

# Americans with Disability Advisory Council Minutes

**Date:** Tuesday, October 5, 2021

**Time:** 5:30 p.m.

**Location:** Zoom

## Council Members Present:

Travis Davis, Chair  
Daniel Strones  
Kerry Houlihan  
Matthew Loehman  
Sean King

## City Staff Present:

Leigh Brunner, Assistant City Attorney  
Jordan Vargas, Title II ADA Coordinator  
Crystal Velarde, Minute Taker  
Jeannette Chavez, Risk Manager

## Council Members Not Present:

Kaatje van der Gaarden  
Diane Mourning Brown, Vice-Chair

## Members of the Public

Heather Benavidez, ABLE New Mexico  
505-231-1545  
Karen Cushnyr

- I. **Call to Order**
  - a. The meeting was called to order at 5:34 pm with Chair Davis, and members Strones, King, Houlihan and Loehman.
- II. **Approval of Agenda**
  - a. Member Strones moved to approve the agenda, and Member Loehman seconded the motion. The motion was unanimously approved by other council members.
- III. **Approval of September 7, 2021 Minutes**
  - a. Member King moved to approve the minutes for the September 7, 2021 meeting, and Member Houlihan seconded the motion. The motion was unanimously approved by other council members.
- IV. **Introductions**
  - a. All who were present introduced themselves.
- V. **Public Comment**
  - a. There was no public comment for this meeting.
- VI. **Presentation with Matt Loehman, Executive Director of Horizons of New Mexico on the New Mexico State Use Act**
  - a. The New Mexico State Use Act became law in 2005. The Act increases employment opportunities for individuals with disabilities through public contracts. The contract is with Horizons of New Mexico, which Member Loehman is the Executive Director of.
  - b. Services provided by Horizons of New Mexico include clerical work, hospitality, as well as computer refurbishing and manual labor.
  - c. Horizons of New Mexico FY 2020
    1. Provided \$2.2 million dollars in wages to individuals with disabilities.
    2. Assisted in employing 280 New Mexicans.

3. Worked with 20 business and non-profits from across New Mexico.
- d. Horizons of New Mexico can be broken down into 3-parts.
  1. NM Council, ratifies contracts: presents services, compliance & represents members
  2. Members, perform service contracts: marketing, contract procurement & allocation, accounting, training & education.
  3. Customers, Agency oversight: marketing, PO's, invoicing/payment, and customer relations.
- e. Participants include
  1. Nonprofit Community Rehabilitation Programs such as Adelante Development Center and Tresco.
  2. Small businesses owned at least 51% of individual(s) with qualifying disabilities.
  3. Entrepreneurs with qualifying disabilities.
- f. Qualifications
  1. 75% of direct labor has to be performed by qualified individuals with disabilities.
  2. Come through the Next Care Team division of Vocational Rehabilitation, have a medical diagnosis sent in by their provider or be a disabled veteran with a rating of 50% or greater.
- g. Process
  1. State & local agencies submit procurement opportunities for the right of first refusal.
  2. Horizons will submit a proposal on an individual's behalf or on the small businesses/nonprofit's behalf.
  3. The clients will notify Horizons of New Mexico to accept or decline the proposal. Declinations typically occur if the proposed price is .10% than the outside bid.
  4. There is also a council who reviews contracts.
    1. The council is made up of 9 members. Three are appointed by the governor, five are selected by governor appointees and one is the head of the New Mexico state purchasing division.
  5. Contact information: Matt Loehman  
[mloehman@horizonsofnewmexico.org](mailto:mloehman@horizonsofnewmexico.org) or visit the website at [www.horizonsofnewmexico.org](http://www.horizonsofnewmexico.org).

**VII. Presentation with Heather Benavidez, New Mexico State Treasurer's Office on ABLE New Mexico**

- a. The Achieving a Better Life Experience (ABLE) Act was passed in December of 2014. It is the federal legislation that allows families and individuals with disabilities the opportunity to create tax-advantaged accounts that can be used to help maintain health, independence, and quality of life. ABLE New Mexico offers savings accounts, checking accounts as well as trust accounts. The money in these accounts will not affect a person's eligibility for benefit programs like SSI, Medicaid or housing assistance.
- b. Benefits of ABLE New Mexico
  1. Provides financial independence for individuals with disabilities.
  2. Increases their ability to save without losing benefits. An individual can save up to \$15,000.
  3. Provides investment opportunities.
- c. Qualification for an ABLE account

1. New Mexico resident who developed their disability prior to age 26
  2. Must also meet one of three:
    1. Eligible to receive SSI or SSDI due to disability but do not need to be receiving.
    2. Have a condition listed on SSA's "list of Compassionate Allowances Conditions"
    3. Self-certification (attestation of disability during the application process, including physician info).
- d. Process of ABL New Mexico accounts
1. Opening an account
    1. Online enrollment, takes about 20 minutes. Account holders should have the bank account they are planning to link their ABL account to & their disability information, including any benefits they might be receiving.
    2. \$25.00 minimum opening deposit.
    3. All can be done by individual with disability or an authorized legal representative (ALR).
  2. Funding the account
    1. There is an annual limit of \$15,000 which aligns with the gift tax exclusion. Unless employed an individual can contribute an additional \$12,760 per year. There is also a lifetime limit of \$501,000. If funds are spent contributions can continue. The system will reject any excess contributions if the person gets to the \$15,000 a year.
    2. SSI Considerations
      - a. Accounts balances over \$100,000 count as a resource and the lifetime limit for someone with SSI is \$100,000 not \$501,000. An account holder's income contributed to an ABL New Mexico account is counted as income. Regardless of the account balance it will not affect medical benefits.
  3. Account options: investment and saving
    1. Four vanguard mutual funds ranging from aggressive to concrete: growth, moderate growth, conservative growth, or income. Investing is not mandatory it's just an option. Investment options can be changed twice a year. There is no penalty or tax on any money made on investments.
    2. One FDIC-Insured option: BankSafe (default option, functions as a checking/saving account).
  4. Spending ABL New Mexico Funds
    1. Withdraws must be spent on anything that relates to the account holder's disability or helps to maintain, improve your health, independence or quality of life. Examples include rent, education, transportation, assistive technology, vacations, medical or legal bills, as well as funeral & burial expenses.
    2. There is no fee for withdraws and no limits. Funds may be transferred to a personal checking or savings account. Third party checks are useful for rent or transfer to STABLE card. ABL New Mexico will not ask what you spend the money on but benefits agencies and the IRS will. Receipts can be uploaded to assist with maintaining records as well as using the STABLE Card.

- a. STABLE Cards are loadable VISA cards. They operate like a gift card because they do not pull directly from the account. There is no cash access with a STABLE Card and they must be requested. STABLE Cards do not come automatically when an ABLE account is opened. A STABLE Card can also send text alerts to monitor spending.
3. Account holders are not allowed to spend the funds from an ABLE account on alcohol, tobacco, gambling, or adult entertainment. The funds may not be gifted to another person. If the account holder violates this the account will be canceled.
5. Account cost
  1. Maintenance fee: \$3.25 per month but is charged quarterly at \$9.75.
  2. Asset-based fees based on choice of investment are between 0.45% and 0.59%
6. ABL New Mexico & special needs trust accounts can work together but ABL does not offer trust accounts exclusively.
7. In the event the account holder passes, the account will go to the estate of the account holder. The estate administrator will notify STABLE and can take over the account access. The funds can be used to pay any outstanding bills, and/or funeral/burial expenses. The funds in the account cannot be left to anyone except a sibling who also has an ABL account.
8. Contact information & resources.
  1. [team@stableaccount.com](mailto:team@stableaccount.com); 1-800-4391653 are available Mon-Fri 7 am- 8 pm EST or [ablenewmexico.com](http://ablenewmexico.com)

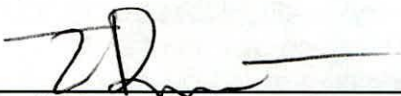
**VIII. New Business and Announcements from Members**

- a. Member King & Member Loehman will not apply for reappointment to the ADA Advisory Council. They will both attend until their replacements are appointed.
- b. Reminder the November meeting will be held on the 9<sup>th</sup> due to elections.

**IX. Adjournment**

- a. The meeting adjourned at 7:10 pm.

**The next regularly scheduled ADA Advisory Council Meeting will be Tuesday, November 9, 2021.**

  
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Travis Davis, Chair

11/9/21  
\_\_\_\_\_  
Date