



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

Monday, October 28, 2013, 7:00 p.m.
2151 Salvio Street, Concord, CA
Final
Approved 11/25/13

RCEB BOARD MEMBERS PRESENT:

Anne Struthers, President	Chi Lee
Kathy Hebert, Vice President	Hilda Mariscal
Mike Kuller, Treasurer	Donald Morris
Rose Coleman, Secretary	Sister Marygrace Puchac, PVAC
Nyron Battles, CAC Chair	Mike Treppa
Ron Clay	Steve Whitgob
Cecilia Corral, Diversity & Equity Chair	

ABSENT:

Gwen Nash-Butler [excused]

STAFF PRESENT:

Jim Burton, Executive Director
Francine Davis, Director of Community Services
Terri Jones, Director of Human Resources
Lisa Kleinbub, Director of Health and Behavioral Services
Nancy Kubota, Director of Finance & Administration
Pam Thomas, Director of Consumer Services
Elvia Osorio-Rodriguez, Associate Director of Consumer Services

Lop Hou, Controller	Meredith Rosenberg, Case Manager
Kristen Anderson, Assessment Counselor	Frankie Samuel, Case Manger
Doris Crumly, Case Manager	Eric Stern, Case Manager
Rhonda Kimble-Kelly, Case Manager	Michi Toy, Executive Assistant

GUESTS PRESENT:

Representatives from Clif Bar

- Stephanie Wu
- Greg Brooks
- Yelund Wong

Representatives from Lindquist, vonHusen & Joyce LLP

- Charlotte Tay
- Sandra Martinez

Guests from the Community

- Bill Barbaria
- Robin Chiang
- Angela Gattis
- Belinda Hernandez, La Familia
- Evangeline Iyemura
- John Rodriguez, CCDDC
- Gabriel Rogan/AB5
- Pilar Ruiz
- Rocio Smith
- Sandi Soliday, ACDDC

CALL TO ORDER

President, Anne Struthers, called to order the regularly scheduled business meeting of the Regional Center of the East Bay at 7:04 p.m.

WELCOME AND INTRODUCTIONS

Self introductions were made and a quorum was present.

Ms. Struther's invited guests Stephanie Wu, Greg Brooks, and Yelund Wong of Clif Bar to the floor. Mr. Burton informed the board of our appreciation of Clif Bar, the largest single donor and strong supporter of RCEB's Helping Hand Fund.*

Ms. Stephanie Wu then presented RCEB with a very generous check for \$35K for the Helping Hand Fund and thanked RCEB for our many contributions to our community. Ms. Struther's graciously thanked the representatives from Clif Bar, and stated that their donation will greatly help our consumers.

CONSENT AGENDA / MINUTES

M/S/C "The Board moves to approve the minutes of September 23, 2013 and the Agenda for October 28, 2013 as presented." [Battles/Coleman]
Unanimous

*The Regional Center of the East Bay has a special fund that is made up exclusively of contributions from RCEB friends, employees and families. This fund is used to aid RCEB consumers when they find themselves in difficult situations and no public funds or resources are available to help them.

PUBLIC COMMENT

Case manager *Doris Crumly* introduced herself as having a son with dwarfism and informed the board of October being Dwarfism Awareness Month. Ms. Crumly relayed her work history at RCEB, and her current frustrations over her 1:92 caseload ratio stating that this high caseload is affecting her moral, her ability to fulfill documentation requirements and especially her ability to provide the best service to the clients.

Case Manager *Eric Stern* informed the members that he was representing many of the RCEB union members in regards to the union approved performance and expectations memo that they recently received. Mr. Stern recognized that RCEB has the management right to establish work standards. Mr. Stern wanted to point out however, that some case managers think it is unfair; if we are not meeting State requirements on caseload ratios, how can management expect them to perform to the standardized expectations put forth in the memo. In addition to that, the case managers already have tremendous pressure to find resources for their clients that are not available, and by adding a formal work standard at this time does not feel supportive. In summary, the request is for management to focus more on the supportive side until the ratios are brought down to a more manageable number.

President Anne Struthers thanked both of them for their comments.

Board member *Donald Morris* wanted to announce that his 54th birthday will be a week away, and that he is excited about it.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Anne Struthers

PERFORMANCE CONTRACT OBJECTIVES FOR 2014

Pam Thomas, Director of Consumer Services, distributed and reviewed the draft plan of both the Local Public Policy Outcomes and the Public Policy Performance Measures with the group and Mr. Burton, Ms. Thomas, and Ms. Osorio-Rodriguez addressed questions that were asked.

Local Public Policy Outcomes

- These three outcomes are optional and not done by all regional centers, but we feel that it is very important to continue the work that we have done on these objectives. Some of the major events that we have co-sponsored are Congreso Familiar's yearly conference [resource fair providing workshops, childcare, food, and live music] STAR conference [provides convenient access to medical,

educational and social resources for parents whose children have an autism spectrum disorder] and college preparedness conferences.

Ms. Thomas continued, reporting on the many activities; outreach and trainings that RCEB will continue to be involved in during the 2014 year.

Public Policy Performance Measures

- All regional centers need to meet these performance policies which are set by the State. Ms. Thomas went over all the Outcome Measures and activities that RCEB has planned in 2014 to meet those objectives.

M/S/C “The Board moves to approve the 2014 Local Public Policy Outcome and Public Policy Performance Measures as presented. [Whitgob/Coleman] Unanimous

Mr. Burton reminded the board that an annual performance contract report will be due to DDS at the end of January 2014 which will outline on how RCEB performed in meeting our 2013 objectives. This will be reported to you at our February meeting.

CONTRACT APPROVAL

- Ms. Struthers distributed the Department of Developmental Services [DDS’s] D-6 contract amendment summary sheet noting that it provides an additional \$6.5M to RCEB’s POS allocation and informed the board that it was approved at the Executive Committee meeting on October 9, 2013 and will need the board authorization for RCEB to enter into this contract:

M/S/C “The Board moves to ratify the D-6 contract amendment with DDS as presented.” [Whitgob/Puchac] Unanimous

BUDGET AND FINANCE COMMITTEE: Mike Kuller

Independent Audit Report for Fiscal Year 12-13

- Mr. Kuller passed out the draft audit report to the board members as he welcomed and introduced Charlotte Tay and Sandra Martinez, RCEB’s auditors from Lindquist, von Husen & Joyce LLP to present a summary of the draft audit report for Fiscal Year 2012-13. This report is unqualified, meaning that the report is a clean report and there are no management comments. The review and approval of this report will be an action item at the November Board Meeting, and will be posted on our website once it is finalized.
- Ms. Tay and Ms. Martinez presented the results of the June 30, 2013 financials as well as the federal Medicaid funding compliance review that the center received for fiscal year 2012/13. Ms. Tay offered congratulations to RCEB for

their clean opinion of the financials and the federal award compliance, as well as zero disagreements with management during the audit. The auditors expressed their appreciation to Nancy Kubota, Lop Hou, the entire accounting department, the Board, and the entire RCEB staff for the opportunity for their fine work. There were no questions directed towards the auditors.

Mr. Burton expressed his gratitude to the auditors for their expeditious review and stated that RCEB records, manages, and accounts for state and federal funds very carefully. Mr. Burton thanked Ms. Kubota and Mr. Hou for continuously meeting the high standards that we set.

Operations Budget

- Staff had completed a preliminary operations budget based on the E-1 allocation as well as anticipated funds to be received for our Community Placement Plan (CPP) and Continuation Funds for the Agnews closure. The estimated CPP and Agnews closure funding is included in our preliminary budget planning. The financial report for September did not include these anticipated funds.
- Our operations allocation to date compared to what was received in the previous fiscal year has improved due to the restoration of the remaining 1.25% of the 4.25% reduction in Regional Centers' budget. RCEB also received additional operations funding to fund caseload growth for approximately 320 net new consumers. Since December 2012, RCEB has hired 49 new staff, mostly case managers to fill existing vacancies. Because our operations allocation has improved, we are also working quickly to add new staff to better serve our consumers and their families, and to address increasing caseloads and workloads. Again, most of our new positions filled this year will be in case management.

At this time, we are projecting a balanced budget in operations. Staff will be keeping the board apprised of our operations budget for the year.

Purchase of Service Budget

- Regional Centers are still waiting for instructions from the Department on the preliminary Sufficiency of Allocation Report (SOAR) which is the basis for the annual Purchase of Services projections. The SOAR report advises the Department of Regional Centers' projected expenditures for the current fiscal year and reports any funding insufficiencies in Purchase of Services.
- The SOAR report is typically due in mid-November; therefore, we anticipate hearing from the Department shortly. In the meantime, our financial report shows actual POS expenditures to date through September, which is 25% of the fiscal year. Our actual expenditures to date reflect that our expenditures are

approximately 1.3% under this percentage. This percentage does not take into account any late bills. We will be able to provide the board with more details regarding our POS projections when the SOAR report has been completed. Even though the methodology of allocating POS funds has historically based on prior year expenditures in specific service categories, it is uncertain how remaining funds will be allocated by DDS. Although we adjusted for the elimination of the 1.25% payment reduction, we do not believe the E-1 allocation will be sufficient to meet all of our POS obligations for the year. However, we are starting this fiscal year in a better position than in previous years.

Staff will report back at the Budget and Finance committee in November when the SOAR report has been completed. A detailed Purchase of Services summary will be provided to the Board at that time.

Line of Credit and Cash Flow

- Although RCEB's cash flow is stable and a line of credit is not needed at this time, it is prudent to retain a Line of Credit in the event that there are delays in federal reimbursement or if State warrants are delayed during the remainder of the fiscal year. Since we do not yet have a line of credit, we have been in contact with Union Bank to establish a new line. Union Bank has indicated they will make their best efforts to provide documents to RCEB in time for our next board meeting in November. Staff will continue to update the board on the agency's cash flow status.
- Ms. Struthers made a comment that since she has been on the board, cash flow has become a major issue, which is directly related to receiving funds late. Mr. Burton added that up until a few years ago, the only time that we had cash flow problems during the course of the fiscal year, was when the state budget was not signed on time, and that would be the only reason why we would need to borrow using a line of credit. Mr. Burton stated that regional centers have been increasingly dependent on federal funding and have been advised by the Department that our cash flow this year should be improved, partly due to the 1915(i), a program that has brought in approximately \$727M in federal funding.

MEMBERSHIP DEVELOPMENT COMMITTEE: Anne Struthers

- Ms. Struthers stated that we are in the process of interviewing a number applicants for board of directors.
- Ms. Struthers' read off the names on the proposed slate of offices for 2014 and requested any additional nominations from the floor. With no new nominations the slate is as follows, and will be voted on next month:

Anne Struthers, President
Kathy Hebert, Vice-President
Mike Treppa, Budget and Finance Committee Chair
Steve Whitgob, Treasurer
Rose Coleman, Secretary

PROVIDER/VENDOR ADVISORY COMMITTEE: Sister Marygrace

- The last well attended PVAC meeting was on October 11th with people filling both conference rooms. There were a couple of new agencies that also attended the meeting.
- The introductory question that Nancy Rosenberg, Executive Director of the Cerebral Palsy Center, posed was for those willing to share what truisms helped you in your career and life. The responses of advice from parents, mentors, and bosses were very insightful.
- The majority of the meeting consisted of an update from Mr. Burton, and reports from Area Board 5 and the developmental disability councils.
- The next meeting will be on November 8th with a presentation from Area Board 5 on the Self-Determination Program [formerly SB 468].

CONSUMER ADVISORY COMMITTEE: Rose Coleman

- The CAC meeting was on October 14th, where Nancy Kubota presented the Director's Report. Ms. Kubota summarized the activity of the Diversity & Equity Committee, RCEB's Zero Tolerance Policy, and the new bills that the Governor had signed.
- Ms. Coleman also stated that next month's CAC meeting will include the nominations for Chair and Co-chair for the committee.
 - The next CAC meeting will be Monday, October 18th.

DIVERSITY and EQUITY COMMITTEE: Cecilia Corral/Anne Struthers

Background:

This is a new committee that we recently formed to discuss the information reflected in the Purchase of Service [POS] Data report. The purpose of that report was to see what differences exist in POS authorization and expenditures as it relates to consumer age, ethnicity, primary language spoken, and type of developmental disability. We feel that it is very important to continue to discuss those differences in a public forum and to find effective strategies to address differences as appropriate.

Meeting:

- This second meeting of the Diversity & Equity Committee was conducted an hour before the commencing of the board meeting. It was well attended, just like the first meeting last month, with a diverse group of 12-15 people from our

community who shared their ideas and their thoughts about regional center services.

- Ms. Corral stated that one of the main discussions was on the difficulties that the families are facing regarding translation services, and communication with their case managers. The conversations helped in trying to identify where the issues lie as more information is gathered.
- Ms. Struther's thanked Ms. Corral for creating a report "grid" that identifies many of the issues that are being brought to the surface as well as identifying the issues that have arisen from the new legislation.
- Mr. Burton informed the board that a new round of data will be posted from all the regional centers on their websites by the December 31st deadline.
- The next Diversity & Equity Committee meeting will be an hour before the board meeting on November 25th.

EXECUTIVE DIRECTOR'S REPORT: Jim Burton

Changes in Law – Effective January 2014

Mr. Burton elaborated on a few of the more notable bills signed by the Governor:

SB 126 – This bill continues the mandate for health insurance providers to fund behavioral services. This is particularly important to those individuals who are on the autism spectrum but *not* eligible for regional center services since they currently have few or no services available to them. This bill will extend the operation of these provisions until July 1, 2019.

SB 208 – This bill actually came about from our regional center as a practice that we have been doing for a long time. It originated from a task group in the Senate Select Committee on Autism [Senator Steinberg] as a part of the Diversity & Equity package of bills. This bill requires that when a regional center issues a Request for Proposal [RFP], the respondent needs to advise how they will address diversity & equity in their proposals to us. All regional centers will be required to include this in their RFP's as of January 2014.

SB 367 – This bill requires that the governing boards of the regional centers will receive cultural and linguistic competency training. As a result of the input given by guests at our Diversity & Equity Committee meeting tonight, Mr. Burton stated that this training will be important not just to the board members, but to all staff at RCEB.

SB 468 – This statewide self-determination program bill is an expansion of the pilot program. There have been 5 regional centers that have been piloting Self Determined Services for 15 years, but it has never been expanded to other regional centers or other regional center consumer and families. The initial service will be for 2,500 consumers and it will be a while before it is universal, since the Department must seek federal approval of the States plan by December 2014. This gives us time to really look at the issues that will arise, since the bill is a rough outline of the program. The sponsors of this bill envision a way that services can be determined by having more choices for consumers and their families.

It is imperative to note that the pilot regional centers found that in order to effectively implement self-determined services, the ideal case load ratio would have to be between a range of one to 30-45 cases per case manager.

SB 555 – This bill specifically requires that regional centers translate Individual Program Plans [IPP's] and Individual Family Service Plans [IFSP's] into the family's "native" language.

AB 663 – This bill affects the adult residential care facilities by requiring additional training in cultural competency and in sensitive issues relating to the underserved aging, lesbian, gay, bisexual, and transgender community.

AB 1041 – This bill is the widely supported Employment First Policy, which requires that the planning team at the regional centers provide working age consumers information about integrated employment services, when they are conducting their Individual Program Plan [IPP].

AB 1232 – This quality assessment system bill requires that the quality assurance instrument that is used to assess the provision of services, are done in a linguistically and culturally competent manner and include an outcome-based measure on issues of equity and diversity. This is a requirement of the Department of Developmental Services, but the regional centers will be implementing it.

Budget Process

We are back into the regular budget process and the Governor will release his budget in mid January, with hearings scheduled in the Assembly and Senate around March 2014.

Department of Developmental Services

- Mr. Burton reminded the board that last month he spoke in about the pending retirement of Terri Delgadillo, Director of the Department of Developmental Services, after being the Director for seven years. At September's board meeting, the members unanimously voted on sending out a letter from the board to thank Terri for her service, which was done.

- Diana Dooley, the Secretary of Health and Human Service Agency [HHS] is actively recruiting and searching for a replacement for Ms. Delgadillo; a position that has great impact on people with developmental disabilities, their families, and on people who serve them. There have been no announcements of an interim appointment at this point.

Minimum Wage

- The minimum wage will be increased, which is good for those workers and our direct care staff who receive minimum wage. But, it is not good for the service system if the state does not adjust rates for our service providers and provide them with enough funding to cover the increased wages. Therefore, it is really important for us to advocate for appropriate rate adjustments in this upcoming budget session.

Developmental Center Task Force

- Diana Dooley, Senator of the Health & Human Services Agency, is the committee chair and has been progressively moving the agenda forward. We foresee a recommendation outlining a planning process in the imminent future, possibly in January. As of today, we only have about 1,400 out of the 266,000 developmentally disabled residents remaining at the Developmental centers in California.

Transition Resource Fair

- Mr. Burton thanked case manager supervisors Janice Newsome and Shirley Obioma, as well as Pam Thomas, Elvia Osorio Rodriguez John Rodriguez and all the others that participated and volunteered in the successful Transition Resource Fair. The feedback that we received about the fair was impressive.

PUBLIC COMMENT

Gabriel Rogan, New Executive Director of Area Board 5 commented that the Area Board has a long history of working with RCEB, and that he looks forward to continuing that tradition.

John Rodriguez, Contra Costa County Developmental Disabilities Council thanked the RCEB staff for the active involvement in the transition fair. Mr. Rodriguez also thanked Mr. Burton and Mr. Sanford for their Developmental Center Task Force update presentation at the Council meeting, which was very well received.

- No CCDDC meeting in November
- Next meeting is December 4th

Sandi Soliday, Alameda County Developmental Disabilities Council stated that they had a very successful Tri-Valley Transition night in October as well as the Going to College with a Disability Conference. Ms. Soliday added that the Schreiber Center is moving forward, they have a budget and they will be recruiting staff.

- Next meeting is November 13th, where the topic will be School to Work

ARCA REPORT: Anne Struthers

- Both Jim Burton and Anne Struthers attended the Los Angeles meeting in mid-October. In addition to the discussion of the initiatives that ARCA was involved in, an important topic was the unfortunate new access policy at Disneyland for those with disabilities. Mr. Burton informed the board that Disney changed their current Guest Assistance Card to a “Disability Access Service (DAS) Card, which is of great concern to the community since they now have to wait in a line. ARCA will be working with Disney’s upper management to get a better solution.
- Ms. Struthers advised that on November 6th, ARCA has scheduled a meeting with Diana Dooley, Secretary of Health and Human Service Agency [HHSA] to discuss the importance of the position and what qualities to look for in the next Director of the Department of Developmental Services.

Closed Session – 8:22pm

The board convened for a brief closed session on personnel issues.

MEETING ADJOURNED

The board meeting adjourned at 8:46 p.m.

The next board meeting will be on November 25th 2013 in San Leandro

Respectfully submitted,

Rose Coleman
Secretary
RCEB Board of Directors