

NOTICE OF PUBLIC MEETING

Notice is hereby given that a public meeting of the **Brain Injury Oversight Committee** will be held on **March 24, 2021, at 9:00 a.m.** The meeting will be conducted via Zoom in accordance with Executive Order No. 20-36. Members of the public and media wishing to attend the meeting are asked to contact Jamie Stahl at (402) 559-6300 or Jamie.stahl@unmc.edu to obtain the Zoom information. The Nebraska Open Meetings Act may be accessed at <https://nebraskalegislature.gov/laws/statutes.php?statute=84-1407>. The materials to be discussed by the committee at the meeting are linked in the agenda below.

BRAIN INJURY OVERSIGHT COMMITTEE

MEETING AGENDA

March 24, 2021

9:00 a.m. – 11:00 a.m.

VIA Zoom

- I. Call to order
- II. Announcement of availability of Open Meetings Act.
- III. Introductions and roll call
- IV. Approval of the agenda
- V. Approval of Minutes of the previous meeting, February 25, 2021
- VI. Discussion on a recording of meetings
- VII. Follow up discussion of Resource Facilitation materials sent by Peggy Reisher
- VIII. Discussion on the disbursement of funds
- IX. Next steps for the Committee
- X. Next committee meeting
- VII. Adjourn

Brain Injury Oversight Committee Meeting
March 24, 2021
9:00 am to 11:00 am
Meeting held virtually via Zoom

MEETING MINUTES

Public notice of upcoming meetings will be available on the University of Nebraska Medical Center (UNMC) website <https://events.unmc.edu/calendaat> least 10 days before each meeting.

MEMBERS PRESENT: Joni Dulaney, Anna Cole, Peggy Reisher, Shir Smith, Shauna Dahlgren, Kody Moffatt, Jeff Baker, Sheri Dawson, Caryn Vincent, Lindy Foley, and, Judy Nichelson

MEMBERS ABSENT: Kevin Karmazin

UNMC STAFF PRESENT: none

VISITORS: Shawna Funk, Frank Velinsky, Keri Bennett, Brett Hoogeveen

CALL TO ORDER

The meeting of the Brain Injury Oversight Committee commenced at 9:05 a.m. Public notification of this meeting was made on the UNMC website.

ANNOUNCEMENT OF THE AVAILABILITY OF THE OPEN MEETINGS ACT AND PUBLIC COMMENT

Peggy Reisher posted the open meetings act in the chat box. Shauna Dahlgren, the chair, invited guest to share any public comment. Frank Velinsky shared his experience in the brain injury community and wished the committee luck in making decisions that work in the best interest of the brain injury community. Brett Hoogeveen shared that he was joining as a member of the public just wanting to observe the meeting.

INTRODUCTIONS AND ROLL CALL

Shauna Dahlgren called on each committee member to introduce themselves.

AGENDA APPROVAL

The agenda was reviewed. No additions were made to the agenda. Sheri Dawson made a motion to approve the agenda, Kody Moffatt seconded it. The motion carried by unanimous consent.

APPROVAL OF PREVIOUS MEETING MINUTES

The minutes from the Feb. 25, 2021 meeting were reviewed. A motion was made by Kody Moffatt and seconded by Shir Smith to approve the Feb. 25 meeting minutes. There were no objections to the motion and it was carried by unanimous consent. Jeff Baker abstained since he was not present during the Feb. 25 meeting

DISCUSSION ON RECORDING OF THE MEETINGS

After the Feb. 25 meeting, Peggy Reisher asked Leslie Donely, the Assistant Attorney General with the Nebraska Department of Justice, if there are any rules regarding the recording of our committee meetings. She responded via mail on March 3, 2021 with this statement. [There are no “rules” in the Open Meetings Act that address this issue. The act does expressly provide that *members of the public* have the right to record the meeting: “\[T\]he public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.” Neb. Rev. Stat. § 84-1412\(1\) \(2014\).](#) Keep in mind that if the committee records the meeting, the recording is a public record subject to disclosure under Neb. Rev. Stat. § 84-712 (2014).

Based on this response, the committee then discussed the purpose of the recording. Would they be used for note taking, as an accommodation for members of the committee, and/or as an accommodation for member of the public? The committee also questioned where the recording would be kept and how long they would be retained?

Sheri Dawson made a motion and Shir Smith seconded it that Peggy Reisher would check with UNMC, who holds the contract for these trust fund dollars, as to if there are any parameters for the committee’s use of recordings of the meetings, where they would be stored if they were recorded, and what is the retention schedule for recorded meetings. Roll call vote was taken and all members present voted in favor of the motion so it carried.

Peggy Reisher, secretary, stated she will not plan to record this meeting since a consensus was not made on the recordings of the meetings. No committee members objected.

FOLLOW UP DISCUSSION ON RESOURCE FACILITATION MATERIALS SENT BY PEGGY REISHER

Shauna Dahlgren asked committee members if they had any questions about the resource facilitation (RF) materials Peggy Reisher sent before the meeting. Judy Nichelson stated she would like to know how Brain Injury Alliance of Nebraska (BIA-NE) defines RF. Peggy Reisher shared the description from the BIA-NE RF Policies and Procedures Manual. Judy Nichelson also asked how BIA-NE measures it’s outcomes. Peggy Reisher reviewed with the committee the RF Data Summary, which was sent out as part of the packet of information sent out to the committee prior to the meeting.

DISCUSSION ON THE DISBURSEMENT OF FUNDS

The committee reviewed the intent of the of the legislation, that its primary use is for RF. Judy Nichelson states she feels the funds should be distributed to more than one agency such as NIBN and Nebraska VR. Judy Nichelson states that programs like the Nebraska Injured Brain Network (NIBN) has also been supporting individuals with brain injury. Judy Nichelson and visitor, Shawna Funk expressed their feelings that it is a conflict of interest to for Peggy Reisher, who is the executive director of BIA-NE to be a part of the committee if the funding should go to BIA-NE. Kody Moffatt pointed out that the application process to become a member of the committee addresses conflicts of interests before the governor appointment and our by-laws address conflicts of interests before voting. Kody also mentioned that since the legislature could have appropriated funds directly to Nebraska VR as a state agency, if that was the money’s intended use. Lindy Foley expressed her agreement with that statement.

Lindy Foley wondered if there is any procurement process for which the committee needs to follow that is like what they must do as a state agency. Kody Moffatt stated since the intent of the legislation is for RF it seems the committee needs to look at who is doing RF. There was some discussion about BIA-NE being the only agency doing RF, while NIBN is providing peer to peer support, not RF as confirmed in an email from Emaly Ball, NIBN president in Jan. 2021.

Lindy Foley also pointed out that RF is stated in the legislation as the priority. She asked if the committee needs to look at how the other bulleted items in the legislation will be addressed. Peggy Reisher described how BIA-NE would address the other bulleted items under the work of RF.

Shauna Dahlgren asked members of the committee if they would like more discussion on the disbursement of the funds. Jeff Baker states he feels he need more information before voting.

Sheri Dawson raised the question about what happens if we don't disperse the funds before the state's fiscal year which ends June 30, 2021. Can the funds be carried over to the next year and if not, should we agree to give BIA-NE a portion of the funds for April through June to not lose the funds.

Kody Moffatt made a motion and Sheri Dawson seconded the motion that the decision on the distribution of funds be tabled until the next meeting, which should be scheduled in the next 3-4 weeks. And during that time frame Peggy Reisher will confirm if the trust fund dollars roll over to the next fiscal year or if they must be distributed prior the end of the state's fiscal year. Roll call vote was taken and all members present voted in favor of the motion so the motion carried.

ADJOURN

The meeting adjourned at 11:05.

Meeting minutes submitted by Peggy Reisher, Brain Injury Oversight Committee Secretary

Minutes approved April 21, 2021

