



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

Board of Directors Meeting

Monday, September 27, 2021

Approved 10/25/2021

RCEB BOARD MEMBERS PRESENT:

Kathy Hebert, President
Lilian Ansari, Vice President
Gerald Tamayo, Treasurer
Dr. Stephen Whitgob, Assistant Treasurer
Renée Perls, Secretary
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:

Nyron Battles, CAC Chair

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
Elvia Osorio-Rodriguez, Associate Director of Children's Services
Michael Conti, Senior Resource Specialist
Michi Toy, Executive Assistant

GUESTS:

George Avila
Denise Bradley
Ben Chen/ACDDC
Sarah Davenport

April Key-Lee
Sadia Mumtaz
Sheraden Nicholau/SCDD
Jeri Pietrelli

Cassandra Duggan
Erika Gonzalez/24-Hr Cares
Vi Ibarra/CCCDDC

Angeleter Pringle
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 September 27, 2021 agenda as presented.”
[Puchac/Soloway] Unanimous. The motion was adopted.

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

PUBLIC COMMENT

No public comments were expressed at this time.

COMMITTEE REPORTS

COMMITTEE REPORTS

Executive Committee: Kathy Hebert

Acronym List

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

Contract Approvals

No contracts were presented for approval this evening.

Social Recreation Policy – Lisa Kleinbub

Ms. Kleinbub wanted to remind everyone that RCEB has had a Social Recreation policy. The state budget has trailer bill language that allows for the restoration of social recreation, camps and several other services such as educational and non-medical therapies, so we will share this policy with staff. We are going to see if families will request these types of services again and if there’s any new challenges. We will keep the board abreast of the status.

Ms. Kleinbub addressed a board member's inquiry regarding types of social services that were available. She stated that some of the camps and activities were weekend events, and have not been offered for some time now due to several reasons. Our Community Services have reached out to those former providers to see if they will be offering these types of services again.

Budget & Finance Committee: Gerald Tamayo

Regional Centers received the C-1 contract amendment for FY21-22 in September, which was later than the B-1 last year in August. This allowed the staff to begin working on our Operations and Purchase of Services budgets for the fiscal year. The C-1 amendment provides the Agency with overall funding of \$637M, a net increase of \$74M over prior year's allocation at this time. The release of the amendment also helped with our cash flow as RCEB was able to claim additional cash advance in the amount of \$33M.

Operations

The C-1 contract amendment provided nearly all of our Operations allocation for the year. The current year Operations allocation of \$54M, which is \$5M more than prior year's B-1 funding, was based on the core staffing formula and budgeted caseload and other statistics. Additionally, the Operations allocation provided continuation funding for the ABX2 1 increase for salary/benefits for regional center staff and SB826 funding for HCBS compliance for FY21-22 as in FY 20-21. It also included Policy items for Operations such as Psychological Evaluations, Self-Determination Program, and Oversight and Accountability, including Specialized Home Monitoring funding that was not received in FY20-21 B-1. FY21-22 also included additional funding for new positions including staff for Self-Determination/Participant Directed Services support, Emergency Coordinator, Enhanced Service Coordinators for people with low or no POS, Deaf Specialist, increased service coordination due to Provisional Eligibility, staff for implementation of Rate Reform, and H&S waiver assistance for non-English speaking clients.

At this time, the Department has not provided funding for our Community Placement Plan (CPP) in the C-1. The B-1 had only 50% allocation of FY19-20 CPP funding.

We are currently in the process of completing our preliminary operations budget projections for the new fiscal year 21-22. The staff will provide the Board with a detailed Operations report at the next board meeting.

This month's financial statement shows our allocation to date and actual expenditures through August 31, 2021 and compares the C-1 allocation and last year's B-1 allocation. The statement also compares actual expenditures for the same time period.

RCEB grew by 1,096 net new consumers during the past 12 months, compared to last year's growth of 723 net new consumers. The C-1 allocation for Operations includes funding to account for this caseload growth.

Purchase of Services

For Purchase of Services (POS), Regional Centers received the POS allocation based on an equitable proration of prior year expenditures that each Regional Center actually spent.

In the C-1 amendment, RCEB received \$583M in Regular POS funding, which is \$69M more than in last year's B-1 allocation. The Purchase of Services allocation for FY 21-22 included caseload growth, continuation funding for rates increase due to SB minimum wage increase, ABX2 1 Community Based Services increase, and Competitive Integrated Employment Incentive payments and Paid Internship Programs. POS Base allocation was based on POS claims through April 2021. For CPP POS funding, RCEB received \$871k compared to \$243k for FY 20-21, which is an increase of \$628k.

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

With regards to Fiscal Year 20-21, RCEB ended the fiscal year with a projected surplus of \$13M. All 21 Regional Centers, including RCEB, are reporting a surplus. Overall, the statewide system shows a surplus of \$317M.

Cash flows, Line of Credit, and Union Bank

Even though the cash advances from the C-prelim came after July 15th when RCEB normally pays our POS vendors, RCEB did not have to draw on our line of credit this year. We were able to ask DDS to provide cash assistance needed of about \$5.4M, which was just enough to cover our projected cash shortage. At this time, the receipts of the C-prelim and C-1 cash advances have stabilized the Agency's cash flow.

We were informed by our bank relationship manager that Union Bank is being acquired by US Bank. This announcement was made to the general public on 9/23/2021 and the merger will take place on 4/1/22. She informed us that their client accounts, including RCEB's, will not be changed until 3rd or 4th quarter next year or 10/1/22. According to her, this merger will make US Bank the 5th largest in California, while expanding their footprints. She will keep us posted when more information is available.

Independent Audit for Fiscal Year 20-21

Marcum LLC, RCEB's independent auditor, is currently conducting the financial audit for the fiscal year 20-21. They are scheduled to finish their field work in the next week. Marcum is scheduled to present the draft report to the Board at the October board meeting. This is Marcum's last year to audit RCEB as their engagement term will end with FY 20-21.

The staff is pleased to report to the Board that we have selected our new auditors for the next five-year engagement from FY 21-22 to FY 25-26. Through an RFP process, the Budget and Finance Committee, along with RCEB's CFO and Controller, unanimously agreed on the selection of Aiello, Goodrich & Teuscher (AGT) as our new auditors.

Diversity & Equity Committee: Morena Grimaldi

Ms. Grimaldi reported that the committee met before the board meeting this evening, starting with the sub-committees status reports. She also reiterated about the collaboration goal to promote the Self-Determination process to address any disparities. This will be added to their next meeting's November agenda in order to brainstorm on ways to approach this goal. This committee will attempt to meet again prior to their regularly scheduled November 22nd meeting.

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

Sister Marygrace reported that the committee met on September 10th starting with Ms. Kleinbub's beneficial report on the current events. Mr. Robinson updated the committee on DDS' Guidance on Alternative Residential Services. These service providers partner with the families and regional centers to connect with their consumers. They check on their current interests and changing need for various alternative services, as well as to get feedback on what services they would like to have. This survey/report needs to be completed by 11/1/2021. Ms. Hanson, RCEB Associate Director of Adult Services presented her new follow-up process on missing POS's and how the new step-by-step form is very easy to follow and beneficial for all.

Consumer Advisory Committee [CAC]: Dinah Shapiro for Nyron Battles

The CAC met on Monday, September 13th where the majority of the discussion was on the COVID vaccine 3rd Pfizer shot and who is qualified to receive it, as well as day service program status. Julie Whiskeyman, RCEB staff also announced that she is moving back to her hometown out-of-state, and how she will miss our CAC meetings.

Membership Development Committee: Kathy Hebert

Board Composition

Ms. Hebert announced that Ms. Grimaldi is terming-out and that it is her last meeting as an RCEB board member.

Ms Hebert acknowledged Ms. Grimaldi's 7 year service on the RCEB board as well as our thanks for her many years since 2015 as the Diversity & Equity Chairperson. Several board members also added their thanks and well wishes to Ms. Grimaldi, especially for her insight and comments during the meetings. Ms. Kleinbub stated that it was a pleasure working with her through these years and to see her growth, especially in her Diversity & Equity role. Ms. Grimaldi thanked everyone and stated that she really appreciated the time on the board as it has and will always be a learning experience for her as a mother of a child with disabilities. She added that she will continue to learn and partner with RCEB and the RCEB board and committees as her role as an advocate for her child is lifelong.

Regarding the board composition, Ms. Heber reiterated that 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/>

Ms. Kleinbub added that every year in August, RCEB submits our board composition report to DDS. DDS informs regional centers of where they fall short in each category. DDS’ letter states that our board needs representation in the attorney and Asian categories. Therefore, we responded with our Plan of Corrections, which also states that we have been recruiting to fulfill those requirements. The composition from DDS uses a 2016 American Community Census Survey. The newer 2020 data that looks at the demographics is not expected to be released until early 2022, but we do know that the population of those who identify as Asians in Alameda County have increased.

Board Member Vote

Ms. Hebert nominated two board applicants at the last board meeting in June. With a board vote conducted online, Ms. Hebert welcomed both April Key-Lee and Sadia Mumtaz to our board effective at his time. Ms. Key-Lee and Ms. Mumtaz thanked the board and stated that they look forward to joining as RCEB board members.

Slate of Officers for 2022

Ms. Hebert stated that the Membership Development Committee will be taking nominations from the floor for Board officers at our October meeting, and a vote for the new officers at our Annual Meeting, which is in November. Therefore, this notice reminds our board members to consider running for an office. Please let us know so that we can put your name on the ballot.

CURRENT 2021 SLATE OF OFFICERS

Kathy Hebert	President
Lilian Ansari	Vice-President
Gerald Tamayo	Treasurer
Dr. Stephen Whitgob	Assistant Treasurer
Renee Perls	Secretary

EXECUTIVE DIRECTOR’S REPORT - Lisa Kleinbub, Executive Director

Budget/Legislation

Ms. Kleinbub stated that this year’s budget contains many policy initiatives that are driven by both DDS as well as regional centers. The allocation that was received the week of Labor Day shows what the dollars will be for our regional center to fund some of our work towards these policy initiatives. While we knew it would fund for one position in our regional center, it also showed how many positions we would get to support those individuals moving into Self-Determination. We also found out about the funding for positions that would help with the rate changes for service providers in April 2022. We also know how many enhanced case management positions [Intensive Caseload Ratio of 1:40 for underserved communities] we would receive in our regional center for monolingual/people-of-color communities with zero to no purchase of services. With those knows, we can now determine our Operations budget.

Incentive Program for Regional Centers- This performance incentive program has statewide measures and incentives to meet those measures. This program was slated to start in July 2022 but it was not in the budget. Therefore, we do not know what that will look like right now, but there are stakeholder meetings going on with DDS for discussion. We are supposed to get funding for our regional center for implementing this program so we will wait to see what that will look like.

Provisional Eligibility- This is an exciting new category created to benefit those 3-4 year-olds who show signs of needing regional center support without a formal Lanterman diagnosis of having a developmental disability. These toddlers with significant functional limitations can be provisionally eligible to receive regional center services after they age out of Early Start, then they will be re-assessed at age 5 using the Lanterman eligibility criteria.

Emergency Coordinator- We have posted a new position for an Emergency Coordinator who will work with our local and government agencies through our State's Emergency Management System [SEMS] structure to help our clients and their families as well as staff, in the event of any emergency or disaster. We currently use Everbridge software platform as our emergency notification system that uses a text/phone system that will reach out to individuals in different geographic areas in the event of an emergency, so the Emergency Coordinator will also be working closely with our Everbridge system. <https://www.rceb.org/about-us/career-opportunities/>

Self-Determination

DDS is working on statewide training for the self-determination program. This will include multi-language orientations for consistency, so that each regional center will not have to conduct their own orientations. Self-determination is being rolled out to all who are interested, and standard development and identifying what is required for certain roles of self-determination in terms of certification.

We are working very hard on all these initiatives that have been tied to the budget.

COVID-19 Update

Ms. Kleinbub stated that our numbers of COVID cases in June were very low but increased during the months of July to September, but not anywhere near what was experienced last year at this time. Those who were already vaccinated but contracted COVID had mild symptoms, but some did have to be hospitalized. We continue to provide PPE's as well as making sure that our clients were safe. The vaccination rates in our area are very good compared to other places although we continue to have a few pockets where the vaccination rate is lower and those who do not wish to be vaccinated. Our case managers continue to track their clients' vaccination status as well as update our database with these figures.

The Pfizer vaccine booster has opened up to those individuals who have had their second dose at least six months prior to their 3rd appointment. The current guidance is for seniors 65+ and adults 18+ with chronic medical conditions, including those with downs syndrome. Many of our residential homes that partnered with drug stores [ex.CVS/Walgreens] to administer doses in-house, have been requested to administer the booster shots to those residents.

Service Provider Programs

Many programs have started re-opening on a less than full capacity number due to a few reasons. One main reason is that transportation to/from programs has been limited. Community Care Licensing [CCL] handles their transportation and is required to maintain 6-feet of distance between individuals on their vehicles, which is different from the standards on other transportation providers. Some programs have tried to create groups of consistently the same individuals in that group on the same days of the week. Another reason is that our service providers are having a very difficult time finding direct-support professionals to work in their programs. The rate increase for service providers is not until April 2022, but the situation is worse now compared to pre-pandemic times and even the providers who have not had any staffing shortages in the past, are experiencing it and it appears to be across the board. Some of the attrition can be due to the fact that wages have gone up in many industries as they leave their current position. Our providers do not have the resources or the ability to make any rate changes, except in health & safety since our standards are very high.

A questions was asked by our board member regarding if there will be a vaccine mandate not only for RCEB staff, but for service providers as well. Ms. Kleinbub answered that we do have a few service providers who have required their staff to get vaccinated. Currently at RCEB, we have not decided whether or not to do so. We sent out a survey to our staff regarding their vaccination status, to get an idea of what that looks like and will be making a decision soon. President Biden may be announcing a mandate soon and since we employ more than the minimum 200 people, that will mean we will need to abide by that mandate and also take into consideration the population that is not able to be vaccinated.

BOD in-person Meeting

We continue to discuss this subject in the Executive Committee meeting and are working with I/T on the cost and feasibility of purchasing additional equipment to enable improved virtual communication between those in our conference room and those participating virtually. Although our current focus has been on COVID numbers and in replacing our old phone system, we will be researching what systems will work best for our purpose not just for the board meetings, but all our RCEB in-person meetings. Our focal point will be in enhancing the sound ability for those participating remotely, and will keep the board informed of the status.

RCEB Office Reopening

Our staff has started to do the quarterly monitoring visits face-to-face with those who require that method according to the Lanterman Act, as well as in-person assessments for eligibility determination. We are being very careful and will not rush the full re-opening of the building as many are still working remotely.

Provider Survey

Ms. Kleinbub provided an update to last month's report (see paragraph below). The survey is now closed, and the data was sent to our consultant Mason Tillman Associates. They will be reaching out to the service providers who completed the survey, to see who would be interested in participating in their focus groups. The input that will be garnered from the focus groups will be shared with the

board and we will see what we can do to address those ideas under the rules and regulations that we function under.

From last month:

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.

Performance Contract

Ms. Kleinbus stated that we submitted our performance contract objectives to DDS, and outlined the activities that we will engage in to achieve those objectives. Some objectives are required by DDS as are the compliance measures. Some of these objectives such as moving people from large institutions, and trying to achieve more equity in terms of service provisions are also required by DDS and we have to complete the same measures. There are requirements that we follow, such as holding public meetings with the community to get feedback from them to partner in developing the following year's objectives and activities. This Thursday at 5:30pm is our first public meeting on the performance contract, and it is noted on our website's Upcoming Events calendar. Our second public meeting will be on Wednesday, October 20th specifically for those who identify as black/African American consumers and their families. We will be working on sending out announcements in the mail.

PUBLIC COMMENT

Cassandra Duggan – mother of a client, expressed her frustration over day programs that needed to close due to COVID-19, and how her child has not had a full day at a program during this time due to the safety measures that they are required to take.

Ben Chen, Alameda County Developmental Disabilities Council [ACDDC]

Mr. Chen stated that the COVID cases in Alameda County have now been on the decline but to be prepared for a winter surge. ACDDC is also working on door-door outreach to underserved communities. We are really focusing on getting the population vaccinated, whether it is in-home or at community sites- see the posted the links:

Alameda County Vaccine sites:

1. <https://covid-19.acgov.org/vaccines.page?#availability>
2. https://my.primary.health/r/alameda_homevax?registration_type=homebound_residents or 510-208-4vax
3. <https://my.primary.health/r/alco-vax-signup>

Oct 13: This is the next board meeting from 9:30-12:00pm. There will be a presentation on employment and benefits in honor of National Disability Employment Awareness Month.

Oct 16 & 23: Vision for the Future transition planning for post-secondary education opportunities
<https://www.rceb.org/event/vision-for-the-future-post-secondary-education-opportunities-for-students-with-disabilities-annual-conference/>

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

Ms. Ibarra stated that Contra Costa County in regards to COVID numbers is similar to Alameda County; specifics on all subjects are on our website at www.cchealth.org.

In-person meeting requirements- stay tuned for updates on when that will occur as well as hybrid options and the continuation of updates from the Health Officer.

Oct 27: This will our next board meeting, and we do have two open seats for board membership.

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

Ms. Nicholau added that today was a big day for legislation affecting those with developmental disabilities. The Governor signed Senator Durazo's SB-639 on September 27th, which prevents the issuing of special licenses that allow below-to-minimum wages for those who have developmental disabilities. This was part of a package of fair labor bills signed by the Governor.

Our State Council is holding a 'There Should be a Law Contest'. You can submit a problem and solution to our website for a chance for your idea to become SCDD's next legislative priority. Your idea must benefit people with intellectual and developmental disabilities.

<https://scdd.ca.gov/wp-content/uploads/sites/33/2021/09/There-Should-Be-a-Law-Contest-Flyer-v-3-Accessible-Edits.pdf>

Email the SCDD Bill Idea Form 2022 by October 15, 2021 to scdd@scdd.ca.gov or submit your bill idea online at <https://bit.ly/BillIdeas>.

Sept 29: Regional Advisory Committee Meeting: networking 6:15pm, meeting at 6:30pm. RAC member updates and updates / trends in services and supports for people w co-occurring conditions focusing on Trends and Emergency needs and Advocacy in Supports & Services for people with IDD & with Mental Health Needs.

<https://files.constantcontact.com/be05f332501/879777cc-d284-4982-884f-58e0d813a52b.pdf>

<https://files.constantcontact.com/be05f332501/fcd343dd-ee14-4b9b-b568-06b899bcf1eb.pdf>

ARCA REPORT: Lisa Kleinbub

Ms. Kleinbub stated that ARCA supported AB 445 by Assemblymember Lisa Calderon which was recently signed by the Governor on August 31, 2021. Regional centers will no longer be required to obtain the social security numbers from the parents of clients prior to authorizing services if they believe it will not be beneficial. This is good news, as some of the families may be undocumented or may not wish to provide that information. This law will also take effect on January 1, 2022.

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 8:25 p.m.

Virtual Meetings on October 25, 2021
The next Supports & Services Meeting will be at 5:30 PM
The next Board Meeting will be at 7:00 PM