



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

**Board of Directors Meeting**

Monday, June 28, 2021

Virtual Meeting

Approved 9/27/2021

**RCEB BOARD MEMBERS PRESENT:**

Kathy Hebert, President  
Lilian Ansari, Vice President  
Renée Perls, Secretary  
Nyron Battles, CAC Chair  
Brian Blaisch  
Teresita DeJesus  
Morena Grimaldi, Diversity & Equity Chair  
Chloe Page  
Frank Paré, Co-Chair, Supports & Services  
Sister Marygrace Puchac, PVAC Representative  
Carmen Quinones  
Dinah Shapiro  
Lisa Soloway  
Linda Stevens

**ABSENT:**

Gerald Tamayo, Treasurer  
Dr. Stephen Whitgob, Assistant Treasurer

**STAFF PRESENT:**

Lisa Kleinbub, Executive Director  
Lynn Nguyen, Director of Finance & Administration  
Lucy Rivello, Director of Health & Behavioral 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  
Herb Hastings, Consumer Advocate  
Michi Toy, Executive Assistant

**GUESTS:**

Erika Gonzalez/24-Hr Cares  
Vi Ibarra/CCCDCC  
April Key-Lee  
Sadia Mumtaz

Jeri Pietrelli  
Angeleter Pringle  
Maria Ramirez  
Melissa Robinson/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 7:05 p.m.

**CONSENT AGENDA / MINUTES**

M/S/C “The Board moves to approve the June 28, 2021 agenda as presented.”  
[Puchac/Soloway] Unanimous. The motion was adopted.

M/S/C “The Board moves to approve the May 24, 2021 minutes as presented.”  
[Page/Soloway] Unanimous. The motion was adopted.

**PUBLIC COMMENT**

No public comments were expressed at this time.

**COMMITTEE REPORTS**

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**Executive Committee:** Kathy Hebert

**Acronym List**

<b>CCH</b>	Community Crisis Home	<b>ILS</b>	Individual Living Services
<b>CPP</b>	Community Placement Plan	<b>OPS</b>	Operations
<b>CRDP</b>	Community Resource Development Plan	<b>PEP</b>	Purchase of Service Expenditure Projection
<b>DDS</b>	Department of Development Services	<b>POS</b>	Purchase of Service
<b>EBSH</b>	Enhanced Behavioral support Home	<b>SLS</b>	Supported Living Services

**Contract Approvals**

**Department of Developmental Services Contract**

**#HD190015 C-Series Preliminary Contract**

Term: 7/1/2021 – 6/30/2024

OPS Allocation: \$43,167,651 and POS Allocation: \$460,561,635 Ttl: \$503,729,286

This contract represents the Preliminary of the “C” series contract between DDS and RCEB for the fiscal year 2021/2.

M/S/C “The board moves to approve the DDS Preliminary C-series Contract adding a total of \$503,729,286.” [Shapiro/Battles] Unanimous. The motion was adopted.

### #HD190015 B-3 Contract Amendment

The Executive Committee approved this contract at their June 9<sup>th</sup> meeting.

Term: 7/1/2021 – 6/30/2023

OPS Allocation: \$93,465 and POS Allocation: \$9,936,069 Ttl: \$10,029,534

This contract amendment represents the B-3 contract amendment of the “B” series contract between DDS and RCEB for the fiscal year 2021/2.

M/S/C “The board moves to ratify the DDS B-3 Contract Amendment adding a total of \$10,029,534 to the B Contract.” [Battles/Soloway] Unanimous. The motion was adopted.

### Brilliant Corners

This contract represents an amendment to reflect RCEB CPP start-up funds to add additional renovation funds to 1 EBSH for children dually enrolled in foster care and 1 CCH project from FY 19/20. The funds represented in this amendment are from FY 20/21.

Term: 6/30/2021 – 3/31/2023

Total Capacity: 4 individuals/home; two homes

Cost: \$301,300

M/S/C “The board moves to approve the Brilliant Corners Contract for one EBSH and one CCH home as presented. [Battles/Shapiro] 1-refrain. The motion was adopted.

### **Budget & Finance Committee: Gerald Tamayo**

#### Purchase of Service (POS)

RCEB received the B-3 amendment from DDS, which the staff has submitted to the Board for approval. This amendment provided additional total POS funding of \$9.9M including Home and Community-Based Services (HCBS) of \$884k, regular POS of \$5.6M, and CPP/CRDP start-up and assessment of \$3.4M. CPP/CRDP start-up funding totaling \$1.8M includes \$1.5M for 10 units in a 72 unit low income multifamily development and the remaining \$.3M additional funding for 2 continued projects from prior years.

Through May 2021, 85% of our fiscal year 20-21 POS expenditures are in base. With the additional funding in the B-3, for Non CPP Purchase of Services Expenditures, we are projecting a surplus of approximately \$10.7M. Note that the additional \$5.6M POS allocation in the B-3 added to the previous projected surplus of \$4.2M. We will hold onto the additional funding for now since we could have more delayed Covid expenditures that are still being submitted.

Currently, all 21 Regional Centers, including RCEB, are reporting a surplus in their POS projections. With the B-3 budget allocation, the statewide system is reporting an overall surplus of \$454M, compared to last month’s surplus of \$55M.

### Operations

RCEB received the B-3 amendment which provided \$93k funding for CPP/CRDP positions that were previously excluded. At this time, we are pleased to report a projected balanced operations budget for the current fiscal year with 83% of expenditures in base. This is comparable to the 84% of expenditures for FY19-20 at this time last year.

### Fiscal Year 2021-22 Allocation

In early June, RCEB received the preliminary "C" Contract and allocation for Fiscal Year 21-22 of \$43,167,651 OPS and \$460,561,635 POS funding for a total of \$503,729,286. This was presented to the Board for approval.

### Cash Flow Status

The Agency had adequate cash to fully fund our invoices for May Services that were paid out mid-June. We are ending the fiscal year with \$40M cash on hand.

At this time, DDS informed us that if the budget passes on time, DDS plans to pay the first two advances for Fiscal Year 21-22 earlier than around July 15, as soon as the State Controller's Office sets up their appropriation accounts. If so, then RCEB would not have to draw on the \$30M line of credit. There will be 3 cash advances: the first and second cash advances for Fiscal Year 21-22 are expected to be released in July. The 3rd cash advance is scheduled to be released early August. Our cash flow projection currently shows that we expect to draw about \$7M if there is a delay in getting our cash advance. We will continue to monitor our cash flows closely in early July.

We will inform the Executive Committee via email at the time the paperwork is submitted if we have to draw on the line. The Executive Director and Chief Financial Officer have the authority granted by the Board to sign the paperwork to draw down the line of credit as needed.

### Vendor Fiscal Audits

Per DDS requirement, RCEB needs to complete 19 vendor fiscal audits by the end of fiscal 20-21. We identified 19 audits, but were able to fully complete only 18 vendor audits. One vendor did not comply with our audit request which delayed the timely completion of the audit. We expect they will be found in noncompliance and sanctions may be imposed.

Of the 18 audits completed, there were no substantial findings.

### Vendor Independent Reviews and Audits Compliance

DDS recently sent a letter to all Regional Centers on May 26, 2021, reiterating the vendor independent review and audit requirements in Welfare and Institutions (W&I) code section 4652.5. This requires vendors to submit an independent review if the amount received from regional center payments is more than \$500,000 but less than \$2 million; and to submit an independent audit if the amount received from regional center payments is equal to or more than \$2 million.

This requirement has been in law since 2011 and updated in 2017. Regional centers have submitted audits received to DDS and followed up as required on audits with findings. Recently DDS began to

organize these audit submissions and found that the number of audits and reviews submitted by regional centers to DDS was low. DDS issued a directive to regional centers requiring regional centers to submit a plan of corrective action within 60 days of the letter if a regional center cannot demonstrate full compliance with the statute. This is a new focus for DDS.

Similar to other regional centers, RCEB's vendors have not fully complied with the statute. While we expect that many more vendors have completed their review and audit requirements to date, only 17% of the total 190 vendors have submitted FY18-19 and, and 13% of the total 219 vendors have submitted for FY19-20. RCEB will be directly reaching out to these vendors that haven't submitted to obtain their reports. Our plan of correction will include increased communication with these vendors and further action as allowed in Title 17 for those not in compliance.

**Diversity & Equity Committee:** Morena Grimaldi

Ms. Grimaldi reported that the committee met in May with a smaller attendance than usual. Jenifer Castaneda, RCEB's Self-Determination Program Specialist, informed the committee on the current status of the Self-Determination program as well as its accomplishments and the barriers encountered. The committee is still working on the three focus areas as reported last month. The next regular meeting will be before the Board meeting on July 26th.

**Supports & Services Committee:** Lilian Ansari & Frank Paré

Ms. Ansari stated that they are focused and making progress with the bi-fold *School Aged Children Living in the Family Home* brochure. The draft brochure was presented to a family focus group of 12 for feedback back in May. The committee has decided to use a similar format to ARCA's new document on generic services. This will not affect the timeline. The brochure will be initially translated into Spanish, Chinese and Vietnamese, then to other languages. Communication strategies were discussed in order to assure access to families who have no internet access. Mr. Paré added that it is important that the brochure is remains relevant and that it is used not just by families, but valued by case managers as a training tool. With all the work that is being done to create this brochure, it continues to be important to get feedback from the board as well as from the public in order to create a useful tool used to navigate the services that are available. The next meeting will be September 27<sup>th</sup>.

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

Sister Marygrace stated that the committee met on June 11<sup>th</sup> as they congratulated Geneva Ziaouré who received the Frank D. Lanterman Leadership Award at the June 1st Annual Joint Council Awards event. Sister Marygrace said that there are quite a few vacancies on the PVAC committee, including the Co-Chair, Secretary, and Membership Development positions. Ms. Puchac added that there is also a concern that the 3-year rate study from is at a standstill. Ms. Kleinbub added RCEB has posted our service provider survey on our website. It takes a look at equity issues brought up by communities of color.

### **Consumer Advisory Committee [CAC]: Nyron Battles**

The CAC did not meet in the month of June. They will meet on July 12<sup>th</sup>.

### **Membership Development Committee: Kathy Hebert**

#### July 26<sup>th</sup> Board Training

We received feedback via SurveyMonkey from our board members on their topic choice for our July board training. It appears that two subjects, *Transition to Adulthood* and *Employment in the Bay Area* were the most popular. Ms. Kleinbub added that since employment is a stepping stone and related to transitioning into adulthood, we will combine those two topics for our July training. This training is a training for board members only, so it will be closed to the public.

#### Board Composition

The Lanterman Act requires that our Board members reflect the geographic and ethnic characteristics of our area as well as the various categories of disability that we serve. In addition, no less than 25% of the board must be persons with developmental disabilities. Therefore, we are looking for LatinX applicants; both clients as well as family members active in our community. We have posted this request on our website: <https://www.rceb.org/about-us/board-directors/>

#### Board Member Nomination

Ms. Hebert took this opportunity to nominate two board applicants who have completed the interview process; April Key-Lee and Sadia Mumtaz. Since the board does not have a board meeting until September 27<sup>th</sup>, we will be making the announcement as a result of online voting.

### **EXECUTIVE DIRECTOR'S REPORT - Lisa Kleinbub, Executive Director**

#### Budget/Legislation

Ms. Kleinbub stated that the budget landscape has changed over the last month. In May Ms. Kleinbub reported on all the developments from the Governor's May Revise. Since then, the American Rescue Plan Act was released, which provides a one year 10% increase to the federal medical assistance percentage [FMAP] for certain Medicaid expenditures for home and community based services [HCBS]. DDS has made many proposals on how those funds should be used. Around that same time, the legislature worked on the development of their budget, which they passed prior to the June 15<sup>th</sup> deadline. The legislature agreed to implement the rate study including the service coordinator ratio to be brought down to the legal statutory caseload requirement as well as several other points that better serve our clients and families.

In the legislature's plan, they included money that DDS had seen as being part of the American Rescue Plan Act. In effect, both DDS and the legislature spent this American Rescue Plan Act money. When the legislature passed their budget, it was not the final version since they knew the administration was not going to agree to the full budget. Since June 15<sup>th</sup>, the administration and the legislature has been negotiating on the contents of the final budget and the details were just released last night. There is still work being done on the trailer bill language and it is not completely written at this point.

Although the budget may be signed by the Governor we are paying attention to the trailer bill language.

### Approved Policies

- . 2019 rate study: Implementation of a 5 year phase-in of rate reform of the provider rate study. The start date is expected to be January 2022 with some provider rate increases. The provider rate adjustments then would be phased-in over a period of 5 years. They are looking for a sustainable model to actually have rates increase with costs over time. At this point we are unsure if higher rates in high cost areas is going to be in that plan.
- . Regional center caseload enhancement in 2022/3: Funding for those unmet caseload numbers which total around 900 case managers across California. In order to achieve that goal, DDS will work with stakeholders to develop performance improvement indicators that regional centers will be required to meet.
- . Presumptive Eligibility of 3-4 year olds: This group will receive Lanterman services without a diagnosis of a developmental disability. This population can receive Lanterman (not Early Start) services after they age out of Early Start.
- . Intensive Caseload Ratio of 1:40: For underserved communities. This will target those clients with zero to no purchase of services.
- . Restoration of social recreation and camping programs: This will include educational and non-medical therapies. These programs were eliminated from regional center funding in 2011 and a request for its return by many families has been ongoing. Although we were able to provide camping services as out-of-home respite, it is not the same. We already have a purchase of service policy for those types of services, so once we see the language in the budget, it will not be that difficult to coordinate.
- . Community navigator program: A program in conjunction with the family resource centers will be implemented. There is money for implicit bias training for regional center eligibility staff as well as all case management staff.
- . The self-determination program will have an ombudsman
- . Direct service professionals funding: This will be for wage increases who have attended additional training programs.
- . Bi-lingual differential for staff with certain qualifications

### Not in the Budget

There is no inclusive affordable housing money dedicated to our population. Funding for technological upgrades to UFS are not in the budget.

There were hearings in the assembly and the senate today, so in the next couple of days the budget will be voted on and the Governor will sign in by June 30<sup>th</sup>.

### Self-Determination

We are still unclear on the trailer bill language for this program as self-determination moves to a permanent program for all regional center consumers. We believe this will include cost effectiveness

for each individual and a number of administrative reviews for each individual whose budget exceeded a certain dollar amount. This was opposed by a number of advocates. We will keep you up-to-date on the final version of the bills.

In preparation, we have been re-orienting our staff and making sure everyone is aware of the program. We will be starting orientations for individuals/families who are interested in participating in the program. We are working hard to make sure that those who want to get services via self-determination will be supported. We are unclear at this time on a lot of the funding around supporting people in self-determination, but are expecting to receive more information in the coming weeks.

### COVID-19 Update

Ms. Kleinbub reported that our numbers continue to be very low in our DD community; 4-positive cases in May, and 5-positive cases in June. We are also seeing the vaccination numbers slowly rise, but not as many as we would like, which would be 5,000 additional individuals. We will probably see more vaccinated people once the vaccine is approved by the FDA.

As of July 1<sup>st</sup>, case managers started their quarterly face-to-face monitoring visits with their clients. We have a protocol that has been reviewed by staff at a number of meetings via Zoom, and we are moving on with allowing our staff to conduct 15-minute indoor meetings with those in licensed care homes, independent living, and supported living. That time frame for visits will be adjusted as we are following public health guidance updates. We will start intake and assessments in-house in low volumes as well. We have also reinstated a receptionist in our lobby area to assist to greet people and inform staff for intakes.

### Program Re-Opening

Although programs have started re-opening, the process has been very slow. One of the major factors continues to be transportation. The guidance in relation to transportation states that passengers need to be seated 3 feet away from each other; therefore, the number of passengers per trip is limited. We are working with our service providers on those issues as it is complicated. Another factor for the slow re-opening of programs is their shortage of staff, and being able to retain what staff they currently have.

### RCEB Office Reopening

Although our office is technically opened, it may not be until next year before we will be back to our former flow of staff and clients/families in our offices. We are continuing to work with our bargaining union around protocols for returning back to the office and what that is going to look like in terms of our staff's ability to work in the office/work-at-home. The idea of physical distancing and wearing facemasks if you are vaccinated in a workplace is no longer a Cal/OSHA standard as of today, but that may change. RCEB is not asking our staff about their vaccination status at this point since there are still individuals who do not feel comfortable with the vaccine.



### Performance Contract Outcomes 2020

Ms. Kleinbub announced that we posted our Performance Contract Outcomes for 2020 on our website <https://www.rceb.org/about-us/public-information/performance/> this includes data on categories such as how many children live at home with their families, how many people live in developmental centers, our currency on Intake & Assessment, Client Development Evaluation Report [CDER] data, and certain performance outcomes including our individuals who are employed. The numbers in our employment section are from 2014/15, and 2015/6 in some areas. We will have public meetings to share that data probably in August. Your input would assist us in developing our performance contract objectives and activities for 2022. We also have performance measures related to expenditures by language, age groups, ethnicity, and other categories, and how that compares to their percentage in their population. The data looks stable, which means there has not been any changes. We will be looking into those areas to see where we can improve our outcomes. With the introduction of the new 1:40 caseload ratio for those with zero to no purchase of services, we should see some changes over the next year.

### Provider Survey

We have also posted a provider survey <https://www.rceb.org/news/service-provider-survey-with-a-focus-on-communities-of-color/> It is intended to identify those who are interested in participating in focus groups with a concentration on black providers and other communities of color. We are working with Mason Tillman Associates, a consultant group focusing on diversity and inclusion. They will be designing the format and the information for those focus groups based off the feedback from the provider survey and will analyze and advise on policy solutions. We want to communicate effectively, increase our transparency and support as we try to provide the best services for our consumers. We are also looking into the need to use Mason Tillman Associates services in regards to concerns of family members and in working with different communities for additional focus groups to best serve our community.

Ms. Kleinbub stated that the Board received a letter from a parent concerned about the low representation of black individuals in self-determination. The Board President, Ms. Hebert and Ms. Kleinbub appreciated the opportunity to meet with this parent and receive her feedback on both SD, as well as other services and supports available. We will be looking to doing more work in that community with the families, as we move forward.

### BOD in-person Meeting

We have had the discussion in the Executive Committee meeting on how and when the Board of Director's will be meeting in-person. Our board is meeting virtually for training in July, and we do not meet in August, so we are looking at September as our next formal board meeting. We expect to meet virtually for the remainder of 2021. We are working with our I/T department on the cost/feasibility of purchasing additional equipment to enable improved virtual communication between those in our conference room and those participating virtually. This is in our plan for the option of holding our board meetings using a hybrid format. This is not addressed in the Lanterman Act however, via DDS Directives allow virtual meetings since the beginning of the pandemic. Discussion among board members regarding pro's and con's of different methods.

## **PUBLIC COMMENT**

*Angeleter Pringle* spoke on two points; that the Mason Tillman Associates survey should have had vendor input in the design of the survey, and the second point regarding the relationship between RCEB and the vendors, in particular herself, as she expressed frustration over the length of problem resolutions. Ms. Kleinbub acknowledged and thanked the commenter for expressing her thoughts and experiences and know that are being taken seriously as the importance for working with the Mason Tillman Associates in developing a better partnerships with the vendor community.

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

Ms. Ibarra stated that many of the events by the Contra Costa Council slows down during the summer months.

**Aug 25:** This will be the annual planning meeting for the upcoming year.

**Sept 22:** Resuming of the CCCDDC board meeting

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

Ms. Nicholau extended her gratitude and deep appreciation to our service providers for the challenging work that they did that saved many lives during this trying time.

California Public Utilities Commission – The CPUC extended their utility shutdown moratorium for the next 3 months through the end of September. This effects both residential and small business customers. This will give the utility company time to notify the customers of any new solutions and payment plans and relief programs including time for customers to apply for these relief programs.

Medical Baseline Program – The participants in this program are PG&E as well as the other major California utility companies. This program assists those households that rely on in-home medical equipment that would be affected in power blackouts. Between now and Wednesday, June 30<sup>th</sup>, individuals can sign up for this lower energy rate program without a medical professional's signature.

PPE's- SCDD continues to have a variety of PPE's available, just contact us if needed.  
<https://scdd.ca.gov/bayarea/>

We are still offering trainings and events, law enforcement crisis intervention training, Self-Determination

**June 30:** Regional Advisory Committee Meeting. Topics on home care advocacy and long term support services along with legislative office representation.

**July 22:** California Employment First Committee meeting

**July 26:** Self-Advocacy Advisory Committee meeting

**July 27:** SCDD, Bay Area meeting.

We are also discussing when we will switch to hybrid meetings.

**ARCA REPORT:** Lisa Kleinbub

Ms. Kleinbub stated that ARCA is spending a great deal of time advocating around the state budget. During this meeting, Ms. Kleinbub received updated information that the legislature had just passed the revised 2021/2 State Budget and it is going to the Governor for approval. However, since we do not have all the trailer bill language yet, we do not know all the details. One of the bills that ARCA has been supporting is AB445, which eliminates the need for those families applying for regional center services to provide their social security number and other information regarding the parents. ARCA had also wrote a letter of comment regarding the bill to eliminate sub-minimum wage by 2023/4. While there is great support for ending sub-minimum wage, ARCA is promoting that there should be a plan for those who are in those jobs to have a good transition so that they can continue to have the dignity of working.

**CLOSED SESSION** - Personnel

**MEETING ADJOURNED**

The board meeting adjourned at 8:49 p.m.

The next Diversity & Equity Meeting will be at 5:30 PM on July 26, 2021  
There is no Board Meeting in August  
The next Board Meeting will be at 7:00 PM on September 27, 2021 via Virtual Call