



REGIONAL CENTER OF THE EAST BAY
Board of Directors Meeting
MINUTES

Approved on 10/27/14

Monday, September 22, 2014 7:03 p.m.
500 Davis Street, San Leandro, CA

RCEB BOARD MEMBERS PRESENT:

Anne Struthers, President
Cecilia Corral, Diversity & Equity Committee Chair
Steve Whitgob, Treasurer
Rose Coleman, Secretary
Nyron Battles, CAC Chair

Chi Lee
Gwen Nash-Butler
Sister Marygrace Puchac, PVAC Chair
Carmen Quinones
Darcy Ting

ABSENT:

Kathy Hebert, Vice-President [excused]
Mike Treppa, Budget & Finance Committee Chair [excused]
Evangeline Iyemura [excused]
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
Pam Thomas, Director of Consumer Services
Ronke Sodipo, Director of Community Services
Melanie Fowler, Associate Director of Consumer Services, Alameda County
Evelyn Hoskins, Associate Director of Federal Programs
Elvia Osorio Rodriguez, Associate Director of Children's Services/Bilingual
Meredith Rosenberg, Case Manager
Michi Toy, Executive Assistant

GUESTS:

Bill Barbaria
Morena Grimaldi
Cleo Manspeaker
John Rodriguez, CCDDC

Rocio Smith
Sandi Soliday, ACDDC
Todd Struthers
Felsha Zuschlag

President, Anne Struthers reminded the board that next month's board meeting will be in the **Concord** office.

CALL TO ORDER

President, Anne Struthers called to order the regularly scheduled business meeting of the Regional Center of the East Bay at 7:03 p.m. following the Diversity & Equity meeting.

WELCOME AND INTRODUCTIONS

Self introductions were made and a quorum was present.

CONSENT AGENDA / MINUTES

M/S/C “The Board moves to approve the minutes of July 28, 2014 as presented [Whitgob/Lee] Unanimous

M/S/C “The Board moves to approve the agenda of September 22, 2014 as presented” [Whitgob/Lee] Unanimous

PUBLIC COMMENT

Cleo Manspeaker happily spoke about being a regional center client for close to 33 years.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Anne Struthers

Ms. Struthers brought forth two Congreso Familiar members; Rocio Smith and Felsha Zuschlag to report on the success of the August 9th Congreso Familiar Conference at Chabot College. Ms. Zuschlag showed her PowerPoint presentation on all the aspects of the conference [this will also be available as a link on our website].

Below are some of the highlighted statistics:

- Total attendees: 1025
 - Adults: 696
 - Children: 329
 - Total families/groups registered: 309

- Regional Center affiliation:
 - 75% of families are clients of RCEB
 - 11% of families are clients of GGRC
 - 12% of families did not have affiliated regional center
 - 2% families are clients of NBRC

- Geographical affiliation:
 - 56% families reside in Alameda county
 - 26% families reside in Contra Costa county
 - 3% families reside in Marin county
 - 3% families reside in San Francisco county
 - 5% families reside in San Mateo county
 - 6% did not provide affiliate county
 - >1% reside in Santa Clara & Sonoma county

Ms. Rocio Smith acknowledged and thanked RCEB for their support and volunteerism that contributed to their successful conference and presented the Board with a picture plaque depicting families enjoying and participating in the day's activities.

Contract Approvals

Mr. Burton reminded the board that the pending **A-1 contract amendment** from the Department of Developmental Services [DDS] was discussed at our last board meeting in July, where the board approved of having the Executive Committee approve and sign the amendments upon receipt. This contract amendment is substantially larger than last year due to the change in the allocation method and adds more money to our contract without any new contract language. The total of this contract is \$55M in additional funds, which brings our contract with the State to \$315M.

M/S/C “The Board moves to ratify the vote from the Executive Committee approving the A-1 contract amendment, as presented.” (Battles/Nash-Butler) Unanimous

Mr. Burton distributed contract agreement forms for all of the homes and services to people that we have placed from the Agnews Developmental Center as well as the homes that were developed through the **Bay Area Housing Plan [BAHP]**. This agreement was already approved by the board a long time ago. The Housing Consortium of the East Bay [HCEB] has been seeking tax exemption status for property taxes for years, and the request has finally been granted. The contract approval document indicated all the amended rate reductions for the services that RCEB pays for in each of the homes. The only changes in the contracts are the decreased rates due to not having to pay property taxes.

M/S/C “The Board moves to approve all the BAHP contract rate reductions due to tax exempt status as presented”
(Battles/Whitgob) Unanimous

BUDGET AND FINANCE COMMITTEE: Steve Whitgob

Purchase of Services and Operations

The regional centers received the A-1 contract amendment on August 29, 2014.

The great news is that the A-1 provided **nearly all** of our operations allocation for the year, including our operations allocation for the Community Placement Plan [CPP] and continuation funding for the workload related to the Agnews closure. The Department should be acknowledged for their collaboration with the ARCA Finance Committee that made this happen. By having all of our operations allocation, RCEB is able to finalize our operations budget. Staff

are currently in the process of developing our preliminary operations budget for the year. We will provide the Board with a detailed operations report at the next board meeting.

This month's financial statement shows our allocation to date, actual expenditures through August 31, 2014, as well as a comparison of this year's A-1 and last year's E-1 allocations. The statement also compares actual expenditures for the same time periods. We expect to have our standard financial statements available at the board meeting in November once the detailed Sufficiency of Allocation Report (known as the "SOAR") is completed.

RCEB grew by 503 **net** new consumers during the past 12 months. The A-1 amendment provided additional funding for caseload growth in both Operations and Purchase of Services.

A new POS allocation methodology was developed for Fiscal Year 14-15 which is based on an equitable proration of prior year expenditures that each regional center actually spent. In past years, the Department based the 1st amendment POS allocation on a formula which had no basis on actual POS expenditures. This left most regional centers, including RCEB, to report huge insufficiencies in POS at the beginning of the fiscal year. Last year's allocation for RCEB was somewhat more balanced, but in the prior 3 fiscal years, RCEB reported POS insufficiencies ranging from approximately \$18M to \$25M at the start of the fiscal year. Mr. Burton added that this new allocation methodology makes more sense as it is based upon spending and allocates more of the money that was budgeted by the legislature and the Governor for our services. Also, by getting that allocation earlier in the year, it allows the regional centers more time for strategic decision making and planning to better serve our families.

Mr. Whitgob explained that for this current year, the Department allocated 98% of their State budgeted POS funds, including most of our CPP funds and funding for the minimum wage increase. Although we are still uncertain whether the A-1 allocation will be sufficient to meet all of our POS obligations for the year, it appears that we may be starting this fiscal year in a much better position than in previous years.

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

With regards to Fiscal Year 13-14, regional centers have been notified that an E-6 amendment will be released shortly. There is still a statewide POS insufficiency of approximately \$100M for Fiscal year 13-14. RCEB is still reporting a relatively small \$2.5M insufficiency in POS for Fiscal Year 13-14. We are told that DDS has sufficient funds remaining in the system to cover deficiencies in Regional Centers' POS budgets for last fiscal year.

Line of credit and cash flow

At this time, we are pleased to report that the agency's cash flow is stable. However, the Board is advised that our current Line of Credit will expire at the end of this month. We have been in contact with Union Bank and we have been informed that the Bank intends to renew the line of credit for the current fiscal year. RCEB has not received these documents to date. We will

provide the Board with an update at the next board meeting. Although a line of credit is not needed at this time, it is prudent to retain a Line of Credit in the event that State warrants are delayed during the remainder of the fiscal year or for any reason there are delays in federal reimbursement. Staff will continue to update the board on the agency's cash flow status.

Independent Audit for Fiscal Year 13-14

Our independent Auditors are wrapping up the draft annual independent audit report for Fiscal Year 13-14 and they are scheduled to present the draft report to the Board shortly.

MEMBERSHIP DEVELOPMENT COMMITTEE: Anne Struthers

Ms. Struthers reminded the Board that a new candidate, Morena Grimaldi was nominated for board membership at our last meeting in July. Ms. Struthers distributed the election ballot to the board members to cast their votes. Upon tallying the results, Morena Grimaldi was unanimously elected to begin her first 3 year term on RCEB's Board of Directors at this September meeting.

Ms. Struthers also informed the board that another candidate for board membership, Marie Parra, was interviewed in September and that her application was sent to them at that time for review. Marie Parra was nominated by the Membership Development Committee at this board meeting, and will be voted on by the board at our next meeting.

The last subject is the RCEB Board of Director's Slate of Officers proposal for 2015. Ms. Struthers passed out the slate as well as read the names and positions. There were no nominations taken from the floor.

SLATE OF OFFICERS PROPOSAL FOR 2015

| | |
|---------------------|--------------------------|
| Anne Struthers..... | President |
| Kathy Hebert..... | Vice-President |
| Mike Treppa..... | Budget & Finance Chair |
| Steve Whitgob..... | Treasurer |
| Cecilia Corral..... | Diversity & Equity Chair |
| Rose Coleman..... | Secretary |

M/S/C "The Board votes on approving of the current slate of officers as listed."
(Puchac/Battles) Unanimous

PROVIDER/VENDOR ADVISORY COMMITTEE: Sister Marygrace Puchac

Sister Marygrace Puchac spoke of the last PVAC meeting on 9/12, where the main subject was on staff training resources. The group also received a comprehensive overview of the regional center, Area Board V, DD Councils, and East Bay Legislation Coalition. She also advised the board that Nancy Rosenberg, the Executive Director of the Cerebral Palsy Center and the PVAC Chair, announced her plans to retire and move to Arizona.

Sister Marygrace Puchac also informed the board that PVAC will be planning a legislative breakfast with the new legislators towards the end of this year.

→ The next PVAC meeting will be on October 10, 2014.

CONSUMER ADVISORY COMMITTEE: Nyron Battles

Mr. Battles informed the board that at the September 8th meeting, the topic of choice was the intricacies of Supplemental Security Income [SSI] and overtime hours/payment for In-Home Support Services [IHSS].

Mr. Battles also stated that this was Ronke Sodipo's last CAC meeting as the responsibility has been passed on to Melanie Fowler, the new Associate Director of Consumer Services.

→ The next CAC meeting will be on October 13, 2014

DIVERSITY and EQUITY COMMITTEE: Cecilia Corral

The committee met before the board meeting tonight, and had accomplished finalizing and approving their mission statement:

Diversity & Equity Committee Mission Statement

The Diversity & Equity Committee Mission is to Build and strengthen trust, collaboration and support between Regional Center of the East Bay, vendor agencies, families and the broader community and to:

Honor and assure equal access to needed and appropriate Services respecting age, disability, and ethnic diversity.

Facilitate outreach to families and individuals in emerging and isolated communities to promote awareness of Regional Center services, identify and address barriers for families to access services, and empower families to take action.

Also discussed during the meeting was the need for certain cultures that speak different languages such as Farsi, Mam [Mayan language mostly from Guatemala] to receive outreach and support, and how to go about getting that.

→ The next Diversity & Equity Committee meeting will be on November 24th, 2014

EXECUTIVE DIRECTOR'S REPORT: Jim Burton

Mr. Burton welcomed everyone back from the August break and stated that the summer has been very busy.

There are many complicated issues [financial, programmatic, law changes, etc.] that we at RCEB have been struggling with over the summer, particularly service provider issues affecting residential, day, and behavioral programs. There are several challenges that we are currently working on with some of these programs. These large issues can be attributed to the damage caused by the recession and the numerous cuts that occurred over that period. Although the rates have been restored going forward, they really hurt programs over that period of time when rates were cut. Over the summer, a couple of programs were closed due to these reasons, and RCEB will be doing its best to preserve and keep programs in place as well as to expand these services to provide quality care.

In-Home Support Services [IHSS] and Overtime Pay

Mr. Burton stated that we have local communities dealing with minimum wage increases that go beyond the State's minimum wage increase, as well as federal labor law changes requiring overtime payments that were not required in the past, and IHSS limits on overtime and the complicated coordination with the providers. Most recently, **Assembly Bill 1522** was signed into law by the Governor; which requires that employers are required to pay sick leave for those employees were not eligible before.

All of these rate and benefit changes are good for direct care staff, but they will not be supportable by our service providers if they do not receive rate adjustments from the State to cover these new costs. Therefore, we are continuing to press the State to work with service providers, particularly around the wage and benefit increases to ensure that there is adequate funding put in place for overtime and all the other issues.

Medi-Cal and Applied Behavior Analysis

As of September 15, 2014, Applied Behavior Analysis [ABA] programs are now covered for Medi-Cal recipients. This is very good news, especially for those families who do not meet the criteria to be eligible for regional center services. However, for the current regional center families, it is a little more problematic since they will have to transfer from regional center funded service to Medi-Cal to arrange and pay for their ABA services. In order to help our clients, the Regional Center of the East Bay will continue to fund these services until transition to Medi-Cal is complete. Mr. Burton estimates that the process will take around one year.

Lisa Kleinbub, Director of Health and Behavioral Services, added that for those individuals who are under age 21 and have an autism spectrum disorder diagnosis and are currently eligible, the State is putting this into place without actually receiving the State plan approval from the Federal Government, so it is a work-in-progress.

SB 577 Autism and other Developmental Disabilities (Pavley): Employment

Mr. Burton had good news for the board, that the Governor signed Senate Bill 577 by Senator Pavley, which would require the Department [after Federal government approval] to conduct a 4-year pilot program involving 5 volunteer regional centers to provide vocational developmental services. It allows for the provision of these services of up to 75 hours/quarter at a rate of \$40/hour for that service, which is an increase from the \$30/hour offered currently.

Locally, we have had a lot of work done on this bill by Thomas Hines and Will Sanford. We at RCEB, have already made it known to the Department that we would like to be one of the five regional centers to participate in this program.

Mental Health Services Act [MHSA] Grant

Mr. Burton shared good news and distributed the letter from DDS stating that RCEB is receiving a grant of \$333,900 to be spread out over three fiscal years to support the Schreiber Center in Hayward; a specialty mental health clinic for dually diagnosed individuals with developmental disabilities and serious mental illness.

AB 1595 State Council on Developmental Disabilities (Chesbro)

This bill restructures the current 13 regional Area Boards and replaces them with local offices of the State Council, in order to comply with the federal law that funds the Council. This will enable the Council and its offices to continue operating and receiving federal funds. This bill also removes many of the responsibilities that the Area Boards had previously under the law. There appears to be no other alternative that the Council had, unfortunately, but it will affect our community as our Area Board V has done a great job of advocating for our clients and their families.

Logistical questions were asked by the board members and responded to by Mr. Burton.

Upcoming Budget Cycle

Mr. Burton explained that people are really gearing up for the upcoming budget cycle, especially in focusing their efforts on a small number of proposals (1 to 3) that are critical to survival instead of spreading their efforts over many proposals. Mr. Burton believes that on top of that list will be the rate adjustments for service providers and regional centers. We learned from the success of our efforts in the restoration of Early Start for infants and toddlers. Those efforts took two years, but the concentrated focus on that goal ended up with a positive outcome. Mr. Burton added that a local legislator made a great presentation at the Alameda County Developmental Disabilities Council meeting this month. The legislator stressed the importance of keeping the number of issues small and focused.

There is a very strong push for immediate action in the current year, while it is being studied and task forces and committees are active. The hearings will begin in October in Pasadena.

Ms. Struthers inquired on if the large amount of Federal money coming in is not enough; are we looking for a supplement to the rates that are set by the government. Mr. Burton clarified that the federal government is paying from a third to a half of the funding for services. Therefore, if the State raises the rates, the federal government should cover half of it.

Self Determination

Mr. Burton informed the board that the committee is making good progress. Planning for this program is very complicated and must comply with the new Centers for Medicare & Medicaid Services [CMS] rules. Seven states have already submitted requests for Self Determination waivers, and they have all been turned down. Therefore, California is trying to learn from those

experiences and is making sure that this is approved by the Federal government. It is expected that the Department will submit California's Self-Determination Proposal no later than December 1, 2014, as required by law.

PUBLIC COMMENT

Sandi Soliday, Alameda County Developmental Disabilities Council

October 8, 2014: The next ACDDC meeting will have a presentation by Rosalee Schubert/League of Women voters on "What will be on the Ballot." There will also be a short presentation by BART community relations personnel.

October 11, 2014: STAR Parent Conference on Autism and Resource Fair at RCEB in San Leandro from 8:30am to 2:45pm.

November 15, 2014: Going To College with a Disability Conference at the Ed Roberts Campus

John Rodriguez, Contra Costa County Developmental Disabilities Council

September 24, 2014: The next CCCDDC next meeting will be a discussion on how the Council can be more relevant in the community. This will be facilitated by Gabe Rogan.

ARCA REPORT: Anne Struthers

The last ARCA Executive Committee meeting was attended via phone conference on September 18th.

Ms. Struthers informed the board of the renewed collaboration between ARCA and DDS since the new Director of DDS has taken over.

October 16-17, 2014: Next meeting will be in Torrance, California

MEETING ADJOURNED

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

The next Board Meeting will be in our **CONCORD** office at 7:00 pm
There will be a Board of Director's Training Session from 6:00 – 7:00 prior to the Board Meeting
The next Diversity & Equity meeting will be November 24, 2014 in San Leandro