

ALASKA MENTAL HEALTH TRUST AUTHORITY

FULL BOARD OF TRUSTEES MEETING

September 6, 2018
8:30 a.m.

Taken at:
3745 Community Park Loop, Suite 120
Anchorage, Alaska

OFFICIAL MINUTES

Trustees present:

Mary Jane Michael, Chair
Carlton Smith
Laraine Derr
Paula Easley
Jerome Selby
Christopher Cooke
Verne' Boerner

Trust staff present:

Mike Abbott
Steve Williams
Andy Stemp
Katie Baldwin-Johnson
Kelda Barstad
Jimael Johnson
Valette Keller
Luke Lind
Autumn Vea
Allison Biastock
Eric Boyer
Travis Welch
Carrie Predeger

Trustee Land Office present:

Wyn Menefee
Jusdi Doucet
Sarah Morrison

Also participating:

Randall Burns; Denise Daniello; Patrick Reinhart; Gordon Glaser; Alison Kulas; Cody Chipp;
Lisa Cauble; Eliza Eller (via telephone); Kevin Buckland (via telephone); Lizette Stiehr; Stuart
W. Goering; Bev Schoonover.

PROCEEDINGS

CHAIR MICHAEL calls the meeting back to order, and asks for any announcements. There being none, she recognizes Mr. Abbot to go over the FY20 deliberations.

FY20 BUDGET DELIBERATIONS

MR. ABBOTT states that there was a Program & Planning Committee meeting about a month ago where the FY20 and '21 proposals were gone through in detail. He continues that the plan is to review the budget at a relatively high level. He states that there have been a few changes in the proposal, and he explains those changes.

TRUSTEE SELBY makes a motion that the Full Board of Trustees appropriate \$31,776,100 in MHTAAR, MHT Admin and Authority Grants for FY2020 consisting of \$19,439,400 of MHTAAR and MT Admin, and \$12,336,700 are Authority Grants. These funds are to be used for the programs and activities described in the detailed FY20 and FY21 budget recommendations and spreadsheet prepared for the September 5 and 6, 2018, Full Board of Trustees Meeting. He further moves the Full Board of Trustees recommend the appropriations of \$5,535,700 of GF/MH funds, and \$8,200,000 of other funds of FY2020.

TRUSTEE DERR seconds.

CHAIR MICHAEL asks for discussion.

MR. ABBOTT states that this is a significantly bigger proposal from before. Two things were learned that positively impacted the FY20 revenue expectations. He explains that the returns on investments were better than expected, and that the lapsed spending from FY18 is also significantly higher than expected. He adds that the lapsing is not related to the Trust's direct spending, but to the MHTAAR funds that are granted to State agencies. For a variety of different reasons, they were not able to expend all the funds that were available to them. He states that those two categories are the largest of the income categories. He continues that the Department came forward and stated that they would not be able to expend \$1.4 million in funds which were support for the Administrative Service Organization, a key part of the Medicaid reform process. He adds that the procurement process and start-up of the ASO will not take effect until the beginning of FY20, rather than FY19. He states that the Department recommends that \$1.4 million of MHTAAR funds that were approved in the FY19 budget be held and expended in FY20 instead. He continues that the FY20 proposal discussed at the meeting included about \$800,000 of MHTAAR money for the ASO. He states that staff recommends, instead of the \$800,000, budgeting for \$2.6 million. The primary impact on the revenue calculation is that \$1.4 million of FY19 spending. The Department would agree to release themselves from the authority to use that money in FY19. He continues that FY20 funding is being calculated at \$32.8 million. He states that the baseline budget, discussed at the Program & Planning Committee, was \$29,366,000; the available funding is almost \$3.5 million. He notes that they are still staying inside of the \$10 million multi-year commitment that was made three or four years ago. He states that also recommended are two other increases in programmatic expenditure; \$600,000 for emergency psychiatric services. This is the

programming that could relieve pressure on API and provide resources statewide for emergency psychiatric care. He continues that also recommended is additional funding in the area of early childhood prevention related to a trauma-informed educational pilot program. The net of those proposed increases is \$2.5 million. Also recommended are a couple of minor decreases to the budget seen last month, and this is in response to the changing conditions that we have become aware of. He states that it reflects a suggestion from the trustees, during the Program & Planning Committee meeting, to reduce the funding for Alaska 211. They are being funded in FY19 with the recommendation to not fund them after FY19. The second is to remove a portion of the funding for predevelopment, which is the partnership between the Foraker Group, Rasmuson, Mat-Su Foundation, AHFC and the Denali Commission. He explains that several of the partners are leaving the partnerships because there are less programmatic requirements for it.

CHAIR MICHAEL asks whether that grant was directly given, or was a set-aside for projects.

MR. ABBOTT replies that the grant is directly given, and will be done in \$5,000, \$10,000 and \$15,000 increments.

A brief discussion explaining the mechanical process ensues.

MR. WILLIAMS begins the FY20 budget under the heading of Nonfocus Area Allocations, and the total appropriation of recommendations for the operating budgets for the Trust Land Office and the Trust Authority Office. He asks for any questions regarding the operating budgets for either. He moved on to the category called Other Nonfocus Allocations which gets into the programmatic side of the Trust. He states that the Early Childhood/Prevention and Intervention has the Bring the Kids Home maintenance and monitoring under there; and then Trauma-informed Schools Pilot Juneau for \$100,000 under proposed increases.

CHAIR MICHAEL asks for some information on that program.

MS. JOHNSON replies that this would be the third year of funding for a three-year pilot program happening with the Juneau School District in collaboration with several partners, including the Juneau Community Foundation. She explains that they were working with a contractor out of Washington with a great deal of experience with culture change within schools to support at-risk children, but also through the development of staff from principals down to the front-desk and a line for mentorship and education for the staff to create a more trauma-informed environment for the children.

CHAIR MICHAEL asks for any questions and states appreciation to Ms. Johnson, who is the program officer that focuses on early childhood.

MR. WILLIAMS continues to the pooled predevelopment core operating operations and explains what is getting reduced there. There was \$75,000 for predevelopment projects that has been reduced to zero for the previous reasons discussed. He adds that there is still \$150,000 that can be used to do some predevelopment work to identify projects and partners working on a capital campaign or exploring the possibility of doing some sort of capital project. He moves on and

talks about the grant-writing technical assistance, and then continues to the change in emergency psychiatric services assistance, which increased from \$300,000 to a total of \$900,000.

TRUSTEE BOERNER states that this has been a real critical issue in rural Alaska and appreciates the increase in the attention and resources that are being dedicated to help alleviate some of the challenges.

CHAIR MICHAEL asks for any other questions or comments. There being none, she asks Mr. Williams to proceed.

MR. WILLIAMS continues to the reduction in the budget of Alaska 211 to zero. He asks for any questions, and states that the next big heading is Alaska Systems Reform, beginning with Medicaid. There were further discussions with the Department around the Administrative Service Organization and other efforts; the numbers were adjusted but the total does not change.

TRUSTEE DERR states that in August \$825,000 was approved under the ASO and in this one category approved \$1.35 million, which is a difference of \$1.3 million. Now, \$1.8 million is being recommended. She asks where the extra money comes from backing up the FY21 into this.

MR. ABBOTT replies that there is no FY21 money for the ASO. He explains in greater detail.

CHAIR MICHAEL asks for any other questions, and then asks Mr. Williams to continue.

MR. WILLIAMS moves on to Criminal Justice Reform and Reinvestment, and states that the budget increments are exactly as represented previously to trustees. He continues to the Housing and Long-Term Support Services that also have no changes to what was presented.

CHAIR MICHAEL asks for comments, and then asks if the trustees would be interested in putting on the calendar to look at the focus areas and reaffirm whether to continue with those or talk about other areas.

MR. WILLIAMS states that would be with all the trustees through Program & Planning.

TRUSTEE SELBY suggests that staff work through so at the April meeting there can be discussions about the programming for next year. He states that the April meeting would be the appropriate time to have that discussion.

MR. WILLIAMS continues to the next focus area, which is the Beneficiary Employment and Engagement, stating that there are no changes in that from the August presentation.

TRUSTEE COOKE asks about the Hiland Mountain project which is not in the budget and asks how that could be handled if and when it comes along.

MR. ABBOTT replies that there working with the Finance Committee will show the trustees other options for funding that or similar projects in FY19 using other funds that are not in the

operating budget. He continues that this budget can be amended at a later date.

MR. WILLIAMS states that the next focus area is Substance Abuse Prevention and Treatment, with no changes to what was presented in August. He continues on to Disability Justice, and adds that there are no proposed changes from what was presented in August. He states that the last category is the advisory board requests with no proposed changes. He continues that there were some conversations in August, and when we get to the FY21 process, it will show that Trust staff did talk to the Department and other partners, and instead of doing this every other year this will be done on an annual basis. He states that there are no other things for staff to highlight in the FY20 budget.

CHAIR MICHAEL asks if there were any questions specifically to the advisory board requests, or on the overall budget. She recognizes Trustee Selby.

TRUSTEE SELBY commends the staff. The response to the trustees after the last discussions has been outstanding. He states that he will be glad to make a motion to amend this budget when an excellent project that will benefit the beneficiaries during the year is brought forth.

CHAIR MICHAEL asks for any objection to the motion as presented.

MR. STEMP asks to clarify an item that is included. He received a note from some of his colleagues in the audience to be transparent about the TLO operating budget and be on the record. He states that the number presented in the FY19 trustee-approved budget number is carrying forward flat into the future. He continues that there is a difference between the request that came through the Finance Committee and the amount is slightly lower, reflecting changes that were made through the budget process. He adds that for today's purposes, he would like to keep the number flat with the FY19 and FY20 amounts. He explains that the difference is attributed to the FY19 merit increases for staff not being approved and the request was adjusted to reflect that.

MR. ABBOTT explains that there was \$29,000 more than what the Legislature approved for when the FY19 budget was presented in Juneau. The request being made here is for the same number that trustees requested last year. It is slightly more than what the Legislature approved for FY19, but not more than what the trustees asked for.

CHAIR MICHAEL asks for any other questions or any objections to the motion.

There being no objection, the motion is approved.

CHAIR MICHAEL states that there is a budget for FY20. She recognizes Trustee Easley.

TRUSTEE EASLEY observes that when there is money in one specific focus area, things done in another focus area can have an impact. For example, she points out the women's unit at the Hiland Correctional Center, and Autumn, who has worked in all of the prisons, made the observation that nearly all of the women in that facility are there for drug and alcohol abuse issues, not violent crimes or other things. She continues that even though money is not in

substance abuse, if it is put into that prison project, it is going to be helping a lot of people regarding substance abuse.

CHAIR MICHAEL thanks Trustee Easley, and recognizes Trustee Selby.

TRUSTEE SELBY makes a motion that the Full Board of Trustees appropriate \$28,491,000 in MHTAAR, MHT Admin and Authority Grants for FY2021 consisting of \$16,449,400 of MHTAAR and MHT Admin and \$12,041,700 of Authority Grants for planning purposes. And further moves that the Full Board of Trustees recommend the appropriation of \$5,535,700 of GF/MH funds and \$8,100,000 of other funds for FY2021. These amounts shall be reviewed and amended in a future meeting.

TRUSTEE DERR seconds.

CHAIR MICHAEL asks for discussion.

MR. ABBOTT asks for a few minutes.

CHAIR MICHAEL calls a ten-minute break.

(Break.)

MR. ABBOTT states that the trustees were supplied with an inaccurate second motion, which Trustee Selby read into the record. Trustee Selby has been provided with a corrected second motion, recommending a substitution.

TRUSTEE SELBY makes a substituted motion that the Full Board of Trustees appropriate \$28,491,100 in MHTAAR, MHT Admin and Authority Grants for FY2021 consisting of \$16,449,400 of MHTAAR and MHT Admin and \$12,041,700 of Authority Grants for planning purposes. He further moves the Full Board of Trustees recommend the appropriation of \$5,463,000 of GF/MH funds and \$8,200,000 of Other funds for FY2021. These amounts shall be reviewed and amended in a future meeting.

TRUSTEE DERR seconds.

TRUSTEE SELBY states the need to act on the amendment by substitution so that there is the amended version of the motion for discussion. He asks to proceed to a vote on the approval of the amendment.

CHAIR MICHAEL asks for any discussion regarding the amendment. She asks for any objection.

There being no objection, the motion is approved.

MR. ABBOTT states that the Trust statutes require that two years' worth of budgets are prepared at this time; which is why both an FY20 and FY21 budget are before the trustees today. He

continues there will be another chance to make final changes to the FY21 budget prior to its submission to OMB, essentially a year from now. He encourages support for this motion but also wants all to understand that this is likely to change substantially prior to this time next year when a final FY21 proposal is submitted to the Administration and the Legislature. He states that there are some minor changes that are being recommended to the version today that is different from the version seen in August. He adds that Mr. Williams will walk through identifying the changes.

MR. WILLIAMS states that there are only two places that changes were made that have not been highlighted. He moves to the Nonfocus Area Allocations, the Trust and TLO operating budgets, and states that those increments will change as the admin budgets are being developed for FY21 next summer. Other Nonfocus Area Allocations were highlighted and already proposed and discussed with no changes. He continues that under Alaska Medicaid Reform and Redesign there was \$400,000 for actuarial analysis which was zeroed out. He adds that the ASO for FY21 is also zeroed out. He moves to the focus areas and begins with Housing and Long-Term Support Services and then to Beneficiary Employment and Engagement, both with no changes. Substance Abuse Prevention and Treatment also had no changes from what was presented in August, as well as Disability Justice. He moves to the change in Deferred Maintenance. There is no increment in that row. There was discussion with trustees about the possibility of having that program operate and be funded on an annual basis, as opposed to every other year. That was proposed with the Department and advisory boards and has come back with a recommendation with \$250,000 of MHTAAR funding to be matched by \$250,000 of General Fund/Mental Health funding.

TRUSTEE COOKE asks if the Department is administering this.

MR. WILLIAMS replies yes.

CHAIR MICHAEL asks for any other questions.

TRUSTEE SELBY states that the amended motion has been discussed, and Madam Chairman needs to finalize the motion, as amended.

CHAIR MICHAEL asks if there are any objections to the amended motion.

There being no objection, the motion is approved.

MR. ABBOTT thanks the trustees for their forbearance as the process was changed a bit on this. It has made the preparation for this meeting a bit easier on the staff. He adds that it is appreciated and thanks them for their support.

APPROVE CEO JOB DESCRIPTION

CHAIR MICHAEL states that the budget is approved. She moves to the approval of the CEO job description. She continues that the portions highlighted in red were the recommendations

received from trustees. She thanks Trustees Cook and Smith for their recommendations, which have been included. She also thanks Valette Keller for all of her hard work and persistence, and also Mary Shields from the Commission on Aging. She asks for a motion.

TRUSTEE SELBY makes a motion to approve the chief executive officer job description as amended, and as presented in the packet.

TRUSTEE SMITH seconds.

CHAIR MICHAEL asks for any discussion.

TRUSTEE COOKE states that he has one further amendment to his additional language that is in red in the second paragraph. It says: "Trust Authority Office, TLO" and thinks there is a need for the work "and" following CEO responsible for the Trust Authority Office and The Trust Land Office, which is DNR, et cetera, pursuant to the Trust bylaws."

TRUSTEE SELBY states that he would accept that as a further amendment, a technical correction.

CHAIR MICHAEL asks if there are any objections.

There being no objection, the motion is approved.

BOARD ELECTIONS

CHAIR MICHAEL turns the meeting over to Laraine Derr, the chair of the Nominating Committee.

TRUSTEE DERR states that the Nominating Committee included Verne' Boerner, Carlton Smith and herself. She sent an e-mail to everyone asking for their recommendations on committees or officer positions that they would like to serve on. Three years ago, trustees had a discussion that officers only serve in a position for one year unless there were extenuating circumstances. In light of the memos received and the recommendations, the Nominating Committee is making the following recommendations:

"Mary Jane Michael to continue as chair due to the legislative audit concerns, and she has been dealing with the AG; therefore, the committee is recommending her continuance for another year. Jerome Selby as vice chair, and Carlton Smith as secretary." She moves for unanimous consent.

CHAIR MICHAEL asks for any nominations from the floor three times. She then asks for any objections.

There being no objection, the motion is approved.

TRUSTEE DERR congratulates all.

CHAIR MICHAEL takes this opportunity to announce the chairs of the committees: Jerome Selby has agreed to continue as the chair of the Finance Committee; Carlton Smith has agreed to continue as the Resource Management Committee chair; Laraine Derr has agreed to continue to serve as the Audit & Risk Committee chair; and Chris Cooke has agreed to continue as the Program & Planning Committee chair.

(Applause.)

CHAIR MICHAEL states that the next item on the agenda is the approval of the K1 Energy JV oil and gas lease.

K1 ENERGY JV OIL AND GAS LEASE

TRUSTEE SELBY makes a motion that the Alaska Mental Health Trust Authority Board of Trustees adopt the recommendation of the Trust Land Office to the negotiated lease of Tract 29 for exploration and development of Trust natural gas resources, as proposed.

TRUSTEE COOKE seconds.

MR. MENEFEE states that the benefits of this are that there are areas in the Valley that are not being leased for gas right now, and someone came in interested in leasing land, making it a performing asset. He continues that the deal was the Northern Dancer 1 gas well, which is drilled and there was talk about plugging and abandoning. They want to test that well. He adds that if they were to acquire the lease on this, that would solve that issue at the same time. This is beneficial to make this a performing asset for production of commercial natural gas.

TRUSTEE EASLEY asks about the size of the tract.

MR. MENEFEE replies that he does not have the exact acreage, but it is about 2500 acres.

TRUSTEE COOKE states that on the consultation page property description it is 6,264.

MR. MENEFEE states that it ran \$62,000 in income revenue by that lease, and any royalty would be in addition to that. He continues that the least amount brought in would be about \$62,000 a year.

CHAIR MICHAEL asks for any further discussion or objections.

There being no objection, the motion is approved.

TRUSTEE DERR points out that she had an opportunity to go up to Haines and ride in a helicopter with Mr. Menefee and Mr. Abbott. She encourages any of the trustees, when they get an opportunity, to go look at the Trust land and look at some of the things that are going on. It reinforces the tremendous responsibility the trustees have for the future funding for the beneficiaries.

CHAIR MICHAEL states that Open Meeting Act training is not until 11:00, and begins trustee comments, recognizing Trustee Easley.

TRUSTEE EASLEY states that for several years money has been put into the Alaska Justice Information Center. One of the purposes of that was to track prisoners and recidivism. She asks what is happening on the actual recidivism calculations.

MR. WILLIAMS replies that Brad Myrstol, the director of the Alaska Justice Information Center, has come and presented to the trustees in the past. He continues that they are looking at a variety of things. There is no data that any analysis has been done specifically around recidivism related to the performances that have been taking place. He adds that it is moving in that direction. There is a need to set up the data infrastructure both from a hardware IT perspective, as well as the data-sharing memorandums of agreement so that information could be collected and analyzed, both of which are in place right now. He states that approval was received by the departments to set up their IT service system, which was needed because of the type of data being exchanged. The memorandums of agreement with public safety, law, and the court system were set up, and information was pulled together to look at, not only recidivism but other crime data trends that are happening. The Department of Corrections now has electronic health records, which are in all the correctional institutions. He continues that they are working on identifying data elements tracking Trust beneficiaries to set up the reporting template that should be able to run on a regular basis instead of having to hire a contractor to do a leafing of paper files to get that information.

TRUSTEE EASLEY asks if having those records in there will create a problem concerning privacy.

MR. WILLIAMS replies that the Department of Corrections is protecting individual privacy. data-sharing agreements are important to get the appropriate information across systems for researchers and other departments to be able to track individuals.

MR ABBOTT replies that the individual privacy is protected through the use of confidentiality agreements and other tools so that data can be shared across platforms without putting individuals' health information at risk.

CHAIR MICHAEL recognizes Trustee Boerner.

TRUSTEE BOERNER states appreciation for the opportunity to speak freely. She continues that she received a notice this morning from the Anchorage School District and would like to read it into the record:

“Good morning, ASD families and employees. I want you to know that Anchorage School District received information about a potential threat posted on social media last night by a high school student. We thank the Anchorage Police Department for its swift action. APD is reporting that officers with the patrol division interviewed the student and determined there was no active threat to schools today.

"However, the threat warranted charges, and the student was arrested and remanded in custody. We appreciate the student’s family and staff who came forward to share the

information. It has allowed us to deal with this situation swiftly, to insure the safety of our schools.”

She states that this shows the great need out there and hopes that this student gets the appropriate type of help and ties into a system where there is not just the punitive approach, but a more holistic approach. This way the student can be truly cared for in a way that helps all and ensures the safety of the children.

CHAIR MICHAEL recognizes Trustee Selby.

TRUSTEE SELBY reiterates his appreciation for the excellent work that staff has been doing for the last several months. It is obvious that everyone is working hard and doing a really good job. He states that he is impressed with the efficiency that the four leaders are providing information to the board for the decision-making process which gives the trustees the ability to make good decisions based on good information. He continues that in the October meetings for the committees, staff has been working hard on follow-up from the Finance Committee meetings last month to prepare and bring forward information on the reserve funds. He states that there may be some recommendations about allocation of reserve funds and the transfer to the Permanent Fund as is appropriate at the time. He adds that there are several significant financial items that will be coming to the Finance Committee, and then the Full Board in November for consideration. He looks forward to staff’s recommendation.

CHAIR MICHAEL recognizes Trustee Smith.

TRUSTEE SMITH states that taking time to get out and visit the different facilities is very meaningful and helps us see how these pieces fit in service to beneficiaries and the general public. He continues that the second item is that in Juneau the public’s awareness of the Trust is rampant and it is gratifying to see. He adds that the Trust is getting visibility and a face on the organization. He states that it is always good to spend time on the expense side of the budget. However, he would like to see a specific block of time as trustees and management to look at how to grow the assets of the Trust in the next 12 months.

TRUSTEE DERR dittos what Trustee Selby said about staff and the smoothness of the operation. She states that, as trustees, we are supposed to reflect on the past and look forward to the future. Reflecting on a year ago, this meeting, there is no percentage that can say how much better it is right now. She appreciates everything that has been done. She adds that she will be here for the committee meetings in October, but will miss the November meeting.

TRUSTEE COOKE echoes the comments that everyone has made about the value of the presentation at this meeting, the importance of the site visits and the input from the partner boards. He states appreciation for this portion of the agenda to talk to each other on where the board is in terms of interests, the priorities and some of the concerns. He continues that looking back on where we have been, and the outcomes and feedback is important. He is pleased to see more effort put into the communications element that brings out the face of the Trust. He thanks all for a great meeting.

CHAIR MICHAEL recognizes Trustee Selby.

TRUSTEE SELBY thanks Trustees Smith and Derr for their service this past year as vice-chair and secretary. He also thanks the board folks. The input from the boards is invaluable for the Trust to be able to achieve its mission.

CHAIR MICHAEL recognizes Trustee Easley.

TRUSTEE EASLEY asks if she could put Director Randall Burns here on the spot. She states that DHSS has been doing some work on tracking down some fraudulent activity with regard to Medicaid. There was a giant story in the paper about a hotel in Bethel that has really abused it and you caught him. She was wondering how that was done and how he monitors and tracks Medicaid fraud.

MR. BURNS replies that most of that work is done by the criminal division of the Department of Law. He continues that Health and Social Services has an entire fraud unit and uses the data that it collects from its Medicaid management information system. He adds that it is a combination and starts with the Department, and then referred to Law. Sometimes the district attorneys in the small town hear about things, and they contact the fraud department. Then, it goes from there. He continues on and makes a wonderful announcement between AHFC and the Department. Additional funding for beneficiary housing has been applied for, specifically for persons under the age of 65 with disabilities. He adds that HUD just awarded those and 50 rental assistance vouchers were received for Alaska.

(Applause.)

CHAIR MICHAEL asks for any more questions for Mr. Burns.

TRUSTEE BOERNER states appreciation to the Department for all their work. She also echoes some of Trustee Selby's words as far as appreciation to the advisory boards. She thanks them for welcoming the trustees to the meetings and letting us participate. That is very valuable. She also thanks Chair Michael for continuing in her role. She appreciates all of the trustees stepping up to the leadership roles, and adds that she is learning a great deal, and appreciates all as well.

CHAIR MICHAEL recognizes Trustee Cooke.

TRUSTEE COOKE points out that the Trust is unique and is continually inventing itself and figuring out what to do and how to assist and use the resources to improve the lives of the beneficiaries. He states that he feels privileged to be on this board and helping and finding the Trust's place in the activities in the State of Alaska that relate to the beneficiary populations.

CHAIR MICHAEL recognizes Trustee Smith.

TRUSTEE SMITH comments that the TLO continues to perform at a very high level. There have been some staffing changes recently, including a new deputy, which is terrific. He states that the land exchange is going to have a huge impact on the revenue side, and thanks

Mr. Menefee and staff for working on that, which will be great when it is done. He reviews and then states that it is terrific to see more engagement of the TLO and the trustees and adds that this is very important.

CHAIR MICHAEL asks if there is any comment from any of the boards.

MS. DANIELLO thanks the trustees and Trust staff for all of the support that is provided for senior Trust beneficiaries, adding that we are in a different place this year. She also thanks the Trust for all of the support to the Commission. She states that word was received that the Governor has signed the State proclamation, Executive Proclamation for Senior Fall Prevention Awareness, which will be September 22. Going forward, this is a huge issue and more is needed to prevent seniors falling. She adds that the Commission will be going to Nome next week as part of the rural outreach meeting. There will be an elder senior listening session also in Nome. She states that one of the former Commission members is from Shishmaref, and was very good in helping to make connections. She states that one of the highlights of the trip will be meeting with the Joint Coalition of four leadership entities in Shishmaref, and we are looking forward to learning more about the issues they have regarding Elders. She continues that one of the big issues is that Shishmaref is one of four communities in the State that have been identified as at-risk, because of the significant erosion and melting of permafrost which will cause them to have to move at some point causing a big issue.

MR. GLASER thanks the Trust for the opportunity. He states that he is a little different in that he is not a State employee. He is speaking as an individual and thanks the Mental Health Trust board for having the vision to see that there are parts of the state that are not being served and there are moneys that are really needed. He continues that, in terms of even the simple operation of the Commission and Division in terms of some data, there is a need to keep moving toward evidence-based, looking at outcomes, and not just numbers of how many times things happen. He states that Shishmaref is probably going to disappear, and we want to make sure that the beneficiaries are considered in terms of that process. He adds that they are talking about how the infrastructure for the community, which includes the Elders, are incorporated in the chain of process. On behalf of the Commission, he thanks the Trust for funding that trip.

CHAIR MICHAEL thanks Mr. Glaser for all the time he volunteers in the community. She states that she sees him everywhere spending time on giving back. She acknowledges that he is a remarkable person.

CHAIR MICHAEL recognizes Patrick Reinhart.

MR. REINHART states appreciation for the board and the change from a year ago. The feeling is very real and feels very positive now. He continues that working with staff is very easy to do. Everyone is organized and ready to get to work, from the comp plan to budgetary stuff, and he appreciates how hard the staff works when they are involved with us. He has a couple of announcements: Tomorrow is the face-to-face autism meeting at the Frontier Building and invites all; the Aging and Disability Policy Summit is in negotiations with the Governor's Office. He adds that it looks like the Governor will sign HB 336. He states that is an important effort

not only for the aging population, but for all disabilities. He announces that the Council meeting is October 2 and 3 in Anchorage, and invites all to come and be a part of that.

CHAIR MICHAEL recognizes Alison Kulas.

MS. KULAS states that the boards appreciated the trustees and staff attending the Utquiagvik meeting earlier this year, adding that they will be in Kodiak October 9 to 11. She continues that the statewide Suicide Prevention Council will be back in Utquiagvik October 2 and 3. She states appreciation for the conversations and questions that are seen during these meetings that are beneficial to all. Having those discussions and thinking about the intersections are important, and she appreciates the chance to be able to provide comments, work with staff on an ongoing basis to come up with some new ideas and some new programs so those best practices are being utilized to have the greatest impact to beneficiaries. She welcomes all to the upcoming meetings.

CHAIR MICHAEL talks about the tour yesterday and seeing the disparity between the two facilities was pretty remarkable. She thanks Ms. Kulas for being there, and stating that her input was really valuable. She recognizes Trustee Cooke.

TRUSTEE COOKE talks about the nominating process of considering recommendations to the Governor about appointment of new trustees. He states that later this month there will be some announcements through the media about seeking applicants or nominations for trustee seats, and then going through the committee process with the help of the partner boards.

CHAIR MICHAEL recognizes Trustee Boerner.

TRUSTEE BOERNER takes this opportunity to introduce another partner, Cody Chipp, as the new director for behavioral health for ANTHC. She also acknowledges staff who are participating in the Tribal behavioral health directors' meetings, as well. She adds that Mr. Chipp will be intimately involved in that process.

CHAIR MICHAEL calls a five-minute recess.

(Break.)

MR. ABBOTT states that the trustees made a decision late last year to take opportunities at most of the regular Trust meetings to improve the practice and continue the education on the responsibilities as public officials. He continues that today the topic is the Open Meetings requirements with the State of Alaska. He introduces Stuart Goering, assistant attorney general assigned to the Trust, who has made himself available to give the benefit of some of his experience.

MR. GOERING states that the Open Meetings Act is found in Alaska Statutes Title 44, Chapter 62, Sections 301 through 319. He continues that the three primary things that need to be talked about are the basic presumption that government business takes place in public. There are a few exceptions to that. There also is the ability under similar circumstances to have executive sessions, and it is also important to know the consequences of violating the Open Meetings Act.

He states that Section 310 says everything that needs to be said, which is that all meetings of a governmental body of a public entity in the state are open to the public, except as otherwise provided by this section. He continues that the statute establishes the presumption that meetings of a governmental body of a public entity are open to the public. The statute provides that presumption applies, unless something specifically gives the ability to do otherwise. He adds that another important thing that the Open Meetings Act requires is that if materials will be considered, public comment as been received, any analysis that staff has done of those public comments should be made available to the public, both at the physical location or participating on a teleconference. He states that it is important to know what a meeting is, and that means three or more members or a majority, whichever is less. That means that even if it is a larger board where three members does not constitute a quorum for doing business, it is still subject to the Open Meetings Act if there are three members there. He explains that it there is a smaller group with only three members, a majority would be two, and the Open Meetings Act would apply to that. It does not only apply to the board as a whole, but also to meetings of committees or subcommittees of the board. The statute is pretty minimal in terms of describing what has to be in the notice. The minimum is to have the date, time and place of the meeting, including any locations for teleconference. As a matter of practice, most agencies include more information than that, but it is not required by statute. He states that the notices have to be posted on the Alaska Online Public Notice system, and has to be posted there at the agency's office. He continues that one thing that is not specifically included is the Federal Americans with Disabilities Act, as well as the state counterpart, which requires that accommodations are made for people with particular needs. He adds that the timing of the notice is not specified in the statute because it is impossible to know all of the circumstances as to why there is a meeting. He goes through some of the exceptions to the Open Meetings Act, stating that staff meetings are an exception. He adds that executive sessions are not an exception to the Open Meetings Act. Notice has to be given, and it has to convene in open session, with a motion which has to be affirmatively adopted by the board with a majority vote. Also, no action can be taken in executive session. He goes through what should be discussed in executive session. The view is expressed that executive session should be used infrequently. He moves to what happens if the Open Meetings Act is violated, stating that nothing happens automatically. He continues, if an action was taken and done in a way that violates the Act, that action can be voided, and someone could be sued. He adds, that is a dramatic consequence to basically decide something and have that decision voided. He states that the Act does give the ability to cure a violation and that is by issuing a public notice and having a public meeting to go back and reconsider the action that was previously a violation of the Act. The problem with curing a violation is that sometimes does not fix the problem. He encourages all to call him if there are any questions.

TRUSTEE EASLEY asks if there is a work session and staff is present, if that is okay.

MR. GOERING replies that a work session would not be considered to be a staff meeting. He continues that, typically, a work session would be the exchange of ideas. He adds that, under normal circumstances, a work session should be noticed even if no action is planned.

CHAIR MICHAEL recognizes Trustee Smith.

TRUSTEE SMITH states that the Municipal League does this training every year. He asks how

often should the Trust have this kind of orientation, and is there any case law on this.

MR. GOERING replies that it depends on the board, and it depends on the circumstances. He states that typically the time to do this is when there are any new trustees.

CHAIR MICHAEL recognizes Trustee Cooke.

TRUSTEE COOKE states that "when three or more members are together and if policies or decisions are considered." What does "considered" mean.

MR. GOERING replies that is actually a problem. If three board members get together the conversation should stay away from the business if the public is not invited to participate in that. He states that substantive discussions should be avoided.

MR. ABBOTT asks if there are any requirements there related to meeting minutes as it relates to open meetings, the statutory requirements around that.

MR. GOERING replies that the Open Meetings Act does not explicitly require that all of the meetings are either recorded or transcribed. However, that has some impacts on some other things collaterally. He states that the Department of Law has interpreted the requirement to make conflicts of interest disclosures in writing. He adds that it is what the Trust's practice is, more than the requirement of the statute.

TRUSTEE COOKE states that the issue is that the minutes of the last meeting were 34 pages long and included recitation of presentations that were made during the meeting which are also recorded and dealt with in materials that are part of the packet provided to all the trustees and the public. He continues that it seems that the essential requirements of minutes are to reflect the facts of the meeting, who was there, what actions were taken, and the rationale behind those actions. He adds that everything else is surplus, especially when the whole thing is recorded anyhow.

MR. GOERING replies that there is no requirement to transcribe everything and no requirement that there are detailed minutes on every agenda item.

TRUSTEE DERR comments that this discussion was held several years ago about what kind of minutes were wanted, and that was part of the discussion. She states that at that time trustees felt that it was important to have details on the record. She adds that maybe it is time to have a discussion again about the type of minutes wanted.

TRUSTEE SMITH agrees with Trustee Derr, and states that looking at the National Association of Corporate Secretaries and the corporate standard may be worth investigating.

TRUSTEE DERR states that as Secretary, she read all 34 pages of those minutes to make sure that, as Secretary, they are correct.

MR. ABBOTT asks what decision-making opportunities are there for electronic means.

MR. GOERING replies that the Open Meetings Act allows for teleconferencing and the requirement if that if everyone is not physically present in the same room, all votes have to be taken by roll call. It seems to imply that decisions then are made by some sort of verbal interaction among people as opposed to e-mail voting. He adds that he thinks it is very important for an opportunity for discussion before any action is taken. He does not recommend doing e-mail voting on something of great importance, and we may find that vote being challenged if it was e-mailed.

A short discussion ensues.

CHAIR MICHAEL thanks Mr. Goering. She states that before recessing for lunch, she passes the gavel to Trustee Derr to chair the public comment and the adjournment, because she will be gone this afternoon. She reminds all that Public Comment begins at noon.

(Lunch break.)

PUBLIC COMMENT

VICE-CHAIR DERR states that the public comment is to inform and advise the board of trustees about issues and concerns. It is not a hearing. She continues that there is Public Comment during all regular meetings of the board of trustees, and individuals are invited to speak for up to three minutes. She explains the Public Comment process and rules, and recognizes Lizette Stiehr.

MS. STIEHR states that she is the executive director of the Alaska Association on Developmental Disabilities, AADD. She continues that two years ago the Trust started supporting AADD in some of the work with members across the state which has been a profound difference in terms of what has happened with the trade association, and much more impact was made in the field of developmental disabilities in Alaska because of resources that have been made available to the beneficiaries. She adds that the results have made the association much stronger in terms of being able to support members with questions with connections with their peers. She moves to the shared vision which came out with the help of Amanda Lofgren. This vision is: "Alaskans share a vision of a flexible system in which each person directs their own supports and based on their strengths and abilities toward a meaningful life in their home, their job and their community. This vision includes supported families, professional staff and services available throughout the State now and into the future. She continues that this shared vision is a way of wanting to get back to that part of the services. The developmental disability field has been under a lot of stress in the last few years from everything from increasing costs that everyone experiences in their lives. She commends the Trust's foresight, wisdom and willingness to fund this service system.

VICE-CHAIR DERR thanks Ms. Stiehr, and recognizes Lisa Cauble.

MS. CAUBLE states that she is director of the Alaska Training Cooperative at the UAA Center for Human Development. She thanks the trustees and staff for the ongoing support of the development and training of the workforce that supports the beneficiaries and their families. She

states that the training cooperative is starting their 12th year, and the team is highly energized and motivated to move into the program of training of the workforce this year. She shares the ongoing collaborations with the Division of Behavioral Health and the Division of Senior and Disability Services. She continues that, with that collaboration, they have been able to use resources to do trainings and make sure all are prepared to move into a huge systems change. The other aspect is with Senior and Disability Services, specifically around required training that has been made as part of the requirements for providers. They have been a huge part of that work so that training is available, and those workforce areas have continued to be supplied with adequately trained personnel. A lot of that work is done by us, which is important for the Trust to know. She also shares that in 2004 she was an intern at the Trust during her master's program in social work, and has had an opportunity to grow with the Trust as a professional social worker. She states that she is very pleased to see the wonderful growth that has happened this last year and to be part of this sort of new beginning. She adds that it is very rejuvenating and feels a very bright future.

TRUSTEE EASLEY asks what percent of the training is done electronically versus in person around the state.

MS. CAUBLE replies that it is just about 50/50. She states that they continue to increase the ability to do distance-delivered training through Zoom, which is a video and audio training that is relatively free so that a service provider can access that training. She continues that they broadcast out of Fairbanks or Anchorage, and can get to just about any place that a computer can have access to the internet. There is also Web-based training that is available 24/7. Those offerings have increased especially for assisted-living-home staff and direct-service providers so that they can be accessed whenever that staff person has the time for that assignment. She adds that the face-to-face trainings are required trainings that must be offered and delivered for certification. That is the one area that has to continue being offered at that rate, and cannot be done through Zoom.

VICE-CHAIR DERR thanks Ms. Cauble, and asks for anyone online that wishes to testify under Public Comment.

MS. ELLER states that she is from Ionia, which is a peer support and wellness community down on the Kenai Peninsula. She hopes that the trustees will come to visit. She continues that they have been around for about 30 years, a group of families that gather together to learn how to take care of themselves and each other. She is here to talk about peer support because she hopes to grow their own peer support workforce throughout the state in the next five years. She adds that she is excited about the possibilities for peer support in Alaska right now. She states that they are teaching natural peer support and wellness classes through the University, and are, also, working with the State on peer-support certification. There is a lot of strength in gathering together with the hopes that the Trust invests in peer support and in growing this peer support workforce. She also sends a sincere invitation to visit Ionia, in person, down on the Kenai. She also states that their Website address is: www.ionia.org.

VICE-CHAIR DERR thanks Ms. Eller, and asks for anyone online or in person to testify under public comment. She recognizes Kevin Buckland.

MR. BUCKLAND states that he was chief financial officer from 2010 until the end of 2016 when he resigned after some repeated behavior by the Executive Committee that was really unbecoming for the positions that those trustees held; two of which are no longer on the board. He reiterates what Senator Stedman has said in his Alaska Journal of Commerce article interview, that you cannot hide behind your mission and claim that your breach of trust settlement is, therefore, just. He continues that when he read the response to the audit, that was his takeaway on what the board was doing. He thinks that it is very unfortunate, and he would have hoped to have seen a more conciliatory response. He states that one thing that the audit did not fully touch upon was the sort of damage financially done to the beneficiaries in the sense of foregone earnings. That is kind of lost on most people. Although on the surface income increased because of real estate income, that could only be done by holding back and building up tens of millions of dollars in the TADA cash account that should have gone to the Alaska Permanent Fund Corporation. Those swelling balances in the TADA were periodically redeployed into real estate investments that were hand-picked by the chair of the Real Estate Management Committee at the time and the executive director of the TLO at the time. He continues that while APFC was enjoying the fruits of equity investments during a record equity bull run, the swelling TADA balances basically sat on the sidelines invested in little money market returns, had those funds been transferred to the Permanent Fund at that time rather than redeployed into real estate investments for Trustee Norene to purchase real estate with public money. He hopes that this is something that Senator Stedman and others really explore further down the road, and, ultimately, that the parties responsible really do have to answer for their actions. He appreciates the time and thanks all.

VICE-CHAIR DERR thanks Mr. Buckland and asks for questions. There being none, she asks for anyone online or present that wishes to testify. There being none, she closes Public Comment for this meeting.

MR. ABBOTT states that Faith Myers brought by some written comments that he would like to share. It is not part of the formal public comment process, trustees know Faith and her partner Dorrance. He continues that they are thoughtful, active advocates for many of the beneficiaries, and thinks their comments would be something that the trustees could take advantage of over time. He shares them, stating that they will be part of the public comment record.

VICE-CHAIR DERR thanks him and asks for a motion to adjourn.

TRUSTEE SELBY makes a motion to adjourn the meeting.

TRUSTEE BOERNER seconds.

There being no objection, the meeting is adjourned.

(Alaska Mental Health Trust Authority Full Board meeting adjourned at 12:26 p.m.)