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# **National Council on Disability**

# **Quarterly Board Meeting**

# **New York City**

## May 30, 2025

## 9:30 a.m. – 10:30 a.m. ET

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## **NCD Quarterly Meeting**

## **May 30, 2025**

## **9:30 a.m.**

SHAWN KENNEMER: All right. We're going to call this meeting to order.

Welcome back to our Friday meeting. This is generally our portion where it's our business meeting, and then we do some training. So this morning we're going to be doing some training on the Freedom of Information Act, and then we'll be hearing committee reports and I will give my report as well as the Chair.

With that, Ana, will you call the roll please.

ANA TORRES-DAVIS: Shawn Kennemer.

SHAWN KENNEMER: Here.

ANA TORRES-DAVIS: Hoskie Benally.

HOSKIE BENALLY: Here.

ANA TORRES-DAVIS: Sascha Bittner.

SASCHA BITTNER: Here.

ANA TORRES-DAVIS: Theo Braddy.

THEO BRADDY: Here.

ANA TORRES-DAVIS: Kim Ridley.

KIM RIDLEY: Here.

ANA TORRES-DAVIS: Risa Rifkind.

RISA RIFKIND: Here.

ANA TORRES-DAVIS: And Neil Romano. And I'm noting his absence.

For the staff: Stacey Brown.

I don't think Stacey is on the line.

Joan Durocher.

JOAN DUROCHER: Here.

ANA TORRES-DAVIS: Kimie Eacobacci.

KIMIE EACOBACCI: Here.

ANA TORRES-DAVIS: Anne Sommers McIntosh.

ANNE SOMMERS McINTOSH: Here.

ANA TORRES-DAVIS: Amy Nicholas.

AMY NICHOLAS: Here.

ANA TORRES-DAVIS: Nick Sabula.

NICK SABULA: Here.

ANA TORRES-DAVIS: Amged Soliman.

AMGED SOLIMAN: Here.

ANA TORRES-DAVIS: Keith Woods.

KEITH WOODS: Here.

ANA TORRES-DAVIS: Netterie Lewis.

AMGED SOLIMAN: She's coming.

ANA TORRES-DAVIS: And that concludes the roll call. I'll yield the floor back.

SHAWN KENNEMER: Thank you. At this time, we're going to turn it over to Amy Nicholas do our Freedom of Information Act training.

AMY NICHOLAS: Thank you, Shawn.

All right. So FOIA has been around since 1967, and as Shawn stated, FOIA stands for the Freedom of Information Act. FOIA gives anyone the right to request records. Actually, next slide, sorry. Getting used to this.

FOIA gives anyone the right to request records for pretty much any reason. It applies to all executive branch agencies, including independent regulatory agencies, as well as some components within the executive office of the President.

A record means pretty much any item, anything we collect or anything that's been maintained by NCD, encompassing both physical and electronic records, including voice mails, text messages, video recordings, and any documentation stored electronically.

We are as a federal agency obligated to conduct a reasonable search for records. Some of you have received email inquiries from me asking if you have received a text or emails from certain entities, and these queries do require a FOIA request. A request of records can easily be identified by one of y'all, that's what I'll do is I'll reach out to you guys individually.

On other occasions, though, NCD has been required to reach out to our IT provider to pull responsive records from email accounts.

Next slide.

Over the last 3 years the number of FOIA requests that we have received has quadrupled, and the records that have been requested have become more complex. For example, in 2022, we received 12 FOIA requests. None of them required in depth data searches by our IT provider. An example of a typical request then was a list of employees and their contact information.

In 2023, we received 22 requests. In contrast, last year, in 2024, we received 61. As mentioned, those requests were much more complex. Many of them required third party data searches, and then redactions prior to fulfilling. An example of a common request we received in 2024 is a request for all communication from our agency to one of 20 different domains, and that was NDRN, AAPD, as well as 18 others.

And among that, then we were asking for search words or words within those emails like Trigger the Vote, vote mobilization, GOTV.

When we receive a request like that, we're required to produce all of the emails that were responsive. And then it was my responsibility to go through all of those emails and single out which ones had the words that they were searching for and then redact any sensitive information that was included in those emails.

Next slide. We are required to respond to a FOIA request within 20 business days, unless there are unusual circumstances. Unusual circumstances exist when we need to search for and collect responsive records from a field office or other entities separate from the office for processing the request. Or if the request involved a voluminous amount of records, which has been the case in 2024 and this year. Or if we need to consult with another federal agency. If there's another federal agency involved that we communicated with, we are required to reach out to them to make sure it is okay to release their information.

We also -- FOIA requires that we automatically disclose certain records which are final agency orders and opinions rendered in the adjudication of the administrative cases, policy statements, manuals and instructions that affect members of the public, and any records that have been requested three or more times must be made available to the public for inspection in an electronic format.

FOIA requires an agency to also apply the presumption of openness. What that means is agencies are to look at a request through the lens of whether disclosure is reasonably foreseeable to harm the agency, and if it is deemed that it's reasonably foreseeable, then we are required to produce as much of the information the requesting as possible and redact what we foresee would be harmful.

If we foresee, if we believe that what they're requesting would not harm the agency, then we should provide all of the information they're asking for.

Many of you are aware of a FOIA request we received last year, and it requested for all sent and received SMS, Signal, WhatsApp text messages for targeted Council Members. It is a first of its kind request. We were obligated to reach out to the targeted members and inquire whether their personal cell phones were used in their official capacity as an NCD member, and if so, then we needed to discern if any of these messages included the words that the request was targeting.

Once that was determined, if responsive documents existed, those specific documents would be reviewed and the sensitive data would have been redacted.

Thankfully it was determined there was no sensitive -- there was no information required to be provided to the requester because the Council Members did not use their phones in that capacity. And I know that request generated a lot of concern amongst the Council.

As background, in 2014, as to why that would have been required, if there were responsive documents, in 2014 Congress amended FOIA to require that any government records, including messages and emails sent or received on personal devices and/or personal records would be provided via a FOIA request and should be retained as a public record. Because basically D.C. Court of Appeals stated that if you can skirt FOIA by simply doing your official capacity with your personal devices, then what good is FOIA.

Next slide, please.

FOIA allows nine exemptions. I will quickly go through all of them, but included on the slide are the top three exemptions that we use here at NCD.

Exemption 1 protects information that is properly classified under criteria established by an order to be kept secret in the national defense or foreign policy.

Exemption 2, which we have used on occasion, protects information related solely to the internal personnel rules and practices of an agency.

Courts have upheld this exemption, stating that the wide variety of records would be of no general interest to the public. It encompasses only records that relate to issues of employee relations and human resources.

Exemption 3 protects information specifically exempted from disclosure by another statute if that statute either requires matters to be withheld from the public in such a manner as to leave no discretion, or establishes particular criteria for withholding or refers to particular types of matters to be withheld.

Exemption 4 protects trade secrets and commercial or financial information that is obtained from outside the government.

Exemption 5 is one that we definitely use, and it protects the record exchange within or between agencies that are normally privileged in a discovery context such as records protected by the deliberative process privilege provided the records are less than 25 years old. Attorney work product privilege or attorney-client privilege. Deliberative process privilege protects from disclosure interagency or intra-agency memoranda or letters that would not be available to a party other than an agency of law by law if they were not government records.

It's aimed to protect the integrity of the agency decision making, so then we're going back and forth on a letter, on policy, on recommendations, that it doesn't show that effect, so that we know when we're discussing it amongst ourselves, that eventually all of our discussions aren't going to be released to the public. So that's what that's there for.

Exemption 6 protects information about individuals and personnel and medical files. Similar files when the disclosure of that information will constitute clearly unwarranted invasion of personal privacy. So if we have a discussion with a member of the public who is not a government employee, that information is redacted. Let's say somebody just had a baby and we're saying congratulations on your son, blah, blah, blah, that information would be redacted. The only thing that is required to be redacted are government files, if it is truly an unwarranted invasion, then that would not be included; that would be redacted from the requester.

Exemption 7 protects records or information compiled for law enforcement purposes but only to the extent that the production of such law enforcement records of information. There's six prongs to that that does not apply to NCD. If you all are interested in it, I'll be more than happy to tell you about it later on.

Exemption 8 protects information contained in or collected by to examination operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions. That was a lot.

Exemption 9 protects geological and geophysical information and data including maps concerning wells. I don't think we'll be using that.

Next slide, please.

So as agency leaders, there's different -- your role is to help basically to provide input and support to assist FOIA professionals throughout records and review process. So when we do reach out to you and say, hey, did you get an email from such and such, or what have you, just letting us know yes or no so that we can comply within that 20-business-day period.

And you guys are also uniquely situated to identify records of interest to the public. If there is something that you feel NCD has produced that may have slipped by us that should be on our website or should be in the FOIA reading library, let us know.

And also to ensure that records of interest are proactively posted on the website.

There's also the chief FOIA officer, which Joan had been in the role of that for many years. I have assumed that recently. And it is up to me, then, to ensure that agencies efficiently and appropriately comply with all FOIA regulations.

Next slide, please.

Another key player in FOIA is the Office of Government Information Services. They're responsible for reviewing agency FOIA policies, procedures in compliance with FOIA; identifying procedures and methods to improve FOIA compliance; also provide mediation services to help resolve FOIA disputes; and provide dispute resolution training for FOIA professionals. They also engage in outreach activities with stakeholders.

Next slide, please.

DoJ also plays a role with their Office of Information Policy. It encourages agencies' compliance with FOIA, provides training and counsel to agencies. They have a FOIA hotline that we can call regarding any queries that we have, and they also offer government-wide policy guidance.

Next slide.

All agencies are required to submit various reports throughout the fiscal year. Wouldn't be a government program if not. And these reports assist in identifying and providing guidance to agencies.

The annual FOIA report is due at the end of the first quarter of the fiscal year, and it captures an agency's FOIA activity for the entire year. Data reported in the report are the total requests received, the disposition of those requests, whether the request was granted, whether it was denied, what exemptions were used, were there partial grants, were there full grants, was it a simple request, was it complex. And many other data collection. It's a fun one.

It also tracks backlogged requests.

Pending FOIA requests. If an agency has not been able to process within the statutory time frame is the definition of a backlog request.

And a pending request is just a request that has not been fulfilled within the statutory time frame.

It also tracks average processing time as well.

Next slide, please.

And then we have quarterly FOIA reports. And those are pretty self explanatory. They track requests received in the quarter, the requests processed, backlogged requests, and pending requests.

The annual and quarterly report data are uploaded by an agency directly to FOIA.gov and the Office of Information Policy then reviews that information provided in these reports, and they use those to provide various summaries and assessments.

And the FOIA.gov website is available for the public to review agencies' FOIA reports. And it also provides a portal for the public to submit requests as well.

Next slide.

And then the last report is the chief FOIA officer report. It's less of a data report. It's more of a narrative by the chief FOIA officer that describes the steps taken by our agency as to what we have done to improve our FOIA processes.

Next step. Or next slide, sorry.

All right. We're going to test your knowledge. See if everybody is awake this morning. I see Shawn getting his glasses on. All right. We're ready.

So I've got a couple multiple choice questions here. Agency leaders play a big role in helping to effectively carry out FOIA's directives. Which of the following tasks may require assistance from agency leaders? And you may choose all that apply:

Providing input on the sensitivities contained in agency records.

Helping to locate records responsive to FOIA requests.

Promptly responding to agencies' FOIA professionals so that the agency can comply with FOIA deadlines.

And/or helping to identify records of interest to the public for proactive disclosure.

Anyone?

SASCHA BITTNER: I'm going to go with all of the above.

AMY NICHOLAS: You got it. I wish I had some candy to throw at ya. Correct.

Okay. Next slide, please.

Agencies must release requested records. Choose the best answer.

A, that are not older than 5 years.

B, except to the extent that they are exempt from disclosure.

C, in full.

D, that are digitally formatted.

KIM RIDLEY: I'd say B.

AMY NICHOLAS: You got it. Good job. B is correct.

Next slide, please.

By law, agencies must proactively disclose which of the following records?

A, frequently requested records including records that have been requested and released three or more times.

B, staff manuals and instructions that impact members of the public.

C, final opinions and orders rendered in the adjudication of administrative cases.

Or D, certain policy statements adopted by the agency and not published in the Federal Register.

All of the above.

Next slide, please.

The records you or anyone in your agency blank will be subject to a FOIA request or to the laws of automatic disclosure requirements. Choose the best answer.

A, obtain.

B, create.

C, obtain or create.

Or D, none of the above.

RISA RIFKIND: Is it C? Obtain or create?

AMY NICHOLAS: It is. Way to go, Risa.

Next slide, please.

And I hope this presentation has provided a better understanding of the FOIA process. We all share responsibilities to successfully administer FOIA at our agency.

The Supreme Court has doubled down basically and stated that FOIA should not be dismissed as just a convenient formalism, and that access to government records is a structural necessity of any real democracy. FOIA is all of our responsibility, and your support is definitely critical to ensure full compliance.

I advise that you guys only use government-issued devices when communicating in your official capacity, and to be mindful how and what you communicate on those devices, because your communications may one day become subject to a FOIA request and be made available to the public.

Next slide.

Up for questions.

SASCHA BITTNER: Because of my disability, I normally use my personal computer with my NCD email to, you know, communicate. I always keep it very professional, but it is on my personal computer. Obviously not when I'm talking to NCD, but my personal computer has personal stuff on it, including my non-partisan activism.

How does that work?

AMY NICHOLAS: That's a really good question. When someone requests, they're requesting information or requesting records, and as long as you are only using your NCD email when responding to NCD requests, anything else you do on your personal computer is private. That's your information.

SASCHA BITTNER: Yeah, I mean someone wrote me on my NCD email. I knew it would get political, and I was like, no, use my personal email address. You know, this is a government email.

AMY NICHOLAS: Right.

SHAWN KENNEMER: So let's say a lot of us here are activists and we do a lot in our personal lives. So a lot of the Council members.

So my question is, so like if Sascha and I are communicating not NCD stuff but like who did you speak to in California, for example, that's all protected, correct?

AMY NICHOLAS: Yes.

SHAWN KENNEMER: Because it's not our official capacity?

AMY NICHOLAS: Right. If you do not have your NCD hat on, basically, as you're communicating, it's just like if Ana and I were talking about, you know, what we did this weekend personally. Kind of the same thing. Just a different subject matter.

SHAWN KENNEMER: So when I'm speaking to my members of Congress, on a personal thing, right, and they ask me, so what's going on with NCD. I mean, I'm often torn. I'm like...

So my advice or my thing is, if I say, look, I can't speak to you in official capacity for NCD. Yes, I'm on the Council; however, this is my personal. So trying to always make that distinction.

AMY NICHOLAS: Right.

SHAWN KENNEMER: And the communications I have with them are always through my personal email. And sometimes that comes up.

Would those be disclosed when they ask me about NCD? As long as I respond, this is not --

AMY NICHOLAS: As long as you respond, right, this is not my NCD capacity, this is in my personal capacity, or my other hat.

SHAWN KENNEMER: It's such a fine line.

AMY NICHOLAS: It is. I agree with you.

SHAWN KENNEMER: I mean, Kim, you, being government for New York as well, like yeah. That's...

AMY NICHOLAS: Yeah.

SHAWN KENNEMER: Okay.

RISA RIFKIND: The division of personal versus NCD, I mean, none of the Council members have laptops. But I understand email, but like we get attachments and stuff that we have to download and save. Like, you know, I'm just thinking like Ana, when I reviewed the transportation report, I had to download, save it in my files, do updates, and send it again. So it went off email and then it went back on email.

Can just clarify? What does that mean?

SHAWN KENNEMER: Yeah. So I'll say, so like I use my iPad a lot and I make handwritten notes on the agenda and stuff. Is that all discoverable?

AMY NICHOLAS: Not if it's predecisional.

RISA RIFKIND: Not if it's what?

AMY NICHOLAS: I'm sorry.

RISA RIFKIND: Lawyer. Speak English. I should have gone to law school.

[Laughter]

AMY NICHOLAS: The moment that came out of my mouth, I knew that was the wrong verbiage, Risa.

RISA RIFKIND: It sounded very official. I appreciate it.

AMY NICHOLAS: Thank you.

If the notes that you're taking are simply notes, they're not the they're just like interagency, candid -- not candid. If they're discussions and not the final document, no. They are not releasable.

In answer to your question, Risa, is that the information going back and forth when we've been required to pull documents, we pull them from the attachments on the emails. We're not going to go in and say, hey, we need your computer to go in and pull everything in there. They're pulled from the emails that have gone back and forth.

RISA RIFKIND: That's reassuring. Thank you.

AMY NICHOLAS: Yes.

RISA RIFKIND: I have another question, and I'm glad you did raise the FOIA requests recent that were targeted.

I was wondering, what is the process for communication to the full council about FOIA requests? I think -- I mean, you shared numbers of the increase, so I don't know if we want to know every single one. But there certainly seems like there are some that should maybe be notified to the full council, or I don't know, just...

SHAWN KENNEMER: Well, maybe at each of our meetings, there should be a section of this is FOIA requests, and can we do an overview of that on the agenda in the future?

AMY NICHOLAS: Sure. That's fine.

SHAWN KENNEMER: For the business part, that might give us an idea. Especially if we're not having to deal with it... it's ringing. Sorry.

RISA RIFKIND: Yeah, I don't know if it's --

SHAWN KENNEMER: Yeah, I don't know. Maybe.

So yeah, I think probably like maybe just a 5-minute reportout, this is what's happening, if we had some of those. And if not, then we'll just skip it.

AMY NICHOLAS: Yeah, that's fine. And I knew that was a -- unfortunately, with any -- anyone can request a FOIA or can put in a FOIA request. We had a gentleman who was a frequent requester from Ethiopia, and one of his questions was what Britney Spears song I had on my -- to the --

SHAWN KENNEMER: Do you think that some of the FOIA requests are just trying to play gotcha for lawsuits? Is that what we're looking at? Or political gotchas? Like...

AMY NICHOLAS: It's a really good question. What I can say is the last two years, '23 -- well, '24 -- '23 and '24 and even going into '25, the majority of the requests have come from folks affiliated with the Daily Signal as well as part of The Heritage Group.

I would say the majority of them have come from there. I'm trying to think of the most recent request we received, or not recent, but one request we received back in December was for the last 225 emails from Claudia. And I believe there were three others involved in that as well.

RISA RIFKIND: Risa, Theo, and Hoskie, the other three.

AMY NICHOLAS: And unfortunately, we have to comply. So I mean, I'm more than happy to let you all know when something comes in that's targeting a specific person, but I didn't -- it has not been the norm -- just because the amount that have come in. But if you want to know, I'm more than happy to -- we can do it quarterly or I can send you the requests when it comes in.

SHAWN KENNEMER: I think -- I'll ask the Council, what do you want. I'm thinking quarterly. But if involving you, you're going to have to know immediately anyway.

KIM RIDLEY: I think if it's involving a particular person --

[Multiple people talking at once.]

THEO BRADDY: This is Theo. I'm sorry if I interrupted. I would like to know as soon as possible.

SHAWN KENNEMER: Okay. So if we get them, a quick email out to the Council?

AMY NICHOLAS: If it's all right with you all, I can just forward the requests that we receive and that way you have it in its entirety.

SHAWN KENNEMER: Yeah, I think then we can just do a quarterly report at the meetings as well, just a recap.

RISA RIFKIND: Yes. And I had no idea you were spending so much time so I think it's helpful for us to recognize the many things that you are doing. It takes effort. So yep.

And then I was just wondering, like, what is the follow-up, though, after you review, because I actually don't know what was actually sent or not sent during the last one. You don't have to tell me now, but I just think when is that like closing report look like when they come in. Again, I think you deemed it like nothing was there. But I don't know if I was formally told that.

AMY NICHOLAS: And that I apologize for.

RISA RIFKIND: No, I'm not calling you out.

SHAWN KENNEMER: She is calling you out.

[Laughter]

RISA RIFKIND: I'm not. Clearly we need to create new processes. So the quarterly report, the notification. And I'm assuming this is not ending anytime soon.

AMY NICHOLAS: I think you're right. Normally what we do, and you're correct, normally I respond to the requester, but then don't let you all know what the end result is, so that is a gap that needs to be addressed.

Yeah, we just responded to the requester and said there was no responsive documents, end of hard stop, and we did not receive a follow up from them as to... so...

RISA RIFKIND: Thank you.

AMY NICHOLAS: You're welcome.

SHAWN KENNEMER: Any other questions?

Thank you, Amy, for that presentation. I think it's very informative.

And we will move on. It's clear that I think looking at the history that I've done research with the national council, we've always been an open book and nonpartisan in our capacity because we're here for one purpose, and that's to help people with disabilities and to point out to our government what's needed.

So really appreciate your time, Amy. Thank you.

AMY NICHOLAS: Thank you for letting me do it.

SHAWN KENNEMER: Okay. Moving on. This is the Chairman's report. It says I have 15 minutes. It's not going to be 15 minutes.

I wanted to share with the council and the staff that are here and on the phone kind of the vision that, for as little bit of time that I may have as the Acting Chair moving forward, is setting some priorities.

It's one of the things Ana and I talked about when we were talking about me promoting her to the Executive Director, and moving forward.

So what does that look like.

I think the time has come, and I think that's always been the vision for NCD, that we just haven't been 100% effective at it, but when legislation or proposed or there's talks that have an effect on people with disabilities, NCD has to be the first call, to get our opinion and to review. That's at the White House, that's in the House and the Senate. We have to be that.

I can tell you in my experience in asking even my representatives who even one that's no longer there that made my appointment, what is NCD and we have been, all of them said, you're an advocacy group. So that is a messaging problem I think we've had. We're not an advocacy group. We are the -- we are supposed to be the leaders on the services and pointing out how legislation and how the issues affecting people with disabilities, not advocating, not advocacy work.

So as we move forward, I'm going to say that includes, as you saw the letter that we reached out to the Make America Healthy Again. We should have been on that table, that seat. That's still a work in progress. And only going forward, whenever there's a panel or anything, we need to have a seat at the table. That is our fundamental, that is our foundational part of our agency.

So with that, I will ask, so at our August meeting, I'm going to ask that we know that in August the Congress is dark. They're not going to be in for all of August. But we're going to be in D.C. And the way to get that acknowledgment is we have to be reaching out to the staff. You know, in my 35 years of doing this and advocacy work in California, yeah, I have personal relationships with my members of the California assembly and Senate and then my representatives for the House, congressional House, but that didn't start with them. It started with their staff.

So I think it's a great opportunity, I'm going to ask the Council Members, the people in your, where you live, your local area, reach out to their offices. We need to have them at our next meeting. They need to see what we're doing, and we need to start making connections with, I would say their Chief of Staff or at least their head policy Directors should be there. I'm going to put that out as a challenge to get them there going forward.

I'm very, very impressed by where we're -- the vision. The staff are doing an amazing job. I got a chance to spend a day with them, couple weeks ago? Three weeks? Early May? And the ideas and the stuff coming out from the staff, they're amazing.

So as Council Members, as we support them moving forward, anything that we can assist with, they need to be reaching out to us. And just know that, take the opportunity to tell the staff how great they are every chance you get.

With that, that is my Chairman's report.

At this time, I will turn it over to Kim and Keith for the Executive Committee reportouts. Is that supposed to be Sascha? Okay. Sascha, please.

ANA TORRES-DAVIS: My mistake, Sascha.

SASCHA BITTNER: Council Members, as the governance chair, I need to memorialize for the record any votes taken by the full council between council meetings.

For the record, I am memorializing the electronic vote of the National Council on Disability to approve the fiscal year '26 NCD budget for submission to OMB and Congress.

That is the end of my report. Thank you.

SHAWN KENNEMER: Thank you, Sascha.

Now we'll move on to the financial report. And this will be Kim and Keith. Probably Keith, right? Yeah. Keith.

KEITH WOODS: Thank you, Mr. Chairman. Hello? Okay.

Thank you, Mr. Chairman. I want to discuss our current budget and provide some updates. Our total budget is $3,850,000. As of April 30th, we spent $1,877,181. So we are on track with our expenditures.

We are now starting our biannual audit which will continue until mid-October.

There have been a few changes. Previously, NCD held four in-person meetings. During COVID we switched to all teleconference meetings. While this saved money, it didn't allow us to connect with the community we would serve. Therefore, we are reallocating funds to host more in-person meetings.

As you might expect, costs for things like travel, lodging, audiovisual service has doubled since COVID. So far we have had two in-person meetings and preparing for a third one.

Another significant change is that during COVID, our staff worked from home, leading us to relinquish 40% of our office space, saving us around $120,000 a year. With the President's return to work initiative, we are renovating the office to a more open floorplan.

The final change that gives significant savings is before we would work with, we would collaborate with different vendors to produce our reports. Today we are producing our reports in house.

This concludes my report.

SHAWN KENNEMER: Thank you, Keith.

So with that, we do need to report -- need to vote on the financial report and status of funds.

So do I have a motion?

KIM RIDLEY: I'll motion.

SHAWN KENNEMER: Kim motions. Do I have a second?

SASCHA BITTNER: I'll second.

SHAWN KENNEMER: Sascha seconds.

At that, Ana, will you call the roll, please.

ANA TORRES-DAVIS: Shawn Kennemer.

SHAWN KENNEMER: Yes.

ANA TORRES-DAVIS: Hoskie Benally.

HOSKIE BENALLY: Yes.

ANA TORRES-DAVIS: Sascha Bittner.

SASCHA BITTNER: Yes.

ANA TORRES-DAVIS: Theo Braddy.

THEO BRADDY: Yes.

ANA TORRES-DAVIS: Kim Ridley.

KIM RIDLEY: Yes.

ANA TORRES-DAVIS: Risa Rifkind.

RISA RIFKIND: Yes.

ANA TORRES-DAVIS: Neil Romano.

NEIL ROMANO: Yes.

SHAWN KENNEMER: That's it.

ANA TORRES-DAVIS: There we go.

SHAWN KENNEMER: Okay. Thank you. The motion is carried.

We are well ahead of schedule. So if you don't mind, we'll just move on. Let's just move on, then.

Okay. At that, we have, I'm going to ask, is it Joan and the strategic plan presentation and discussion, please.

JOAN DUROCHER: Okay. Thank you. So I've been assigned two things to go through with you now. One, the changes to our strategic plan; and two, dates to put on your calendar for the FY16 council meetings.

First up, NCD currently has a strategic plan in place that covers the period from FY22-FY26. So I'm thinking that perhaps at the next council meeting, we could plan to begin discussions on what NCD's FY27-FY31 strategic plan should look like.

In the meantime, every year staff take a look at the current strategic plan to see if any changes are needed.

We did that, and I want to share those changes with you.

The clean version of the strategic plan is included in your notebook. I did not include the one with the track changes because it would have been just huge.

First, a brief overview of the strat plan.

NCD's strategic framework consists of a vision statement and a mission statement supported by four strategic goals based on our statutory charge and two more strategic goals essential to supporting the four statutory goals.

Each strategic goal is supported by a series of objectives, which describe the direction in which the agency will work to make progress towards its mission.

Each objective is supported by specific strategies planned to make progress on the objectives including cross-agency collaborations where appropriate. A detailed view of each objective and its corresponding strategies follows the overview, including examples of performance goals associated with each objective and identification of cross-agency collaborations core related with objectives' strategies.

I am not going to go through those, but in advance of our next meeting, I recommend that the Council members do kind of a deep dive and start thinking through it and how we need to make more substantive changes to our vision, as Shawn just talked about, and our mission as we develop the next strategic plan.

You know, if we want to focus more on the legislative part of our office and getting to the Hill, those are things for the next round and the next 5 years we could implement.

Rights now I'm just going to go through the current changes we made to be in compliance with the recent EOs which are generally conforming changes, but it's important for you to be aware of them. You don't need to vote on them. They're just to make us compliant.

So first, in compliance with recent EOs, we removed the word "inclusion" and "intersectional" and "equitable." We replaced "equitable" and a couple of those other words with "appropriate," anywhere it was unless it was a quote or if it was part of our statute.

We did keep in tribal and U.S. territory references as they are part of NCD's bylaws and also because although we are not working in any of those areas right now, we did complete that work a couple years ago per the strategic plan, so I thought it was important to keep that in there.

We removed references to EOs that have been rescinded.

We also deleted all references to "traditionally underserved communities," as I mentioned, as part of our goals per the EOs.

The rest of the changes made were generally conforming changes, such as removing references to Twitter and updating that to X. Those types of changes.

Any questions on any of those changes or the plans to address the strat plan at the next meeting? That is my recommendation. That is of course entirely up to the Council if they wanted to devote a significant portion of time at the next council meeting to try to develop a new one.

So that's that on the strategic plan. But any questions on that? Or any of the changes made?

RISA RIFKIND: Thank you, Joan.

This is Risa. Just a question. This would be the first time that I would see this happen.

How much did the strategic plan change from plan to plan? You know, because I mean, there's so much that is statutory requirements. I feel like we have a lane, and I've been part of strategic planning processes on a nonprofit side. Really costly, unwieldily, and expensive. And I don't know if this is the same kind of thing, so just trying to get a sense from you of what it would take to do an update or a refresh.

JOAN DUROCHER: Well, it depends on how I guess intently you want to approach it. Just, when we did the current strategic plan for '22-'26, we did, I believe it was that one, we did hire an outside organization, and it was expensive. And we did spend a lot of time kind of talking through everything we wanted to include in it. And that was a very intensive, very deep dive on changing it.

But there's been other times where it was very, I don't know what word I'm looking for, perfunctory, just thinking we'll comply with, you know, whatever the statute says we have to do and that's that.

So it's really going to be the Council's preference for how they want to approach it. This is this upcoming 5-year period, you know, it might be worthwhile to devote a significant amount of time to thinking through given the current environment what we would like that strategic plan to look like. And, you know, as Shawn mentioned earlier, kind of like a new sort of vision on spending more time focusing on ensuring that our outreach and our messaging starts getting us recognized more readily as a government agency versus an advocacy organization, I think that's wise.

THEO BRADDY: Amen.

SHAWN KENNEMER: Okay. I think, Anne, did you have a comment?

ANNE SOMMERS McINTOSH: Yes. Thank you. This is Anne.

I was just going to directly address Risa's question about, you know, how different do things really get from one to the other.

Joan correctly referenced that we went through a huge process and used a consultancy firm back in 2010, but the latest 5-year plan and the one before it were basically substantially the same. So there was very, very little that changed. Because I think we landed on a plan that made a lot of sense for the long haul, so it wouldn't necessarily have to involve any major overhaul or changes; it could either be slight tweaks or essentially a reasoned discussion and conclusion that the current plan still holds strategic vision for the next 5 years, which is basically where the Council had landed the last time.

Thank you.

SHAWN KENNEMER: Thank you.

I -- so, Joan, can you describe how -- I mean, you said you used outside counsel. So I'm assuming the staff had a say in the strategic plan and the Council Members had input? Or how did that come about? Can you describe that, how that worked the last time? Was it driven by outside sources with council input?

JOAN DUROCHER: Yeah, they were, if I'm remembering, and I can't believe it's been that long. They helped -- what was very useful about having the outside consultancy was they were able to really guide us on how we should focus and really -- and it was both staff and council that were very intensely involved in it.

They were able to help really guide us on, okay, this is what a goal should look like, and this is what you should really, and they really studied NCD and what our statute says and what we're really supposed to be doing and tried to get us to really think through, you know, a very accurate mission statement, a very good vision statement that would live long, you know, as Anne mentioned, that would stay in place for a long time and you wouldn't need to make a lot of tweaks to it over the years.

I thought it was very useful, just because the consultancy did, you know, that's what they do for a living. They walk people through. And I've been involved, like Risa stated, I've been involved in my private capacity with some strategic planning, and it is a very intense, expensive process no matter where you are, you know? But it's useful. And it does, in my view, it does sort of bring the Council and staff together in a lot of ways. You know, in like talking through these things, getting to know each other better on understanding our expectations and understanding of who and what the Council is.

So I think it's a worthwhile process for sure. But it doesn't have to be expensive, but I think that that makes it much better.

SHAWN KENNEMER: Well, are there -- so I'm not familiar with government and strategic planning and what has to occur inside a government agency. Because there are hundreds of ways that a strategic plan could be written in the private sector. I mean, my strategic plan looks nothing like most Arcs in the United States. Because we took a different approach.

So are there regulatory requirements that a strategic plan has to look in a certain way and have certain influences? Or is it pretty much, you just have to have something?

JOAN DUROCHER: Definitely. Definitely. There are definitely rules we follow. You know, we can't say whatever we want. We have to follow what's in I think the FAR. There's some OMB regulations regarding developing strategic plans. But it's, there's a fair amount of leeway there. We're an independent agency.

SHAWN KENNEMER: As long as you stay within your statutory requirements?

JOAN DUROCHER: Yes. Exactly. Yeah.

SHAWN KENNEMER: Okay.

JOAN DUROCHER: We have -- I mean, but our statute, we have a very good statute. I mean, it's very expansive in what we're allowed to look at. And that helps.

SHAWN KENNEMER: I think -- and if the Council agrees, I think in August, we probably need to spend 3-4 hours in a closed room with the staff hammering some of this out.

SASCHA BITTNER: I'm so sorry. I think I need more coffee.

So how can we do a strategic plan? Can we do it in a closed session?

SHAWN KENNEMER: My understanding, yes, we can do it in a closed session as long as we're not voting on the final product, correct?

JOAN DUROCHER: Right.

SHAWN KENNEMER: That has to be -- because it's a work group. To come up with a product.

SASCHA BITTNER: I was just thinking about --

SHAWN KENNEMER: Yeah, no, I have asked that question a lot. Like trying to figure this out.

SASCHA BITTNER: You and I both.

JOAN DUROCHER: The one thing I would caveat on that, because of some of the recent EOs, it might not be possible for us to actual hire a consultancy firm to help us right now, but...

SHAWN KENNEMER: And I would say, I don't think we need a consultant. I have full faith for the staff and Council to do this and put in the words.

The key is, my key is, even in my professional with my own strategic plan at my agency, I can't write the strategic plan. My staff have to have the buy in to know where we're going. So I can point directions all day long, and if my staff doesn't believe that we can get there, then we're not. It's useless.

And I see, I mean, I see time and time again, most strategic plans are useless because it's a blanket statement and there's no meat in it. We have to -- you know, I'm a believer in you point a mission that is so unachievable that when you get there, people, when you started people will say, we can't do, that there's no way we can get there, but we have to be moving towards that. That's the way I look at projects and how we do it. We have to have something that, you know, there's a saying, if everybody in the room says that's achievable, you didn't think big enough. You have to -- everybody has to say, I don't know how we're going to do it, but we're going to do it. So it's the Kennedy, we're going to go to the moon, and NASA saying, what? We just put someone in space, not even in orbit.

I think, yes, I think day 2 would be a perfect time to do that. I mean, this is now the second meeting where we're way ahead of schedule on a day 2. I think we can really map out some time and close the days and do that.

So Joan, I'm going to ask you, can you please send out the current strategic plan to everybody? In an email? And all the supporting. And I think we can start having conversations through email on this as well. So we're better prepared.

I have some ideas and asking questions and stuff that I'll send out, I'll try to get out to the Council members as well so that we're prepared and have a really good working session.

SASCHA BITTNER: A question. What meeting?

SHAWN KENNEMER: The August meeting. We have decided on dates, right?

ANA TORRES-DAVIS: Joan, you have those dates, yes?

JOAN DUROCHER: I have all the meeting dates.

SHAWN KENNEMER: Okay. So we beat the strategic plan to death. Any other questions?

Great. All right, Joan. Continue on, Joan.

JOAN DUROCHER: Okay. So there's that.

Okay. The dates. Okay. So the next one, as we just mentioned, August 7-8. So that's the first week of August. And that's in D.C.

Then the next one after that will be this November, first week in November, but that's going to be a virtual meeting. And that will be November 6-7.

ANA TORRES-DAVIS: No. Only one.

JOAN DUROCHER: One day. Okay. So 6.

ANA TORRES-DAVIS: Virtual. Pretty short.

SHAWN KENNEMER: November 6th.

JOAN DUROCHER: Okay. So then the following one after that will be the first week in February, and that's February 6-7, and we are planning for Orlando, Florida.

SHAWN KENNEMER: 5th and 6th. Should be the 5th and 6th?

JOAN DUROCHER: Yeah, right, right, right. You're right.

So November 6-7, February 5-6.

And then the next one after that will be the first week in May in D.C. again on May 7-8.

So I guess the easiest way for me to remember is first week of each one of those months, always that Thursday and Friday, except for the virtual meeting will be one day.

SHAWN KENNEMER: So I will just quickly point out the reason we chose Orlando, and Neil, if you're still on the phone, we chose --

NEIL ROMANO: I am here, Mr. Chairman.

SHAWN KENNEMER: We understand that you're in that area, correct?

NEIL ROMANO: That is correct.

SHAWN KENNEMER: That's why we're coming to see you, one, because nobody wants to be in D.C. in winter, and two is, Ana, if you will remind me, there was a policy that we were looking for Neil. I forget what we were talking about. There was a reason. And it has to do with you. Because that is your area, and having you lead some of that. And we decided also, if for some reason you're no longer with the Council, which God forbid that would be horrible, we want you to stay with the council, but then we get a chance to honor you as well for being a part of the Council.

NEIL ROMANO: Well, I am ready to pitch in as much as I can.

SHAWN KENNEMER: All right. So the staff will be reaching out to you down the road to plan for that.

So --

NEIL ROMANO: Thank you, Mr. Chairman.

SHAWN KENNEMER: All right. Thank you. Joan, is there anything else?

JOAN DUROCHER: That concludes my report.

SHAWN KENNEMER: Joan, thank you so much, Joan.

HOSKIE BENALLY: Can we get an email on those dates for the meetings?

ANA TORRES-DAVIS: Yes, I will send you an email just with the four dates, and we also sent them out. So at some point will you see them showing up on your calendar.

HOSKIE BENALLY: Thanks.

ANA TORRES-DAVIS: They should be on your calendar for now. Hopefully. But I'm still going to send those out in one email.

HOSKIE BENALLY: G. thank you.

ANA TORRES-DAVIS: No worries.

KIM RIDLEY: Quick question. When do we get the remaining two dates for 2026?

SHAWN KENNEMER: We just did.

KIM RIDLEY: That's it?

SHAWN KENNEMER: That will be four. So August and November will be the next two.

KIM RIDLEY: No, no, no, going forward.

SHAWN KENNEMER: Oh, the other two for 2026.

KIM RIDLEY: Yes, sorry.

SHAWN KENNEMER: Um, I guess we can plan that. Let's plan in August to figure out those.

KIM RIDLEY: Okay.

SHAWN KENNEMER: I think that would be a good use. So most likely, so May, so it would be August and then November again. I mean, we can plan on the first week each time.

One will be virtual, one will be travel, and we'll figure that out. Like I said, it all depends on budgets too. So I think we're good for fiscal year 26, right? Did we already get the appropriations for that? Or just through the end of this year?

ANNE SOMMERS McINTOSH: We just have our appropriation through FY25.

SHAWN KENNEMER: Just through FY25. Okay. So yeah, we'll figure out more, because we may, who knows what appropriations is going to look like.

Any other questions from the Council Members? Anything that you guys wanted to bring up as a Council Member? Any issues or concerns?

Okay. Hearing none, then before I ask for a motion to adjourn, I just wanted to thank everybody for being here. Council Members, thank you for your time, and to your support staff that have come with you. I know we're all very busy and it's difficult to get away, but thank you for all of those.

To the staff, I once again want to thank you for making us on the Council look good. You know, we look good because of your work.

The JW Marriott for hosting us. I mean, it's really nice, but particularly Kim thank you for hosting us in your great state. And as we move forward, I wish everybody safe travels back to your homes and please be safe.

With that, I will ask for a motion to adjourn.

SASCHA BITTNER: I'll move.

SHAWN KENNEMER: Sascha.

RISA RIFKIND: I'll second.

SHAWN KENNEMER: And Risa seconds.

All in favor, just say aye.

And we are adjourned.

Thank you, Neil and Theo, for joining us on the phone. Neil, why are you joining us from overseas?

NEIL ROMANO: No, I actually got home last night.

SHAWN KENNEMER: Oh, you did? Okay. We were all wondering why you would want to do that. But thank you so much.

NEIL ROMANO: Thank you so much. Thank you, everybody. Bye bye.

SHAWN KENNEMER: Bye. Thank you. Safe travels.

NEIL ROMANO: Bye.