



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

Board of Directors Meeting

Monday, October 26, 2020

Virtual Meeting

Approved 11/23/2020

RCEB BOARD MEMBERS PRESENT:

Kathy Hebert, President
Lilian Ansari, Vice President
Evangeline Iyemura, Treasurer
Gerald Tamayo, Budget & Finance
Renée Perls, Secretary
Yesenia Fantham
Morena Grimaldi, Diversity & Equity Chair
Gwen Nash-Butler
Sister Marygrace Puchac, PVAC
Chloe Page
Linda Stevens

ABSENT:

Brian Blaisch
Teresita DeJesus
Caroline Ortiz
Frank Paré
Carmen Quinones
Dinah Shapiro, CAC Chair
Lisa Soloway
Stephen Whitgob

STAFF PRESENT:

Lisa Kleinbub, Executive Director
Lynn Nguyen, Director of Finance & Administration
Lucy Rivello, Director of Health & 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 Client Services
Evelyn Hoskins, Associate Director of Federal Programs
Elvia Osorio-Rodriguez, Associate Director of Children's Services
Rose Cásarez, Employment Specialist
Michi Toy, Executive Assistant

GUESTS:

Nyron Battles
Vi Ibarra, CCCDDC

Sheraden Nicholau/SCDD
Alan Smith/DDS

CALL TO ORDER

Board President, Kathy Hebert called the regularly scheduled business meeting of the Regional Center of the East Bay to order at 7:07 p.m. A need for a quorum of the board members was noted.

INTRODUCTION

Due to the PG&E blackouts across our Bay Area, several individuals had difficulty in attending the meeting on time tonight. We began our meeting with the Public Comment section for our partner DD Councils to report first, in order to allow for extra time for board members and the public to join. At 7:15 after the public comments, a board quorum was established.

PUBLIC COMMENT

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

Ms. Ibarra stated that the end of October has been a busy month with lots of conferences. Every Thursday in October, they held a Vision to the Future: Educational Opportunity for Students with Disabilities virtual conference. The last meeting was well attended with roughly 130 attendees from both counties as well as out-of-state participants. A virtual mini Autism Star Conference was held on Saturday, Oct 24th with around 100 attendees. There were presentations and a keynote speaker on IEP Rights.

Oct 28: This is the next CCCDDC meeting where there will be a presentation by the Red Cross.

Nov 18: CCCDDC meeting including a follow up discussion on Mental Health services.

Kathy Hebert for Ben Chen, Alameda County Developmental Disabilities Council [ACDDC]

Nov 12: Alameda County DDC's next board meeting is from 9:30 – 12pm; a Thursday that month since Wednesday is Veteran's Day. We will have a presentation from Dante Allen, Executive Director of CalABLE on the intersections of disability and race.

Nov 14: We are hosting a virtual community listening session on COVID-19 & Disability from 7pm – 8:30pm. If you're an Alameda County resident with a disability, we want to hear how COVID-19 has impacted you. Tell us about your experiences and concerns receiving services, getting tested, reopening, or any other impacts the pandemic has had on you. Input will contribute to a report to Alameda County Public Health's COVID-19 Health Equity Team and will help inform our COVID-19 response. Closed Captioning, ASL, and Spanish Interpretation will be available. Flyers in Spanish and English will be coming out in the next couple of days so please be on the lookout.

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

Ms. Nicholau recognized Congreso Familiar's Presentation Series as well as the Autism STAR Conference that took place on Saturday, October 24th. Regarding PPE's, SCDD has continued to work with community partners to distribute PPE's for the DD community.

Ms. Nicholau stated that they are planning to expand on their partnership with the California's Dept of Fair Employment and Housing by looking at developing toolkits addressing the top 10 important issues around housing and housing discrimination for people with DD.

Ms. Nicholau also wanted to recognize the new project idea by RCEB Board Member Renée Perls and her mother, as they partner with SCDD, Bay Area, RCEB and other DD advocates to work on a Self-Advocate Leadership Training series. They will soon be releasing a survey out to self-advocates to get an idea of priority training topics. The next step after that would be to recruit educators/trainers specifically with DD as well as facilitators to build that curriculum.

Nov 3: This is the next Employment First committee meeting

Nov 30: This is the next Self-Advocates Advisory Committee meeting

Dec 1: The next SCDD, Bay Area meeting at 10 am

Dec 2: The next Bay Area Regional Advisory Committee meeting at 6:30 pm. The last meeting had nine legislative offices attending.

Dec 9: The next statewide Self-Advocacy Network meeting at 10:00 am.

CONSENT AGENDA / MINUTES

M/S/C “The Board moves to approve the October 26, 2020 agenda as presented but with switching the Public Comment ahead of the Consent Agenda/Minutes.”
[Perls/Grimaldi] Unanimous

M/S/C “The Board moves to approve the September 28, 2020 minutes as presented.”
[Perls/Puchac] Unanimous.

COMMITTEE REPORTS

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Executive Committee: Kathy Hebert

Acronyms

CCH	Community Care Home
CPP	Community Placement Plan
CRDP	Community Resource Development Plan
DDS	Department of Developmental Services
EBSH	Enhanced Behavioral Support Home
HCBS	Home and Community Based Services

CONTRACT APPROVALS

Health Care Employees/Employer Dental and Medical Trust [Delta Dental]

This contract was approved at the October 14th Executive Committee meeting and represents a renewal of the Delta Dental Plan for RCEB staff. The rates have decreased by approximately 10% from last year. The reduced rates will be in place for an extended term of 2 years instead of 1 year.

Term: 1/1/2021 to 12/31/2022

Rates: \$53.77 per enrolled staff (they cover the difference if electing to add a dependent, +1, or family, 2+)

M/S/C “The board moves to ratify the Executive Committee’s approval of the renewal contract between RCEB and Health Care Employees/Employer Dental and Medical Trust [Delta Dental] as presented” [Blaisch/Nash-Butler] Unanimous. The motion was carried.

Supported Living Services [SLS]

REM California

This contract represents the agreement to operate an SLS agency that is meant to provide the necessary support to allow clients to live in their own home in the community.

Term: 12/1/2020 - 10/31/2025

Capacity: 15 individuals

Average Volume: The estimated monthly volume/client is \$7,500 based on a total capacity of (15). The annual cost is estimated to be \$1,350,000.

M/S/C “The board moves to approve RCEB’s contract with REM California as presented.” [Perls/Ansari] 1-abstain 10-approved. The motion was carried.

Dinami Home

This contract represents the agreement to operate an SLS agency that is meant to provide the necessary support to allow clients to live in their own home in the community.

Term: 11/1/2020 – 10/31/2025

Capacity: 15 individuals

Average Volume: The estimated monthly volume/client is \$7,500 based on a total capacity of (15). The annual cost is estimated to be \$1,350,000.

M/S/C “The board moves to approve RCEB’s contract with Dinami Home as presented.” [Iyemura/Perls] 1-abstain 10-approved. The motion was carried.

Budget & Finance Committee: Evangeline Iyemura

Independent Audit Report for Fiscal Year 19-20

Our independent auditors, Marcum LLC., have completed the annual financial audit of Fiscal year 19-20. Every year at the October Board Meeting, they would present a summary of the draft audit report. This year Marcum was not able to complete the draft report in time for issuance and therefore will likely present at the November Board meeting.

Operations

As reported last month, the B-1 contract amendment provided nearly all of our Operations allocation for the year. The current year Operations allocation of \$49M is still based on the old core staffing formula. There were no changes or increases made to this dated formula. RCEB grew by 723 net new consumers during the past 12 months and the B-1 allocation for Operations includes funding to account for this caseload growth. We have not received the official B-2 contract amendment from DDS. At this time, the Department has not finalized the allocations for our Community Placement Plan (or CPP). The B-1 allocated only 50% of FY19-20 preliminary CPP funding.

The Agency preliminarily completed its 20-21 budget for Operations for \$49M. For this preliminary detailed OPS budget, we added \$889k that is expected to be allocated in the B-2 and have presented this budget to the Budget and Finance Committee for review. Also included in this budget is \$124k revenue that the Agency received by applying for the CARES Act Provider Relief Fund. Through September 2020, we have expended 21%, which is comparable to the 22% for previous year at this time.

As this is a preliminary budget, 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.

Purchase of Service [POS]

In the B-1 amendment, RCEB received a total of \$514M in Purchase of Services (POS) funding. This is a net increase of \$92M over last year's allocation. Similar to the CPP OPS, DDS only released 50% of the CPP POS allocation based on prior year's amount and will allocate the remainder in the B-2 allocation.

Through September 2020, we have expended 22% of the POS budget, which is comparable to the 23% for previous year at this time. Staff will report back to the Budget and Finance committee at the December Board meeting when the Purchase of Services Expenditure Projection (PEP) report has been completed. A detailed Purchase of Services summary will be provided to the Board at that time.

Membership Development Committee: Kathy Hebert

Slate of Officers for 2021

Ms. Hebert stated that the Membership Development Committee will be taking nominations from the floor at this meeting and via email, and that we will vote for the new officers online so that the new 2021 Officers can be announced at our Annual November Meeting.

PROPOSED 2021 SLATE OF OFFICERS

Kathy Hebert	President
Lilian Ansari	Vice-President
Evangeline Iyemura	Treasurer

There are three candidates for Secretary: Renee Perls, Gwen Nash-Butler, and Dinah Shapiro

Board of Director’s Training Plan

Ms. Hebert, who is also on the ARCA Academy Committee, added that based on all the regional center surveys conducted by ARCA; ARCA will be holding monthly ARCA Academy Webinars for all 21 regional center board members. The training sessions would be held every 2nd Saturday/month and be recorded then played on the following Wednesday. The first training will be Saturday, November 14th from 1-2:30pm and the topic will be *Boards in the Community*. They will highlight some boards that do great work out in the community as well. The training on Saturday, December 12th will be on *Regional Center Boards Communicating with one another*.

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

The PVAC members met virtually on October 9th. At this meeting, instead of having presentations, the format was on receiving valuable updates from the different agencies and community partners ACDDC, CCCDDC, SCDD/Bay Area. Lisa Kleinbub updated the participants on the action items being developed by RCEB in response to the disparity issues brought up at the last PVAC meeting. Steve Robinson filled everyone in on the DDS training sessions and service provider portals. Sister Marygrace added that these updates are extremely valuable at this time as we navigate unknown waters, and it is comforting to hear from Ms. Kleinbub and RCEB staff to give guidance and we are very appreciative.

Consumer Advisory Committee [CAC]: Gwen Nash-Butler for Dinah Shapiro

Due to technical difficulties, not many members were able to join the call, so there was no formal meeting.

Diversity & Equity Committee: Morena Grimaldi

Ms. Grimaldi stated Ms. Kleinbub reported on the Performance Contract Measures for 2021 and the different support groups gave their updates. The participants then discussed their SMART (Specific, Measurable, Achievable, Realistic, Time bound) Goals and reviewed the results from their special goal-setting September 21st session where they broke out into three groups discussing Antiracism & Education, Communications & Digital Accessibility, and Equity in POS Expenditures. They decided that since they meet every-other month and that this meeting was technically their last meeting for 2020, that they would like to meet at least two more times this

year outside of their standard dates. The next standard meeting will be January 25th before the board meeting.

Supports & Services Committee: Lilian Ansari

Ms. Ansari stated that the committee last met before the previous board meeting, and they did not meet again after that.

EXECUTIVE DIRECTOR'S REPORT - Lisa Kleinbub, Executive Director

Ms. Kleinbub stated that we are required to conduct a public meeting to solicit input from our community and partners in the development of our 2021 performance objectives and locally-developed public policy measures. We will then develop our plans incorporating some of the feedback from our community, and present it to the board at our November 23rd meeting for adoption. Our public meeting will be at 5pm on November 16th.

Draft Performance Contract for 2021

<https://www.rceb.org/event/performance-contract-goals-for-2021-details-tba/>

Ronke Sodipo, Director of Consumer Services, shared the draft plan for RCEB's Performance Contract Objectives for 2021 which is a yearly performance report that all regional centers are required to submit as specified in the Lanterman Act, Section 4629(c). Ms. Sodipo summarized the structure of each section as she explained that DDS provides the regional centers with required outcome-based measurable goals and objectives.

Public Policy Measures – Ronke Sodipo

Ms. Sodipo reviewed and elaborated on each of the nine required standard public policy measures and stated that the activities are what RCEB fills in each year to meet those measures. These measures all relate to where and how the individuals reside. The goal is to move away from developmental centers and large facilities to a more home-like atmosphere and environment where the residents receive services and participate in activities that would allow for fulfillment in their lives.

Ms. Kleinbub commented that we received input in our Supports & Services Committee on adding an Activity for the #2 category labeled "Increase Number and Percent of Minors Residing with Families". We added: *Develop new materials so individuals/families have a pamphlet to understand services available at different life stages.*

Compliance Measures – Lisa

Ms. Kleinbub went through the compliance measures, which focuses on the audits. For these measures, we have to have a YES on, or an Above the State Average in order to be doing well. These measures are from the DDS contract with regional centers.

Measures Related to Employment – Rose Cásarez (rcasarez@rceb.org)

These measures become a requirement for all regional centers a few years ago. The Outcomes focus on those consumers between the ages of 16-64 years old who earn any type of income, not just those who are gainfully employed. Ms. Cásarez elaborated on the nine Outcomes and what RCEB is doing to meet or surpass those outcomes. A key point is continuing the training of case management and service providers as well as outreach to the key transition age (min 14 y/o), secondary and adult education while working with subminimum wage programs to increase their pay to minimum wage. There are goals to develop more resources that focus on training, job development and placement for the purpose of increasing access to the above-minimum wage jobs.

We have local partnership agreements with both Alameda and Contra Costa's Local Department of Rehabilitation as well as workability programs and agency partners such as HireAble, and including educational agencies to combine our forces and align our systems so that students who graduate from high school have a number of pathways to employment available to them.

Minimum wage has also increased for our consumers over the years, which means that our clients are in positions that have been impacted by the increase in minimum wage, as well as those who are placed in paid internship programs. Ms. Cásarez added that there is a definite benefit of employment in a paid internship program, as it builds on the individual's interpersonal and technical skills, experiences, and thus their portfolio for future long-term employment. Also important is the Incentive Payments data which shows that not only are individuals being placed in jobs, but that they are getting placed and maintaining their employment.

Pursuant to the Employment First law, which is a State and Federal law, is that competitive integrated employment is the first thing to consider and included in our new Person Centered IPP document.

EXECUTIVE DIRECTOR'S REPORT

COVID-19 Update – Lisa Kleinbub

The number of positive cases among the individuals served by RCEB continues to stabilize. We have had a couple of weeks where we had an increase in cases in larger settings, where the concern is with staff who work at more than one location, but the cases have not spread due to contact tracing and quarantining.

The past couple of months have been very busy for our service providers who provide non-residential services and for RCEB staff. The Alternative Service Delivery model, which is going to allow providers to be funded for providing services that are creative alternatives to what was provided at a site. These will be services that will be paid at a monthly rate rather than an hourly or daily rate. RCEB is working through a lot of processes in order to get details firmed up. In September, our providers had to indicate whether or not they provide Alternative Services and to meet with the consumers and determine what those services would be. Then consumers had to decide if they want those Alternative Services. Once providers inform the case managers, our case managers had to send letters requesting confirmation to individuals/families that they had

selected Alternative Services. Consumers had to then meet with their provider to develop Individual Service Plans (ISP's) that would reflect all those services and the logistical details. In the meantime, the providers have been billing according to what services were provided last year.

We are still waiting for the rates for these services by month to be sent to us from DDS and providers as well as documents to report the types of services delivered. Therefore, we continue to operate with a lot of unknowns and continue to proceed by doing the right thing for the people that we serve and adapting as we go along. This has been difficult for many consumers who are uncertain of when they will be returning to their familiar lives. We expect that some of the alternative services may become the basis for future more individualized service delivery.

Ms. Kleinbub expressed gratitude for our RCEB departments; Accounting, Community Services, Case Management, etc. for helping in managing this and for walking people through all these processes. We are meeting almost weekly with our providers on the practical aspects of these changes, how we will be moving forward and what the processes will be, all the while not knowing exactly what will change in another few months.

DDS is working the best that they can during this time as well. They are communicating with the federal government, regional centers, providers and all the people served to make things transparent and functional for all served.

Self-Determination - SD

Currently self-determination is in its last stages of the pilot program; however, statewide the numbers of those moving forward with the program is not going to reach the goal of 2,500 by July. We think the lower numbers are due to the slow start of the program as well as the pandemic. There are some who looked at the program and have had a chance to see what their services would look like but have decided they are satisfied with the services that they are receiving through the traditional regional center services and do not want to make a change at this point. There are others who feel that the timing is not right for them. DDS conducted a survey of those individuals who voluntarily withdrew from self-determination. The survey results on their website show a variety of reasons why they chose not to proceed.

https://www.dds.ca.gov/wp-content/uploads/2020/10/SDP_Withdraw-Survey_Sep_2020.pdf

DDS is looking at several possibilities; one of them is if we allow individuals to engage in more participant-directed services and more slots should be opened up to those who are on the Interest list, especially for those who want to start right away. Another option would be to make some parts of the process easier, such as the budget and spending plan portions which have been difficult for many individuals. We are taking a look at everything with DDS. In our local community, many individuals already have self-directed services. Most daycare and respite services are with providers that the families have chosen. We use employer-of-records services where individuals chose their providers of service. There may not be that much change if they were in self-determination.

For the next couple of weeks, DDS is conducting training for regional center staff on Participant Directed Services, where an individual/family chooses their worker and refers them to an agency that can employ that worker. This was expanded during the pandemic to additional services. In a few weeks, DDS will also send out an individual/family survey to find out what has/has not worked for individuals during the pandemic. DDS will also hold two Webinar community meetings for individuals/families on November 7th and 10th.

Legislative issues

In addition to the Town Hall meeting that was held with the legislators to share our concerns on the direction of the system and what has been going on during the pandemic, there was also a Question and Answer session to candidates in District #25. District #25 covers the cities of Fremont, Newark, Milpitas, San Jose, and Santa Clara. The East Bay Legislative Coalition [EBLC] held a candidate forum, since current Assembly Member Kansen Chu will not be returning to the State Assembly in 2021. The candidates answered questions and were informed of the issues that our DD community feels are important. The candidate who wins will already know what our issues are when they arrive in Sacramento. There was a very good turnout at this event and both candidates; Bob Brunton and Alex Lee participated personally over ZOOM.

Since there is no special legislative session in Sacramento this year, we are now waiting until the Governor's budget comes out likely on January 8th. We will need to watch for the reappearance of reductions proposed in May 2020 that the legislature voted against. We also need to look at the language for the 8.2% rate increases that service providers received in January 2020, which are due to sunset in December 2021. We would like to see something better for the future such as a plan to address the rate issues in a sustainable way. We would also like them to realize the differences in communities across California when it comes to wages. For example, the Bay Area has a high cost-of-living and many different minimum wages, which not only impact our consumers, but all our service providers. We will be keeping an eye on these issues and will update you as the budget cycle starts. There is concern about state revenue, but may not be as dire as what was initially projected.

Ms. Kleinbub thanked the Board for their support and appreciates their participation in the numerous events and public meetings as it is great to see everyone on the calls.

PUBLIC COMMENT

No public comments were expressed at this time.

ARCA REPORT: Lisa Kleinbub

Ms. Kleinbub stated that ARCA continues to meet via various methods, and will be continuing to meet virtually through spring of 2021 along with everyone else. ARCA continues to work at the State level with many provider organizations trying to find agreement on issues facing us all. They also continually meet with DDS, Disability Rights California [DRC] as well as other entities that play a powerful role in Sacramento.

We spoke about having some unknowns with our budget this year such as not having our allocation for CPP/CRDP yet. There is a sub-committee of the Finance Committee that will be pulled together to look at how CPP/CRDP funds are allocated statewide in the future, and importantly having predictability for regional centers about what dollars we can anticipate and what dollars are related to one-time activities. ARCA has asked DDS to allocate Home and Community Based Services [HCBS] Final Rule projects based on the number of providers in the community who need to meet those goals and to let regional centers make some local decisions on those projects. Therefore, a lot of the work that ARCA is engaged in is around that advocacy statewide.

MEETING ADJOURNED

The board meeting adjourned at 8:44p.m.

The next Board Meeting will be at 7:00 PM on November 23, 2020 via Virtual Call
We will not have a meeting in December