



REGIONAL CENTER OF THE EAST BAY
Board of Directors Meeting
MINUTES

Monday, March 23, 2015 7:05 p.m.
500 Davis Street, San Leandro, CA

Final
4/27/15

RCEB BOARD MEMBERS PRESENT:

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

Chi Lee
Gwen Nash-Butler
Marie Parra
Carmen Quinones
Darcy Ting
Mike Treppa

ABSENT:

Donald Morris [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
Elvia Osorio Rodriguez, Associate Director of Children's Services/Bilingual
Priscilla Gomez, Fiscal Monitor
Carol Nyhoff, Case Manager
Meredith Rosenberg, Case Manager
Michi Toy, Executive Assistant

GUESTS:

Bill Barbaria
Jason Hebert
Cleo Manspeaker
Gabe Rogin, SCDD, Bay Area Office

Todd Struthers
Josh Sullivan, CCCDDC
Geneva Ziaouré, PVAC

CALL TO ORDER

President, Anne Struthers called to order the regularly scheduled meeting of the Regional Center of the East Bay at 7:05 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 March 23, 2015 Agenda as presented”
[Nash-Butler/Iyemura] Unanimous

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

PUBLIC COMMENT

Cleo Manspeaker spoke about how pleased she was with her supported living arrangement and in being a regional center client for 33 years.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Anne Struthers

Purchase of Service Data

Ms. Struthers informed the board that RCEB has had two of the five public meetings scheduled for this month. These two were organized by our delegate agencies, Asian Community Mental Health Services [ACMHS] and La Familia Counseling Services [LFCS] on March 7TH and 18th, respectively. The first was a very well attended event of 140 people where ACMHS’s bi-lingual case managers assisted those families in attendance in Cantonese, Mandarin, Vietnamese and Mien, and LFCS’s bi-lingual case managers assisted in Spanish.

Scheduled Meetings:

- March 7, 2015 at 10:30 AM** Translation in Cantonese/Mandarin/Vietnamese and Mien
Garfield School
1640 22nd 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 20th through 31st

Virtual Meeting

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

[Rceb.org face page under Purchase of Service Data F/Y 2013-2014]

CONTRACT APPROVALS

Department of Developmental Services [DDS] A-3 Contract Amendment

Ms. Struthers distributed the Department of Developmental Service’s A-3 contract amendment approval summary highlighting an increase of \$6,379,828 to RCEB’s POS allocation (regular) and \$754,460 to the POS allocation (Community Placement Plan) as well as \$380,955 to the OPS allocation, for a total allocation of \$7,515,243.

M/S/C “The Board moves to approve the A-3 contract amendment allocation of \$7,515,243 as presented.” [Hogue/Battles] Unanimous

BUDGET AND FINANCE COMMITTEE: Steve Whitgob

Purchase of Service

Due to the release of the A-3 Contract Amendment, RCEB is currently projecting a revised mid-range insufficiency of approximately \$10.6M based on actual POS expenditures through February 2015. This is a decrease of approximately \$7.8M from last month’s mid-range projections.

In the A-3 Amendment, RCEB received approximately \$10.3M in regular Purchase of Services funds. In addition, DDS took back approximately \$4M from our POS allocation due to the suspension of the Federal Labor Act on overtime as well as partial funding for the State Minimum wage increases. These funds were already allocated in our A-1 contract amendment. We had reported to the Board last month that this “take-away” was very likely due to the legal ruling on the 5.82% proposed service provider rate increase for the Federal Labor Act. We also received approximately \$754K in Community Placement Plan [CPP] funds.

There are 2 significant issues impacting our current projected Purchase of Services expenditures:

- 1) Local minimum wage increases above the State minimum wage for communities such as Oakland, Berkeley and Richmond are impacting Service Providers who provide services

in these cities. For example, the State minimum wage is currently \$9.00 per hour. The minimum wage for the City of Oakland effective March 2, 2015 is \$12.25 per hour. Providers are requesting rate adjustments through a process established by the Department and the requests are being reviewed and analyzed at the Department, as well as at RCEB. Our current POS expenditures reflect potential increases for certain services, such as respite, day care and Supported Living Services, provided in cities with local minimum wage that are above the current State minimum wage.

- 2) A Federal Court issued a ruling related to the 14 day uniform holiday schedule for day services and transportation services as well as the ½ day billing for day services. Effective 2/13/15, Regional Centers were advised by DDS that the 14 day Uniform Holiday Schedule and ½ day billing requirement will **not** be enforced unless and until the State obtains CMS approval for the requirements. As a result, Regional Centers could potentially be paying for more program days than what had been budgeted for the fiscal year. For RCEB, we anticipate additional expenditures in day services and transportation services of approximately \$400,000 this fiscal year. Please note this amount is not currently reflected in our Purchase of Services projections.

All 21 Regional Centers are still reporting insufficiencies in their POS budgets. We will continue to monitor the status of our current year POS projection carefully.

Operations

The A-3 Amendment provided an additional \$380K in operations. We had been anticipating these funds and already accounted for them in our projections. We are reporting a balanced operations budget for current year.

Cash Flow status

The agency is maintaining a stable cash flow at this time. However, the Department will begin to offset our cash advance against our claims so we may start receiving only partial warrants probably starting with our February claim paid in April. To date, we have approximately \$45M cash on hand which will allow us to pay for March POS services on April 15th in full. However, depending on the amount we receive, or if we do not receive additional reimbursement from the State going forward, we could have some cash flow difficulties late in the fiscal year.

The agency currently has an active \$49.6M line of credit in place until October 15, 2015. However, we cannot borrow beyond the limits of our state contract and claim receivables. If the Department cannot provide regional centers with full and timely reimbursement, the Board is advised there is a slim possibility we may need to access our Line of Credit before the end of the fiscal year. We will keep the Board, as well as the Executive Committee, updated on our cash flow status.

Mr. Burton added that the regional centers have really struggled with cash flow for the last few years, but are in a much better shape this year. The Department has worked very hard to make sure that all regional centers are not struggling and to limit the need to use their Line of Credits.

The off-sets in the Budget & Finance report just given are expected off-sets as we reach the end of a fiscal year.

MEMBERSHIP DEVELOPMENT COMMITTEE: Anne Struthers

Ms. Struthers stated that board member Cecilia Corral is retiring from both the board and the Diversity & Equity Committee for now as she dedicates her time to her family. Ms. Struthers added that Ms. Corral did a wonderful job chairing our Diversity & Equity Committee and has been a strong board member for two years and will be missed.

Ms. Struthers' second term of three years will be completed after this board meeting and she has agreed to serve her last term of one year. Following a ballot election and tally, Ms. Struthers was unanimously elected to begin her last term on RCEB's Board of Directors at this meeting.

PROVIDER/VENDOR ADVISORY COMMITTEE: Daniel Hogue

Mr. Hogue informed the board that there was no Provider/Vendor Advisory Committee meeting this month due to the Health Insurance Portability and Accountability Act [HIPAA] presentation by the Department to the vendors. The informative presentation was well attending with around 150 people. The next meeting will be on April 10th.

DIVERSITY and EQUITY COMMITTEE: Anne Struthers

Ms. Struthers informed the board that the 12th Diversity & Equity meeting took place prior to this board meeting, with 16 people in attendance. The meeting began with a summary of the two public POS variance data meetings that have already taken place and provided information on the remaining three meetings this month. Mr. Burton added his appreciation to Esther Wong, her supervisors and staff at Asian Community Mental Health Services [ACMHS] for organizing and actively participating in the first meeting on March 7th. Ms. Kleinbub added that there was a survey handed out at the end of the March 7th meeting with the questions focusing on families' areas of need and the services that are related to addressing those needs. In addition to the public meetings, there was also an informal meeting on March 21st at the Sycamore Congregational Church in El Cerrito where we had Japanese and Tagalog translators. Mr. Burton added that our Diversity & Equity Committee is a great place for us to have collaborative partners focusing on this issue on an ongoing basis. There will also be a mini Congreso Familiar Conference [Congresito] on April 25th in Oakley, where Lisa Kleinbub will be giving her POS Data presentation.

CONSUMER ADVISORY COMMITTEE: Gwen Nash-Butler & Nyron Battles

The last meeting was March 9th where the main topic was on the People First conferences in Fresno and Sacramento, as well as the 3-day summit presented by the State of California on housing and transportation. The members also discussed ways on becoming more involved in

the community and the need to recruit CAC officers who are up for the commitment and challenge. The next CAC meeting will be on April 13, 2015.

EXECUTIVE DIRECTOR'S REPORT: Jim Burton

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

Legislative Townhall Meeting

The Townhall Meeting was held on Friday, February 27th at the State Building in Oakland and was well attended by many legislators and staffers. Mr. Burton stated that this Townhall meeting was outstanding, and particularly thanked the ALIVE Consumer Action Committee for their presentation. Mr. Burton commented on how the presentation was very impressive and really captured the attention of legislators. The theme "We are You!" was thought provoking and the presentations made clear that we are one, united community. Mr. Burton informed the board that all of our Bay Area legislators are aware of the Lanterman Coalition recommendations.

Hearings

Assembly member Tony Thurmond chaired the March 4th Assembly Budget Subcommittee Hearing on Health & Human Services. Mr. Burton stated that Mr. Thurmond impressively ran the hearing and appreciated the way in which issues were presented. The members attained a full sense of the issues as both parties expressed support for the Lanterman Coalition recommendations.

The March 12th Senate Budget Subcommittee #3 on Health and Human Services was executed differently this year. The format was an eight panel presentation where DDS was an important participant. This format was beneficial because members of the committee were able to hear thorough presentations from many people and viewpoints. It was very encouraging to hear the many expressions of support for the Lanterman Coalition. Mr. Burton added that he remains optimistic as this is the best opportunity that we have had in a long time to repair our system from the many cuts over the past years. There still exists a close working relationship in Sacramento among all the advocacy organizations and a very coherent voice on the issues.

Developmental Centers

By design, the status of the State Developmental Centers was addressed in the Assembly hearing but not in the Senate hearing. The Senate will hear those issues including closure plans, licensing certification, and federal funding at the special hearing on May 7th. Due to the timing of this hearing, the administration plans on the future of state developmental centers should be known very soon. There are also two bills that address the development of closure plans for the Sonoma and Fairview Developmental Centers. This was a position that our RCEB board approved a few months ago. Mr. Burton added that he was pleased to see that the legislative

analyst's office took nearly the same position as our board on the outlining of a thoughtful closure plan for the developmental centers. The regional centers have about 1,100 residents remaining in SDC's and expect to be below 1,000 people by the end of the next fiscal year. The Federal government has been crystal clear that they do not want anyone living in large segregated settings like the State developmental centers.

Grassroots Day

Grassroots Day is on Wednesday, April 15th at the State Capitol in Sacramento, sponsored by the Association of Regional Center Agencies [ARCA]. Mr. Burton added that due to the successful Townhall Meeting in Oakland at the end of February, the groundwork has been set in place. We have more teams consisting of a broader representation of people than we have had in the past that we are sending up to Sacramento for Grassroots this year. Mr. Burton added that our participation in Grassroots will humanize all the data and make clear what the human impact all of these cuts have been on people with developmental disabilities and their families. We will keep pressing through the May Revision [The Governor will announce his revision in mid May] and hope that he will move forward on the items we have just talked about. The issues in the developmental disability community are at the top of the priority list for the legislators in the Bay Area. There is more revenue coming in to the State but because of Proposition 98 a fair amount of that money must constitutionally go to schools. We must continue to advocate with the Governor and legislators right up until the State budget is signed to move our system forward.

May Revision

Mr. Burton stated that we have not heard anything on the content of the May Revision yet other than the possible funding for mandatory holidays as well as for half day billing.

Holiday Schedule

Historically, RCEB had a uniform holiday schedule [10 days] that we collaborated on for many years with our providers, especially our transportation providers. The State increased the mandatory holiday schedule to 14 days in 2010. Recently a judge ruled that the State illegally established this 14 day schedule and half day billing rules because they were not approved by the Federal Government's Center for Medicaid/Medicare Services [CMS]. Therefore, these two pieces of law were struck down, which is a good thing, but not without its complications. It was announced at the Senate hearing that the State has decided not to appeal that ruling. The direction that the State then gave the regional centers is that they cannot use the Mandatory 14 Day Holiday Schedule. However, the State does not have the power tell the regional centers *which* schedule to use. Regional centers cannot impose a particular schedule that differs from our prior uniform holiday schedule on providers. We are able to have a discussion with our providers and agree on a schedule that is consistent with the 10-day schedule that we used previously. This may be difficult especially with our transportation providers since there are collective bargaining agreements in place. In terms of the overall process, we intend to meet with as many providers at PVAC to try to come to an agreement not only with a holiday schedule but also when those days will occur.

Caesar Chavez day is trickier because not everyone celebrates that day. We will be posting information on our website and will do our best to get information to our service providers that if you choose to open and provide services on that day; RCEB will pay for those services consistent with the judge's order. We will attempt to coordinate transportation to the best of our ability, but we may or may not be able to within this short period of time.

The average cost to the regional center is around \$600,000/day to pay for day program services for our clients. On the other hand, half-day billing will have minimum impact since most providers will just adjust how long they will provide the service to make sure they can bill for a full day. The half-day billing change is retroactive to February 13th, so President's Day may be an issue. We expect that there will be money in our budget at the end of the fiscal year to cover all of this.

Local Minimum Wage

On March 2, 2015 the minimum wage increased from \$9.00/hour to \$12.25/hour in the city of Oakland. RCEB will support every one of our providers who have been impacted by supporting an adjustment in their rate to cover the local minimum wage. We will do our best to help every provider to obtain a rate increase to cover this retroactive to the date that their local minimum wage increase became effective. The process for RCEB to obtain a change in rate to accommodate the changes in local minimum wage can be lengthy. A Health & Safety Rate Request must be made for each individual consumer to seek a rate adjustment for each service that they receive. This is a big undertaking for both our service providers and us. The State generally has no other legal authority to change rates to deal with local minimum wage increases. There are several regional centers that have had to go through this procedure; one regional center in particular has submitted over 900 individual consumer requests for Health & Safety wage adjustments. This will be a collaborative effort with our vendors as we will be processing them as expeditiously as possible.

In the future, we will also need to address minimum wage increases for Richmond and Berkeley and perhaps other cities discussing minimum wage as well.

Questions were asked about the local minimum wage and addressed accordingly.

FCSN Talent Show Competition

The Friends of Children with Special Needs had their yearly talent show on March 14th at the Santa Clara Convention Center. Mr. Burton shared that there was 70 performers who participated in the preliminary auditions in February, of which 12 finalists were picked for performances at the convention center. Mr. Burton stated that the talent was exceptional and that the range of music was extraordinary with pianists, bands, a harpist, rap music, etc. There were around 600 attendants at the show who witnessed these artists showcase their talents with incredible confidence as they performed on stage with the spotlight on them. Next year, we will inform the board ahead of time so that they can make plans to attend this outstanding event.

Congresito Conference

This is a mini Congreso Familiar Conference that will be on Saturday, April 25th at O'Hara Park Middle School in Oakley. This mini conference will be patterned after the larger one held at Chabot College in the summer, but will be in a more convenient location for those who live in the Contra Costa area. There will be many workshops available, including the POS Data presentation that Lisa Kleinbub has been presenting at various locations during the month of March.

Self Determination

The Self Determination Advisory Committee application deadline is April 15th. Information and an application are on the face page of our website at rceb.org under **NEW [Self Determination](#)**. We want to make sure that we have a committee that is diverse and representative of the people that we serve. Once the committee is set, the members can help us get the word out to the community about the program so that many people will have an opportunity to participate. Our local committee will consist of 11 people, the local office of 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.

Service System's 50th Anniversary

We will soon be celebrating the 50th anniversary of when the first two pilot regional centers were established; Golden Gate Regional Center and Frank D. Lanterman Regional Center in Los Angeles to serve individuals with developmental disabilities. Forty years ago, RCEB was formed, so we will be making plans soon to celebrate our 40th year and 50th year anniversaries.

PUBLIC COMMENT

Gabriel Rogin, State Council on Developmental Disabilities, Bay Area Office

April 22, 2015: The State Council on Developmental Disabilities (SCDD) is holding the first of two local community forums at the State Building in Oakland, to gather input on our State Plan focusing on the following:

- What's working and not working in our service system?
- What services and supports are most important to individuals with developmental disabilities and their families?
- Where are the gaps in our service system and how should we address them?

Josh Sullivan, Contra Costa County Developmental Disabilities Council

Mr. Sullivan agreed that this year's Townhall Meeting was a huge success and was thankful that the auditorium was so packed with consumers, families and advocates. Mr. Sullivan thanked Pam Thomas and Gabe Rogin for their help as they look forward to next year's meeting.

March 25, 2015: This is the next CCCDDC meeting in Concord where the presentation topic is, "Getting Around: A look at transportation options for members of the DD Community."

April 1, 2015: This is the next East Bay Legislative Coalition [EBLC] meeting in Concord

ARCA REPORT: Anne Struthers

Ms. Struthers reported that the ARCA meeting last week was at Alta Regional Center in Sacramento. ARCA's legislative committee reviewed over 80 bills of which 20 bills are being watched very closely. Ms. Struthers highly recommends that a board member attend the next ARCA meeting with her, especially since it will be in our San Leandro office on June 19th.

Mr. Burton was pleased to announce that our board president, Anne Struthers is being nominated to become the board president of ARCA, so we need to have a successor from our board step up to be trained. Mr. Burton also added that it is fitting that Ms. Struthers' nomination be in our Ralph Griffin Conference Room, because it was Mr. Griffin who many years ago had taken Ms. Struthers to the ARCA meetings to prepare her to be the next ARCA representative.

MEETING ADJOURNED

The board meeting adjourned at 8:32 p.m.

The next Board Meeting will be at 7:00 p.m. on April 27, 2015
There will be NO Diversity & Equity meeting in April