

**ALASKA MENTAL HEALTH TRUST AUTHORITY**

**FULL BOARD MEETING**

**May 20, 2020**

**10:40 a.m.**

**WebEx Videoconference/Teleconference**

**Volume 1 of 2**

**Originating at:**

**3745 Community Park Loop, Suite 120**

**Anchorage, Alaska**

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**Trustees Present:**

Chris Cooke, Chair

Rhonda Boyles

John Sturgeon

Laraine Derr

Ken McCarty

Verne' Boerner

Anita Halterman

**Trust Staff Present:**

Mike Abbott

Steve Williams

Carol Howarth

Miri Smith-Coolidge

Kelda Barstad

Travis Welch

Luke Lind

Michael Baldwin

Carrie Predeger

Katie Baldwin-Johnson

Jimael Johnson

Valette Keller

Eric Boyer

Autumn Vea

Allison Biastock

Sarah Morrison

Travis Welch

**Trust Land Office:**

Wyn Menefee

Jusdi Doucet

**Other Participants:**

Greg Jones; Bess Clark; Maxwell Mercer; Sandra Kinzer; Stuart Goering; Emily Palmer; Bev Schoonover; Kristin Vandagriff; Teri Tibbett.

## PROCEEDINGS

### CALL TO ORDER

CHAIR COOKE called the meeting to order and began with a roll call. With all the trustees present, he asked for any announcements. There being none, he moved to approval of the agenda.

### APPROVAL OF AGENDA

**MOTION:** A motion to approve the agenda was made by TRUSTEE DERR; seconded by TRUSTEE BOYLES.

*There being no objection, the MOTION was approved.*

CHAIR COOKE stated the guiding principles are in the packet for review. He then asked for any ethics disclosures. Hearing none, he asked for a motion for the minutes of January 29<sup>th</sup> and 30<sup>th</sup>, and March 27<sup>th</sup>.

### APPROVAL OF MINUTES

**MOTION:** A motion to approve the minutes of January 29<sup>th</sup>, 30<sup>th</sup> and March 27<sup>th</sup> was made by TRUSTEE HALTERMAN; seconded by TRUSTEE BOERNER.

*There being no objection, the MOTION was approved.*

### BOARD ELECTIONS

CHAIR COOKE stated that the elected chair, Mary Jane Michael, has termed out and left the board with the Legislature's replacement being Trustee Rhonda Boyles. Article 5, Section 4 of the current bylaws states that when the chair becomes vacant, the vice chair succeeds on a temporary basis and serves until an election is held at the next board meeting. He continued that there is a need for an election at this meeting which applies to the interim period between now and the August meeting when the annual election of officers is done. He asked for any nominations.

**NOMINATION:** TRUSTEE BOERNER nominated Trustee Chris Cooke as chair; seconded by TRUSTEE STURGEON.

CHAIR COOKE asked for any other nominations three times.

**MOTION:** A motion to cast a unanimous ballot for Chris Cooke as chair of the board was made by TRUSTEE DERR; seconded by TRUSTEE BOYLES.

*After a roll-call vote, the motion was approved unanimously. (Trustee Boyles, yes; Trustee Derr, yes; Trustee Halterman, yes; Trustee McCarty, yes; Trustee Sturgeon, yes; Trustee Cooke, yes, Trustee Boerner, yes.)*

CHAIR COOKE asked for any nominations for vice chair.

**MOTION: A motion to nominate Anita Halterman as vice chair of the Trust was made by TRUSTEE DERR; seconded by TRUSTEE BOERNER.**

CHAIR COOKE asked for any other nominations three times.

*After a roll-call vote, the motion was approved unanimously. (Trustee Boyles, yes; Trustee Derr, yes; Trustee Halterman, yes; Trustee McCarty, yes; Trustee Sturgeon, yes; Trustee Cooke, yes, Trustee Boerner, yes.)*

CHAIR COOKE stated that Trustee McCarty remains as secretary as he was elected last August.

## **CEO REPORT**

MR. ABBOTT recognized the outstanding performance of the Trust Staff, including the TLO, during some unforeseeable and unusual circumstances over the last 75 days. In that time the Trust Authority office on Community Park Loop went fully remote. The TLO team went primarily remote, although there were at least a few staff in their office during business hours, and that continues. He stated that, as the mandates from the State chief medical officer and the Municipality change, reopening the offices will be contemplated. He continued that he was not aware of any significant impacts on core work resulting from this, and the admin teams deserve a lot of the credit for this, as well as IT support.

TRUSTEE BOERNER added that, from her perspective, thinking of allowing continued working from home as a public health concern is good. She stated, for the record, that the Trust exercise extreme caution with regard to opening up too quickly and ensuring that social distancing recommendations can be fully followed. She asked that extreme caution be exercised.

MR. ABBOTT committed that would be at the forefront of the decision-making when it comes to staff, trustees and the partners. He stated that there had been a rural outreach trip planned for September or October; it is not known what type of travel may be allowable. After speaking with the Chair, it was decided to postpone that trip until early 2021 for planning purposes. He explained that the Alaska Legislature returned to Juneau for the sole purpose of affirming the Legislative Budget and Audit Committee's decision to allow the State to accept federal funds associated with COVID-19-related relief and to allocate them as proposed by the Governor and authorized by the committee. Both of the votes were nearly unanimous, and there appeared to be a consensus that the program that the Governor laid out is a useful one for the application of close to \$1.5 billion of federal funding. He added that some of that funding would be influential and impactful for the Trust beneficiaries. There was funding set aside by the Governor and affirmed by the Legislature for nonprofits in Alaska; a dedicated \$50 million grant program. The Trust has encouraged the Governor to consider relying on existing funders of nonprofits to help guide the allocation of that \$50 million. He continued that they would be working with Trust partners, the providers worked with, to help them apply for either of the funding streams. He stated that the Legislature adjourned sine die without conducting a joint session for the purposes of confirmations. He moved to another COVID-19-related update and thanked the trustees for

support for the allocation of a little more than \$1.5 million for grants specifically dedicated to help the providers help the beneficiaries during this time of significant disruption. He concluded his CEO report.

CHAIR COOKE recognized Eric Boyer for the Mission Moment.

### **MISSION MOMENT**

MR. BOYER stated that he is a program officer with the Alaska Mental Health Trust Authority and began by introducing Bess Clark, the executive director of Community Connections, and Maxwell Mercer, the deputy director there. He continued that they provide a wide range of social services to the beneficiaries in Southeast Alaska, from Ketchikan to Prince of Wales.

MS. CLARK stated that she has been the executive director of Community Connections for over 20 years. It is a nonprofit that serves southern Southeast, Ketchikan, Prince of Wales, and Metlakatla. She appreciated the opportunity to share stories about their services. She also introduced Sandra Kinzer, the communication coordinator. She began with an overview of their service and how they are a unique nonprofit which offers services from birth to elderly services. These services are provided one person at a time, which are unique to that individual. She asked Mr. Mercer to continue.

MR. MERCER began with a description of the children's mental health program. He stated that there are eight psychotherapists, eight case managers, and about 35 direct-care staff that provide services to youth with serious emotional disturbances or at risk of out-of-home placement, and those already in protective custody of OCS in many cases. There are 19 licensed foster homes, therapeutic foster homes which are a big part of the model. There is also a lot of skill training provided in the community.

MS. CLARK stated that there was a downturn in year-round jobs in the southern Southeast. Ketchikan is dependent on the tourist industry, which will not happen this year. She continued that Community Connections in Ketchikan is the fourth largest private employer and is the second largest in Prince of Wales. The first primary year-round job is Viking. She added that before COVID, the Trust had helped in the process of a new phone system, which is huge because the new phone system connects us to Prince of Wales, and we do not have to pay long-distance charges. The Trust has had a huge impact on Community Connections and the services provided for the last 34 years. She asked Mr. Mercer to talk about children's mental health and the positive impact from Trust dollars.

MR. MERCER stated that when the shelter-in-place order came about, lots of families were driven into either foster homes or biological homes. It was noticed immediately that many kids were starting to experience more depression or isolation, with issues coming up because of COVID. The Trust's generous gift of equipment and access to televideo applications helped with getting connected with those kids. He continued that the capacity over the last few months

has been enhanced in ways that may become permanent. The therapists and staff have become more skilled and open to different mediums of providing services.

MS. CLARK stated that another funding opportunity that came through the Trust was in 2009 when a supported-living apartment complex called Opportunity House was built in Ketchikan.

MR. MERCER explained that adults with developmental disabilities may have a difficult time finding typical living arrangements. They need to either live in someone else's home, in an assisted living home, or some kind of different congregate setting. He stated that Opportunity House is an eight-plex. All of the units are completely self-contained, ultra-accessible, and look and feel like typical apartments. The rent is based on income, and because HUD was also a part of the funding, that is offered and will be permanently affordable to people. He continued that these are permanent, stable places to live that are typical, private, accessible and normalized; a wonderful project.

MS. CLARK added that it is a unique model in the state because we can drop services in according to the need of the individuals. She shared a success story about Hydaburg. Hydaburg is a Haida Native community. In the heyday of timber and logging, it was the place where all the logging would come in. There has been a significant negative impact as a result of the timber industry downturn.

MR. MERCER continued that they were able to build a stable service structure in Hydaburg which came out of hiring local people. The main person there has been living in Hydaburg for 25 years, and the direct-care staff come from local families. They have integrated over the years so that supports can be provided.

MS. CLARK encouraged all to come to Ketchikan and to Prince of Wales to visit, share more stories and meet the staff and people that are served. She thanked all for this opportunity.

CHAIR COOKE thanked Ms. Clark and stated that it was a wonderful presentation.

TRUSTEE BOERNER also thanked them and stated that it is inspiring to hear and to be able to see what the resources that the Trust has contributed are doing for the communities and the beneficiaries. She stated that economic development is a critical part of being able to meet the needs of the beneficiaries, and the health benefits of being employed are innumerable.

TRUSTEE BOYLES complimented the Community Connections group and commented on the wonderful job they are doing. She asked Ms. Clark to contact her privately about her ability to provide shoes through an international group funded by Nike.

TRUSTEE DERR stated that it was a great presentation tying everything that the Trust does together.

TRUSTEE HALTERMAN thanked them for their presentation and stated that she has worked with Community Connections, and it was good to hear the perspectives on how the Trust impacts the populations.

TRUSTEE McCARTY thanked them for the presentation and commented on the good job they are doing.

TRUSTEE STURGEON also thanked them for the presentation. He enjoyed hearing about connecting resource development and what it means to the local community. He stated that it was a great job of connecting what resource development does to the beneficiaries and how important they are.

CHAIR COOKE stated that he was impressed with the scope of the activities and how the beneficiaries are served from all categories, at all levels and all ages. He moved back to the CEO's report.

TRUSTEE McCARTY asked if Mr. Abbott was seeing a theme of people in unemployment status not taking jobs because of making more money on unemployment.

MR. ABBOTT replied that it did not directly impact the Trust, and he would be watching carefully how the anticipated transition from unemployment back to employment impacts the beneficiaries.

CHAIR COOKE asked if Mr. Sturgeon had any questions about the report.

TRUSTEE STURGEON stated that he had two points and things that he would like to see the Trust work on. One illustrated the connection between resource development in Alaska and jobs and the beneficiaries. The way the Trust goes about securing its revenue is a great example of the use for Alaska; it is a real obvious connection. He continued that it would be good to help people, especially the beneficiaries, make that connection, so they know where the money comes from. He added that in the board packet a lot of the partners had long-term goals laid out, and there was nothing about where the money to do all the things would come from. He would like that formal discussion put on the agenda for maybe the next meeting. Second was that he had the opportunity to watch Pat Pitney, the head of Legislative Audit, talk about the projections for the 2021 budget. He stated the need for a discussion on what these budget cuts will mean to the State of Alaska and the beneficiaries.

CHAIR COOKE asked if the first point would be something that can be discussed at the communications update tomorrow.

MR. ABBOTT replied that very similar messaging targeted some of the ongoing resource development activity that is happening now in Southeast Alaska. He stated that Allison will highlight that in her presentation tomorrow.

CHAIR COOKE talked about adding the lack of employment as a result of the stay-at-home situation. He asked if the Trust and partners noticed this kind of phenomenon and whether there is a strategy to address this issue and help inform the public on how to best cope with these situations.

MR. ABBOTT replied that significant data has not been generated through the typical processes yet because of the relative recency of events. Unfortunately, most of the good and strong data-gathering systems work on an annual cycle. He continued that as the data comes in, it will be shared, and we may be able to demonstrate where the support has helped providers address the need.

CHAIR COOKE called a lunch break.

(Lunch break.)

CHAIR COOKE reconvened the meeting and stated that up next are a few updates from the statutory advisors. He recognized Bev Schoonover.

### **ALASKA MENTAL HEALTH BOARD & ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE**

MS. SCHOONOVER stated that she is the executive director of the Alaska Mental Health Board and the Advisory Board on Alcoholism and Drug Abuse. She continued that their mission is to advocate for programs and services that promote healthy Alaskans. She began with some brief organizational updates and highlighted several statewide planning activities that are happening. She also highlighted the list of workgroups that staff and boards participated in or coordinated. She added that there were a lot of Zoom meetings happening about statewide planning efforts. She stated that they have two response initiatives that they are working on: One is trying to direct Alaskans to call the care line if immediate mental health and substance use disorder supports are needed; and another is that many organizations are creating some pretty amazing online resources in support of Alaskans with mental health and substance-use disorder concerns. She went through a few examples and added that staff is working on vetting resources and putting them all together in a twice-a-month e-newsletter. She stated the hope of fostering some face-to-face engagements between their board members and the trustees this year to talk directly about the needs of beneficiaries, and to have some offline conversations about their work. She went through some of the legislative updates and stated that the legislative advocacy committee meets regularly. She asked Teri Tibbett to continue.

MS. TIBBETT talked about the Legislature adjourning sine die and about waiting to see what will happen with all the bills that were left on the table. She stated that they have a joint advocacy effort which is a coordinated effort between the partner advisory boards and Trust staff. They work together to come up with the joint priorities and the advocacy plan on how to

promote and advocate for programs and services that serve Trust beneficiaries. She went through the coordinated communication effort that continued during the interim. She added that they will work with the partners in the communities and throughout the state to identify the areas of needs and then also the mechanisms for how that money can be distributed so it has the best impact for Trust beneficiaries.

CHAIR COOKE thanked both Ms. Schoonover and Ms. Tibbett for their presentation. He asked for any questions.

TRUSTEE McCARTY asked if there was a tracking system to see the actual enactment of a bill rather than just it being passed.

TRUSTEE HALTERMAN stated that there is the online bill-tracking process with the Legislature where you can sign up for bills and see when they are passed into law. It will give an indication of when it goes into effect. She continued that bills are often codified into law at a variety of different times, and it is not a quick process. She added that she had no questions, but highly recommended that people partake in those legislative conference calls.

TRUSTEE BOERNER thanked the ladies for the invitation for trustees to interact and meet the board members; and also thanked them for their presentation.

CHAIR COOKE pointed out that in the presentation of the website he did not see the address in the materials. He echoed the comments made about the opportunity to get together with the partner boards, including attending the meetings. He encouraged trustees to review those opportunities and participate, especially when live meetings resume.

TRUSTEE DERR stated that at one point in time a chairman of the Trust assigned each trustee to an advisory board to attend their meetings and report back or acknowledge the fact of attending. It was very well received by the advisory boards that there was a trustee at their meetings.

CHAIR COOKE liked the idea and thanked Trustee Derr. He stated that it was something to be discussed. He moved to the next group, the Governor's Council on Disabilities and Special Education.

## **GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL EDUCATION**

MS. VANDAGRIFF gave a short introduction and talked about the fact of having 26 council members with some of them swapping out at the end of June. She took some time to greatly thank the Trust for investing in the DD systems years back that led to this DD shared vision now being a state statute and being implemented widely in the state of Alaska. She stated that this systems transformation will have a profound impact. She continued explaining how the member leadership works as far as the different committees and the chairs of those committees and then also went into the staffing arrangements. She went through a number of highlights of their

activities and the stakeholder concerns. She did a shout-out to Director Lee with Senior and Disability Services who came out and issued a nondiscrimination statement for Senior and Disability Services, which was truly appreciated. Another issue that popped up was guardians as essential visitors. This was about guardians being able to visit in regard to a hospital setting to an individual with a disability in a group home or a residential setting. In practice this was supposed to be allowable, however it was not clarified in a list. With respect to essential visitors, members in the State agencies knew about the concern and appreciated that feedback that clarifying that list would be helpful to the community. She continued explaining how the information was shared. She stated that a council communications plan was completed which was important to make sure that what was focused on would be the most impacted. She continued to social isolation, which is hitting this population very hard. She added that the tool kit has a lot of good ways to stay connected even while physically distanced. She moved to the council research analyst, a position funded by the Trust. She is an emergency preparedness expert, helps to lead the Alaska Disabilities Advisory Group on emergency preparedness, and attends weekly COVID meetings. This is how they were able to bring the stakeholder concerns to the forefront and to be able to work with a myriad of partners on a local, state, and federal level to address issues, whether it is something with masks or with care rationing. It has been huge to have her at the table to bring forward that perspective. She moved to the five-year plan development process, which will be worked on between now and August 15, 2021. She also provided an update as far as the TABI advisory group. As of May 2020, there has been a determination by the TABI group to move under the University of Alaska Anchorage Center for Human Development to discuss its long-term home as part of its state plan, which is under development. She then touched on the Trust beneficiary employment engagement technical assistance effort that come from the Council. The COVID-19 employment task force has been initiated and is generally meeting weekly, led by DVR Director Mayes. She stated that it was very impactful to be able to hear what everyone has been doing this time and thinking about employment. This will be a huge piece moving forward over the next few years. She thanked Trustee McCarty for his suggestion in regard to having a one-stop shop, a link on the Trust page that could be on other state agency pages or partner pages for the Trust beneficiaries. She continued that if they were having issues with regard to employment during the pandemic, they could go there and get the resources they need to move forward with getting support.

CHAIR COOKE led a short question-and-answer session with the trustees on a few potential job opportunities where developmentally disabled individuals could be part of the manufacturing process. The trustees also commented on the professionalism and the presentation. He moved to the presentation about open meetings.

## **OPEN MEETINGS ACT PRESENTATION**

MR. GOERING stated that he would be covering the Open Meetings Act which lays out the terms under which government business is presumed to be the public's business and under which that transparency is implemented. He continued that there are some exceptions to the Open Meetings Act, which will be discussed in detail, including executive sessions. He added that one

of the extraordinary things about the Open Meetings Act is that it predates the existence of Alaska. The policy statement was added in 1972. The presumption in the statute is that all meetings of a governmental body of a public entity are open to the public. Closed sessions are permitted only if there is an exception or some other specific law that provides differently. Then, any materials considered during the open meetings are also required to be available, even at a teleconference location. If more than three trustees meet, it is a meeting for the Open Meetings Act purposes; and this also applies to committees. He stated that one of the key elements is the requirement to give notice of the meetings, reasonable public notice, in advance of the meetings. The point of the notice is to make sure that people know of the meeting, and it needs to be provided in a consistent way. He discussed executive sessions and the procedures necessary before going into executive session. It is also important that action cannot be taken in executive session other than to provide direction to an attorney in a specific legal matter. There is a need to come back on the record and state a motion to take an action and take the vote where people can see how the individual board members voted. He moved on to the consequences of violations. He stated that if the Open Meetings Act is violated, it does not automatically invalidate the work done during that meeting. Those actions are referred to as “voidable,” which means that if someone felt strongly enough, they could go in and file suit against the Trust Authority in court and ask the court to void the action. He added that the Act specifically allows the violations to be cured either before or after the action is voided by a court. He explained this in greater detail and wrapped up that, as a governmental body, the Trust is expected to operate in public whenever possible.

TRUSTEES all thanked Mr. Goering for the presentation.

CHAIR COOKE asked about the status of emails where an email message may have some action taken by a group that all are participating in the mailing.

MR. GOERING replied that the Open Meetings Act does not directly address that, and the letter of the law suggests that email correspondence is not a meeting.

CHAIR COOKE talked about the governance book that is being worked on and suggested that the Open Meetings Act should be one of those statutes included in that collection.

MR. ABBOTT agreed and stated that steps will be taken to make that happen. He continued that the reason Mr. Goering was asked to come back was that in the legislative audit there was a very significant finding that the Trust had not met Open Meetings expectations in a couple of different cases, primarily in 2016. It was well documented, and the evidence was pretty clear that there had been deliberations among trustees on substantive matters that were not noticed or held in public. One of the ways that we responded was first to acknowledge the mistakes that had been made, and then we committed to ongoing periodic training for the trustees and staff on Open Meetings requirements.

CHAIR COOKE thanked Mr. Goering. He stated that public comments will begin at 2:15, and

called a break.

(Break.)

### **PUBLIC COMMENT**

CHAIR COOKE stated that this is the time for public comment. Public comment opportunities are provided at all full board meetings of the trustees. He asked if there are any persons signed up for public comment.

MS. SMITH-COOLIDGE replied that no one signed up, but there are some people on the phone. She stated that she was not sure whether they would like to give public comment.

CHAIR COOKE read the guidelines for public comment. He stated that the Chair maintains the right to stop public comments that contain inappropriate or inflammatory language or behavior.

MR. ZIMMER stated that he was Chris Zimmer in Juneau and would like to comment.

CHAIR COOKE asked for anyone else. He noted, for the record, that there is a written testimony submitted by Faith Myers and Dorrance Collins, which was included in the material sent out by staff for this meeting. That testimony will be included in the record of this meeting of the board. He recognized Mr. Zimmer.

MR. ZIMMER stated that he was Chris Zimmer and is the Alaska director for an organization Rivers Without Borders. We do conservation work in the transboundary region along Southeast Alaska/BC border. He continued that he had been following the Constantine Metals Palmer proposal for some time and wanted to testify out of concern of the minutes from the January 29<sup>th</sup> Resource Management Committee meeting where it seemed that there were some statements about the preliminary economic assessment of the Palmer proposal. He added that there seemed to be a significant misunderstanding of what that preliminary economic assessment did. He stated that the minutes referred to a bankable feasibility study being done that someone would make a lot of money off the mine, that people could get loans and are ready to invest. It said everything was going to work. He bluntly stated that none of that was accurate. The preliminary assessment was done in July of 2019, but no bankable feasibility study was done. A bankable feasibility study is years away. He continued that the preliminary assessment by law cannot prove that somebody can make a lot of money off of this. The regulations about preliminary assessments say specifically that they cannot be used to demonstrate economic viability. His third point is that it is significant that in the preliminary assessment, only inferred and indicated mineral resources were identified. There is no certainty that it would be viable based on just those resources. He added that a detailed analysis of this PEA has been contracted, which will be done within days. He would send that to the Trust through Mr. Abbott. He urged having those minutes revised to reflect what the preliminary assessment actually said. He has a letter and a memo that he will send to Mr. Abbott which he hoped the Trust would find useful. He

stated appreciation for the opportunity to speak to the Trust.

CHAIR COOKE thanked Mr. Zimmer and stated that this was not a matter on the agenda for this month's meeting. He welcomed the comments and submission of materials to Mr. Abbott. There are other interested parties in this matter, and the public will continue to be informed when the subject may come up before the board. He asked if there were any other persons interested in presenting public comment. There being no other public comment to come before the board, he concluded the public comment portion of the meeting. He asked for anything further for today. There being none, he thanked all for the efforts in participating here.

(Alaska Mental Health Trust Authority Full Board meeting was recessed at 2:27 p.m.)