

# Minutes of the REGULAR MEETING OF THE TAAC COMMITTEE

Wednesday, June 4, 2014

**Committee Members Present:** Chair Ron Biss, Rozanne Severence, Kjensmo Walker, Margo Imdieke Cross, James Williams, Robert Platz, Heidi Myhre, Darrell Paulsen, Mark Hoisser, John Lund, Chad McGuire, Nichole Villavicencio and Patty Thorsen.

**Committee Members Absent:** None

**Committee Members Excused:** Bob Anderson

**Council Staff Present:** Judd Schetnan, David Russell, Andy Streasick, Pam Steffen and Rick Carey from Metro Transit, Clare Schleichert, Caitlin Malone and Erin Ellison from Office of Equal Opportunity and Alison Coleman

**Public Present:** Andrew Okoto, Russell Bailey, George Shardlow, Rebecca Covington and Kristin Jorenby.

## CALL TO ORDER

A quorum being present, Committee Chair Biss called the regular meeting of the Council's TAAC Committee to order at 12:36 p.m. on Wednesday, June 4, 2014.

## APPROVAL OF AGENDA AND MINUTES

It was moved by McGuire, seconded by Williams to approve the agenda. **Motion carried.**

It was moved by Thorsen, seconded by McGuire to approve the minutes of the May 7, 2014 regular meeting of the TAAC Committee. **Motion carried.**

## INFORMATION & BUSINESS

### 1. Legislative Update

Judd Schetnan spoke to the TAAC committee. He is the Government Affairs Director for the Metropolitan Council. The legislature wrapped up in mid May. The bonding bill had about \$15 million for the Capital Transit Improvement Program which was for the Transitway program. In it was a list of projects that were eligible to receive funding. One of them was the Snelling Avenue Arterial BRT. That project needs \$10 million to be completed. They will take \$9 million of the capital investment bonding dollars along with \$1 million that comes through the supplemental budget bill to complete that project. There are also funds for the Bottenau LRT Project, the Gateway Project and the Cedar Grove Project down on the Red Line. There are also funds for the Orange Line transit station at I-35W and Lake Street. Those funds will be dispersed over the summer once they become available. There are some formal actions that the Council will need to take before those become official.

There was a supplemental budget bill that passed. This was one of the final bills. Included in that bill for transit was \$1 million for the Snelling Avenue project, which are the last funds for the project. They will be able to open the Snelling Avenue Arterial BRT by fall of next year. There was also \$1 million added for the Lake Street station at I-35W. When they take whatever that project is going to get out of the bonding bill they will be able to add another \$1 million to that to bring that together. They requested \$7 million for that. Once they fund the Snelling Avenue project there is only \$6 million left. There are a number of projects that need that fund. It looks like about \$2.5 million will go to that project.

There was \$500,000 that went to shelter improvements. There was language in there that would have brought the shelters up to a new standard. Judd met with Senator Dibble and Representative Hornstein on June 3. They are going to meet over the summer to decide what they can do with this amount of money.

When they head into the next legislative session they will have the expectations worked out ahead of time. Also included in the supplemental bill was \$144,000 for Metro Transit to provide free, regular route service on Election Day 2014. There was \$250,000 that went to Suburban Transit Providers for operating assistance. There was \$60,000 that went from the Council to the Department of Public Safety for rail safety oversight.

There were two tax bills that passed. In the first tax bill the Met Council received the authorization for the Regional Transit Capital Bonds. These are the bonds that the Council receives the authority from the legislature. The Council levies property tax in order to pay the debt service on these bonds. But it really goes toward the small transit capital like for shelters and park and rides and the replacement of the fleet. These are the dollars used to match federal monies that are received to take care of the small capital projects. These are the projects that need to be replaced in about 10 to 15 years. They received authority for both 2014 and 2015.

There were a few policy provisions that occurred. One of them was the TAAC modification bill that allowed the scope and jurisdiction of the TAAC committee to advise all aspects of fixed route and special transportation services. The Council supported that and thought that was a good idea. It reflects more of what the TAAC committee does today.

The second bill was brought about by Margot and other folks beyond the TAAC committee. It deals with the light rail vehicle standards. There was a misunderstanding that dealt with the light rail standards and their accessibility. They will make sure these new vehicles are accessible and there will be companion seating made available. That is in place. It is law and the Council supported that.

There was policy language that passed for the Council to maintain or design new transit shelter design standards. It is for protection from the elements. They may want to add more heat or add doors or lower the doors to the floor. There is a very large cost to this. It could cost as much as \$70 million. Some of the shelters are not on Council property. The Council would have to acquire the property first. Then they would have to run electricity to the property. There is a design standard that would have to be unique to almost every transit shelter. If they add a door to some of the shelters it would not be ADA compliant and they would have to remove the shelter and start over. They will be discussing this during the 2015 Legislative session. The Council is in the process of purchasing some of the privately owned shelters and bringing them up to their standards.

There was an "Unsession" bill that passed. The Governor made a big push in order to delete some obsolete language out of agency statutes to make sure they are working out of the statutes that they use to do their day-to-day business. They deleted things that were out of date.

The biggest thing that didn't happen was the passage of a large transportation funding package. There is a lot of momentum for this in the next legislative session. A lot of it will be determined by the election. The Governor is up for reelection and so is the House. The Senate stays in place.

The Transit Oriented Development (TOD) funds come through the Livable Communities levy. It is a property tax levy. It is built into the budget. Depending on how you use it. There is brown field clean up or green field clean up of polluted land. They get \$5 million off of the top of the fiscal disparities fund. That is just a transfer of funds from the fiscal disparities pot to the Council for the Tax Based Revitalization fund. Otherwise it is from property taxes.

## **2. Type II Rail Vehicle Reconfiguration**

Rick Carey spoke to the TAAC committee. He showed a photo of the existing configuration before there were any changes. There was a three passenger flip up seat. Just to the left was a bike rack with a divider. They removed the flip up seating, the divider and two bike racks. They replaced them with two seats for companion seating and a wheelchair space. They are in the process of getting approval for the funding. They have to have a contract amendment done. They have a list of parts. They know what the cost will be. They have to go through the process with the Council to get the funding approved. The parts should be ordered just after that. They are expected to start at the first part of 2015 and have it completed by the end of 2015. There are 59 vehicles and it takes a while. The procurement of the parts should take five to six months. The type II vehicle has wider isles than the type 1 vehicle. There will continue to be two bike racks in the vehicle instead of four bike racks.

### 3. Olmstead Plan

Kristin Jorenby spoke to the TAAC committee. She represents the Olmstead Implementation Office. They are a new office. They have just received their first piece of funding starting July 1. They have been running on an interim basis since December to implement the plan. They are currently in the modification process. Olmstead stems from the ADA. It was a Supreme Court decision in 1999. It was brought forth by two women with developmental disabilities who voluntarily entered a treatment program, completed the treatment program and then were not allowed to leave because there was not community support in place to meet their needs. So they sued the state and won. This was in the state of Georgia. Several states have been selected by the Department of Justice to review how they deal with folks in segregated settings. And move them to more integrated settings. Minnesota was not selected as one of the states that they have chosen to look at. That was because we had other things going on. Minnesota, on top of the ADA, has a Human Rights Act which covers people with disabilities. Olmstead comes from the name of the gentleman who was heading up their Human Services Department in Georgia at the time.

The Olmstead Plan is a way for the government to document how they provide services to individuals with disabilities in the most integrated setting possible, which is a little different from those people who are used to least restrictive. Why Minnesota prepared the plan is because they were part of another law suit called the Jensen case, which had something to do with a facility in Cambridge run by the Department of Human Services. As a part of that settlement agreement they agreed to create an Olmstead Plan which is state-wide. It covers all disabilities and all age groups.

The Jensen case consists of three families that brought suit against Minnesota and DHS for the improper use of restraints (both physical and chemical) at a state-run facility. They entered into a settlement agreement. There were also monetary remedies included.

There were a couple of different pieces of this. An Olmstead Planning Group was formed and they submitted recommendations to the Commissioner of Human Services. Part of that was to form an Olmstead Subcabinet, which Governor Dayton did on January 28, 2013 with an executive order. The Subcabinet consists of eight different agencies.

The planning committee was established first. They made recommendations to the Human Services Commissioner. One of the recommendations was the Subcabinet. It is chaired by Lieutenant Governor Yvonne Prettner Solon. There are also Commissioners or their designees from the following:

- Department of Human Services
- Department of Corrections
- Department of Human Rights
- Department of Education
- Department of Health
- Department of Transportation
- Department of Employment and Economic Development
- Minnesota Housing Finance Agency

Ex officio members:

- Office of the Ombudsman for Mental Health and Developmental Disabilities
- The Governor's Council on Developmental Disabilities.

Last summer they held four listening sessions for the public to submit comments about the draft plan that was generated in June. Those comments significantly changed how the plan played out in November when it was submitted to the court.

The overall goal of the plan is that Minnesota will be a place where people with disabilities are living, learning, working and enjoying life in the most integrated setting.

The plan is broken up into several topic areas. Multiple agencies play roles in these topic areas. Employment is not just DEED. It is also Department of Human Services and Department of Education. They all need to work together to work on solutions to get persons with disabilities employed in competitive jobs.

Housing is another area, also Transportation, Supports and Services, Lifelong Learning and Education, Healthcare and Healthy Living and Community Engagement.

The Subcabinet found in the drafting of the plan that there were several overarching strategic actions that went across all of these topic areas. So they created a specific part of the plan that addresses these overarching strategic actions. Those generally have been assigned to the Subcabinet or the Olmstead Implementation Office as they report to the Subcabinet.

The first thing is to begin with the individual in all phases of service (assessment, planning, service delivery and evaluation). They want to hear from the individual that is being impacted by the services. They review all policies, procedures, laws and funding, through the perspective of the Olmstead decision; address barriers through administrative alignment and collaboration, legislative action, policy and rule changes and funding changes and prioritization within all these different agencies.

They also design and implement opportunities for people with disabilities to be involved in leadership capacities in all government programs that affect them. The second overarching piece is the Quality Assurance and Accountability Actions. That is where they identify quality of life outcome indicators; contract with an independent entity to conduct annual assessment. They established an Olmstead dispute resolution process.

The Olmstead Plan looks at some very specific criteria. They did evaluate all those existing quality of life surveys. They found that none of them fit the Olmstead criteria completely. So they had a new one developed. They will be instituting a pilot study later this summer, which will then become what is used for a baseline starting in 2015. That will then be repeated with a sample group again through 2018. Another part of the quality assurance and accountability is that the Olmstead Implementation Office has been charged with the creation of a dispute resolution process. This does not trump any of the existing processes or grievance procedures that exist within the various agencies. It is designed to be a more informal process from the vast majority of issues. It is also a way to bring barriers that people are experiencing back to the Subcabinet so that they can work on modifying the plan as they go forward.

Then they also have to design and implement an oversight structure, which they have done over the last six months or so. They also have to adopt a quality improvement plan.

The overall employment goal is that people with disabilities will have choices for competitive, meaningful, and sustained employment in the most integrated setting. They want to expand integrated employment for students and adults with disabilities. They are looking to align policies and funding to increase integration and expand employment opportunities. And also provide training, technical assistance, public information and outreach.

The housing goal is that people with disabilities will choose where they live, with whom and in what type of housing. They need to identify where people want to move and want to live, what barriers are involved and the resources needed to increase the use of effective best practices. They need to increase the amount of affordable housing opportunities created. They need to increase housing options that promote choice and access to integrated settings, increase access to information about housing options and actively promote and encourage providers to implement best-practices and person-centered strategies related to housing.

The transportation goal is that people with disabilities will have access to reliable, cost-effective transportation choices that support the essential elements of life such as employment, housing, education and social connections. The transportation actions are to establish a baseline of transit spending across public programs, engage community members to expand flexibility in transportation systems, integrate Olmstead principles into transportation plans and to engage the Minnesota Council on Transportation Access (MCOTA) in Olmstead work.

The Supports and Services Goal is that people with disabilities of all ages will experience meaningful, inclusive and integrated lives in their communities, supported by an array of services and supports appropriate to their needs and that they choose. The Supports and Services actions are that all individuals with disabilities will be offered supports and services in the most integrated settings. They will support people in moving from institutions to community living, in the most integrated setting.

The Lifelong Learning and Education Goal is that people with disabilities will experience an inclusive education system at all levels and lifelong learning opportunities that enable the full development of individual talents, interests, creativity and mental and physical abilities. The proposed actions are to

reduce the use of restrictive practices, build staff capacity for positive behavior interventions and supports, support integrated employment options, increase the number of students enrolling in postsecondary education and training and return students to their resident district or more integrated setting.

The Health Care and Healthy Living Goal is that people with disabilities, regardless of age, type of disability or place of residence, will have access to a coordinated system of health services that meets individual needs, supports good health, prevents secondary conditions, and ensures the opportunity for a satisfying and meaningful life. To do that they have to integrate primary care, behavioral health and long-term care/supports and reduce gaps in access and outcomes.

The Community Engagement Goal is that people with disabilities will have the opportunity to fully engage in their community and connect with others in ways that are meaningful and aligned with their personal choices and desires. To do that they need to support individuals to engage in their community in ways that are meaningful to them and to provide access and opportunity for individuals to be full community participants.

The current status of the plan is that it was submitted to the court on November 1, 2013. On December 31, 2013 the Court Monitor issued his report to the court. On January 22, 2014, U.S. District Court Judge Donovan Frank issued an order provisionally approving the Plan and setting in motion the first modifications to the Plan.

The modification process started on February 5, 2014: agencies started to review the comments of the Court Monitor.

Mid-February 2014: agencies identified additional areas that needed to be modified with good cause

February 18, 2014: all proposed modifications were submitted to the Olmstead Implementation Office

March 10, 2014: agency staff completed drafts of all modifications

March 10-17, 2014: Olmstead Drafting Team (ODT) and Sub-Cabinet review agency drafts

March 17, 2014: share draft with consumers/families/public via webpage to allow for feedback

April 8, 2014: agencies modify drafts based on input from public and submit changes to ODT

April 15-22, 2014: ODT works with Disability Council reps, convenes public listening sessions

June 2, 2014: ODT final draft

June 9, 2014: Submit to Sub-Cabinet

July 5, 2014: Submit to Court Monitor and Parties

July 15, 2014: Due to Court

You can visit the entire Olmstead Plan by visiting the website [www.dhs.state.mn.us/Olmstead](http://www.dhs.state.mn.us/Olmstead)

The authority ultimately rests with the Sub-Cabinet. That is the commissioners of each of the agencies. If something is not resolved they also have the Governor's office.

The Met Council is not a part of the Sub-Cabinet. The way the Met Council is currently involved is through MCOTA. They will be embarking on another set of revisions starting in August. That may be an opportune time for the TAAC to submit comments to the Sub-Cabinet encouraging that the Met Council be included in a more prevalent way.

They are looking at ways to market the plan to people with disabilities and people without disabilities.

MCOTA is strictly an advisory group. They have a work plan. They have multiple agencies in that group. They are legislatively mandated.

There are hundreds of groups that provide transportation services. There is anything from volunteers to providers. Transportation is sometimes linked to housing or jobs. DHS spends a lot of money on transportation. They don't track it or have anyone who understands it. The Department of Transportation is federally mandated to not ask at the individual level about how people use transportation. DOT just has to provide an accessible system, which they do. They don't track things on an individual basis. Right now they are trying to figure out what is out there and what everybody is providing. From the public they are hearing there needs to be more flexibility. Rural Minnesota says they need more service in general as well as flexibility.

The whole purpose of this is so people can live and work where they choose to.

Villavicencio moved to draft a letter to the Sub-Cabinet of the Olmstead Plan and the Met Council that they consider the Met Council be a part of the Sub-Cabinet. They will get approval from the Met Council first before they write the letter. Paulsen seconded the motion. **The motion carried.**

### **MEMBER COMMENT**

Chair Biss said that there will be a July TAAC meeting. The TAAC members will meet ahead of time at a location where there is a nine inch curb. There is one where the vertical elevator that goes from the ground floor to the skyway is that is two blocks from the Council. It is at Fifth and Cedar. The TAAC committee will meet there at 12:00 p.m. A bus will be there to demonstrate how it would work. They would then go to the Council for the meeting.

Imdieke Cross would like to hear from the grant making arm of the Met Council about guiding principles of best practices about the ADA guidelines regarding Transit Oriented Development.

### **PUBLIC COMMENT**

Pam Steffen spoke to the TAAC committee. There are major bus changes with the Green Line opening on June 14. Go to the Metro Transit website. There is a new mobile site. They are working on the app. The frequency is less on the 94 and the 16.

### **ADJOURNMENT**

Business completed, the meeting adjourned at 2:38 p.m.

Alison Coleman  
Recording Secretary