



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

Board of Directors Meeting

Monday, April 27, 2020

Virtual Meeting

Approved 5/18/2020

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
Teresita DeJesus
Gwen Nash-Butler
Chloe Page
Frank Paré
Sister Marygrace Puchac, PVAC
Carmen Quinones
Dinah Shapiro, CAC Chair
Lisa Soloway
Linda Stevens

ABSENT:

Brian Blaisch
Yesenia Fantham
Caroline Ortiz
Reneé Perls, Secretary

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
Herb Hastings, Client Advocate
Michi Toy, Executive Assistant

GUESTS:

Sarrita Adams
Patricia Albeño
Breeanne Burris
Ben Chen/ACDDC

Vi Ibarra/CCCDDC
Sheraden Nicholau/SCDD
Melissa Robinson/DDS
Sandi Soliday/ACDDC

CALL TO ORDER

Board President, Kathy Hebert called the regularly scheduled meeting of the Regional Center of the East Bay to order at 7:07 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 April 27, 2020 agenda as presented.”
[Puchac/Page] Unanimous

M/S/C “The Board moves to approve the February 24, 2020 minutes as presented.”
[Page/Soloway] Unanimous.

PUBLIC COMMENT

No public comments were expressed at this time.

COMMITTEE REPORTS

COMMITTEE REPORTS

Executive Committee: Kathy Hebert

CONTRACT APPROVALS

Department of Developmental Services Contract #HD199015 A-5 Contract Allocation

This amendment was approved by the Executive Committee at their April 8th meeting. It adds \$57.5K to regular/CRDP CPP Operations and \$200K to regular/CRDP CPP start-up.

Term: 7/1/19 – 6/30/2026

M/S/C “The board moves to ratify the DDS A-5 Contract Allocation adding a total of \$257.5K to the A Contract.” [Page/Iyemura] Unanimous. The motion was adopted.

Department of Developmental Services Contract #HD149015 D-5 Contract Deallocation

This contract allocates \$13.5K in OPS CPP regular and it also deallocates \$1.5M from POS bringing the total of the D contract to \$411.5M.

Term: 7/1/17 – 6/30/2021.

M/S/C “The board moves to approve the DDS D-5 Contract Deallocation of \$1.5M as presented.” [Grimaldi/Iyemura] Unanimous. The motion was adopted.

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

One of the questions brought up by the Board was on the need for a deallocation. Ms. Kleinbub added that the allocations are based off of projections, not actual, of what might be needed. It is also based off of last year's use as well as resource development ideas. Some unforeseen events affecting that amount are service providers closing as well as no new services available due to rate issues. Also some clients are able to use all their approved services. We did receive a rate increase effective in January 2020, so if we were in different circumstances this year we may have clearly seen increases in use of POS dollars in the second half of the year. COVID-10 has complicated this. While we returned money, in other years we have received money from DDS that came from other regional centers that needed the cash.

Budget & Finance Committee: Evangeline Iyemura

Purchase of Service

Through March 2020, 71% of our fiscal year 19-20 POS expenditures are in base. At this time, we are projecting a deficit of \$5.4M for NON-CPP POS Expenditures. This is an increase of \$.6M over the previous month's projections. The increase in the projected expenditures was mainly due to the increase in the supplemental rates effective 1/1/2020.

RCEB's April projections did not include COVID-19 costs, which we will include in the May projections. For the Statewide system, the April projections were not comparable among the regional centers because some centers projected for COVID-19 costs while others did not.

Since the April PEP projections, RCEB has computed and reported to DDS the YTD anticipated costs for State of Emergency billing for absences of \$62M and additional costs of \$18.6M due to COVID-19. Estimated additional costs included \$2.8M Health and Safety needs for additional staffing hours and overtime hours for Supported Living Services (SLS) providers, \$13.9M additional staffing costs, including PPE and supplies for residential homes and other SLS/ILS facilities due to program closures. We also estimated \$1.9M of increased respite and personal assistance hours due to school and day program closures. DDS is still working with the regional centers to determine and track the impact of COVID-19 costs for the system. We anticipate that these additional costs will be funded for in future contract allocations, knowing that they will be a huge impact for the State wide system.

Operations

We continue to report a balanced operations budget for the current FY19-20. As of March 2020, we have 69% of expenditures in base, which is exactly the same amount compared to last year's OPS expenditures at this time.

The Agency projected additional YTD OPS spending of \$139,000 mainly for increased technology and a stipend to staff to support working remotely, additional janitorial costs, additional paid sick leave under the CARES act, and the fees related to the committed \$40M line of credit which otherwise would be zero as further discussed below.

Line of Credit

As previously reported, Union Bank was planning to allow an uncommitted line of \$25M, which would be at zero cost to RCEB. Because of the uncertainty of the economy and its available capital

due to COVID-19, Union Bank will no longer allow for an uncommitted line. We are pending paperwork from the Bank for an increased line of credit of \$40M with committed fees of .20% for the period from June to September. We will submit for Board approval at the May Board meeting.

DDS Audit

DDS audit of FY 17-18 & FY18-19, which has been originally scheduled for April, will be postponed until a future date.

Questions were asked by the board and addressed by Ms. Iyemura, Ms. Kleinbub, and Ms. Nguyen. One of the questions related to the line of credit amount change from \$25M at no cost to \$40M with a commitment fee of .20% for four months, and if the regional center will receive funding for reimbursement, as well as what it would look like past the 4 months if we are still sheltering in place. Ms. Kleinbub stated that there is uncertainty on when the State budget will actually pass, and that we have never gone past September/October without receiving our advance from the State. We envision that the budget will pass as a Workload Budget at the end of June and we may receive full allocation at that time. This will allow us to pay our June billing in July. Our costs for COVID-19 increased, and we did not receive our most recent dollars for the rate increases in January. Therefore, the decision to borrow \$40M is out of an abundance of caution and questions about when we would get full reimbursement for the expenses we had. We are not clear on what will happen at the end of September, whether we would need to extend the line of credit or not. Ms. Kleinbub added that there are so many services that rely on the State's ability to fund their budget. Therefore, in August after the Workload Budget is done, we may see updates to the budget that we may not be pleased with. We expect we will have a budget at that point.

Ms. Nguyen added that the agreement for the Line of Credit has not been drawn up yet and that it is a committed line or an open line of credit and should we need it, we will borrow at that time. If that occurs, we will pay the Treasury rate on this line.

Membership Development Committee: Kathy Hebert

Board member and Treasurer Evangeline Iyemura's second term of service ended in February this year [the board did not meet in March], so she has thankfully volunteered to serve her last term of one year. A ballot vote was conducted via e-mail return responses last week, with a unanimous vote for Ms. Iyemura to continue her service on the board.

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

The PVAC members met virtually on April 10th with a presentation by Kevin Rath, Director of Manos Home Care. The subject was *Documentation Methods for Corona Virus Billing*. Mr. Rath presented a different way of utilizing the rates for documentation, and also gave a demonstration of various billing methods since billing became arduous due to COVID-19. The methods he showed made it easier and accountable.

There was also talk about residential services being funded for day programs since we have clients at home all day, so that means the staff is busier and the homes may need to hire more people for coverage. There is a lot of creativity seen at the programs during this time. Day programs are

contacting homes and individuals, and some are creating work packets for the clients. Also mentioned was that this was an ideal time for programs to complete their Home and Community Based Service's [HCBS] Self-Assessment, which was reported on in the past couple of board meetings. The deadline for the survey is now June 30th. There was also discussion on cross-county wellness checks and creating a registry and a collaboration between the services. We appreciate those in the front line who serve daily in the residential, Independent Living Services [ILS], and Supported Living Services [SLS].

Consumer Advisory Committee [CAC]: Dinah Shapiro

Ms. Shapiro stated that the committee met virtually on April 13th where the topic for that evening was on COVID-19. Ms. Shapiro stated that Ms. Kleinbub wanted this meeting to be held to check-in with the participants to see how they were doing and to let them know about the day programs being closed due to COVID-19 and that the day program staff were working from home in some cases as they reached out to connect with their clients. RCEB CM's did the same with their whole caseloads. The legislature is also not meeting, so we will not have an update from them until later this year. It appears that CAC will meet virtually again in May, then possibly meet in person in June.

Supports & Services Committee: Lilian Ansari

Ms. Ansari stated that at their first meeting in February, there was discussion on the types of data that RCEB is able to provide. Ms. Kleinbub submitted to the committee several reports which are runs based on various age groups and characteristics. The committee revisited what was discussed at their last meeting and narrowed down which target group to focus on, as well as the need to work on a Mission Statement.

The next Supports & Services meeting will be in Concord or virtually on June 22, 2020 at 5:30pm.

Performance Contract 2019 Year-End Draft Report – Ronke Sodipo

Ms. Sodipo stated that the outcome based performance report is based off of a set of compliance and policy measures that regional centers are required to work towards and report on the results of those measures to DDS in the Spring of the subsequent year. The Disparity Measures need to be consistently the same as the previous year so that they can be compared year by year, with the goal being that the results will improve.

The Department of Developmental Services [DDS] sends all 21 regional centers a summary report on how our regional center is doing in the different performance areas that are measured. The data is drawn from our master file, face sheet, purchase of service information, and the employment development departments. We review that report and see how our regional center is doing in meeting the goals that we made in 2018 for the 2019 year, thus fulfilling our contract with DDS. Ms. Sodipo elaborated on the various sections of the report and upon completion, she and Lynn Nguyen answered many questions by the Board. Ms. Kleinbub added that in last year's legislative bills, there was the requirement that the Board present the performance contract to the community. Given COVID-19, we expect that to occur at some point after shelter-in-place is lifted but in the meantime, we will use other modalities to share it with the community. We will keep the board and the community updated.

EXECUTIVE DIRECTOR'S REPORT - Lisa Kleinbub, Executive Director

Ms. Kleinbub welcomed everyone to RCEB's first virtual board meeting and stated that it has been an adjustment for most of us to transition to this new unprecedented reality. We have all learned to pivot and change the way we do so many things, due to the shelter-in-place order. It's been a real undertaking and it's amazing to see how many people have been able to adapt and change the way they approach their work as they continue supporting those with developmental disabilities living in the community. Although the COVID-19 situation has been disruptive, so many have stepped up. Many people attending this virtual meeting are those who are served by the regional center or have family served by the regional center and have adapted to doing things differently while coping with the fact that many services are not as available as they were before. This is what has really sustained people. Ms. Kleinbub thanked everyone for their contributions and their sharing of what is and is not going well, as we have to make improvements and reach out and make adjustments.

Supporting our Clients Remotely

Ms. Kleinbub shared that along with RCEB, our partners at the Alameda and Contra Costa Developmental Disability Councils and the State Council on Developmental Disabilities Bay Area Office, as well as our service providers have really stepped up doing things that they did not expect to do. Right from the beginning, we asked our case managers to reach out to everyone on their caseload, prioritizing those who are the most isolated and/or fragile, and also looked at those who might have more critical needs which we may have to address sooner. We have also made funds from the available from the Jim Burton Helping Hands Fund to support services that we are not allowed to purchase through a POS. It is available for clients and families who need a one-time/short term, emergency food, rent or other assistance. For the long term, our case managers are then able to identify generic resources.

We have been in constant communication with the Department of Developmental Services [DDS]. At the beginning of the COVID-19 situation, it was about every three days and now it is about once a week. There have been many directives issued by DDS which have allowed for a great deal of flexibility for what we are able to do and how we can support individuals. Since the middle of March, non-residential services such as day services, ILS, and out-of-home respite are able to bill based on the number of days people have attended over the last year. This has been keeping the infrastructure of day services in place. To add to Sister Marygrace's report on the day services, many of them are providing remote services, whether it be via phone, Skype, Zoom or another method. They have been providing activities, groups, and classes. This is based on who is being served and who wants different types of services during this time. While we are funding the day services, we are also funding supports in people's homes. That includes funding for additional support through respite or additional childcare family homes, residential care homes and in supported living services, depending on what is needed. Another DDS directive at the end of March allows for participant directed services, which are services in a few categories where an individual or family can identify someone who can be a worker for them and have them sign up with a Fiscal Management Service [FMS] which doesn't go through a complicated regional center vendorization process.

We have been engaging in remote IPP's and meeting with people over the phone. Our case managers have been using their e-mails and our databases remotely in order to be able to conduct

those meetings and to get the services in place that people need. One of the most challenging things that we have seen is that we have a very short timeline of 45 days to make children eligible for Early Start services. What is new for both Early Start and over 3 years-old services, is that we have been allowed to do remote assessments and evaluations. Our Early Start providers and some of our psychologists are conducting formal testing and are working together on how to be able to do those assessments/evaluations to get the Individual Family Service Plans [IFSP's] and Individual Program Plans [IPP's] in place. We are also able to find people presumptively eligible by another directive from the State. These are all good things and maybe they are not what we would have chosen to do in a normal circumstance. However, we have seen people getting to Early Start services and some of their therapists for speech, occupational therapy, and infant development services are working remotely with families during this time.

In the beginning of shelter-in-place, we did not have many staff working remotely but that has increased. We have had the challenge of getting our technology in place in order to support our staff to work remotely. DDS has also asked us to identify locations for those clients who have tested positive for COVID-19 if they could not continue to reside in their current home and were not ill enough to be hospitalized. Currently we have not faced that type of situation, but Mr. Robinson and his staff are working on identifying possible day and residential service providers who will be able to open up their program to support individuals out of their usual living situation. We have had less than 10 consumers that we know of who tested positive for COVID-19. There are some staff working at programs who are also testing positive. We have been working with the Public Health Department on the best plan to support our consumers in their group or similar home setting. Looking towards the future, there are many questions, such as how will we be able to pivot back- would it be a slow easing of shelter-in-place for everyone, more social distancing at programs, less people in a program on a particular day, and how are people going to get transported. There are many unknowns at this point.

Personal Protective Equipment

We have had some access to Personal Protective Equipment [PPE] and found that some of our care providers are having a difficult time accessing PPE's. We have partnered with the State of California along with Alameda and Contra Costa Counties to procure resources that we were able to share with our providers. We have had a number of drive-through hand-offs of PPE's at our office to service providers. We prioritized those who serve the most fragile individuals. We are holding on to a supply of PPE's for those individuals who will be tested positive. We have N95 respirator masks for those who are tested positive as well as their caregivers. Ms. Kleinbub thanked Ms. Rivello, RCEB's Director of Health & Behavioral Services for coordinating the work in getting the supplies and working with Q/A to make sure that people are not left without PPE's. Both of our counties have been stepping forward in identifying when they have additional supplies that would fill the orders that we are putting in. Our service providers are also purchasing the supplies that they believe they need. There is now an Order in our counties stating that if you are staffed in a licensed residential care facility, you must wear a mask. Some day services are making masks for individuals to wear in their homes and they are coordinating with residential services. We are using a lot of different strategies to get those in place.

State Budget Highlights

Ms. Kleinbub commented earlier that there is a lot of uncertainty about the State budget. Regarding the Workload Budget expected in June, the legislature will not get complete information on tax revenue until July 15th due to the tax deadline extension. There is no doubt that we are spending a lot of money, and there may not be enough funds to continue to spend the way that we have been. We are considering this time as the emergency "Rainy Day" since California has a Rainy Day reserve, but we also want to look at what is proposed in July after tax revenues come in for the fiscal year going forward. We expect that in August, the legislature will come back with another budget which will include measures to address the rest of fiscal year 20/21. We do know that there will probably be no new legislative initiatives other than those related to COVID-19, wildfires and homelessness. The legislature has met in regards to COVID-19 spending issues, but they have not had any budget hearings that would normally occur during this time period. We do expect to see the May Revise which is usually out around May 10th to address what the Workload Budget starting in July will look like. We may see more flexibility on how services are delivered and some changes in how things will be funded going forward. There are many unknowns, which is what we have been dealing with for a couple of months. You will be updated as soon as the May Revise is available.

This is an unprecedented and difficult time and we do not know what the next fiscal year brings but we will keep our goal of having those served by the regional center continue to be able to live inclusive lives in the community. We will not do anything that will jeopardize that, and along with our local partners, we are all committed to that goal. Although this is not an ideal situation, we may end up doing things in a better way in the end. We have persevered through many hard times and will remain optimistic.

Ms. Hebert expressed her appreciation to Ms. Kleinbub on her adaptability, hard work, and flexibility as well as the RCEB staff during this COVID-19 time.

PUBLIC COMMENT

Sandi Soliday, Alameda County Developmental Disabilities Council [ACDDC]

Ms. Soliday introduced Ben Chen, the incoming Coordinator who will start on June 1st as Ms. Soliday's replacement since her formal retirement date is May 1st, but she will be supporting the Council work as a Board Advisor in the interim. Mr. Chen introduced himself and elaborated on his background in the DD community, and we are all very happy that he has taken on the position.

- May 6:** EBLC meeting on Wednesday from 10:00 am – 12:00 pm
- May 13:** DD Council meeting on Wednesday 9:30 am – 12:00 pm with a presentation on "Breaking Barriers to Employment"
- May 15:** Health & Wellness Committee meeting on Friday from 2:00 pm – 4:00 pm
- May 28:** Transition Team meeting from 2:00 pm - 3:30 pm. Presentation "Overview of the Transition Process"

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

Ms. Ibarra stated that due to COVID-19, there were no standard board meetings in either March or April. However, they did hold informational calls with the community where they heard COVID-19 related updates from The County Deputy Health Officer, RCEB, State Council and others.

May 27: CCDDC's next board meeting will be held via Zoom where they will be renewing the board of directors, and also nominating a new chair and vice chairperson for a June vote.

June 9: The annual awards dinner in June has been cancelled.

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

Ms. Nicholau informed everyone of the April 27th Report to Congress by Education Secretary Betsy DeVos, as many were concerned if she would seek to waive parts of IDEA during the COVID-19 crisis. The report delivered to Congress does not seek waivers to IDEA. It states, "The Department is not requesting waiver authority for any of the core tenets of the IDEA or Section 504 of the Rehabilitation Act of 1973, most notably a free appropriate public education (FAPE) in the least restrictive environment (LRE)."

April 29: RAC's next meeting with networking at 6:30 pm before the 7:00 pm – 9:00 pm meeting. It will feature preparedness and response to COVID-19 in our community.

May 11: Next Self-Advocates Advisory Committee Meeting

May 12: SCDD's next Council Meeting

Consumer Comment: A consumer commented on her lack of receiving assistance and support. Ms. Sodipo will follow up.

Herb Hastings stated that the Supported Life concert is cancelled, and that Meals On Wheels need additional delivery drivers.

ARCA REPORT: Lisa Kleinbub

Ms. Kleinbub stated that for April, all the meetings were via Zoom, and that the June ARCA meeting has been cancelled.

Executive Session – Legal Issue

MEETING ADJOURNED

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

The next Board Meeting will be at 7:00 PM on May 18, 2020 via Virtual Call