



Regional Center of the East Bay

## REGIONAL CENTER OF THE EAST BAY

### Board of Directors Meeting

Monday, January 28, 2019

500 Davis Street, San Leandro

Approved 2/25/19

#### RCEB BOARD MEMBERS PRESENT:

Kathy Hebert, President  
Lilian Ansari, Vice President  
Evangeline Iyemura, Treasurer  
Nyron Battles, Secretary  
Sister Marygrace Puchac, PVAC  
Dinah Shapiro  
Linda Stevens  
Gerald Tamayo

#### ABSENT [excused]:

Morena Grimaldi  
-Diversity & Equity Chair

#### STAFF PRESENT:

Lisa Kleinbub, Executive Director  
Terri Jones, Director of Human Resources  
Lucy Rivello, Director of Health & Behavioral Services  
Lynn Nguyen, Director of Finance & Administration  
Steve Robinson, Director of Community Services  
Ronke Sodipo, Director of Client Services  
Melanie Gonzales, Associate Director of Client Services  
Christine Hanson, Associate Director of Adult Services  
Evelyn Hoskins, Associate Director of Federal Programs  
Elvia Osorio-Rodriguez, Associate Director of Children's Services  
Silvia Siu, Controller  
Julie Whiskeyman, Case Manager  
Herb Hastings, Consumer Advocate  
Michi Toy, Executive Assistant

#### GUESTS:

Feda Almaliti  
Hope Beale, DDS  
Brian Blaisch  
Gwen Nash-Butler, CAC Chair  
Sheraden Nicholau, SCDD Bay Area  
Chloe Page

Frank Paré  
Jeri Pietrelli  
Lisa Soloway  
Steve Whitgob  
Geneva Ziaouré  
Vi Ibarra, CCCDDC

## **CALL TO ORDER**

Board President, Kathy Hebert called the regularly scheduled meeting of the Regional Center of the East Bay to order at 7:02 p.m.

## **WELCOME AND INTRODUCTIONS**

Self-introductions were made and a quorum was present.

## **CONSENT AGENDA / MINUTES**

- M/S/C        "The Board moves to approve the January 28, 2019 agenda as presented."  
                  [Shapiro/Puchac] Unanimous

M/S/C        "The Board moves to approve the November 26, 2018 minutes as presented."  
                  [Shapiro/Puchac] Unanimous

## PUBLIC COMMENT

No public comments were expressed at this time.

## COMMITTEE REPORTS

**EXECUTIVE COMMITTEE:** Kathy Hebert

## Master Calendar for 2019

The Board of Director's Master Calendar is a schedule of target months for the completion of reports and activities. As with the Work Plan, it is basically the same calendar that we have been using annually. Although the changes brought up by the Executive Committee on November 14<sup>th</sup> were voted on and approved at our November Board meeting; the Board has been actively interviewing and will be adding a few additional board members. Therefore, the Executive Committee is proposing to move the Board Training meeting from the month of March to July in order to accommodate the new board members.

- M/S/C      "The Board moves to approve changing the Board Training meeting from March to July in the 2019 Work Plan as presented." [Shapiro/Puchac] Unanimous. The motion was adopted.

ByLaw Review

Ms. Hebert presented the suggested changes to the existing ByLaws that the Executive Committee discussed during their meeting on January 9<sup>th</sup>. These changes were also sent to the board members in their board packet. Therefore, any changes as well as any additions brought to the floor will be voted on at the next board meeting.

There are three changes; one having to do with the removal of “CFO” as it relates to the Board’s Treasurer since the CFO title is associated to RCEB’s staff member. The other 2 changes have to do with additions to the ByLaws updating the terminology and methods used for communicating as well as acceptable methods for taking action on urgent items.

## CONTRACT APPROVALS

### Supported Living Services

This contract represents an agreement to operate a supported living services agency that is meant to provide the necessary support to allow clients to live in their own home in the community.

### **Visionary Independence Program**

Term: February 1, 2019 – January 31, 2020

Maximum Consumers Served: 15

Estimated average volume/client/month: \$7,500

Annual total based on total capacity of 15: \$1,350,000

M/S/C        "The board moves to approve the agreement for Visionary Independence Program to provide Supported Living Services as detailed." [Battles/Shapiro] Unanimous  
The motion was adopted.

### Community Placement Plan [CPP]

This contract is for ongoing services at a home developed as part of the community placement plan.

### **M. Ingco, INC.**

This contract is for services at two Enhanced Behavioral Support Homes [EBSH's] with four beds per home specifically for consumers who are moving from Sonoma Developmental Center [SDC].

### Nighthawk/Teresita

Term: November 2018 – October 2028

Total Capacity: 4 individuals

Maximum facility rate/month is \$71,180.60

Maximum annual disbursement \$854,167.20

[Each client will have an individualized services and supports rate]

M/S/C        "The board moves to approve the funding for M. Ingco, INC. to develop one EBSH home known as Nighthawk/Teresita as stated." [Battles/Shapiro] Unanimous  
The motion was adopted.

### Neroly/Macri

Term: November 2018 – October 2028

Total Capacity: 4 individuals

Maximum facility rate/month is \$70,389.36

Maximum annual disbursement \$844,672.32

[Each client will have an individualized services and supports rate]

M/S/C      "The board moves to approve the funding for M. Ingco, INC. to develop one EBSH home known as Neroly/Macri as stated." [Battles/Shapiro] Unanimous The motion was adopted.

## **BUDGET AND FINANCE COMMITTEE**

Budget and Finance Report for January 28, 2019 – Evangeline Iyemura

### UPDATE ON INDEPENDENT AUDIT REPORT FOR FISCAL YEAR 2017-18

At the November board meeting, the Agency's independent auditors, Marcum LLC., presented a draft of the audit report to the Board. This report is unmodified, or a clean report with no Management comments. This draft report does not have the CalPERS unfunded liability amount or the related footnote disclosure. Marcum requires a separate FASB valuation of the CalPERS unfunded liability. We had planned on receiving this information from CalPERS to complete the valuation in early January. However, the CalPERS report was delayed and will not be available until the end of January. Therefore, the final audit report will not be issued or presented for the Board's approval until the February board meeting. At this time, we do not expect that this delay will have an impact on the Agency's ability to meet the reporting requirements.

#### Operations

As reported in November, the E-1 contract amendment provided a total of \$44.9MM which is nearly all of our Operations allocation for the year. Since then, DDS has approved the Operations budget for the Community Placement Plan (CPP) plans. The Operations budget includes the expected allocation of \$992k in the E-2. Please be advised that this budget does not include the allocation for the rent and facility costs of our new Concord facility at 1390 Willow Pass, which is also expected in the E-2 allocation.

Through December 2018, we have expended 44% of the operations budget of \$45.9M. At this time, we are projecting a balanced budget in operations and will finalize our OPS budget with the issuance of the E-2 allocation expected at the end of January.

#### Purchase of Service

Through December 2018, we have almost 50% of our fiscal year 2018/19 POS expenditures in base. At this time, we are projecting for NON-CPP POS Expenditures a deficit ranging from approximately \$4.4M (best case) to \$6.5M (worst case). This is a decrease of \$484k (best case) and \$612k (worst case) over the previous month's projections.

This year, the Statewide Projected system-wide deficit is currently at a low of approximately \$69M and a high of \$103M. Last year at this same time, the overall system was projecting a statewide deficit from a low of \$41M and a high of \$91M. Therefore overall, the Regional Centers statewide deficit projections in Purchase of Services seem to be increasing.

For CPP POS Expenditures, we are projecting a deficit of \$9.1M. We anticipate receiving an additional allocation for CPP in the E-2 since DDS has just approved the CPP plans in December which also includes \$1.6M start-up funding for the Community Resource Development Plan.

### Investment Account

Currently RCEB has a Liquidity Operating Fund of \$1.9M associated with the Agency's BAHP Bonds which will mature on February 1, 2026. This fund is currently held in an interest checking account earning interest at only .05%. The lenders hold a security interest in the account and can take control any time we are in default of the loan. Until such time, RCEB may freely use such funds for other purposes, as long as any withdrawals are replenished within 12 months.

We plan to open an investment account at Union Bank that we can use to invest the fund in 9-month Treasury notes in order to earn additional interest at a current rate of 2.47% or approximately \$44,000 annually.

The opening of a new bank account with authorized traders requires Board resolution. The authorized traders include the following:

- . Elisabeth Kleinbub – Executive Director
- . Lynn Nguyen – Director of Finance and Administration

A motion is needed to approve the opening of the bank account and authorize the above traders.

M/S/C        "I would like to make a motion that the Board duly authorize the RCEB staff persons mentioned to open the account and invest the fund."  
[Puchac/Shapiro] Unanimous The motion was adopted.

### Cash Flow

The agency is currently maintaining a stable cash flow. To date, we have been receiving full reimbursement for our claims through November. DDS recently announced, as we have anticipated, that they will begin to offset cash advances starting in April (for February claims).

We will keep the Board, as well as the Executive Committee, posted on our cash flow status. Please note that the agency has no active line of credit but we expect to have bank documents to re-establish our line of credit beginning in April 2019.

### Medicaid Waiver Audit

The staff is informing the Board and the Budget and Finance Committee that DDS is currently onsite to conduct the biennial review of the Agency's Medicaid Waiver cases in accordance with the Home and Community-Based Services (HCBS) Regulation. They plan to complete the review in 2 weeks, with the first week onsite at our San Leandro office and the 2<sup>nd</sup> week completing offsite visits with our vendors. The Staff will provide an update of their findings at a future Board meeting.

**MEMBERSHIP DEVELOPMENT COMMITTEE:** Kathy Hebert

**Board Member Nomination**

In November, the Membership Development Committee interviewed two board applicants. In following with our Board ByLaws, Section 5.5 Election, *Directors shall be elected at the meeting of the Board of Directors of the Corporation following the meeting of the Board at which the Director was nominated.* Ms. Hebert nominated the two individuals at this January board meeting and an election will commence at the February board meeting.

**Board Election**

At our last board meeting in November, Ms. Hebert nominated Steve Whitgob to serve as a board member after his two year break beginning in 2016. Therefore, a board election was conducted this evening; a unanimous vote for Mr. Whitgob to return to the board effective this meeting.

**Board Member Terming-Out**

At the last board meeting we had three board members terming-out. Ms. Gwen Nash-Butler was not able to make that November meeting but since she is in the audience tonight, Ms. Hebert proceeded to thank her for her volunteerism, her advocacy and her perspectives and for serving on the Board since 2012.

**PROVIDER/VENDOR ADVISORY COMMITTEE [PVAC]: Sister Marygrace Puchac**

The PVAC meeting was on January 11<sup>th</sup>, where there was a major discussion on a Five Thirty-Eight website article by Justine Calma on December 11, 2018 titled, *"Is California Failing Its Most Vulnerable Adults?"*. There were many attendees who provide direct care services to our clients and added some valuable insight into their jobs. Due to not having any rate increases for the past 20 years, service providers find it difficult to hire skilled and experienced individuals. These unfortunate situations remind us to be extremely vigilant to those whom we serve. Also discussed was risk management and the Final Rule, and how giving guidance is going to fit in without inhibiting any independence. Ms. Kleinbub added that some of our local providers were included in the content of the article. During this meeting, there was a very rich discussion about risk management and strategic methods that can be used to avoid risk. Ms. Kleinbub added that the discussion with the providers was a very good and honest one, and thanked the PVAC members for that opportunity.

**CONSUMER ADVISORY COMMITTEE [CAC]: Nyron Battles**

Mr. Battles summarized the Monday, January 14<sup>th</sup> CAC meeting during which Ms. Kleinbub updated the committee on the status of the SDC residents move, the Government shutdown, social security and food stamps. The group also shared resources and discussed the upcoming People First conference. The next CAC meeting will be on February 11, 2019.

**DIVERSITY and EQUITY COMMITTEE:** Lisa Kleinbub for Morena Grimaldi

Ms. Kleinbub stated that the Diversity & Equity Committee met before the board meeting and discussed the different activities that the family support groups were involved in for the New Year. Many community partners as well as RCEB are waiting for DDS to issue the list of agencies that DDS selected to receive funds as a result of applications for projects to increase equity with access to regional center services. Many of our community based organizations have been anxiously waiting for this information since November and have been informed that they may know by the end of this month. Ms. Kleinbub also added that Mr. Guiza, our Diversity & Equity Specialist spoke about the POS Disparity Meetings which will start in February. That information is also on our website:

[https://www.rceb.org/sites/main/files/file-attachments/2019\\_public\\_meetings\\_0.pdf](https://www.rceb.org/sites/main/files/file-attachments/2019_public_meetings_0.pdf)

RCEB will be sharing our data relating to Purchase of Service (POS) authorization, utilization and expenditure with respect to consumer's age, ethnicity, primary language, residence type, and disability. All are encouraged to attend these public meetings as we share ideas and solutions that might be used to reduce disparities.

Detailed minutes of our monthly meetings are available on the Diversity & Equity page of our website <https://www.rceb.org/pod/agenda-minutes>. The next Diversity & Equity meeting will be on February 25, 2019 in San Leandro at 6pm.

**EXECUTIVE DIRECTOR'S REPORT:** Lisa Kleinbub, Executive Director  
Budget

The Governor released his budget on January 10<sup>th</sup> which laid out his priorities for Fiscal Year 2019-20. There will be hearings in the Legislature in March, and lots of discussions over the next couple of months about additions/deletions to be made to the budget. In May, the Governor will revise the budget and the final budget will be produced in June. The budget for the DD system does have increases primarily based on a growing caseload. By the end of 2020, we expect to be serving 349,000 individuals in our California system. The budget for next year includes dollars per the core-staffing formula to increase funding for regional center staff and operations as well as dollars for purchase of services for those we serve. This is all based on what the average dollar amount is and what the average salaries are in the core staffing formula. The budget does not include any increases for wages or for purchase of service and the budget for this year (2018/19) in purchase of service has actually been lowered. Fewer providers have taken advantage of the minimum wage increase because most providers in the State have already been paying above the State minimum wage. So, if the minimum wage goes up, they do not get an increase because they have already been paying more to their staff.

There are some proposals in the budget that can be looked at optimistically. One is a formula for funding regional centers to monitor our medical homes and Enhanced Behavioral Support Homes [EBSH] where there will be a consistent staffing ratio for monitoring those homes and allocated at a salary that is not based on the old core staffing formula. There is also a proposal for approximately 1300 individuals across California to have a 1:25 caseload ratio, which is an

enhanced caseload ratio for people who are having significant concerns and need intensive case management. This would mean around four special case management positions funded at a \$55K salary with realistic benefits. This would be an acknowledgement that we have individuals who need more intensive case management services.

There is also a proposal for an additional Northern Star home for those individuals who need acute intervention and are having a crisis. Currently we do have a Northern Star unit that remains at Sonoma Developmental Center. We will be moving that program to homes in Vacaville and it will be run by the State. There is also a proposal to establish one in Central California and a proposal for three new children's crisis homes in the State.

Discussion continues regarding the Uniform Holiday Schedule. This is where the provider's day and transportation services are mandated to take off (furloughed) 14 days where they cannot provide services or be funded by the regional centers. This schedule dates back to 2008/9 and there have been discussions annually on trying to eliminate this schedule. Under Governor Brown, it was not eliminated and was put on a year hold last year, so we were hoping to see something different in this budget.

In regards to the Department of Developmental Service [DDS], there is funding for an update to their old Legacy computer system. As you know, all regional centers need an update to their computer systems as well. If DDS gets this funding, we would expect regional centers to also get such funding. The Department is also asking for \$8.1M for positions at DDS which is @54 new positions that will be responsible for the oversight of regional centers, special incident reporting, DDS training of regional center Board of Directors, and many other items. Some of those do make sense as there are increased responsibilities. However, it is a challenging time when service providers are not able to remain open and regional center staff still have high caseloads, that it seems similar funding should also be targeted to our community. Also included in DDS's budget proposals is the one-time funding to hire a consultant to look at programs to see if they will meet the HCBS Setting Final Rule.

The long awaited response from DDS on the Community Resource Development Plan [formerly the CPP Fund] will be in the form of \$1.6M in startup funding. We have received \$750K for housing projects, which was less than half of what was requested for these projects. We received funding to develop an Enhanced Behavioral Support home [EBSH] for children, as well as start-up of \$50K to develop behavioral-respite agencies. All these are important projects and we will be reaching out to community partners and issuing RFP's. We have been informed that at the State level, there are funding opportunities that we may be able to access to supplement this, so that's one of the things that we will be working on as we plan for the next year. There were not enough funds for all the projects that were submitted throughout the state but all the projects that were submitted have a lot of merit because of the little startup that we have had over the last twenty years.

### Developmental Center Closure Status

The last RCEB resident moved from Sonoma Developmental Center [SDC] into the community on December 14<sup>th</sup>, and North Bay Regional Center moved their last resident on December 17<sup>th</sup>. SDC is now in a warm shutdown, where they will be working on transferring the property back to the State. Currently, there are 5 individuals who are living at the property in the Northern Star Crisis facility, but plans are to move out by the end of June 2019. There is no clear direction on what will happen to that property and due to the presumed high takeover expense, there's hesitation on taking it on as a project. The former Agnew's Developmental Center's East Campus closed over ten years ago and has just recently been razed for new development for educational services at that location. This can take a very long time.

Things have been going very well for those individuals who have moved to the community. Of course there are challenges as people have moved from a very familiar environment, but we have not encountered any of the major difficulties that you would normally expect. We are working diligently with our providers to make sure that the systems for monitoring and making changes are in place over the next couple of years, which is the standard time that it takes to become stabilized and part of a routine.

Fairview Developmental Center and Porterville have a combined total of three RCEB individuals left to move out into the community, and we are currently working on the resources for them just as we have done for SDC.

Ms. Hebert spoke on behalf of the Board to thank Steve Robinson for his commitment and hard work on this project and for reporting to the Board on its status for over two years. Ms. Hebert elaborated on the tour of the homes that she took last year and how impressed she was with the structure of the homes, staff and nurses and how the homes are what they were envisioned to be from the beginning.

Ms. Kleinbub spoke about this Friday's community open house for our community crisis home in Oakley. This home serves up to five adults for a period of 18 months. These individuals will need enhanced services. Telecare is an experienced provider for this type of service, and they spoke with the neighbors who attended this open house forum. RCEB as well as our community partners, Ms. Nicholau from SCDD, Bay Area and Ms. Ibarra from CCCDDC were also present and participating. The open house went well, and we feel that once the home is up and running, that their concerns will be mostly alleviated.

### Self-Determination

We received the Train-the-Trainer dates from DDS today, so now we can plan on holding orientations for those individuals selected and their families. The trainings will be at both San Andreas and Far Northern regional centers. We recently learned that the \$2.8M that was coming to the State due to the Federal match for expenditures of people that were on the previous Self-Determination pilot program; 45% of that money will go to regional centers for additional staff issues related to self-determination and 10% will go to DDS for tasks such as fingerprinting clearance and 45% will be allocated to our local advisory committees for person-centered-

thinking training, assisting with plan development, and other projects depending on the local advisory committee priorities. It is an exciting time to see things moving forward albeit slowly and we will be keeping the board informed of the status.

#### Rate Study

The provider rate study needs to be provided to the legislature on March 1st. We have not seen the preliminary report that was supposed to go out for public comment. It will be very complex for DDS to take initial data and present a plan to the legislature for rates. Our rates are very complicated and any changes made will affect providers, so it has to be very thought out and analyzed. We expect that it will be available in the next few weeks for public comment and review.

#### Legislative Breakfast

On Friday February 1st, the East Bay Legislative Coalition [EBLC] will host an invitation only Legislative Breakfast at RCEB's San Leandro office. Individuals, family members, service providers and our partners in the community will be meeting with mostly staffers from our local legislative offices to discuss the issues and challenges that concern our system. The theme this year is keeping the train on the track to an inclusive community without impediments. It's a request for the legislature to give us the resources to move things forward. We are looking forward to this important event this week.

#### **PUBLIC COMMENT**

*Kathy Hebert for Sandi Soliday, Alameda County Developmental Disabilities Council [ACDDC]*

**Feb 1:** The East Bay Legislative Coalition breakfast at RCEB/San Leandro. Special thanks to Sister Mary Grace Puchac, Will Sanford and Lisa Kleinbub for major contributions to the breakfast planning.

**Feb 2:** The Tri-Valley SELPA Resource Faire is at Dublin High School.

**Feb 2:** The East Bay Employment Task Force meeting will be at RCEB/Concord from 10-12pm.

**Feb 6:** The EBLC meeting is at the Public Health Department from 10-12pm.

**Feb 13:** This is the next ACDDC meeting at the Public Health Department from 9:30-12 pm. There will be a first ever Alameda Alliance for Health (AAH) listening session. The AAH includes about 85% of the Medi-Cal population in Alameda County. This is an opportunity to share your experiences with the AAH staff, including the CEO.

**Feb 22:** The Health & Wellness Committee meeting at the Public Health Department from 2-4 pm.

**March 23:** The Alameda County Transition Faire is at the College of Alameda. Service provider invitations have gone out, and family registration forms will be ready the first week of February. Please contact Sandi if you're interested in volunteering.

*Vi Ibarra, Contra Costa County Developmental Disabilities Council [CCCDC]*

**Feb 2:** *Employment Is an Option* by the Employment Task Force will be hosting a half-day conference for middle school to high school ages on the skills and preparation that they need to do.

**Feb 27:** This is the next CCDDC Board of Director's meeting at 10am in RCEB/Concord.

**Feb 28:** The UC Davis Mind Institute's Center for Excellence in Developmental Disabilities is hosting two free trainings regarding alternatives to conservatorship titled *Supported Decision Making*. This will take place at two times; 1pm and 7pm at the Mount Diablo Adult Education Center, and the deadline for registration is February 19<sup>th</sup>.

*Sheraden Nicholau, State Council on Developmental Disabilities [SCDD], Bay Area Office*

Ms. Sheraden updated on the status of the Council's cycle 40 grant that was awarded to the Lanterman Housing Alliance [LHA] in 2017 to provide recommendations to a Statewide Strategic Framework in regards to improving housing for those with DD. LHA's draft report has been completed in partnership with many stakeholders and is available on theirs and our websites: <http://www.lantermanhousingalliance.org/statewide-strategic-framework/>

**Jan 31:** This is the last day to provide comment on LHA's draft.

**Feb 5:** This is the next Statewide Employment First committee meeting in Sacramento.

**Feb 27:** This is the next SCDD, Bay Area Regional Advisory Committee meeting at the San Mateo County Office of Education 7-9pm. The annual report and the forensics overview will be discussed.

**March 7:** This is the next legislative and public policy committee meeting in Sacramento.

**March 11:** This is the next Self Advocates Advisory Committee meeting in Sacramento.

**March 12:** This is the next SCDDC meeting.

**March 26/27:** Two-day Statewide Self Advocacy Network. This meeting brings leaders of self-advocacy groups from all areas in California to share their platforms and to provide support to each other.

*Feda Almaliti* inquired about the possibility of linking subjects discussed at the board meetings online. Another subject Ms. Almaliti inquired about was information on the difference between

the levels of homes that we use. Ms. Kleinbub addressed the home inquiry by informing her of a Living Options workshop that RCEB hosts twice a year, where we go through details and multiple subjects in regards to residences.

**ARCA REPORT:** Kathy Hebert and Lisa Kleinbub

Ms. Hebert stated that the ARCA meeting was in Sacramento this month, where the focus was on the new Governor's budget and ARCA's positions on certain aspects of it. Ms. Hebert added that it was beneficial to hear the perspectives from other Regional Center Executive Directors as they are all on the same page on many of the issues.

Ms. Kleinbub added that ARCA's main budget priorities are:

- An 8% increase in service provider's rates, which although would not be enough, it is a down payment that we know will come in the rate study. It will be a way to really help the impact of inflation over the last few years, even though it won't account for all the problems with rates.
- An 8% increase in the funding for case management positions at regional centers as well as positions tied to case management, which includes areas in support and technology.

ARCA is currently exploring other positions that will be taken on in the budget. We will be getting a report on all the bills that have been introduced to the legislature, and ARCA will be analyzing those. Grassroots day is Wednesday, April 3<sup>rd</sup> which is when all the ARCA member agencies and regional center board members meet with legislators. Board members have an opportunity to meet with their local legislator.

**MEETING ADJOURNED**

The board meeting adjourned at 8:25 p.m.

The next Board Meeting will be at 7:00 PM on February 25, 2019 in **San Leandro**