



Regional Center of the East Bay
REGIONAL CENTER OF THE EAST BAY
Board of Directors Meeting

Monday, May 20, 2019
500 Davis Street, San Leandro
Approved 6/24/19

RCEB BOARD MEMBERS PRESENT:

Kathy Hebert, President
Lilian Ansari, Vice President
Evangeline Iyemura, Treasurer
Nyron Battles, Secretary
Morena Grimaldi, Diversity & Equity Chair
Caroline Ortiz
Teresita DeJesus
Chloe Page
Frank Paré

BOARD MEMBERS, cont.

Reneé Perls
Dinah Shapiro
Linda Stevens
Gerald Tamayo
Steven Whitgob

ABSENT

Brian Blaisch
Sister Marygrace Puchac, PVAC
Carmen Quinones
Lisa Soloway

STAFF PRESENT:

Lisa Kleinbub, Executive Director
Terri Jones, Director of Human Resources
Steve Robinson, Director of Community Services
Lynn Nguyen, Director of Finance & Administration
Chris Hanson, Associate Director of Adult Services
Evelyn Hoskins, Associate Director of Federal Programs
Elvia Osorio-Rodriguez, Associate Director of Children Services
Priscilla Gomez, Manager of Transportation
Bret Hatcher, Case Manager
Julie Whiskeyman, Case Manager
Herb Hastings, Consumer Advocate
Michi Toy, Executive Assistant

GUESTS:

Feda Almaliti	Vi Ibarra	Jeri Pietrelli
Yesenia Fantham	Sheraden Nicholau	Geneva Ziaouré

CALL TO ORDER

Board President, Kathy Hebert called the regularly scheduled meeting of the Regional Center of the East Bay to order at 7:03 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 May 20, 2019 agenda with the corrected date.”
[Battles/Shapiro] Unanimous

M/S/C “The Board moves to approve the April 22, 2019 minutes with the corrected date.” [Battles/Shapiro] Unanimous

PUBLIC COMMENT

Jeri Pietrelli commented on the difficulty her family experienced while trying to use the SF Giants website to purchase and print tickets since the ballpark replaced the print-at-home ticket system with a mobile application.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Kathy Hebert

CONTRACT APPROVALS

Many questions were asked by the board regarding procedures, oversight and RCEB protection as it relates to housing contracts. These were addressed by Ms. Kleinbub.

Community Placement Plan [CPP]

This contract represents an amendment to RCEB’s CPP start-up funds to contract with a NPO to develop two additional Enhanced Behavioral Support Homes [EBSH] where one is to be run by DDS Northern STAR, and the other to be run by a service provider who will be chosen through our Request for Proposal [RFP] process.

Brilliant Corners

Terms: 10/01/18 – 3/31/21

\$800K from CPP funds which include acquisition and renovation

Total Capacity: 4 individuals/home

Total Amount: \$2,300,000.00

M/S/C “The board moves to approve the amendment to RCEB’s CPP start-up funds for Brilliant Corners to develop two EBSH crisis homes as presented.”
[Shapiro/Battles] Unanimous The motion was adopted.

Supported Living Services

These 12 contracts represent agreements 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.

Term: July 1, 2019 – June 30, 2024

Clients receiving services under these contracts have individualized rates based on need.

List of Agencies/County/Capacity/Average Monthly Rate:

1. A Better Chance/Contra Costa/15/\$6,305
2. A Bright Future/Contra Costa & Alameda/15/\$12,010
3. A Diversified Family/Alameda/15/\$12,508
4. Adult Educational Technologies/Contra Costa & Alameda/25/\$10,337
5. Alternative Learning Center/Contra Costa & Alameda/30/\$7,876
6. AIMS/Contra Costa & Alameda/20/\$6,541
7. Bay Area Support Services/Alameda/20/\$10,742
8. Bay Liberty/Contra Costa & Alameda/20/\$10,191
9. Bertha Izalee Matella/Contra Costa & Alameda/15/\$15,757
10. COMPASS, LLC/Contra Costa & Alameda/75/\$8,829
11. Clausen House/Alameda/15/\$4,573
12. Coastline Support/ Contra Costa & Alameda/15/\$21,988

M/S/C “The board moves to approve the SLS agreements for the 12 Supported Living Services as detailed.” [Perls/Shapiro] Vote: 13-yea, 1-abstained The motion was adopted.

BUDGET AND FINANCE COMMITTEE

Budget and Finance Report for May 20, 2019 – Evangeline Iyemura

Purchase of Service (POS)

Through April 2019, 83% of our fiscal year 2018-19 POS expenditures are in base. At this time, we are projecting a deficit ranging from approximately \$6.7M (best case) to \$7.7M (worse case) for NON-CPP POS Expenditures. This is an increase of \$3.6M (best case) and decrease of \$3.2M (worse case) over the previous month's projections. Most of this increase in deficit was due to reclassifications of \$1.7M POS expenses that were previously coded to CPP. These were previously recorded as a deficit in CPP.

Fifteen Regional Centers including RCEB are reporting a deficit in their POS projections. The projected deficit statewide is at \$51M (best case) and a high of \$65M (worse case). Overall, the statewide system deficit has increased compared to last month's deficit of \$50M at a low projection and \$44M at a high projection with more regional centers reporting higher deficits. The Department has confirmed that there will be additional allocation for POS for several regional centers, including RCEB in the E-3 Amendment which will come out in the next few weeks. In

recent legislative hearings, the Department has also notified the legislature of the overall increases in POS projections due to growth in supported living and respite services.

After the reclassifications of \$1.7M to POS expenses out of CPP, we continue to project a deficit of \$2.8M for CPP POS Expenditures. RCEB will also receive additional CPP funding in the E-3.

Operations

As for regular operations, the Staff continues to report a projected balanced budget for the current fiscal year 2018-19 with 78% of expenditures in base through April.

Cash Flow Status

The Agency had adequate cash to pay for April services in May. DDS started to offset against the advance for 50% of March claims that was paid out in May, and will also offset 50% of April claims in June. At this time, we project that RCEB will have adequate cash to pay for May services in June.

DDS currently is unaware of when the advances for FY2019-20 will be paid out. However, they do not expect any delays and will try to pay out as soon as possible. The Board is advised that there is a possibility that we may need to access our \$25MM line of credit in July if we do not receive the advances before paying for June services in July.

We will keep the Board as well as the Executive Committee updated on our cash flow status next month.

MEMBERSHIP DEVELOPMENT COMMITTEE: Kathy Hebert

Board Election

At our last board meeting in April, Ms. Hebert had nominated Yesenia Fantham to serve as a board member. Therefore, a board election was conducted this evening. The ballots were distributed to the Board members and tallied by Lilian Ansari, resulting in a unanimous vote for Yesenia to serve on the board effective this meeting.

ByLaw Update

At last month's board meeting, Ms. Hebert proposed adding additional board members to our Budget & Finance Committee. The rationale was discussed in detail at the Executive Committee meeting on April 10th and explained at the April 22nd board meeting.

New sentence to be added to the ByLaws on Page 19 under Section 8.4 Standing Committees (b):

- (1) *The Budget and Finance Committee shall be comprised of no less than three (3) members of the Board of Directors, one of whom shall be the Treasurer and act as chair of the committee.*

M/S/C “The Board approves of adding a new sentence to be added to our ByLaws Budget & Finance Committee section as stated.” [Shapiro/Perls] Unanimous
The motion was adopted

PROVIDER/VENDOR ADVISORY COMMITTEE [PVAC]:

PVAC Co-Chair Geneva Ziaouré for Sister Marygrace Puchac

The PVAC meeting was on May 10th. This meeting was shorter than usual since many of the providers are involved with the details in the budget and they are very focused on the rate study and its implications for the new fiscal year. DDS received approval from CMS on their Bridge Funding Proposal this month. Therefore, providers of the community-based day programs and community care facilities under the Alternative Residential Model in the high-cost counties will receive the 2.1% rate increase from May 1, 2019 to April 30, 2020. Other hot topics were the HCBS Waiver Transition Grant Funding and the May Revise. Also authorized through the transition funding was person centered thinking training, and consultants.

DDS is proposing to the legislature that 4 of the rate study models should be implemented. The legislative analyst’s office provided alternative proposals to the legislature involving some pilot projects as well as some rate increases to stabilize the system. Therefore, the providers discussed the differences.

May 23: Disability and Aging Capitol Action Day- This is a rally and March to the Capitol for legislative visits and a resource fair for those in the DD as well as aging population.

June 10: California Autism Foundation’s 13th annual golf tournament at the Contra Costa County Club in Pleasant Hill.

CONSUMER ADVISORY COMMITTEE [CAC]: Nyron Battles

Mr. Battles summarized the Monday, May 13th CAC meeting. The majority of the meeting was on CalFresh and how as of June 1, 2019, some SSI recipients may be eligible for CalFresh food benefits. Mr. Battles stated that the online application is easy, and that CalFresh would follow-up with an interview with the applicant. The next CAC meeting will not be until July 8, 2019.

DIVERSITY and EQUITY COMMITTEE: Morena Grimaldi

Ms. Grimaldi stated that the Diversity & Equity Committee met before the board meeting. They received updates from the different family support groups and discussed their Mission Statement. There was also discussion on the idea of Jairo providing training on the operational aspect of this committee as well as the roles of the membership. The group will have a better idea of this feasibility in June.

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 June 24, 2019 in Concord at 6pm.

EXECUTIVE DIRECTOR'S REPORT: Lisa Kleinbub, Executive Director
Anka Behavioral Health, Inc.

Anka is a major California provider of services to individuals with a forensic history [involvement with the court system] as well as to our more severe behavioral consumers. They have filed Chapter 11 bankruptcy this month and are closing all of their programs including but not limited to their IDD programs. This affects 11 regional centers and for RCEB, a total of approximately 35 clients.

Our priority has been that most of our consumers will not have to move from where they are currently living. RCEB has been working very closely with DDS as well as with alternate service providers for those who do have to transition to another home. We are confident that our clients can stay in all but one of the homes. This particular home is actually owned by Anka, therefore we are looking for a relocation place for them or the alternative of a provider purchasing the property. There is little interest in obtaining any agreements with Anka since they are in bankruptcy. Aside from issues involving taking over property leases, we do believe that everyone will transition by the end of May.

We are also working with Community Care Licensing [CCL] since the providers will need to get a new license for the facility in their name so that they can operate the business. The organizations taking over include a larger service provider operating throughout California, as well as a couple of local providers who we partnered with on the Sonoma transition.

Most of the consumers know of the transitions, and there has been a considerable amount of work to make sure that the consumers are being taken care of and that staff in the homes are being paid in a timely manner. There will be a number of new service agreements for these providers and we will have some of those agreements to approve in the June Executive Committee then followed by approval by the whole Board.

Questions were asked by the board members on what steps will be taken to prevent this type of situation from happening again. Ms. Kleinbub explained that Anka's quick expansion into various developmental service programs statewide caused financial strain on the company. Going forward, DDS will be looking at large service providers who have their businesses in various areas of the State. If DDS sees an issue in one regional center area, they may advise other regional centers to check on their related providers enhancing the collaboration among regional centers across the State. We will also be carefully looking at the expansion profile of providers who are applying to receive funds for new development.

Self-Determination

Ms. Kleinbub updated everyone on the status of self-determination. We have had two orientations for our consumers and their families; one that encompassed two evenings and one that was on a Saturday. One of our orientations had many self-advocates attending and they were excited to know that what they felt was important to them was valued by all. So far, 55 people have gone through the orientation, the initial step. We currently have 154 people in the pilot program so we are working through all the issues that might arise. Two years from now, everyone will be able to choose if they want the self-determination program. Around 20 people have decided that they will not go forward with the program so we are waiting for direction on what the process will be for selecting other people who have expressed interest in this program. During the orientations, we received many good inquiries where we had to reach out to DDS for the answers. Questions were asked and addressed by Ms. Kleinbub.

Governor's Budget

Ms. Kleinbub added that the May Revise came out a little early this year, on May 9th. This day also happened to be the same day that the State Senate was holding a hearing on the rate study. They actually should have been looking at this back in March when it was due to the Legislature. The Senate already knew what the Governor was recommending for the rates in his May Revise. In the Senate, there were lots of questions about the rate study and many different people with different perspectives who presented their opinions. Presenters were from ARCA and other organizations who spoke about the need to have the rates tied to the cost of providing services in order to have a sustainable system. The Legislative Analyst which provides the analysis of different legislation to both houses of the legislature published a review of the rate study two weeks ago. Sonja Petek, from the Legislative Analyst's office actually presented this analysis to our local Alameda County DD Council on May 8th. She recommended that DDS implement parts of the rate study that were straight forward where there are no policy or regulatory changes required. Those categories include respite, employment, and residential services. Other alternatives she recommended were to determine a flat rate increase for everyone, correct the minimum wage quirk and/or consider restoring social recreation.

At the Senate hearing, there was a lot of frustration with DDS over not putting forward a plan for what to do with the rate study, especially since we were already in the month of May. In the May Revise, DDS suggested a very small dollar amount for rate increases for some very limited services. The rate study looked at needing \$1.8B to reform the system and implement the rate study, while only \$200M was in the Governor's budget. The Department's proposal was very limited in terms of implementing the rate study. DDS conveyed during the hearing that they would have discussions over the summer about what should be done. This was frustrating for the legislators in all the hearings and they wanted something concrete immediately. Many of the Governor's budget items in the May Revise have sunset dates. This is not just in our system; IHSS had a 7% reduction a couple of years ago and the Governor's budget proposes a restoration for around 18 months with a sunset date. They proposed that for a number of items in our system and both Republican and Democratic legislators are against it because they felt if it did not restore items permanently that would impact our providers to actually sustain their services. What this means is that most of these issues will end up in conference committees. Both the

Assembly and the Senate will finalize things in their budget committees and everything that they disagree with between each other will go to a conference committee where the Governor's staff will also be involved.

Also in the budget is a proposal for elimination of an income standard to fund copayments in Early Start services for babies. There are also a few increases for regional center budgets tied to trailer bill language. There has been a lot of talk across the State from legislators and different advocacy groups about wanting an increase in transparency in the regional center system. Therefore, we are expecting to see more performance requirements in addition to what we already are required to do. There is also an interest in increased transparency with more data posted in addition to our performance reports. Additional reports include the number of fair hearings we have, complaint categories/results, service staff fingerprinting requirements such as in supported living (most of our service providers already do this despite it not being a requirement). There is also a request that when regional centers write corrective action plans that they also be provided to the Department. With those new requirements, there will need to be additional money for implementation. Those ideas are all in draft and still being reviewed and will have to be published 48 hours before the budget is passed, so we will be able to see the language in those proposals. The legislature needs to pass the budget by June 15th in order for them to get paid and receive their per diems. Then, it will be with the Governor for his signature by the end of June.

Questions were asked by the board and addressed by Ms. Kleinbub.

PUBLIC COMMENT

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

The job posting for the Alameda County DDC will come out sometime this summer so Ms. Soliday now anticipates working remotely until December.

June 6: This is the 30th Annual Awards Dinner at the Walnut Creek Marriott. The venue was changed due to circumstances beyond our control otherwise everything else is the same. Send in your registrations before the May 30th deadline.

July 10: This is the next regular Alameda County DDC meeting which is the annual planning meeting at the Oakland Public Health Department.

May 24: This is the next East Bay Employment Task Force meeting at the Concord RCEB office from 10-12:00 at the Oakland Public Health Department. They have officially transitioned to Hireable, a 501c3.

Vi Ibarra, Contra Costa County Developmental Disabilities Council [CCCDDC]

May 22: This is the next Contra Costa DDC meeting where there will be a presentation by *Enriching Lives on Housing Options: An Introduction to Family Home Agencies.*

June 6: This is the DDC yearly awards dinner and although the venue has changed the date/costs are the same. The venue at the Walnut Creek Marriott is closer to BART so it is more accessible and the space of the venue is larger. The Excellence in Service nomination forms are available on our website, and we have so far received a large amount of nominations. It is really important that we recognize these individuals who have gone above and beyond to enrich the lives of those in our community.

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

May 23: This is the Disability & Aging Capitol Action Day. Ms Nicholau added that although this is a yearly event, it will be the first time that there will be a joint partnering between both coalitions. With over one thousand people registered, it is slated to be the largest event of its kind this year.

Ms. Nicholau added her appreciation and congratulations to those who helped organize Get Safe's Safety Training and Risk Reduction training events coordinated with law enforcement. There were about 200 people who were able to attend, and the post-training signups for law enforcement was more than any other region statewide.

NCI Core Indicators- We are almost done with this cycle; we have from now until the end of June. There will be a last batch of surveys to be mailed out to this region targeting those 18 years and younger who receive regional center services and live with their parents.

June 5/6: Statewide Self-Advocacy Network meeting

June 10/11: This is the next statewide Self-Determination Advisory Committee meeting

June 19: Legislative and Public Policy Committee meeting

June 26: This is the next SCDD, Bay Area meeting in Concord from 6:30-9:00. The focal points will be on transportation advocacy and service assessment in the Bay Area.

ARCA REPORT: Lisa Kleinbub

Ms. Herbert reminded the Board about providing feedback on ARCA's Strategic Plan draft for fiscal years 2019/20 – 2021/22. This document was sent in the April board packet along with ARCA's write-up of the Background/Analysis/Discussion. ARCA is asking all regional center boards to review the plan by the end of May with feedback on areas that are of concern. At last month's board meeting, Ms. Kleinbub had reported in detail about the importance of this plan.

MEETING ADJOURNED

The board meeting adjourned at 8:40 p.m.

The next Board Meeting will be at 7:00 PM on June 24, 2019 in **Concord**