than what any councilmember can possibly know as a volunteer. So it's always useful for you to have that ‑‑ have that out there.

But think about it. What is your process? And, you know this doesn't have to be the actual form, but how is the ‑‑ how is staff going to be evaluated is an important part of the role of the council for sure. And they may need policies and procedures, there may be forms on what to do when the councilmembers request reimbursement for the reasonable and necessary expenses.

You are going to need to take a look at some details there, because often your DSEs, policies, do ‑‑ they can add additional requirements and if they are writing your checks they may have some of that already in place. So you will want to look at that.

Certainly conflict of the interest. Informing the council of conflict and refraining on voting on the issue. You are required to ensure that there is not a conflict of interest in the operations of your council. So really important area and other ethical codes of conduct can be part that. You can find lots of sample. I have some samples. Best practice is that you train your council annually on codes of conduct and conflicts of interest and a lot of places just have them sign that they either attended the training or sign that they agreed to the code of ethics as part of that practice.

I'm not going to spend a lot of time on these slides. We need to get to additional questions. If you can tell me your additional questions. Do type in your questions now if you have questions on these.

I do want to talk a little bit about the philosophy of equal access. The expectation is that all the operations of the whole IL network are accessible and that includes the SILC and sometimes I have found that this is simply not true. Someone within the SILC, and sometimes it's a SILC councilmember who just chooses not to follow these requirements. So if you have got that kind of situation going, you really need to fulfill the philosophy of equal access with the policy and procedure. That will be so important. So make sure that communication ‑‑ around communication, you know, interpreters, readers, video, CART captioning, braille, how are you going to communicate clearly to all the people in the council ‑‑ on the council, but also if there are materials that you get out to the public that that needs to expand to all of them as well.

Physical sites that you have good physical access to any site that you use for any meeting you have, including your meetings for public input. And probably the one that's the most often violated is this notice regarding fragrance and smoke‑free meetings for people with environmental and chemical sensibility, an adherence to the council for that. It's an uncomfortable conversation. I had to have it more than once with people in training settings or other settings but you have to say, you know, I'm sorry this is a chemical‑free area, because it's so important. It's not accessible to people ‑‑ some of the people here if there are ‑‑ if you are wearing a lot of fragrance or if you are smoking near an entrance. So we ask you to go and, you know, wash off the fragrance the best you can. Don't come back tomorrow with the fragrance on. And, you know, I ‑‑ I ‑‑ unfortunately this is still very much ignored sometimes.

So keep an eye on that one.

Have you run across any other questions? Let's see. Type in the chat box or star pound if you want to ask them alive.

You have the entire PowerPoint that has some of these other items that might be useful for you. So do take time to look through them. We would be happy to answer your questions and provide with you samples and discuss the details of what might be good to include there.

Questions, going once, going twice. I have something more to say after we pass this slide. So stick with us here for a minute.

All right. If your council hires staff, you need personnel policies. If your council receives funds to operate directly, you need policies and procedures around what you do with those funds. If your state has special legislation that describes how your council is appointed that should be repeated in your policies, bylaws or procedures. So just think about who your council is uniquely and how these things would fit for you.

We have some resources here for you that we think might be useful. Content specific to SILCs and to sign up for our SILC mailing list is that first link there.

Please join our Facebook conversation on our SILC connection. I had someone call today who is very excited. It is a large state, and their state had 100% support from the centers and the SPIL was in and they were celebrating and said, could you find out how many other states are done? Well, I would like to think that a lot of you are. If you are not...

(Laughter).

If you are not, you probably wouldn't be on this call because it's hard to get it in the last couple of days before something like that goes out. I go in and I put up a post there. Tell us where are you in your SPIL process? Everything done? Any successes you want to tell us about that worked really well so we can capture that?

I hope you go to that Facebook page and join and follow that page and add your own comments to the post today on whether or not you have got your SPIL in and ‑‑ and any success stories around the submission of that SPIL.

We also have a weekly technical assistance article. Some are for SILCs. Some for CILs but both are, I think, going to be interesting to you. And you can subscript to that list and get an email in your mailbox or you can just go visit it whenever you want to, but if you subscribe, you will get an email that says there's a new post, and then you can go check that out as well.

And then there's a link here also for Liz's policies and procedures for California, and you have the fiscal policies and procedures in the email and they will be posted on the list.

Any other questions? I see some people typing. So please push enter if you have a quo that hasn't come up yet. Because you have to push enter at the end. Your question there.

We go.

Do you have any guidance for avoiding overkill with policies and procedures ‑‑ oh, Tina, you ask such good questions ‑‑ to keep them from being unmanageable because of detail or so restrictive that it handcuffs your council?

This is a very good question because there's always somebody who is more interested in copious detail in your policy than others.

When you mention, Liz, that you had a military person who guided that, that was interesting to me because I thought, oh. That's one of those things that, you know, a lot of detail can be very difficult to medical or difficult to see.

I guess the answer is walk through it. Before you present it or before you decide to pursue, it walk through what you do and ask is there anything here that's going to be problematic? And I would start with the ones that you either need for something exciting and positive that you want to accomplish for your center or need to solve a problem. You can't solve everything. Good risk management would indicate that you need to good management policy and fiscal policy. You also cannot participate and write a policy for everything that might happen. And sometimes there's someone on the council who would very much like to see that level of detail.

Sometimes the person who would like to see that level detail is the DSE. Sometimes the person who would like to see that level of detail is in the public. But wherever that input is coming from, you do need to balance it, because it can not be so much detail that your limited staff resources can't accomplish it and the volunteers don't intend to. And you really want to keep it so that it's simple enough for the one or two or part‑time or whatever the staff resources your SILC has to accomplish it and you also want to make sure that it's ‑‑ it's something that you really need to have.

And that annual review that you do of policies and procedures, it's not a bad thing to ask can I get rid of any of this, because it's ‑‑ it's certainly possible that something has been written that has become a barrier to some practice that you wanted to accomplish. And so make sure that you ask yourself that question too when you are doing that annual review.

Is any of this unnecessary? Some of it may be. So feel free to take a look at your policies from both angles not just what policies we need but also what policies we don't need.

Remember to type in your questions and press enter at the end of your question, so that we can take your question or comment into consideration. Anybody have comments on policies that have become barriers?

>> LIZ PAZDRAL: Paula this is Liz. Can I say something.

>> PAULA McELWEE: Yes, please.

>> LIZ PAZDRAL: I know when I was at my Independent Living Center and we were working on our personnel manual, we got help from a lawyer, a pro bono attorney, and he said one of the things that is really important ‑‑ and this harkens back to what Tina is asking about ‑‑ you don't want to put things in your policies and procedures that you are not going to do because ‑‑ and particularly if you are not a nonprofit, you can set yourself up to be liable if someone comes back and says, well, here's your official policy and that's not what you did.

>> PAULA McELWEE: Very good point. Very good point.

So certainly as you ask yourself a question is my policy a good policy, part of the question is, is it doable? If it's not, then you need to change it or get rid of it.

Other comments or questions?

We have somebody typing and being of course, if you want to push star pound, you can ask the question through the audio. You can put it in the chat box on either the CART page or the PowerPoint page.

Let me ask this question, is there one policy that you feel like has been a lifesaver? Can you think of an example when you said to yourself, oh, I'm so glad we have that policy.

If we hadn't had that policy in place, you know, something worse would have happened? Does anybody have those experiences where they were really pleased that they had a certain policy in place?

Kathy and Liz, you can sure feel free to jump in on audio and anybody can type that response or press star pound and join the audio conversation.

I think clarifying the open meetings law is always an important one. I was working with a center that had a situation where the center was considered in that state to also be subject to the open meetings law. That's not always the case. But in that particular state, they were and they had a personnel matter that they needed to cover and I was just really glad to hear a person on that ‑‑ I was on a conference call. But a person on that board who actually knew what the open meetings law in that state was because it was different than what is typical or what I had seen as typical.

And in that case, in that state, it's someone's personnel issue was being discussed in an open meeting. That person and their attorney could be at that meeting. It's just that it couldn't be opened to anybody else. Typically we used those open meetings at a time, right, when the person is not there so that you can strategize about what you need to do regarding this difficult personnel situation, but in that particular state, that was not the case.

And I was so glad somebody knew so that when he challenged it, the board didn't say, no, you can't. You know, they actually had the law in front of them. They had somebody who really worked with the open meetings law and knew what to do with it, and knew the answer to the question so that they were not off kilter regarding what they could and couldn't do. So I think knowing your open meetings law is probably the one ‑‑ the one thing that you ought to be saying to yourself, I'm so glad we have somebody who is knowledgeable of that policy, right? Because that's such an important piece for all of SILCs, of course, it's required and so you want to know your open meetings law and know it well.

Any other questions or comments?

Well, we are a couple of minutes early. If you don't have any other questions or comments, I will go to the end of the presentation. There's one more thing and that is, of course, our contact information. Please feel free to contact us with any specific questions. As you look back through the power point, the couple of slides that I skipped through might have some additional suggestions that you think might be helpful.

Also remember that your feedback is very important to us. So please click that link below. It's a short survey but we would love to have your feedback on the content today.

Thank you, everybody.

Take care.

(End of meeting)