

BOARD OF DIRECTORS' MEETING

September 28, 2009

Presiding: Ralph Griffin

Board Members

Present: Patricia Albeño
Ronald Clay
Mike Kuller
Donald Morris
Will Sanford
Anne Struthers

Nyron Battles
Kathy Hebert
Hilda Mariscal
Carmen Quinones
Claudia Sladen

Board Members

Excused: Shana Cohen
Lauri Parks

Chi Lee

Staff Present:

Bill Barbaria
Carol Bohnsack
Francine Davis
Terri Jones
Lisa Kleinbub
Ella Liggins

Mara Bearse
Jim Burton
Susan Driggs
Rhonda Kimble-Kelly
Nancy Kubota

Guests Present:

Sharon Hagerty
Isabel Lozoya
Sandi Soliday

Gina Jennings
Rocio Smith

CALL TO ORDER

President, Ralph Griffin, called to order the regularly scheduled business meeting of the Regional Center of the East Bay at 7:02 OM. The meeting was opened with a moment of silence in memory of RCEB case manager, Angella Brown. Self-introductions were made.

CONSENT AGENDA

M/S/C “The Board moves to approve the agenda for September 28, 2009 and the minutes of the July 27, 2009 meeting as presented.”
(Kuller/Battles) Unanimous.

Mr. Burton requested that one item be added to the agenda for this evening and wished Mr. Griffin a belated happy 80th birthday. Mr. Griffin was presented with a birthday cake in honor of this significant life event.

PUBLIC COMMENT

Isabel Lozoya, with interpretation by Rocio Smith, recognized RCEB and especially Jim Burton and Nancy Kubota for the continued support for Congreso Familiar. RCEB’s support has helped to bring needed information to parents and families of children with special needs. Mr. Burton was presented with a plaque to honor RCEB’s support of the event.

Hilda Mariscal explained the importance of this annual event in getting advocacy information to families so they are better able to care for their children.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Ralph Griffin

There was no Executive Committee report this evening.

BUDGET AND FINANCE COMMITTEE: Mike Kuller

Mr. Kuller distributed and reviewed the Financial Status Report for August 2009. Mr. Kuller noted that the report was modified for this evening’s meeting due to the absence of detailed budget projections. Receipt of the A-1 allocation was delayed pending the implementation of the Trailer Bill Language. Staff will complete their analysis of the preliminary allocation in the Sufficiency of Allocation Report (SOAR) and this report will be the basis of our projections for the fiscal year. Mr. Kuller noted that both the POS and Operations budgets for the year are essentially no growth budgets.

Mr. Kuller reported that the lump sum cash advance from the Department of Developmental Services was delivered in three payments this year and not the typical single advance payment. Despite this challenge, RCEB did not need to access our approved line of credit and no interest expenses were incurred. Our bank accepted the State’s registered warrants as cash through early September. Mr. Kuller also noted the Controller’s office is not expediting payments to regional centers and the delays in payment receipt and the delays with the cash advance

payment will significantly reduce our interest revenue for the year. This could impact our ability to meet monthly obligations in a timely manner in the future. We will continue to work with our bank to maximize interest earnings for the year.

MEMBERSHIP DEVELOPMENT COMMITTEE: Ralph Griffin

Mr. Griffin reminded members that Steve Whitgob has been nominated for board membership. Dr. Whitgob had declared a potential conflict of interest in his application and we have received a waiver from DDS to allow Dr. Whitgob to re-join the board. Following a ballot election, Mr. Griffin reported that Dr. Whitgob was elected to a three-year term of service and will join the board in October.

Mr. Griffin also reported that his group has asked each of the current officers to serve again next year. Additional nominations will be accepted at the October meeting of the board and the election will take place in November. The following slate of officers was presented for 2010:

President: Ralph Griffin
Vice President: Anne Struthers
Treasurer: Mike Kuller
Secretary: Nyron Battles

SUPPORTS AND SERVICES COMMITTEE: Claudia Sladen

Ms. Sladen reported that her group had met to redefine their goals given the current budget situation and the changes in the law. The group will focus on maintaining and maximizing the services we have. The group will begin looking at day programs to see how the Trailer Bill Language has been implemented and how the new requirements are affecting programs.

PROVIDER/VENDOR ADVISORY COMMITTEE: Will Sanford

Mr. Sanford reported that his group met and continued to focus their discussions on the budget and the Trailer Bill Language and how to survive in these challenging times. Members discussed the new Prevention Program and how it will serve infants and children. The group also discussed the new senior customized program component and how this is being implemented locally.

CONSUMER ADVISORY COMMITTEE: Carmen Quinones

Ms. Quinones reported that Rose Coleman had chaired the last CAC meeting in Mr. Battles' absence. Jim provided an update on the State budget. A representative from East Bay Innovations provided the group with information on supported employment opportunities at Children's Hospital Oakland. The CAC currently has two open positions and candidates will be asked to introduce themselves and explain why they would like to be selected for CAC membership.

EXECUTIVE DIRECTOR'S REPORT: Jim Burton

Mr. Burton reported that the recession in California is continuing and State revenues are lower than anticipated. We have not seen new estimates for the State deficit for the current fiscal year at this point but there is a general understanding that things are not going as well as hoped when the budget was put together in July. It is possible another special session of the legislature could be called by the Governor to deal with budget issues but it is more likely we will see something in the Governor's budget in January. The deficiency for next fiscal year is expected to be \$15-\$22 billion so we will be facing another difficult spring when budget hearings begin. Mr. Burton urged members to watch for a special session on the budget if called for by the Governor and new information coming out of the Governor's budget in January so we know what advocacy efforts will be necessary.

Mr. Burton informed the board that much of what RCEB staff have done over the last seven weeks since the passage of the budget has focused on implementing the budget reductions required of the Trailer Bill Language. Most of the changes have been fully implemented and we have worked hard to inform families and consumers of the required changes. Many of the actual reductions in service begin on October 1st and thousands of consumers and families at RCEB are directly impacted by the cuts. Case managers contacted families and consumers by phone to try to personally explain the service reductions and did an exceptional job helping people understand what was occurring. This has been an extremely challenging task but our families were, as always, for the most part understanding and reasonable. Mr. Burton reported that RCEB has received just over 80 appeals, a far lower number than when mass service reductions were implemented in the past. Mr. Burton noted that while we are pleased with the response to our efforts it would have been preferable to hold IPP meetings and allow consumers and families to talk through the actions and implications with their case managers. The implementation of most of the Trailer Bill Language was immediate and did not allow time for full IPP meetings.

Mr. Burton stated that we have been focused for the past couple of weeks on Prevention and implementing the new Prevention Program to serve hundreds of infants and toddlers who are no longer eligible for Early Start services at RCEB. The Prevention Program is being done as a block grant and will primarily be done as intake, assessment and follow-along services with no funding for purchased services. We have also been working to enhance generic services for these children since there will be little funding available for purchased services. Mr. Burton reported that we have made real progress in Alameda County and First Five is gearing up to assist us with serving these children. We are very pleased with this collaboration and grateful for their assistance. RCEB Early Intervention staff will now carry partial caseloads of Prevention in order to maintain relationships with families at this critical time in their child's life.

Mr. Burton reminded the group that the Individual Choice Budget was put into the Trailer Bill Language as a means to allow consumers and families to choose services within a constrained budget. The target date for this program is 2010. Mr. Burton cautioned that this model will significantly change how services are provided under the Lanterman Act and it is absolutely critical that consumers and families be involved in how this change moves forward. This major change should not be taken lightly. Mr. Burton noted that a lot of inflexibility is built into the current law and, while there will be flexibility with the Individual Choice Budget, that flexibility comes at a cost.

Mr. Burton reported that while we are implementing the reductions required by the changes in law, our consumers and families are also facing reductions in other services. IHSS is actively cutting services as we are looking to them to provide additional services. SSI has an additional cut scheduled for November for those living independently and in supported living. Mr. Burton reported that regional centers will be making up the November cut with SSP restoration funding. Adult Day Health programs provide day services and we have been provided limited funding to restore cuts to Adult Day Health programs. We continue to struggle with Medi-Cal cuts to optional benefits, dental, podiatry, audiology, vision, chiropractic, speech and psychology. Those cuts took place July 1, 2009 and are in place. We have been advised it is our responsibility to fill in when these services are needed. It has been very, very difficult to find providers who are willing to provide services at the Medi-Cal rates. We are looking at options but this has not been an easy task.

Mr. Burton commented that this evening's budget report was incomplete due to delays in signing the budget and serious difficulties in projecting the impact of budget reductions. It is clear that this is a no growth budget even though we typically grow by about 10% each year. At this point, the impact of these service reductions cannot be accurately predicted. Mr. Burton said that if we don't receive instructions from DDS soon, this regional center will work to provide reasonable expenditure projection information to the board.

Mr. Burton informed the group that the Assembly Committee on Accountability and Administration has been asked by Assemblyman De La Torre to review the DDS system. Assemblyman De La Torre believes we have a \$4 billion system with no controls or audit systems in place and the system needs to be monitored more carefully. The Assemblyman believes the need for transparency is essential to a system of this size and thousands of pages of audit reports and monitoring reviews have been provided to him. Mr. Burton reported that DDS and ARCA are working with this committee to try to get a sense of what the real issues are so we are able to respond to them appropriately.

Mr. Burton referred members to their packets for a wonderful editorial on the success of the Agnews closure. Mr. Burton stated that this community can take

great pride in how the Agnews closure was handled. The San Jose Mercury news has followed the closure plan from the beginning and have acknowledged our success in the great editorial.

Mr. Griffin acknowledged that the board is elated with the quality of work our staff does and the board is very pleased with the way the clients of RCEB have been treated during the very difficult implementation of the mandated budget reductions. Mr. Griffin thanked Mr. Burton for the outstanding leadership he provides.

PUBLIC COMMENTS

Rocio Smith announced that January 22nd will be the date of this year's Legislative Town Hall meeting. The event will again be at the State Building in downtown Oakland.

Mr. Sanford reminded everyone that the new holiday calendar mandated by the Trailer Bill Language is now available and families should be urged to review the changes since there are now four additional program holidays.

Carmen Quinones shared that Creative Growth is celebrating it's 35th anniversary this Friday and everyone present is invited to attend.

ARCA REPORT: Anne Struthers

Ms. Struthers reported that ARCA had met on August 21st in San Jose. Discussions centered around the budget and reductions. Changes to the Lanterman Act were reported to be not a reform, but a transformation. Ms. Struthers noted that there is growing concern over whether the Lanterman Act will continue to exist. The next ARCA meeting will be held on October 15th and we hope to get a better sense of where we are at that time.

ADJOURNMENT

The meeting was adjourned at 8:15 PM.

Respectfully submitted,

Nyron Battles
Secretary
RCEB Board of Directors