

Montana Telecommunications Access Program
Minutes: Full Committee Meeting
May 22, 2024
Blackfoot Communications
Missoula, Montana

Committee Members Present: Lisa Cannon, chair; Tina Shorten, Michelle Owens, John Pavao, Ron Bibler, Barbara Varnum, Cam Tulloch, Ashlee Logan, Dana Kjersem, Lee Hazelbaker, Bob Terwilliger (zoom)

Committee Members Absent: Sherri Odlin, Tom Thompson

MTAP Staff Present: Mary Taylor, Lisa Gault, Mike Bouchard, Jeff Haley

Supporting and Contributing Persons Present: Sarah Seltzer, deputy administrator; Emilie Banasiak and Lori Sporrer, Hamilton Relay; Hannah Stokes, budget analyst; Shawn Tulloch, VR counselor; Stella Woodrum and Trisha Smith, sign language interpreters; Lisa Lesofski, CART

Meeting called to order:

Lisa Cannon called the meeting to order.

Approval of Minutes:

Michelle Owens moved to approve the February 2024 minutes and Barbara Varnum seconded. Motion carried.

MTAP Director's report: Mary Taylor

Mary Taylor reported on four seats that are up for renewal on the committee beginning July 1st. Those whose terms are expiring are Dana Kjersem, Sherri Odlin, Michelle Owens, and Tina Shorten. The terms are for three years.

Ms. Taylor referred to the New Applications Report and noted that the MTAP office is averaging about 13 new applications a month which has become the new norm since last year. In reference to the Outreach Report, Ms. Taylor shared that the staff have been doing a lot of outreach events, in addition to Ms. Taylor who manned a table at an event at the Capitol Rotunda for Developmental Disabilities Awareness month. Hamilton Relay's Emilie Banasiak also participated in an event in Kalispell for the State Human Resources Management Conference. There will be more outreach events coming up for the summer such as the Family Learning Weekend in Great Falls at the Montana School for the Deaf and Blind (MSDB). There will be another Relay Friendly Business training on June 26th, and advertising will begin for that training on television. Mike Bouchard will be attending a customer appreciation event with Siyeh Communications, one of our relay friendly businesses. Ms. Taylor and Mr. Bouchard will be doing an interview with the tv show, Aging Horizons, to share information about MTAP. The interview will air statewide in July. The MTAP staff will be at the Women for Wellness Fair in Pablo tomorrow, May 23rd. This event normally draws around 800 people.

In reference to the Facebook Report, Ms. Taylor noted that the ad with the highest click-through rate ever, since we initiated a Facebook page, was posted this past quarter for the Relay Friendly Business Program. That action

also directs traffic to the MTAP website. There will be focus on a Relay Friendly Business ad every month posted on the MTAP Facebook page with questions on why they took the training, what benefited them and what would they say to other businesses who might want to participate in the Relay Friendly Business training.

The website activity has remained steady dependent on what is advertised and is updated with the Relay Friendly Businesses list and links to their respective webpages.

There are three contracts that are up for renewal: the Teltex equipment contract, the Sockeye database software agreement and the Facebook social media management and advertising contract. They will be renewed for another year. Ms. Taylor mentioned that the current contracts expire the end of June.

Ms. Taylor met with Lisa Cannon and Tina Shorten to go through the Administrative Rules of Montana for MTAP to see what needed to be updated. There are two changes that are in process currently, the update to the Federal Poverty Levels and the name changes from MTAP to Montana Accessible Communications (MTAC). There will be public hearings for both changes on June 27th, 2024. The name change should be made by no later than December of 2024.

Ms. Taylor will be working on making an instruction guide for the MTAP equipment application to clarify some items such as how income is determined, what is required to be a Montana resident, etc. and the MTAP brochure will also be updated.

Mary shared some information about a service called ASL Now, which is a service that Communication Services for the Deaf provides which works with businesses to provide direct ASL communication between an ASL user and the business. In essence, this service removes the third person in a relay call and allows relay users to communicate directly with the business. This service is especially helpful in situations where personally identifiable information (PII) has to be shared, as relay users sometimes get pushback from businesses who do not understand how relay calls work and are uncomfortable sharing PII when a third party is on the call. John Pavao contacted Ms. Taylor about this service as the Department of Administration director became aware of this service and is interested in implementing it within the state.

Budget Report: Hannah Stokes

Hannah Stokes reported on the state fiscal year 2024 budget totals for MTAP as of April 30, 2024.

Personal services	\$329,890
Operations	\$597,815
FCC Mandate	<u>\$775,000</u>
Total budget	<u><u>\$1,702,705</u></u>

Actual expenses through April 30, 2024

MTAP program expenditures

HB2 budget appropriation (71.35% of the \$927,705)	\$661,881
Indirect costs (non-budgeted appropriation)	\$72,108
Prior year expense	(\$217)
Total expenses for program	<u><u>\$733,772</u></u>

House Bill 2 expenditures through April 30, 2024

Personal services (73.95% of \$329,890 PS projected budget)	\$243,941
Operational expenses (63.91% of \$597,815 OP projected budget)	<u>\$417,940</u>
Total expenses (71.35% of \$927,705 total HB2 budget)	\$661,881

Revenue collected as of April 30, 2024 - \$1,592,575

SFY 2024 actual expenses through April 30, 2024

Operating Expenses through April 30, 2024 - SFY 2024 - \$417,940

- Hamilton Relay Services – total expenditures \$139,995 (total relay budget \$219,000, remaining \$79,005)
- Outreach – total expenditures \$132,337 (total outreach budget \$168,000, remaining \$35,663)
- Rent/Utilities – total expenditures \$34,421 (total rent budget \$43,000, remaining \$8,579)
- Travel – total expenditures \$8,463 (total travel budget \$16,000 remaining \$7,537)
- Supplies – total expenditures \$4,940 (total supply budget \$5,815 remaining \$875)
- Distribution Equipment – total expenditures \$49,554 (total equipment budget \$80,000, remaining \$30,446)
- Other Expenses/Equipment – total expenditures \$7,671 (total other expenses/equipment budget \$9,000, remaining \$1,329)
- Communications – total expenditures \$5,757 (total communication budget, \$6,000, remaining \$243)
- Repairs/maintenance (vehicles) – total expenditures \$6,656 (total repairs/maintenance budget \$11,000, remaining \$4,344)
- Other services – total expenditures \$28,147 (total other services budget \$40,000, remaining \$11,853)

Indirect Costs and Prior Year Expenses

- Actual costs for SFY 2024 indirect costs are \$72,108
- Projected costs for SYF 2024 indirect costs are \$85,000

FCC mandate – no expenses projected at this time.

Hannah concluded with a general budget 101 training. A state budget composed of comparing revenues and critical expenses and making sure that program opportunities are administered. It involves measuring performances, measuring critical expenses from the program for operations, personnel and indirect costs. An appropriation is authorization/permission to spend money or acquire obligations under a program expense. Simply put, the state is giving the program permission to spend money with a very specific purpose in mind. The appropriation also gives permission in the financial division to break the funds down into categories that are best believed to meet the needs of the program such as personnel, operations, client benefit services, or leasing obligations.

A fiscal year is not the same as a calendar year. It is the year that fits the expenses and operation of the state government. The fiscal year for the state of Montana is July 1st through June 30th. The state of Montana has a

biennium which is a two-year span for reporting levels and authorization for funds. Currently, we are in biennium 2025 and this is operating and recognizing 2024 and 2025 expenses. Reporting goes by a fiscal yearly basis. A base year of the biennium is an odd numbered year, and it is a snapshot to carry into the following year. A snapshot is a time in the year in which the state will look at the full-time equivalent positions, whether they are filled or vacant and depending on the fill and vacant rates, this will determine how much money to set aside to fund all the full-time positions. This is important to ensure there is enough funding for all the open positions.

Authority versus cash – authority is the permission from a legislative body to spend the money for the program’s purpose and cash is money that is directly on hand. Most of the funding comes from House Bill 2 which is the general appropriations bill that is passed every legislative session for the next biennium.

How is the budget funded? The first one is a general fund which is not tied to any specific program and its money used for administrative needs outside of the programs. Secondly, MTAP is funded by state special revenue funds which is state or nonfederal funding that is used for a very specific purpose. MTAP’s specific purpose is to administer the program and needs of the clients and make sure the clients are given the accessible technology that they need. Third is the federal funding and lastly are proprietary funds which are funds that are received for the sale of goods or businesses such as state liquor licenses, warehouses, lottery, et al.

How is the budget managed? A budget status report is submitted to the Governor and the public and it includes actuals and projections for the remainder of the state fiscal year. This report is used to keep people accountable and make sure the projections are realistic. Contract monitoring is another way to manage the budget by following a contract on how time sheets and invoices are paid, ensuring that contractors are performing the services that they are expected to perform. A grant cash review is done daily by looking at what is spent every day to ensure that there is enough cash to get through the state fiscal year. For budget analysts, there is program manager reporting which involve looking at year to date expenses, monthly expenses and any other breakdown that’s applicable to the program and it helps to keep track of all the expenses and communicate with the program on where the program is at financially.

What is an EPP? It’s an executive planning process – an opportunity to change the base budget for the biennium. If there are changes that are needed to be made such as increases or decreases in the budget that fits a present law or making a new proposal for something that is not included in the current base budget this would be part of the EPP. When the EPP is worked on, this includes the full two years of the biennium. Ms. Stokes has already submitted the EPP, and it is submitted on an even numbered year and then seen and discussed on the odd numbered year of the biennium. The program administrator, Chanda Hermanson, has reviewed all the EPPs from the division and passed them on to Charlie Brereton, the director of the Department of Public Health and Human Services (DPHHS). After Mr. Brereton reviews and has questions answered, the EPP is handed to the Office of Budget and Procurement Planning (OBPP) analyst. The OBPP analyst will research on each program that has made a proposal, will look at prior spending, clientele needs and what the program does. After this process is completed with possible changes by the OBPP analyst, it will go to the OBPP director to be approved and then on to the Governor’s office. Once the Governor approves, the EPP goes to the legislative session.

DPHHS report –Sarah Seltzer

Sarah Seltzer reported that the Department of Employment and Transitions (DET) is part of the Economic Securities and Safety Branch of the DPHHS, and the branch has been without an Executive Director for quite

some time. A new person has been hired for this role which will be Jessie Counts. Within the DET, the general vocational rehabilitation bureau chief has stepped down so that position will be advertised soon. That position supervises nine of the general vocational rehabilitation offices across the state. The Olmstead plan is continuing to be worked on with the Department as a whole to develop a department-wide Olmstead Plan. In addition, Ms. Seltzer noted that Shawn Tulloch has taken on the role as a state-wide Vocational Rehabilitation Counselor for the Deaf as well as continuing duties as the Deaf Program Manager.

MTAP Equipment Report – Mike Bouchard and Jeff Haley

Jeff Haley opened with outreach he has done such as the Missoula Home and Garden show which was well attended and the Navigating the Road to Life Fair in Polson which is more geared towards high school students. He attended the Blackfoot Communications annual meeting and helped Emilie Banasiak with an event she did in Kalispell. He shared about two different clients visits pertaining to clients with speech disabilities and indicated that he noticed that there has been a slight uptick in clients with speech disabilities recently.

Mike Bouchard reported on attending the Billings Home Show and the Three Rivers Communications annual meeting. He went to the Great Falls Home Show for the first time and noted that the event was different in that there was an admission fee compared to the other home shows he has done that do not charge admission. He would like to try attending the home show in Bozeman in the future. Mr. Bouchard attended a health fair in White Sulphur Springs, and he got the opportunity to talk with people from Triangle Communications there as they are one of the smaller co-ops.

The Disability Employment Conference was another event that Mr. Bouchard attended in conjunction with MonTech in Great Falls and some folks from Blind and Low Vision were there also. He will be doing a training for the Law Enforcement Academy in July.

Public Comment:

Faith Dawson joined the committee via Zoom to present during the public comment portion of the meeting. Ms. Taylor clarified the public comment is limited to thirty minutes and during this time the committee is not expected to answer any questions or respond to any comments but if the committee determines that it wants to take further action on this idea or suggestion, it will be placed on the agenda as an action item in a subsequent meeting and it will be noticed and publicized prior to the meeting so that any members of the general public have time to see the action item and have an opportunity to provide any additional comments.

Faith Dawson, hard-of-hearing advocate, shared that she has two cochlear implants due to her hearing challenges. She explained a situation she experienced where she went through an administrative hearing with two different departments, the first with the Human Rights Commission and then the Office of Administrative Hearings, then back to the Human Rights Commission. She was acting as her own lawyer and had requested captioning to be able to access and communicate with the people involved in the hearings. She was told the official statement, and the transcript could be the CART. This relates to MTAP because Ms. Dawson used MTAP's Remote Conference Captioning (RCC) services as the CART option. The Human Rights Commission was agreeable to this decision, but the Office of Administrative Hearings blocked her language access options, according to Ms. Dawson, by indicating that the CART transcript through RCC was not accurate enough to be used. Ms. Dawson, being hard-of-hearing was unable to use the video/audio and write briefs and refer to the video/audio time stamps as the opposing party could. Her view is that effective communication is not just

handing her something that she cannot use; according to the ADA Title II, Part 35, through Section 35.160, the type of aid or service necessary for effective communication will vary in accordance with the method of communication used by the individual, the nature, length, and complexity of communication involved and the context in which the communication is taking place. In determining what type of aid and service a public entity shall give primary consideration to the request of the individual with the disability. Ms. Dawson is representing herself and if she cannot do citations/briefs she cannot participate and cannot access the legal system or enforce her legal rights if the public entity says the CART transcript is not acceptable. She explained that this situation put her in a predicament to either drop the case or pay \$3,550 to acquire a written transcript, which is unaffordable to her. She summed up the issue by indicating that there were two things that happened that were troubling: they forced her to use Remote Conference Captioning though she refused it after realizing the transcript could not be used as a legal document. She would like MTAP to be able to implement a Remote Conference Captioning policy to protect Remote Conference Captioning users from being forced to use this accommodation if they have declined it as insufficient. Secondly, she would like to partner with and advocate for MTAP to have a pot of money set aside specific for those who need a higher level of captioning that meets legal specifications and is legally admissible in court. In response to a question from the Committee, Ms. Dawson confirmed that she already reached out to Disability Rights Montana, but they are unable to help her with this. Ms. Dawson ended by mentioning that she is going to be filing a grievance, though she wishes she did not have to, and requested that if there was anything the state of Montana could do to improve the circumstances around situations like this, she would appreciate it.

Hamilton Relay Report – Lori Sporrer and Emilie Banasiak

Lori Sporrer reported on answering performance for January through March. The answering performance is to be answered within 10 seconds at least 85 percent of the time. They have been performing at 98 percent for traditional relay.

For captioned telephones with the same requirement, they have been performing at 100 percent.

For traditional relay minutes which includes TTY, voice carryover, hearing carryover, and speech-to-speech services there has been a slow decline and plateaus at times. There has been a drop of about 236 minutes compared to the previous year. The captioned telephone minutes has dropped quite a bit – this covers the non-internet captioned phones. Company-wide the quality has been 98 to 100 percent. The requirement for typing is 60 words per minute, though Hamilton likes to be at around 95 percent. She noted that company-wide they are well above that at 99.55 percent accuracy. Customer care for traditional relay had totals of eight reaches, general information, two; equipment, three; outreach, one; external complaints, one; and wrong number/hang up one. Customer care for the captioned telephone had no complaints.

The remote conference captioning (RCC) minutes for January through March were as follows: January - 870 minutes, February - 1,410 minutes, and March - 300. Ms. Sporrer emphasized that CART is used for in-person meetings whereas Remote Conference Captioning (RCC) is for hybrid or virtual meetings.

Emilie Banasiak reported on the outreach that she has been doing, such as the 911 webinar and the Montana Society for Human Resource Management (SHRM) Conference. She will not be attending the Family Learning Weekend event at the Montana School for the Deaf and Blind this year, but her boss, John Fechter, and his son will be attending to present. She will present during the two Relay Friendly Business trainings, one the end of June and one in October. She plans to attend the Montana Youth Transitions conference in the fall. Someone

asked Ms. Banasiak about the CapTel app for the smart phone, and she discussed that, how it is similar and different from the landline phone. The Hamilton Relay scholarship will be open to applicants again in the fall for eligible high school students who are interested in this scholarship.

Unfinished business – no unfinished business.

New business – ARM rule changes (Rules Attachment Available Upon Request)

Mary Taylor walked the Committee through the changes, rule by rule, that were made by her, Lisa Cannon, and Tina Shorten, to update MTAP’s Administrative Rules of Montana, which included correcting errors, updating outdated processes, and making clarifications as necessary, in addition to updating the MTAP income definition as agreed to by the Committee in the February Strategic Planning Meeting. The Committee requested some additional changes. This document, with requested corrections is available upon request.

Blackfoot Fiber Project Presentation – Laura Maedche, Tristan McBeath and JB Ray

Blackfoot Communications staff joined the meeting to present information on the Blackfoot Fiber Project. After their presentation they took the MTAP Committee on a personal tour of their onsite facility.

The meeting was officially adjourned at 3:36 PM.