



**REGIONAL CENTER OF THE EAST BAY**  
**Board of Directors Meeting**  
**MINUTES**

Monday, February 23, 2015 7:05 p.m.  
500 Davis Street, CA  
Approved 3/23/15

**RCEB BOARD MEMBERS PRESENT:**

Kathy Hebert, Vice-President  
Steve Whitgob, Treasurer  
Nyron Battles, CAC Chair  
Rose Coleman  
Morena Grimaldi  
Daniel Hogue, PVAC  
Evangeline Iyemura

Donald Morris  
Marie Parra  
Gwen Nash-Butler  
Carmen Quinones  
Darcy Ting  
Mike Treppa

**ABSENT:**

Anne Struthers, President [excused]  
Cecilia Corral, Diversity & Equity Committee Chair [excused]  
Chi Lee [excused]

**STAFF PRESENT:**

Jim Burton, Executive Director  
Terri Jones, Director of Human Resources  
Lisa Kleinbub, Director of Health & Behavioral Services  
Nancy Kubota, Director of Finance & Administration  
Ronke Sodipo, Director of Community Services  
Pam Thomas, Director of Consumer Services  
Melanie Fowler, Associate Director of Adult Services  
Elvia Osorio Rodriguez, Associate Director of Children's Services/Bilingual  
Priscilla Gomez, Fiscal Monitor  
Meredith Rosenberg, Case Manager  
Michi Toy, Executive Assistant

**GUESTS:**

Bill Barbaria  
Barry Gardin

Gabe Rogin, SCDD, Bay Area Office  
Rachel Skewes

Cleo Manspeaker  
Joanne Murphy  
Kevin Rath

Sandi Soliday, ACDDC  
Josh Sullivan, CCCDDC  
Bonnie Thurman, DDS

### **CALL TO ORDER**

Vice President, Kathy Hebert called to order the regularly scheduled meeting of the Regional Center of the East Bay at 7:05 p.m. following the Diversity & Equity Committee meeting.

### **WELCOME AND INTRODUCTIONS**

Self introductions were made and a quorum was present.

### **CONSENT AGENDA / MINUTES**

M/S/C            “The Board moves to approve the February 23, 2015 Agenda as presented”  
                         [Battles/Nash-Butler] Unanimous

M/S/C            “The Board moves to approve the minutes of January 26, 2015 as presented”  
                         [Whitgob/Treppa] Unanimous

### **PUBLIC COMMENT**

Cleo Manspeaker spoke about her pleasure in being a regional center client for 33 years.

## **COMMITTEE REPORTS**

**EXECUTIVE COMMITTEE:** Kathy Hebert for Anne Struthers

### **CONTRACT APPROVALS**

#### **MV Transportation**

Ms. Hebert brought the board’s attention to the additional wording on the Summary that provides clarification of the rates of reimbursement and the projected amounts to the original that was sent to the board. At last month’s January meeting, the board approved a 2-month contract extension from 1/1/15 to 2/28/15. This contract would extend the term at existing rates through 12/31/15. Mr. Burton added that RCEB has been struggling with MV Transportation and we have been working very hard with them for many months and while we have seen some improvements major problems continue. MV Transportation has been coping with frozen rates and staff leaving to work at other Bay Area transportation companies, which has resulted in delays due to doubling-up on routes. RCEB will be proceeding with a Request for Proposal [RFP] to look for alternate transportation companies, should MV Transportation not significantly improve on their services. Questions were asked by the board, and answered by Mr. Burton and Ms. Sodipo.

M/S/C            “The Board moves to approve the transportation contract extension of 8 months, ending on 12/31/15 with MV Transportation Company as presented.”  
                         (Battles/Nash-Butler) Unanimous

### **Shreiber Center**

The Shreiber Center is a joint project with Alameda County Public Health [fiscal agent] to serve those individuals with a dual diagnosis of mental health and a developmental disability. The start-up of this program has been partially supported from a State grant of \$279K. This project is a great concept that was originally started by Golden Gate Regional Center. Alameda County Public Health working jointly with RCEB took that concept and built on it to bring about the Shreiber Center.

The term of this contract is from 3/1/15 – 6/30/17 in the amount of \$279K and represents the Mental Health Services Act [MHSA] grant to support the Shreiber Center.

M/S/C            “The board moves to approve the Alameda County Public Health and Regional Center of the East Bay contract as presented.” (Battles/Coleman) Unanimous

### **Resource Development Policy [RFP]**

Mr. Burton directed the board’s attention to W&I section 4648.11 which outline the changes in policies for regional center’s Request For Proposals [RFP’s]. In addition to that change, there was an agreement made during contract negotiations to include this language in the RFP. Therefore, this proposal includes the new language in the law, integrated into our RFP policy.

M/S/C            “The board moves to approve the implementation of the new language in W&I 4648.11 into the Regional Center of the East Bay’s Resource Development Policy as presented.” (Battles/Coleman) Unanimous

### **BUDGET AND FINANCE COMMITTEE: Steve Whitgob**

Mr. Whitgob distributed RCEB’s Financial Status Report dated February 23, 2015.

#### Purchase of Service

Our Purchase of Services projections remain stable. With more than half of the fiscal year expenditures in base, RCEB’s POS insufficiency remains relatively unchanged.

Based on our expenditures through January 2015, RCEB is currently projecting a mid-range insufficiency of approximately \$18.4M for **Non CPP** Purchase of Services. If you recall, our Non CPP Purchase of Services mid-range projection last month was \$18.7M, only a slight change in our projections. All 21 Regional Centers are still reporting best case/worst case insufficiencies in their POS budgets.

There is, however, one significant change that will impact our POS projections. Our current POS projections still include our projected cost for the 5.82% rate increase for services impacted by the Federal Labor Act (for worker overtime) and the Department allocated \$1.2M in the A-2 contract amendment to pay for this increase. These figures are still reflected in our financial reports. Due to the temporary restraining order issued by the Federal Court, the 5.82% rate increase did not go into effect on 1/1/15. We had been informed that the Department will de-

allocate the funds set aside for the rate increase from our allocation. When this occurs, our budget and POS projections to fund these costs will be adjusted accordingly. Therefore, if we adjust both the funding and costs specific to the Federal Labor Act, our Non-CPP Purchase of Services mid-range insufficiency as of January 2015 would be estimated at \$17.1M. Our initial estimated cost of implementing the Federal Labor Act rate increase was projected to have been more than what the Department provided in the allocation. We will continue to monitor the status of our POS projections carefully until year end.

### Operations

We continue to monitor our operations budget and are pleased to report a projected balanced operations budget for the current fiscal year.

### Cash Flow status

The agency is maintaining a stable cash flow at this time. To date, we have been receiving full reimbursement of our claims, which is great news. DDS recently announced that they will begin to offset cash advances starting in April which was anticipated. We will keep the Board, as well as the Executive Committee, posted on our cash flow status.

### **MEMBERSHIP DEVELOPMENT COMMITTEE:** Kathy Hebert for Anne Struthers

We have two board members whose second term of 3 years will be completed after this board meeting. They have graciously agreed to serve their last term of just 1 year. Following a ballot election and tally, the following board members were unanimously elected to begin their last term on RCEB's Board of Directors at this meeting:

- Kathy Hebert
- Donald Morris

### **PROVIDER/VENDOR ADVISORY COMMITTEE:** Daniel Hogue

Mr. Hogue informed the board that the February 13<sup>th</sup> meeting opening question was, "What do you love about what you do? A wide variety of answers ensued, but the general consensus was that it is all about the clients and especially being able to see the progress that they make. At that meeting, there was a presentation made by Precious J. Stroud, titled "Telling Your Story: Presenting your Organization in Fundraising and Marketing" which was enlightening. There will be no PVAC meeting next month, due to training on HIPAA that will be presented to the providers by DDS that day. The next PVAC meeting will be on April 10, 2015.

### **DIVERSITY and EQUITY COMMITTEE:** Jim Burton for Cecilia Corral

Mr. Burton informed the board that the Diversity & Equity meeting met prior to this board meeting, with 19 people in attendance. The meeting began with the discussion of the scheduled public POS variance data meetings (next page), which is published on our website.

Scheduled Meetings:

**March 7, 2015 at 10:30 AM** Translation in Cantonese/Mandarin/Vietnamese and Mien  
Garfield School  
1640 22<sup>nd</sup> Avenue  
Oakland, CA

**March 18 at 4:00 PM** Translation in Spanish  
Regional Center of the East Bay /Contra Costa County Office  
2151 Salvio Street, Third Floor  
Concord, CA

**March 26, 2015 at 10:30 AM** Translation in Spanish  
Regional Center of the East Bay /Alameda County Office  
500 Davis Street  
San Leandro, CA

**March 28, 2015 at 4:30 PM** Translation in Cantonese/Mandarin and Korean  
FCSN  
2300 Peralta Blvd  
Fremont, CA

**March 20<sup>th</sup> through 31<sup>st</sup>**

Virtual Meeting

A Video sharing the data will be available on our web site from March 20th through 31<sup>st</sup>. You will be able to provide comments through an online form.

We will also have the same POS Variance Data presentation at our April 27<sup>th</sup> board of directors meeting in San Leandro. Mr. Burton wanted to acknowledge the groups responsible for coordinating this effort; Asian Community Mental Health Services [ACMHS], Friends of Children with Special Needs [FCSN], La Familia, and the State Council on Developmental Disabilities, Bay Area Office as well as the members of the Diversity & Equity Committee.

Mr. Burton proceeded with updating the board of the sub-committee activities [Web Page, Support Groups, and Training]. Other important subjects discussed were public policies ideas, start-up funding, rates, etc. The next Diversity & Equity Committee meeting will be on March 23, 2015 before the board meeting.

**CONSUMER ADVISORY COMMITTEE:** Gwen Nash-Butler

The last meeting was February 9<sup>th</sup> and chaired by the new chairperson, Shawn Costello. The main topic was on the People First conferences in Fresno and Sacramento, as well as the 3-day summit on housing and transportation. The next CAC meeting will be on March 9, 2015.

## **EXECUTIVE DIRECTOR'S REPORT:** Jim Burton

Mr. Burton welcomed everyone to the meeting and started out by stating that it is a busy time of the year, but a good time with tremendous possibilities for change and opportunity to move our service system forward.

### HEARINGS/MEETINGS

#### **Confirmation of Santi Rogers**

On February 4, 2015 the Senate Rules Committee held a confirmation hearing for Santi Rogers as the new Director of the Department of Developmental Services. Mr. Burton stated that it was a well attended committee meeting and following Mr. Burton's testimony, he presented the committee with a support letter on behalf of RCEB's Board of Directors. The committee unanimously voted 5-0 in support for Mr. Rogers appointment. Mr. Burton added that there were many questions for Santi from Senators with regard to State Developmental Centers and disparity, diversity, and equity, clearly the work that we are doing at RCEB fit in well with the priorities that we see in the legislature.

#### **Legislative Townhall Meeting**

The Townhall Meeting will be this Friday, February 27th at the State Building in Oakland and will be well attended by legislators and staffers. There will be several presentations given by people with developmental disabilities and we believe that the energy and enthusiasm that they have will emanate at the meeting, as always. Mr. Burton urged everyone to attend this meeting, especially this year as it can make a difference.

We have many members of our Bay Area contingent of legislators who are going to be in very influential roles. Assembly member Tony Thurmond chairs the Assembly Committee where our budget will first be presented. Senator Lonnie Hancock plays a very important role in the budget process, as well as Assembly member Rob Bonta, who chairs the Assembly Health Committee and is very engaged in our system issues. Mr. Burton informed everyone that at the end of all the presentations, there will be a great opportunity to talk directly to the legislators and staff about your concerns. It is important that the Board and the developmental disability community support the recommendations of the Laterman Coalition, to support what the Administration has put forward in the current budget, as well as to support Senator Beall's efforts and his letter to the Governor. As you recall last month, RCEB's board voted unanimously in support of the development of a well thought-out closure plan for both Fairview and Sonoma Developmental Centers. The legislative analyst recommended that the State do the same. The Department of Developmental Services [DDS] and the Administration are recommending over \$150M to fill the current year budget gap that is affecting all 21 regional centers, followed by an additional \$300M in the budget year which is the full year cost of covering that deficiency. This is a total of \$450M that is not in the budget today, but will be in this year and next year's budgets. While we are asking for more support, it is also important to recognize what has been done so far.

Representatives from both DD Councils; Josh Sullivan and Sandi Soliday added information about the Town Hall Meeting, and the message behind the "We Are You" theme this year which

is to have the legislators understand how we are present, we watch, we listen, we care and we vote. Ms. Soliday credited Gabe Rogin for being able to get Senator Weickowski to commit to attend the Townhall meeting, after a period of 8 years of being absent.

### March Budget Hearings

There will be an 11:00 a.m. rally at the Capitol steps in Sacramento on March 4th followed by the 1:30 p.m. Assembly Budget Subcommittee Hearing on Health & Human Services chaired by Assembly member Tony Thurmond. There will be a Senate hearing on March 12<sup>th</sup> and Mr. Burton encouraged attendance at one or both of the hearings as it is a great opportunity to talk to legislators and their staff directly. Our position has been narrow and focused this year in terms of issues, so we are hoping that system wide we continue to make those points. Mr. Burton stated that he remains hopeful this year, more than in many years, that there will be positive changes. We have sent letters to the Governor and to the legislators regarding the clear message that all in the developmental disability community are focusing on.

### Developmental Centers

Mr. Burton added that he was pleased to see that the legislative analyst's office took the same position as our board on the development of a thoughtful closure plan for the developmental centers. The State is in a difficult position since the Federal government clearly does not support people living in large institutional care facilities. There will be further information in the future, as there will be significant budget and legislative policy discussions on this issue.

### Self Determination

Mr. Burton informed the board that RCEB and Gabe Rogin at the State Council on Developmental Disabilities, Bay Area Office have teamed up to get information out and to make sure that everyone was aware of the program. Currently, we are finalizing our committee and getting more volunteers who will be representative of our Bay Area's developmentally disability community. Mr. Burton stated that initially, self determination will be available to 155 RCEB consumers and their families [2,500 Statewide] over a 3 year period of time. The committee will consist of 10 people, the State council will pick 5 people and RCEB will also pick 5 people to be on this committee, and the Clients Rights Advocate will also be a member. Information and an application are on our face page of our website at [rceb.org](http://rceb.org) under **NEW Self Determination**.

Mr. Battles inquired about in-home support workers and overtime pay. \*Mr. Burton stated that the court's ruling on overtime would also apply to IHSS workers. However, Governor Brown's proposed 2015-2016 State Budget includes a major proposal to restore the existing 7% across the board cut in service *hours* to all In-Home Supportive Services (IHSS) recipients, effective July 1, 2015.

\*Excerpt from our January board meeting:

### Fair Labor Standards and Overtime Requirements

*The regulations and the interpretation of the Fair Labor Standards Act by the Department changed. It originally required that over-time be paid to those who provide in-home respite, supported living, and to individuals who provide care to the developmentally disabled. The State*

*had calculated that for many providers the impact would be over 5.82% to our service system. The rates were to be increased on January 1, 2015 so that overtime could be paid under the same rules and conditions that everyone else is paid overtime. RCEB and our service providers completed all the necessary calculations and were ready to change rates and were set to implement them. Some service providers have even paid overtime as of the beginning of this year. However, the U.S. District Court in Washington D.C. intervened and stated that this act by the Department of Labor is not legal, and cannot be done through regulations and that it needs to go back to Congress. The Department of Labor appealed that restraining order, so now we will have to wait on the results while continuing to pay at the current rates.*

### **PUBLIC COMMENT**

*Sandi Soliday, Alameda County Developmental Disabilities Council*

March 11, 2015: There will be a presentation on improving dental care given by Maureen Harrington/UOP/Dugoni School of Dentistry and Lisa Kleinbub at this ACDDC meeting. Ms. Soliday also added that they are accepting board of director's applications from those who would like to serve on the Alameda County Developmental Disabilities Council, and added that they need more family members to join.

March 14, 2015: The Alameda County Transition Faire at the College of Alameda between 9:30 am to 3:00 pm. Vendors can register on-line this year, and so far there are 100 organizations registered with 21 workshops.  
<http://www.brownpapertickets.com/event/1174197>

*Josh Sullivan, Contra Costa County Developmental Disabilities Council*

February 25, 2015: There will be a presentation titled, *Employment & the DD Community: A Look at WIOA & the Recent MOU on Employment* given by Will Sanford/Futures Explored at this CCCDDC meeting.

February 27, 2015: This is the annual East Bay Legislative Committee (EBLC) Townhall meeting at the State Building in Oakland from 10:00 am to 12:00 pm. The theme this year is "Open the doors to opportunity: WE ARE YOU". One of the key speakers will be Tony Anderson, Executive Director of the ARC of California.

**ARCA REPORT:** Jim Burton for Anne Struthers

March 19/20, 2015: The next ARCA meeting will be at Alta Regional Center in Sacramento. Mr. Burton was pleased to announce that our board president, Anne Struthers is being nominated to become the board president of ARCA.



April 15, 2015: The Grassroots event in Sacramento will be on the 15<sup>th</sup> of April. Mr. Burton reiterated that it is very important to be involved in the grassroots events especially this year on behalf of all our services.

**MEETING ADJOURNED**

The board meeting adjourned at 8:20 p.m.

The next Board Meeting will be at 7:00 p.m. on March 23, 2015  
The Diversity & Equity meeting will precede the board meeting in San Leandro