

FILED  
Court Administrator

STATE OF MINNESOTA  
COUNTY OF RAMSEY

JUN 20 2011  
By Bit Deputy

DISTRICT COURT  
SECOND JUDICIAL DISTRICT

Case Type: 14 Other Civil

In Re Temporary Funding of Core Functions of  
the Executive Branch of the State of Minnesota

Court File No. 62-cv-11-5203

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**AFFIDAVIT OF JERRY MUELLER IN SUPPORT OF  
INTERVENORS' PETITION FOR TEMPORARY FUNDING  
OF GOVERNMENT ASSISTANCE PROGRAMS FOR VULNERABLE PERSONS**

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STATE OF MINNESOTA    )  
  )ss.  
COUNTY OF Washington)

Jerry Mueller being duly sworn, on oath says:

1. I am an adult resident of the State of Minnesota, and make this Affidavit on the facts and circumstances to the best of my knowledge and recollection.

2. I am the executive director of the Minnesota Development Achievement Center Association ("MnDACA"). MnDACA is one of the largest provider groups in the state of Minnesota, with about 65 members. Our members consist of private non-profit 501(c)(3) organizations and state-operated programs that provide day training and habilitation ("DT&H"), supported employment ("SES"), and adult day services ("ADS") to adults with developmental disabilities (collectively, our "Members"). Most of our Members are located outside of the Twin Cities metropolitan area.

3. The mission of MnDACA is "an association of agencies which promotes public policy to strengthen members' abilities to provide quality services to citizens with developmental disabilities in Minnesota."

4. Our Members are licensed through the Department of Human Services (“DHS”) to provide the DT&H, SES and ADS services (collectively, the “Services”) to disabled individuals to help them develop and maintain life skills, participate in community life and engage in proactive and satisfying activities of their own choosing, including:

- Supported employment and work-related activities (such as on-site, work-crew and competitive environment) and non-vocational supports (such as adult day services, habilitation and retirement);
- Community integrated activities, including the use of leisure and recreation time, discovering connections and volunteering;
- Supervision, training and assistance in the areas of self-care, communication, socialization and behavior management;
- Training in community survival skills, money management and therapeutic activities and empower other choice-making skills that increase adaptive living skills of a person; and
- Transportation services for non-medical purposes to enable persons to participate in the services listed above.

5. Our Members provide these Services to Minnesotans with disabilities under the waiver programs described in paragraph 7 of the Affidavit of Bruce H. Nelson.

6. There are nearly 14,000 Minnesotans working through DT&H programs at 6,000 businesses in the State and earning \$46 million in wages according to a 2006 DHS survey. These individuals are hired by businesses as an employee or work as part of a crew at a business location, or assemble components outsourced by a business to be sold in the market. Like other employees, they earn wages and pay state and federal income taxes. Employment in these

positions is critical to the disabled individual's self-esteem as a person of value and his/her ability to earn discretionary income to purchase those things that define his/her quality of life.

7. The state government (with federal Medicaid participation) is the primary, and in almost all cases, the only source of funds for payment of the services provided by our Members. With rare exception, Medical Assistance payments cover all services our Members provide under the waiver programs.

8. The day training and habilitation, supported employment and adult day services provided by our Members to Minnesotans and paid for through Medical Assistance were determined by the Honorable Gregg E. Johnson, chief judge of the Ramsey County District Court, in 2005, as critical and essential services provided by the State.

9. Our Members have explored all viable options available to handle an immediate cessation of Medical Assistance and other government payments and none of them are feasible. If the government shutdown were to occur, our Members would not have the funds necessary to pay for staff, rent, utilities and other operating expenses required to provide their services and programs to the thousands of Minnesotans with disabilities, who depend upon these services for their care, employment and livelihood. I suspect that very few of our Members have sufficient cash reserves to continue paying these operating expenses beyond a week to ten days.

10. In the event of a government shutdown, our Members would initially look to lenders for assistance, but I believe only a few, if any, of our Members would be able to secure any sort of bridge financing from a lender given the credit markets and the fact that our Members would not have a stream of payments from Medical Assistance to secure the financing request.

11. Without the funding provided through Medical Assistance, our Members would be forced to lay-off staff and suspend their operations. Without the services of our Members,

many of the clients served by our Members will lose their jobs and, thus, will no longer be earning any income for their discretionary expenses or paying state and federal income taxes. Clients will no longer have DT&H, SES, or ADS programs to attend, meaning they will be forced to remain in their family homes or group residential homes with limited and, in some cases, no social or community interaction. In cases involving family homes, parents and/or siblings may not be able to continue working because they need to stay home to care for their loved one and group residential providers would need to add an additional 30 hours of staffing per week to supervise clients during the day without any additional funding.

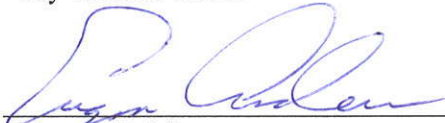
12. If our Members are unable to provide the support and training services required by businesses in connection with client job placements, businesses will be forced to fill these positions to maintain their operations and the lack of temporary funding for these services could irreparably threaten our Members' relationships with employers, many of which have taken years to build. Employers cannot wait for our Members' programs to restart and, given this uncertainty, may be unwilling to offer citizens with disabilities employment opportunities through our Members' programs in the future.

13. In every instance, our Member programs and services allow nearly 14,000 Minnesotans with disabilities the opportunity to work in meaningful jobs, be actively engaged in their communities, build relationships with non-disabled peers, enhance their personal skills, and pursue life with dignity.

FURTHER YOUR AFFIANT SAYETH NOT

  
\_\_\_\_\_  
Jerry Mueller

Subscribed and sworn to before me this 20th  
day of June 2011.

  
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Notary Public

