

Valley Community Services Board
85 Sanger's Lane, Staunton, VA
January 26, 2022
5:30 p.m.

Members Present

Dan Sullivan, Chair
Debbie Pyles, Vice Chair
Cynthia Burnett
Linda Czyzyk
Emily Malcolm
Ross Parker
Mary Powell
Lisa Shiflett

Members Absent

Debra Freeman-Belle

Staff Present

Kim McClanahan
Dereck Criner
Kathy Curry
Tina Martina

Members Present via Zoom

Misty Cook
Anna Leavitt
Nitch Narduzzi
Nichole Nicholson

Visitors Present

Steve Hinton
Tori Hinton Via

Staff Present via Zoom

Tammy DuBose
Jack Barber
Jane Fetterman
Dana Fitzgerald
Kathy Kristiansen

CALL TO ORDER: Chair, Dan Sullivan, called the meeting to order at 5:31 pm.

ESTABLISH QUORUM: Mr. Sullivan established a quorum.

Mr. Sullivan noted members present in person and via Zoom and asked if any members participating via Zoom had made a request for active participation in accordance with the email that was sent out the previous day. Nitch Narduzzi asked what the stipulations were; she said she would be participating via Zoom. Mr. Sullivan stated that a member must request under the conditions according to the statutes to participate virtually. Regarding virtual participation, Cynthia Burnett clarified that a member must send a notification in advance if one wants to vote virtually on any issues. Ms. Narduzzi apologized that she did not see that email, or she would have responded because it has been an ongoing issue for her; she stated that she will be participating without voting again. The email sent yesterday by Ms. DuBose explains how a member may participate virtually. Mr. Sullivan stated that according to the Governor's website, none of the executive orders prior to this predecessor are in effect. Ms. Narduzzi expressed that she would like to bring this up for further discussion somewhere else in this meeting. Mr. Sullivan responded that this is not the time. Ms. Narduzzi acknowledged his response.

PUBLIC COMMENT: No public comment.

MINUTES: Mr. Sullivan asked for approval of the December 1st Board Meeting minutes. Ms. Narduzzi pointed out that her name was misspelled. Mr. Sullivan asked that the correction be made. Mr. Sullivan asked for a motion for approval of the minutes with the amendment of changing the misspelled name on Page 3 in the first paragraph. Lisa Shiflett moved to approve the December 1st Board Meeting Minutes with the amendment. Cynthia Burnett abstained because she was not at the December 1st Board Meeting. Linda Czyzyk seconded. Motion carried.

Orchard Lane Presentation: Steven Hinton and Tori Hinton Via from Design Vision shared their design presentation of Orchard Lane renovations. There were some technical difficulties, and the video presentations would not play. Ms. Via proceeded with the PDF presentation. The plan outline includes:

- **Analyzation and Data Collection of Current Facility and Grounds**
- **Production of As-Built Drawings including Site and Building Data**
- **Proposed Facility Updates**
- **Interior Improvements**
- **Exterior Improvements**

Executive Director's Report: Submitted by: Kimberly K. McClanahan, Ph.D. 1.26.22

State Update

Meetings with other EDs from Region 1 (12.2.21;12.17.21;1.6.22; 1.21.22); VACSB ED Forum (1.18.22) VACSB Leadership (1.19.22); STEP-VA Advisory Council (STAC) Meeting (1.13.22)

Main topics:

- The Regional Call Center and data platform are still not fully functional. All CSB Regional Hubs, i.e., Region 10 in our case, are supposed to contract with private providers to assist in providing mobile crisis and community crisis services. We have six (6) providers who have expressed interest in this, three of which have been speaking with Region 10. Our MOU with them will require 24/7 coverage as well as their willingness to take on 15% of nonpaying clients.
- Regional services began in Region 10 in January 2022. That seems to be going well.
- With regard to the Department of Justice (DOJ) settlement agreement, we are now in 67% compliance. Meetings are now monthly, focused on curative actions.
- The Supreme Court heard arguments regarding both the OSHA and the CMS vaccine mandates. The Supreme Court ruled that the OSHA mandate could not be put into effect but kept the CMS mandate for many healthcare workers. We will follow the CMS mandate for the ICFs, but we have determined that VCSB is not subject to the CMS mandate as Valley is not a Community Mental Health Center (CMHC) as defined by CMS.
- We have a new Secretary of Health and Human Resources, John Littel, and Commissioner of DBHDS, Nelson Smith. Mr. Smith is ex-military and went into healthcare after leaving the military. Mr. Smith met with the EDs of the CSBs on 1.18.22 for a few minutes. Several EDs expressed that they feel hope after hearing from Mr. Smith. Mr. Littel attended a portion of the VACSB conference on 1.18.22, and he appeared open and responsive to the CSBs. Region 1 EDs have invited Commissioner Smith to our next meeting. More to come.
- Continued conversation across all meetings regarding workforce shortages. VACSB has asked for 167.5 million in each of the two years of the biennium with a four-pronged approach: 1) quarterly recruitment and retention bonuses, 2) funds to create a path for licensure by paying for clinical supervision hours, 3) funds for student loan repayments, and 4) funding for scholarships to increase educational attainment. Senators Deeds and Hanger are patrons.
- Other Legislative News Updates
- VACSB hopes the May conference will be in person in Reston, VA.

Marcus Alert (MA) Legislation:

A bill has been filed in the general assembly to make the MA implementation voluntary instead of mandatory. There were questions about whether money would still be available for the five pilot sites and for any other sites that may want to voluntarily participate in the program.

Behavioral Health Enhancement aka Behavioral Health Redesign, Access, Value, and Outcomes (BRAVO): NO UPDATE

STEP-VA:

There will be a virtual check-in regarding outpatient, peer support, and veterans' services on February 7, 2022, with all CSBs. The dashboard is partially completed, and we are looking at it for accuracy.

Performance Contracts:

Our mid-year CARS report is due in February.

We have no news of what the FY'23 performance contract will look like.

Local Meeting(s)

Dr. McClanahan continues CPMT meetings and Support for Vulnerable Community Members meetings.

Other News

Strategic Planning: The make-up of the Leadership Team has been changed to include any employee who supervises others. This is a new format for the monthly meetings, and we hope to get more "buy-in" for the strategic plan as well as provide some leadership training and better communication across all levels of the agency. We sent Leslie Beauregard, Staunton, a request for ARPA funds, specific to rebooting the Developmental Disabilities program's Community Engagement and Community Coaching initiatives. This program was set to start about the time COVID hit and was placed on hold. We requested \$120,000.00. Dr. McClanahan followed up with the other localities regarding potential ARPA funds. Highland reported that it is using its money for infrastructure and internet.

We have posted the Controller position and have several potential candidates.

We are continuing progress toward the renovation of Orchard Lane as an ICF, allowing us to discontinue the use of Greenstone. Valley has been served with a lawsuit from a former client whose confidentiality was breached by a former Valley employee in or around February 2020.

Valley received Phase 4 Covid-related provider relief funds in the amount of \$48,000.00.

Dr. McClanahan has begun the process of making our 10% match ask to the localities. The total ask is \$726,903.00. In her limited tenure, we have received what we have asked (or more) from three of the four localities. If we do not receive the entire 10%, Valley is tasked to explain this to DBHDS, even though Valley has no control over what the localities may or may not give us, and it is the localities that are obligated by statute to provide the 10% match.

Mr. Sullivan asked if anyone had any questions for Dr. McClanahan. Ms. Narduzzi asked about the ARPA funds. Dr. McClanahan clarified that the ARPA funds from Staunton have been requested for the reintroduction of the programs named in her report. The federal ARPA provider relief funds i.e., \$48,000, will be used, in part, for the fingerprinting machine. Ms. Narduzzi said she knew that the Blue Ridge Criminal Justice Board would be talking about highlighting three priorities over the next couple of years in Restorative Justice; collecting, storing, and accessing data; but the third one is going to be about the Marcus Alert Legislation that is currently mandated to be up and running by 2025, saying that is why they were going to prioritize that. Dr. McClanahan stated if the legislation to make the Marcus Alert implementation voluntary does not pass, Valley will have no choice but to collaborate; law enforcement may not know that but needs to know; hopefully it will be collaborative. She stated in the event this legislation does not pass, the CSBs need to have a plan in place by July 1, 2022, not law enforcement. Dr. McClanahan expressed gratitude to Ms. Narduzzi. She is glad they are thinking about it and talking about it.

COMMITTEE REPORTS: Please see full reports enclosed.

Finance Committee: Dereck Criner presented the November Financials. The November Income Statement Revenue section shows a big variance for Other Fees of \$631,754 which is coming from a program within the Behavioral Health programs called CHERP. That account is up \$539,754 against budget. It did not account for new funds for programs that we received or growing balances for programs that were established in the prior year. CHERP is a good example of that. That number looks great, but it is a little inflated. It is the same practice that we have put in place for the FY2022 budget. Expenses show Wages and Benefits with a deficit against budget of \$169,162 coming primarily from the Mental Health Outpatient Services where there was \$89,000 underspent in salary. That number comes from several vacancies we have there. A big chunk of that as well, comes from OBOT where we have had a few positions open. We have made some hires, so that number should begin to close. The other three factors of that \$170,000 surplus are from our Community Based Services Team – the ACT program – that program is underspent \$90,000 against budget. The Assistant Director said there was only one vacancy. That one position would not account for the \$93,000. It may be a carryover from the prior year's ledger process. There are several vacancies, and we are working very diligently on closing those. Expenses - Client Related - \$568,873 over budget. That number comes from that CHERP program under Revenue. We are having a very strong year so far. As of November 30th, we are \$364,000 above budget. We have been working very hard to catch up our monthly closing process. The new accountant has been working hard to close the month of December. **Mr. Sullivan asked for a motion to accept the Financial Report as presented by Mr. Criner. Cynthia Burnett moved to accept the financial report as presented by Mr. Criner. Deborah Pyles seconded. Motion carried.**

Executive Committee: Dr. McClanahan stated that there was no quorum at the January 13th Executive Committee Meeting. She commented that Design Vision shared the Orchard Lane presentation, and she discussed the vaccination mandate update.

OLD/NEW BUSINESS: Dr. McClanahan shared that there is a vaccination mandate for the ICFs in which we are compliant. ICFs are still understaffed. We are continuing to follow the CDC guidelines, and we continue to encourage staff who are not vaccinated to get vaccinated. Ms. Fitzgerald reported as of last week we had 80 incident reports of positive COVID clients, and the numbers are still rolling in this week. Ms. Czyzyk asked if these were home tests or actual tests. Ms. Fitzgerald stated that the incident reports show across the board between home, health department, and PCPs. Dr. McClanahan asked if board members received the link to obtain free home tests. Dr. McClanahan says she will provide that link to the Board.

VCSB Committees: Mr. Sullivan shared that with the absences tonight, his idea of doing breakouts was not going to work. He shared information about which members are on what committee. The Executive Committee will no longer have a regular monthly meeting; it will meet as needed. The Compliance Committee will meet just prior to the monthly board meeting for Emily Malcolm to only have to make one trip to participate as a member of the board. Ms. Pyles is the Chair of the Compliance Committee. Ms. Burnett volunteered to be Co-Chair. The committee will plan to meet at 4:30 p.m. Considering the absence of Debra Freeman-Belle, the Chair of the Fiscal Oversight Committee, no decision was made about meeting time. Mr. Sullivan stated that they can do a doodle poll and set that next meeting for February. Service Delivery Oversight Committee members are Mary Powell, Anna Leavitt, Nitch Narduzzi, Nichole Nicholson, Lisa Shiflett, and Debbie Pyles. Members elected to have a doodle poll. Mr. Sullivan stated that at that first meeting the Chair and Co-Chair will be selected by the committee itself and purpose and focus of the committee will be discussed at all the first committee meetings.

Mr. Sullivan asked if anyone had any new business. Ms. Narduzzi shared a suggestion from a previous Chair of a CSB to have all Board of Directors' contact information posted on the website. Ms. Narduzzi reiterated that as an appointed member from Staunton City, she is here to represent the city's interest, including and most importantly, the city citizens who are often consumers of Valley services. She took the opportunity to make sure that everyone knows that when she has questions about services, it is never in an accusatory way as if the services are lacking or inept, but some of the things that she has heard from our justice-involved population concerning Valley's role inside the jail, and very specifically, with the mental health pod, is that there is absolutely no communication between us and the jail, and she knows that is not true. Ms. Narduzzi shared that Delegate Avoli is asking for funding from the State for a Crisis Stabilization Unit with residential beds, and she knows that is something that many people across the community have been asking for; she would like some more information on exactly what that is and what Valley's vision for that is. Mr. Sullivan responded that those items about which she was speaking are appropriate for the Service Delivery Oversight Committee and can be addressed by that committee.

Ms. Narduzzi also asked about volunteers from the community that want to provide peer support services in whichever ways they can. She asked about the Drug Court Alumni Group and how she could get involved and understand how they are doing. Linda Czyzyk commented that her office is involved with the drug court and have clients, and she is willing to talk with Ms. Narduzzi further. Ms. Narduzzi asked about the Support for Vulnerable Community Members meetings and stated she still has not been given information about the group. Ms. Narduzzi stated that she reached out twice, with no response. Dr. McClanahan stated she would reach out as well and then follow up with Ms. Narduzzi. Ms. Narduzzi also asked about the fingerprinting machine that was discussed at the last meeting. It was her understanding that Ms. Cook asked for a comparison of using the ARPA funds for a fingerprinting machine versus using the VDH system that she mentioned. Ms. Narduzzi wondered if that document was ever provided to the board. Mr. Criner responded that options were discussed, and it was decided to withhold the request for a fingerprint machine from the ARPA proposal that was sent to the City of Staunton. He stated for that reason he thought the Executive Leadership Team moved away from the idea of just finding another outsource option. Mr. Sullivan stated that we decided this could be a revenue generating source.

Ms. Narduzzi added another topic to her conversation, and that is her concern about whether the Board will modify its policies and by-laws regarding virtual participation in Board meetings. She read some notes to help the Board understand why she, as a person in the disability community, is asking the Board to reconsider its policies and bylaws concerning participation in meetings. Mr. Sullivan interjected that he was going to give Ms. Narduzzi three minutes. She stated that back in April 2021, she asked to continue to participate in board meetings virtually in perpetuity because of her disability. She said in May she was told that outside of any relevant law it was the Board of Directors decision as to how business is conducted. In October, when the meeting minutes were sent out about the proposed bylaw changes for review, no changes were made to the bylaws concerning how meetings were attended in terms of accommodations for people with disabilities. On December 16th, Ms. Narduzzi sent out information regarding accommodations for people with disabilities; she had contacted lawyers, e.g., Executive Director for the FOIA Council, Staunton's FOIA officer, and asked for clarity regarding whether or not individuals with disabilities can attend and participate, including voting, in meetings virtually. The response she received seemed clear that Valley could adopt policies to allow such and stated clarity in the Board bylaws would help. Further, she asked if she must request in writing each time she needs to participate virtually. Mr. Sullivan stated that Ms. Narduzzi's time was up for speaking. Ms. Narduzzi stated that we did not really get to the important parts, but her specific direct ask is that the Board take up a legitimate conversation around how bylaws can be modified to make sure that it is very clear for everyone going forward how they can participate remotely and thanked him.

Mr. Sullivan thanked Ms. Narduzzi, and conversation continued between the two of them for some time regarding the interpretation of state law regarding virtual participation in meetings; a person can ask for a personal accommodation for a disability, but Ms. Narduzzi has not done that. Ms. Narduzzi stated that she was simply asking that Board policies be updated so that there is a clear understanding in directions on what one is supposed to do to ask for an accommodation to be able to vote remotely. She voiced that she very clearly said that she was simply confused as to why other boards across the city were allowing members to vote remotely; the FOIA Council lawyer, Staunton's city attorney, and the FOIA's city officer all have stated that Valley's Board can adopt policies regarding virtual participation. Ms. Narduzzi also suggested that Mr. Sullivan talk to Staunton's city lawyer about the issue. Mr. Sullivan responded that the attorney could call him anytime. Mr. Sullivan asked if there was any other new business. There was none.

MEETING ADJOURNED: Deborah Pyles moved to adjourn. Ms. Powell seconded. Motion Carried.

Respectfully Submitted:
Kathy Curry