



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

Board of Directors Meeting

Monday, January 27, 2020
500 Davis Street, San Leandro
Approved 2/24/2020

RCEB BOARD MEMBERS PRESENT:

Kathy Hebert, President
Lilian Ansari, Vice President
Evangeline Iyemura, Treasurer
Gerald Tamayo, Budget & Finance Committee
Stephen Whitgob, Budget & Finance Committee
Morena Grimaldi, Diversity & Equity Chair
Nyron Battles
Sister Marygrace Puchac, PVAC
Yesenia Fantham
Caroline Ortiz
Chloe Page
Frank Paré
Reneé Perls, Secretary
Carmen Quinones
Dinah Shapiro
Lisa Soloway
Linda Stevens

ABSENT:

Brian Blaisch
Teresita DeJesus

STAFF PRESENT:

Lisa Kleinbub, Executive Director
Lynn Nguyen, Director of Finance & Administration
Lucy Rivello, Director of Health and Behavioral Services
Steve Robinson, Director of Community Services
Ronke Sodipo, Director of Client Services
Kiera Swan, Director of Human Resources & Support Services
Chris Hanson, Associate Director of Adult Services
Evelyn Hoskins, Associate Director of Federal Programs
Priscilla Gomez, Transportation Manager
Silvia Siu, Controller
Julie Whiskeyman, Case Manager

Herb Hastings, Consumer Advocate
Michi Toy, Executive Assistant

GUESTS:

Melissa Robinson/DDS
Breeanne Burris
April Hope
Vi Ibarra/CCCDDC

Gwen Nash-Butler
Sheraden Nicholau/SCDD
Jeri Pietrelli

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 January 27, 2020 agenda as presented.
[Shapiro/Whitgob] Unanimous

M/S/C “The Board moves to approve the November 25, 2019 minutes as presented.”
[Perls/Shapiro] Unanimous.

PUBLIC COMMENT

Jeri Pietrelli inquired about the status of Assemblymember Frazier’s AB-812 relating to the involvement of consumers, families and local agencies in the oversight and accountability over DDS. At the time of the inquiry, the Board was not aware of the status at the time, but upon inquiry to ARCA, Ms. Hebert announced that the bill died in the Assembly.

COMMITTEE REPORTS

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Executive Committee: Kathy Hebert
There are no contract approvals this evening.

Budget & Finance Committee: Evangeline Iyemura

Update on the Independent Audit Report for Fiscal Year 18-19

At the October 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.

Marcum has issued a final draft of the audit report, which now includes the CALPERS unfunded liability of \$85.5M reported in the FASB valuation and the related footnote disclosure. Compared to the previous year's amount of \$65.1M, this is an increase of \$20.4M which is mainly due the decrease in the discount rate from 4.25% to 3.65%. Note that under the GASB valuation provided by CALPERS, the unfunded liability is \$14.2M. The majority of the difference in the two methodologies is attributable to the discount rate used in the FASB valuation of 3.65% versus the 7.15% used in the GASB valuation.

The Budget and Finance Committee has reviewed the final draft of the audit report which is also a clean report. The Committee recommends that the Board approve the Fiscal Year 18-19 Independent Audit Report as presented.

M/S/C “The Budget and Finance Committee motions to approve the Fiscal Year 18-19 Independent Audit Report as presented.” [Battles/Shapiro]
16- yea, 1- abstain The motion was adopted.

Questions were asked and addressed by Ms. Iyemura, Ms. Nguyen, and Ms. Kleinbub.

Purchase of Service

Through December 2019, our fiscal year 19-20 POS expenditures have 46% in base compared to 50% in previous year. At this time, we are projecting for NON-CPP POS Expenditures a deficit of \$6.2M. This is a decrease of \$1.2M over the previous month's projection. Included in our POS projection is \$14.4M for the Provider Supplemental Rate Increase of mostly 8.2% (with some service codes receiving an increase of 2.4% to 7.6%).

This year, the Statewide Projected system-wide surplus of \$29.3M. 10 out of the 21 regional centers are also reporting a deficit like RCEB. Last year at this same time, the overall system was projecting a statewide deficit from an average of \$86M. Therefore overall, the Regional Centers statewide projection in Purchase of Services shows a better outlook this year with a surplus, compared to a deficit in previous year. However, we are concerned that some of the surplus is related to an inability to adequately meet needs in individuals' IPPs and IFSPs related to the unavailability of services.

For CPP POS Expenditures, we are projecting balanced budget of \$4.3M. Included in the A-3 allocation is \$1.8M start-up funding for the development two STAR (Stabilization, Training, Assistance and Reintegration) Homes.

Operations

The Agency received the letter of intent for the A-3 allocation. The A-3 allocation provides additional \$374k OPS Budget, of which \$244k is for Policy allocation including Self-Determination

Program and Family Home Agency Oversight. Also included in the A-3 amendment is the remaining \$130k funding for CPP and DC closure/Ongoing workload.

Through December 2019, we have expended 44% of the total operations budget of \$48.4M. We will continue to monitor closely to ensure that we have a balanced budget in operations and will be keeping the board apprised at future meetings.

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 they will begin to offset cash advances starting in Mar/April (for Jan/Feb claim). This has been anticipated.

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 2020.

Membership Development Committee: Kathy Hebert

Ms. Hebert reminded the board that at the last board meeting in November, Gwen Nash-Butler was nominated to re-join the board after taking a year off. Ms. Nash-Butler first joined the board back in January 2012, and has continued advocating for those with developmental disabilities. Following a ballot election this evening and tallied by Ms. Ansari, Ms. Hebert was pleased to announce a majority vote for Ms. Nash-Butler to begin her first 3-year term on the board.

Supports & Services Committee

Ms. Hebert announced that the first meeting of this new board approved committee will be on February 24th at 5:30 before the board meeting and will be chaired by Lilian Ansari.

Provider/Vendor Advisory Committee [PVAC]: Sister Marygrace Puchac

The PVAC meeting was held on January 10th with a vote on the membership slate and committee chairpersons. On the average, PVAC has a large group of 30 and sometimes 50 participants at their meeting. The current membership list consists of just 13 people, so they discussed increasing the membership.

The meeting centered on the Home and Community Based Services [HCBS] Self-Assessment tool. In January 2014, the Centers for Medicare and Medicaid Services [CMS] issued the HCBS settings final rule as part of the Affordable Care Act. The rule ensures that HCBS funded through Medicaid provide eligible persons with disabilities full access to the benefits of community living and offered them long term services and supports in the most integrated settings of their choosing. DDS is guiding this HCBS movement, and all service providers will be receiving a mandatory self-assessment survey. There will be in-depth and pointed questions in the survey to see if these programs are complying with the Final Rule. There are 9,000 service programs that will be surveyed within California along with random visits to 1,100 programs after the survey. If a

provider does not submit their survey, they will receive an on-site review. The deadline to complete the survey will be March 31, 2020 as they need to be presented to the legislators in April. DDS will be offering several training opportunities in February in the required self-assessment process expectations and requirements. DDS is also encouraging the programs to hold focus groups where families can give their input with the services. It is very important that they all abide by the process as it will develop a map for us in the future. Questions were asked and addressed by Sister Marygrace Puchac.

Consumer Advisory Committee [CAC]: Nyron Battles

Mr. Battles stated that at the January 13th meeting, they discussed strategies on increasing their membership and Chairperson election. Due to the low turnout at their meetings, the committee has difficulty in establishing a quorum for voting for the new chairperson. Therefore, they decided that they will vote regardless of how many members attend the meeting. Ms. Nash-Butler also added comments regarding possible reasons why the membership is low. They are also thinking of teleconferencing the meetings.

Diversity & Equity Committee: Morena Grimaldi

Ms. Hebert distributed the Mission Statement among the board members. Ms. Kleinbub added framework to the history and the basis for having this particular mission statement. The board members had a lengthy conversation regarding many aspects of the wording, and thus a consensus was not achieved. The subject has been tabled for next month, as we welcome comments and suggestions to be e-mailed to us in the meantime.

Ms. Grimaldi reported on the Diversity & Equity meeting this evening, and stated that next month the Supports & Services committee will meet in February. The format of the D&E meetings will be changed in a couple of areas. Instead of using meeting time to hear the New Services Updates from the various groups, the committee and guests will receive that information via e-mail and questions can be addressed at the meeting. They will also be working on operational goals to address areas where the data shows there is more work to be done.

The disparity data for 2018/19 has been posted on RCEB's website: <https://www.rceb.org/general-information/purchase-services-expenditure-data-diagnosis-ethnicity-language-residence-and>
The public meetings for February and March have been scheduled and all are welcome to attend to provide input on the data: <https://www.rceb.org/post/notice-public-meetings-2>.

We value the input as it is considered for our Request for Proposals to DDS from the Disparity Fund Program for those special projects that fulfill a need.

The next Diversity & Equity meeting will be in San Leandro on March 23, 2020 starting earlier at 5:30pm.

EXECUTIVE DIRECTOR'S REPORT - Lisa Kleinbub, Executive Director

Network Issues

Ms. Kleinbub started with informing all about the network issues that RCEB experienced for the past few weeks. RCEB is very close to being fully restored but not completely, and we are investigating the cause of those issues which prevented our staff from being able to access our network system. The issues do not appear to have involved data breaches nor were any records exfiltrated. Staff relied on telephones for communication with their clients and our Accounting staff worked diligently as they prioritized timely service provider payments. Our payroll system was also affected, but we made sure that staff were also paid. Ms. Kleinbub also thanked our IT department headed by Lynn Nguyen, and especially Robert Bridges/Network Systems Technician who worked around the clock to solve these issues. We are incredibly grateful to him and to the staff for their patience and dedication while we worked on the restoration of our network system.

Legislative

Assemblymember Jim Frazier, Chair of the Assembly Select Committee on Intellectual and Developmental Disabilities has been holding hearings around the State this past year, and will hold his first 2020 hearing tomorrow afternoon at the State Capitol. This hearing will present results of the statewide consumer survey, how regional centers differ and steps for what will happen next.

State Budget Highlights

Governor Newsom released his 2020-21 Proposed Budget on January 10, 2020. On the same day DDS released its Rate Study comments. There are some updates in the proposed budget that are related to the rate study. Three provider groups who were left out at that time; Independent Living Services and Infant Development Programs; and Early Start Therapeutic services will be receiving the 8.2% rate increases in January 2021.

There are proposals in the Governor's budget to enhance caseloads to 1:45 for 3-4 year olds who are served by regional centers. This is very similar to what is in the Allocation Methodology for ages 0-3 year olds, but it is not what we are staffed to. The law requires us to staff 1:62 in Early Start caseloads, and we currently are staffing our Children's 3-4 year olds higher than Early Start caseloads. The Association of Regional Centers Agencies [ARCA] does not believe that this is a fully funded proposal. Therefore, there will be talks on how to fund this age group appropriately. In advocating to support that portion of the Governor's budget, you will hear a lot more advocacy for bringing the funding for 0-3 year olds in Early Start to the appropriate levels as well. Early Start is a time when families need a great deal of support in a short time frame and the transition for 3-4 year olds for families, is also a challenging time.

One of the new initiatives in the Governor's Budget is \$78M for a Performance Incentive Program. This program is to be in the regional center's Operations budget, even though it appears as though it is under Purchase of Services. We do not have enough clarity on what this will mean. However, the Performance Incentive Program appears that it will allow regional center's

performance objectives in areas where we would like to improve in, employment for people who are generally not employed, services to underserved communities that we can focus on areas at our regional center to really make progress on our goals. This may entail smaller caseloads, different types of projects, etc. We are waiting to see the details of this Performance Incentive Program. It is a substantial amount of money.

The focus would be quality systems valuing consumer outcomes, person centered services, integrating settings, and increased competitive employment. We hoped to receive more details but have not at this point but by February 1st they will have trailer bill language. With the rate study completed, we were hoping to see more answers on implementation. The rate study assigns rates to specific regional centers and would acknowledge high costs in our region.

In the Senate Subcommittee 3 on Health & Human Services, an informational hearing was last week by the Chair, Senator Richard Pan, who asked DDS many good questions on the implementation steps for the Rate Study. Therefore, we do expect to see pressure on DDS from the legislature to come up with a plan. It is a very positive thing for those in our community as the rates are tied to cost of living in regions and our costs are high. It does not cover local minimum wage but it would go in some direction towards having a sensible way to address the needs and varied economic realities in the State. We are also expecting to have early March budget hearings in the Assembly, and in the Senate on March 19th.

East Bay Legislative Breakfast

The East Bay Legislative Committee [EBLC] is holding their Legislative Breakfast here at RCEB this Friday, January 31st. For our board members who are attending, please let the legislators know what the needs of the service system are and where we need to go on those issues.

RCEB Budget

Ms. Kleinbub stated that we are very happy to have received the DDS A-3 allocation, which included funding for a Self-Determination Specialist at RCEB as well as funding to support our local Self-Determination advisory committee. The local advisory committee may use funds to get more Independent Facilitators at the front end, helping people transition into Self-Determination, and other key elements and training necessary for the success of this program. Ms. Kleinbub added that it is an exciting time, and we have great participation from our advisory committee and our community, which will get Self-Determination off to a good start.

PUBLIC COMMENT

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

Jan 31: The EBLC Legislative Breakfast is scheduled for this Friday. We have a wonderful program planned. If anyone is interested in attending please contact me ASAP.

Feb 19: Our next Alameda County DD Council meeting is scheduled for the *third* Wednesday in February due to a County holiday. We will enjoy a presentation about tenant rights.

March 14: The Transition Faire planning is in full swing. Service provider registrations are coming in, and the family registration form was released today.

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

Self-Determination: The SCDD Local Advisory Committee is partnering with Bay Area Office of the State Council to offer Independent Facilitator [IF] trainings. The first two were in Contra Costa County with a good turnout and completed their training so they can start as paid Independent Facilitators to help those navigate through their program. There are two more IF dates coming up in Alameda County in Oakland and Fremont. The committee is looking to hold more trainings and in different languages as well.

Feb 26: This is the next CCCDDC meeting in Concord, with a presentations on the 2020 Census as well as the Contra Costa Transit authority's conducting community interviews.

March 28: Autism STAR Conference in Contra Costa Community College in San Pablo. Registration is now open.

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

National Core Indicator Project- We are almost done with sending out the 16,000 surveys to households with family members who are regional center clients. We are happy to see many surveys have been completed online. The office is also working on a more comprehensible dashboard to help families see the reports and details.

State Plan Survey- we have sent out survey's to get feedback on our 5-year goals and we have received over 400 completed surveys back from this region, and are looking to get 200 more submitted by the end of February.

Jan 28: California Assembly Select Committee [Assemblyman Frazier] hearing as well as the next CCCDDC meeting.

Feb 10: The next State Self-Determination Advisory Committee meeting in Sacramento

Feb 26: The next Regional Advisory Committee [RAC] meeting at the Millbrae Library

March 4/5: Self Advocacy group meeting in Sacramento

March 12: Legislative & Public Policy Committee meeting in Sacramento

March 16: Self Advocacy Advisory Committee meeting

ARCA REPORT: Lisa Kleinbub

The ARCA meeting was well attended with a couple of presentations; one on the 2020 Census, and one on Integrated Behavioral Support Programs in the Alta California Regional Center area.

The ARCA Academy training event has been confirmed to take place on Saturday, February 22nd in Sacramento. This is a training event to provide regional center board members an opportunity to network and to be trained on several subjects relating to their board responsibilities.

One of this year's ARCA asks are to fully fund service coordinators, supervisors, and to look at the core staffing formula so that service coordination as the driving force of the formula. ARCA is also focused on rate study implementation.

Executive Session – The Executive Session did not occur due to time constraints.

MEETING ADJOURNED

The board meeting adjourned at 8:51 p.m.

The next Board Meeting will be at 7:00 PM on February 24, 2020 in **San Leandro**