
OFFICE OF GOVERNOR RONNIE MUSGROVE
INTEROFFICE MEMORANDUM

TO: BUTTROSS
FROM: RILEY
SUBJECT: CAP PROGRAM ADMINISTRATION
DATE 6/27/00
CC: BOYD
COLE
GILBERT
SIMMONS

As discussed in my June 6 memo on this matter, the organization known as “Easter Seals MS” will no longer bear that name as of August 10 because it will no longer be affiliated with the National Easter Seal Society. Because Easter Seal MS has been contracted by this office to administer the \$111,000 federal Client Assistance Program (CAP) grant, the Governor must redesignate the administration of the program. Mississippi’s CAP is a 100% federally funded statewide advocacy program. This CAP grant must be in operation in order for the Department of Rehabilitation Services to receive their federal funding which comprises approximately 80% of their total budget

I spoke to representatives of the Regional Service Administration (RSA) in Atlanta on June 8. Diane McQuen stated that she established the July 31 deadline for governors to submit the forms designating the administrator in order to avoid receiving all designations at the last minute in September before the new fiscal year October 1. She said that it will be fine for us to submit the papers in August.

Presley Posey emailed yesterday that Easter Seals Mississippi’s new name will be Mississippi Society for Disabilities. Lisa Avra, Executive Director/CEO of Easter Seals Mississippi faxed a letter to the Governor yesterday expressing her organization’s desire to retain administration of the CAP grant in order to ensure continuation of services and for the convenience of clients.

In conversations yesterday with Butch McMillan, Executive Director of the Department of Rehabilitation Services, he highly recommended that the Governor redesignate the Mississippi Society for Disabilities as the administrator. He stated that he would welcome that designation and that Presley and Karen have always done their jobs and provided services the way the federal regulations require. He reported that they work towards the best interest of the clients and that they have done superb jobs in acting as buffers when clients are not allowed additional services under federal regulations, but are demanding of additional services.

Further, in your conversation with Mark Smith, Director of the Coalition for Citizens with Disabilities this morning, he did not foresee any opposition to the Governor designating the Mississippi Society for Disabilities

I have given the attached memo to the Governor this afternoon recommending that he designate Mississippi Society for Disabilities as the administrator of the CAP because such designation will provide for the continuation of services to clients, it will not pose an inconvenience for clients (no new location or personnel), and because MDRS and the Coalition for Citizens with Disabilities spoke favorably of such a designation.

Diane McQuen stated that the costs involved with redesignation are not allowable costs under the grant and that our office will have to incur the following expenses:

- The Governor must publish a written notice of his intention to redesignate in a place and manner that allows the above parties, individuals with disabilities and the public with at least 30 days to submit oral or written comments to the Governor. According to Don Buffum of DFA, there are no statutory requirements governing such notice. He recommended that we advertise in general circulation newspapers in accordance with the 30 day federal requirement.

Butch McMillan said that DRS normally publishes notices for 2 consecutive weeks, with 2 weeks additional time for the public to send in their comments.

The federal regulations contain provisions for the content of the legal notice. The notice should also notify citizens of the public hearings discussed below.

I recommend that we advertise in the Clarion-Ledger on July 7 and 14.

- Following public notice, public hearings concerning the proposed redesignation must be conducted. These hearings must provide individuals with disabilities or their representative an opportunity for comment. RSA personnel reported that it would be best to hold more than one hearing: either two on separate days here in Jackson, one with videoconferencing capability, or hearings at multiple sites. Greg Paul of the RSA stated that the hearing may be held within the 30 days for receipt of public comment as long as state law provides for such and we have given the designated entities (MS Easter Seals, the State Rehabilitation Advisory Council, and the State Independent Living Council) written notification of the redesignation and at least 30 days to comment.

The Governor is to maintain a written public record of these hearings. RSA personnel said that we must also make the hearings accessible for the disabled, including the hearing impaired. They suggested using a court reporter with CART capabilities, which would provide real time captioning for the hearing impaired and would give us a written record of the hearing.

Presley Posey recommended that we hold hearings in Jackson, the Coast and Tupelo.

I recommend that we hold two hearings here at the Easter Seals offices on Thursday, July 27, and Wednesday August 2. The meetings will be held @ 1:30 to allow clients to travel that morning. We should hire a court reporter with CART capabilities for both hearings.

Doug Lawton of the RSA and I discussed the timeline provided below by phone this morning. He said that it sounds great. He had checked with Rosie Ashbach of the RSA to confirm that we can hold the hearings during the 30 day comment period and she confirmed that he was correct. We just have to make sure that the specified entities have 30 days to respond and that the first legal notice is published 30 days (July 7) before the deadline (August 7).

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| Friday, June 30 | written notice of the proposed designation mailed to Easter Seals, the State Rehabilitation Advisory Council, the State Independent Living Council and Mississippi Protection and Advocacy. Such written notice shall notify these parties that they have until Monday, August 7, to respond to the Governor's proposed designation in writing. |
| Friday, June 30 | legal notice to Clarion Ledger |
| Friday, July 7 | legal notice published first time |
| Friday, July 14 | legal notice published second time |
| Thursday, July 27 | public hearing held in Jackson (1:30) |
| Wednesday, Aug 2 | public hearing held in Jackson (1:30) |
| Monday, August 7 | 30 days expires for oral or written comment to be received (from first legal notice) |
| Thursday, Aug 10 | Easter Seals MS becomes Mississippi Society for Disabilities |
| Friday, August 11 | Governor notifies RSA of his designation of the Mississippi Society for Disabilities as the CAP administrator |

I am preparing the legal notice and will have you approve it before I deliver it to the Clarion Ledger Friday. It will be lengthy, as the federal regulations require an entire section of the Rehab Act to be printed.