



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

**Board of Directors Meeting**

Monday, March 28, 2022

Virtual Meeting

Approved 4/25/2022

**RCEB BOARD MEMBERS PRESENT:**

Kathy Hebert, President  
Lilian Ansari, Vice President  
Gerald Tamayo, Treasurer  
Dr. Stephen Whitgob, Assistant Treasurer  
Renée Perls, Secretary  
Nyron Battles, CAC Chairperson/Diversity & Equity Co-Chair  
Teresita DeJesus  
April Key-Lee  
Sadia Mumtaz, Diversity & Equity Co-Chair  
Sister Marygrace Puchac, PVAC Representative  
Carmen Quinones  
Dinah Shapiro  
Lisa Soloway  
Linda Stevens

**ABSENT:**

Brian Blaisch  
Frank Paré, Co-Chair, Supports & Services

**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  
Chris Hanson, Associate Director of Client Services  
Jeff Nagafuji, Manager of Specialized Services & Supports  
Jeffery Dix, Case Manager  
Eric Stern, Case Manager  
Herb Hastings, Consumer Advocate  
Michi Toy, Executive Assistant

**GUESTS:**

Gabriela Alatorre  
Yesenia Alferez  
Marta Alvarado  
Leticia Anguiano  
Denise Bradley  
Gwen Captain  
Amelia Castellanos  
Elfega Cazalez  
Rose Coleman  
Alicia Amador Cortez  
Maria Cruz  
Tandra Debose  
Rosa Diaz  
Elvira Figueroa  
Mary Angela Flores

Hilda Garcia  
Fernando Antonio Gomez  
Lourdes Gomez  
Erika Gonzalez  
Sandra Guerra  
Eva Hernandez  
Comunidad Hispana group  
Vi Ibarra/CCCDDC  
Caty Jaimes  
Rosa Ley  
Gladys Lizarraga  
Lilia Murillo  
Marizu Okemiri  
Assata Olugbala  
Teresa Ortega

Jose Pena  
Jeri Pietrelli  
Ann Pringle  
Ariceli Ramirez  
Maria Ramirez  
Rene Rangel-Simon  
Consuelo Resendiz  
Delfina Reyes  
Melissa Robinson/DDS  
Maria Solano  
Maria Verdugo  
Zachery Wheeler  
Geneva Ziaoure

**CALL TO ORDER**

Board President, Kathy Hebert read the call-to-order, then proceeded to call 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 March 28th agenda as presented.” [Perls/Battles]  
Unanimous. The motion was adopted.

M/S/C            “The Board moves to approve the February 28th minutes as presented.”  
[Perls/Puchac] Unanimous. The motion was adopted.

**PUBLIC COMMENT**

*Assata Olugbala* expressed her opinion on discrimination centered on black and Latino family members and in particular to the black service providers, and stated that her group will continue to demand change until it is corrected.

*Zachery Wheeler’s* experience is that not many case managers or vendors know about HUD’s Section 811 supportive housing program which provides funding for the development of housing and subsidizes rents for those with DD.

*Maria Ramirez* spoke about how families do not know what is available to them at the regional center and questions why programs are not able to be shared between Northern and Southern California regional centers and clients.

## COMMITTEE REPORTS

### COMMITTEE REPORTS

**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

All contracts are submitted to the board of directors 10 days prior to the board meeting for their review and opportunity to ask questions and provide comments.

#### Contract Approvals

##### *Supported Living Services [SLS]*

**Davis Home, LLC** – existing vendor

The Service Provider Agreement for Davis Home expires on March 31, 2022. This Amendment will extend the end date of the Service Provider Agreement through March 31, 2027.

The attached Amendment to the Service Provider Agreement dated March 30, 2022 represents Purchase of Service (POS) funding for specialized residential services provided for four (4) adult residents at Davis Home. The initial 5 year agreement was completed in 2017 and expires on March 31, 2022.

Davis Home is located at 1306 Davis Avenue in Concord and has been in operation since March of 2017 and is licensed by Community Care Licensing.

Term: 4/1/2022 – 3/31/2027

Maximum rate/mo: \$81,842.56

Annual disbursement: \$982,110.72

Total Capacity: 4 individuals

M/S/C            “The board moves to approve the extension of the agreement with Davis Home, LLC to continue to operate the Supported Living Services home as presented.”  
[Ansari/Battles] Unanimous. The motion was adopted.

**Budget & Finance Committee:** Gerald Tamayo

#### Purchase of Service

Throughout February 2022, we have expended 57% of the total POS budget of \$583M, which is comparable to the 61% for previous year at this time. For NON-CPP POS Expenditures, we are

projecting a surplus of \$31.6M, which is an increase of \$2M from the previous month's projection. Note that this projection still does not have the cost impact for the rate increases in April 2022.

Currently, all 21 Regional Centers are reporting a surplus in their POS projections. With the C-2 budget allocation, the statewide system is reporting in an overall surplus of \$862M, which is an increase of \$45M. RCEB is reporting a \$31.6M surplus, which represents 5% of the overall statewide surplus.

We will continue to analyze monthly POS expenditures and trends as more data become available.

### Operations

Based on the C-2 allocation, through February 2022, we have expended 55% of a total of operations budget of \$57M, which is slightly less compared to the 61% for previous year at this time.

We continue to wait for the next allocation to receive the remaining rent allocation that was not allocated in the C-2. In FY 21-22, RCEB has upgraded our phone system to Mitel VOIP in October 2021 and we plan to do more technology upgrades, like MS Office 365 and fax system to help improve our productivity and efficiency for a hybrid remote workforce.

At this time, we are projecting a balanced budget even with the increased technology costs and as we continue to hire more staff for new growth positions and attritions.

### **Diversity & Equity Committee:** Nyron Battles & Sadia Mumtaz

This committee meets every other month and their last meeting was in February. They held a workshop meeting on March 14<sup>th</sup>. DDS will be providing implicit bias training, and this committee will focus on what DDS will not be covering. Ms. Mumtaz also spoke about the need to re-look at some of the responsibilities of this committee ensuring no overlap with our other committees. Data points on goals are being re-formatted with assistance from the team leads on updates. Also discussed was the possibility of case management involvement in the community projects which received funding by the State.

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

This committee meets every other month when the Diversity & Equity committee does not meet. A morning workshop meeting took place before noon on February 28<sup>th</sup>. This was beneficial as some family members are not able to attend the late afternoon meeting. This evening the committee's focus was on the final draft of the brochure. With minor adjustments, it will be uploaded on our website and translated in several languages. The brochure is a roadmap of RCEB services by age groups and indicating what is available, and it is very user friendly. This brochure addresses the earlier public comment on families not knowing how to navigate the system.

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

Sister Marygrace reported that the committee met on March 11<sup>th</sup>, with a presentation by a representative from DDS, Erica Lazaldi regarding their Direct Support Professional [DSP] workforce voluntary survey and the data that they will gather, which will be very helpful and used by 26 other states. This comprehensive data covers the 2021 calendar year. Some of the categories include agency profiles, payroll, recruitment/retention, etc. This data is collected to gather quantitative information about factors that impact the DSP so that improvements can be made.

RCEB presented on *Rate Implementation In-Depth Presentation*. This presentation was very thorough as it was based off of the data from the Burns & Associates rate study. On April 1<sup>st</sup>, 25-percent of the difference between the March 31<sup>st</sup> 2022 rate and the applicable rate model shows that the agencies would be receiving 25% of the rate. On July 1<sup>st</sup> of 2023 it would be 50%. On July 1<sup>st</sup> of 2025 it would be a full implementation of the rate model. Also discussed was AB 136 requiring the department not only to implement rate increases between April 1, 2022 to July 1, 2025 to raise service providers' rates reflected in the rate models that were included in the rate study, but also subject the increases to a quality incentive program.

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

The CAC met on Monday, March 14<sup>th</sup>. The main report was on the status of some service providers who are slowly reopening of their programs as many clients are eager to resume in-person activities. There are still questions on social distancing at the locations and with transportation. DDS has waived many requirements that were set during COVID as we slowly return to some sense of normalcy.

**Membership Development Committee:** Kathy Hebert

The voting was conducted via SurveyMonkey and the results reported at this board meeting.

BOD Terms: The totals for Kathy Hebert's last term of 1 year; Teresita DeJesus, Reneé Perls, and Carmen Quinones for their 2<sup>nd</sup> term of 3 years, were all approved by a majority vote by the Directors.

In-Person Board Training/Meeting for July and September 2022

A SurveyMonkey was conducted for the board of director's level of comfort to return to an in-person July board training session, and what parameters need to be set for that to be a possibility. They also voted on whether they would want to return to in-person board meetings starting in September. As a result, it looks like we will be having a hybrid board training session in July, with safety measures to be determined, and possibly the same for the September board meeting. This will be a topic discussed at the Executive Committee meeting as well as the full board.

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

COVID-19

Ms. Kleinbub stated that we have loosened our restrictions due to the COVID-19 positivity rate being below 1.5%. We are following the state mandates. The quarterly monitoring visits conducted in-

person by the case managers were put on hold during the latest surge, but they are now being done in-person again for limited periods of time in a home. We are working with our Union to move that forward to regular meetings that we have done in the past. Many of our service provider programs are returning to servicing more clients, but staffing still remains a challenge. Licensing requirements have also been a challenge to those operating a site-based program. Social distancing is still a requirement not only on-site, but with transportation as well. This is very difficult, especially for those providers who provide their own transportation to get individuals to programs, as the riders still need to be spaced 6-feet apart. We are advocating for updates from licensing so that the programs can meet the community needs. All staff at the programs still need to be vaccinated and boosted, so the environment is a healthy place to return to for the clients. RCEB is continuing to fund Alternative Services in the programs so that services can continue remotely if needed. We are also continuing to fund the residential in-home day programs, increased staff in supported living and in family homes. We will continue with this funding to help the programs until we can completely return to a typical way of doing business. There are definitely many complexities to how people are returning to programs.

#### Rate Implementation

As reported earlier, the rate increases start April 1<sup>st</sup>, 2022. We expect to be able to pay these rates for most providers in the month of May. However, we have not been given all the new rates from DDS nor the letters from DDS for most of the services as to what each individual provider's rate will be. If the rates are not in our database by May to pay for April services, the pay will be retroactive. We will probably receive the rates for the new providers last, since they were not in the initial database for the calculation. Our Community Services department is working diligently on sending all the files to DDS and making sure that we are providing accurate information. Every provider should receive 90% of the April rate published for 2022, in the year 2025. The extra 10% will be based on quality measures. Those measures have yet to be established. No rates will be reduced until July 2026 as there is a hold-harmless clause. There are some providers throughout the state with current rates higher than what is published for 2022. Therefore, they will not be getting rate increases and they will be held at the current rate. DDS will have a rate appeal process. Once a service provider receives their rate, they will be able to file an appeal if they feel that there are miscalculations. There is a list of what qualifies as a miscalculation.

There is also advocacy to increase the rates by 50% by moving up one of those incremental increases so that the providers will receive 50% of that difference this year in July. ARCA as well as many service providers are advocating for this option.

#### Developmental Services [DS] Task Force

This task force was originally set up many years ago when we were working on the movement of clients from the developmental centers into the community and planning for what services were required in our communities. Over the last several years it has pivoted to the responsibility to set goals for the community service system and what that will become over the next few years. DDS has had many workgroups to work on this with a focus on diversity & equity, employment, to develop performance measures for regional centers.

### Performance Measures for Regional Centers

By May, the Department will need to submit the proposed regional center performance measures to the legislature. Currently, they are planning for an end of April meeting of the DS Task Force to share the measures that they are intending for regional centers. These measures will be part of the incentive performance program. These are tied to the funding for reducing caseload ratios. Some part of this funding will be tied to meeting these measures. We do not know what the dollar amounts or incentives are at this point, but we do know that we will have different measures from what we currently have in our performance contract. Since regional centers have difficulty with a lot of the data, we expect that the initial measures will be on setting up the systems that we need to collect the data so that we can look at what our performance is in these areas. We are expecting to be able to share these measures at our April board meeting.

### Purchase of Services [POS]

RCEB worked with many community based organizations to hold multiple (10) POS meetings this month in many languages. Some of these organizations received service access & equity grants to work with underserved communities. Since they have relationships with families and individuals in these communities, people are more interested in attending. Any feedback that was provided at those meetings that were related to our community is part of our Purchase of Service report that impacts next years' service equity grants from DDS. Every project that we had in our region last year was re-awarded funds in the 2021/22 project year. In addition, there are a number of projects statewide focused on the deaf and hard-of-hearing [DHOH] community that will benefit our community.

### Housing

Ms. Kleinbub added that RCEB is working with a MidPen Housing, a non-profit developer, owner and manager of high quality affordable housing. This particular project in Livermore has 40 units solely for those with I/DD and may be able to start to rent in June 2022. The RCEB applicants who applied for that project last year were certified accordingly.

There are two multi-family housing projects in development and funded by DDS. One is in Castro Valley with 10 units for those with I/DD as well as 10 units in a Berkeley project. DDS will fund inclusion in multi-family housing developments when the units for I/DD are less than 25% of the project, which is a Home and Community based rule. We are also working on other projects where we can request funding from DDS to develop, since housing is one of the biggest needs and barriers for our clients to be able to live in the way that they want.

### Regional Center Staff

We have posted many case management positions as we are in the process of staff recruitment, which includes 40-50 new case managers to start by July. We have recently posted our 1:40 caseload ratio for those clients with low to no POS and we are going through that list currently to see if these clients want to be on those caseloads. One of the measures will be how accessible generic resources are, such as the ability to get MediCal and IHSS.

## **PUBLIC COMMENT**

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

**April 9:** Autism STAR Conference from 8:30-12:30

This conference is geared towards parents/families of children and teens with Autism, but anyone is welcome to register. The first presentation will specifically focus on how to address challenging behaviors, presented by BCBA staff from a local ABA agency and the second presentation will be from DREDF discussing special education and advocacy for students with Autism.

**April 27:** This is our next DDC meeting at 10am with a presentation on an upcoming opportunity in our community. The Contra Costa Health Services received a service and access equity grant from DDS, which be used to establish a Specialty Ambassador Program in the county. This will have 4 part-time positions for regional center clients to assist in outreach to those underserved populations.

**June 9:** Save-the-date for the DDC Annual Awards Event- virtual from 7pm. Nomination categories will be sent out.

*Kathy Hebert for Sheraden Nicholau, State Council on Developmental Disabilities [SCDD], Bay Area Office*

**Updates to the SB639 (phasing out subminimum wage in CA) webpage have launched.**

The State Council will host a variety of stakeholder feedback sessions / community conversations. There are two coming up specifically for the Bay Area and the North Bay, in English and Spanish and with captioning. All are welcome! Flyers and registration links are in the email.

**Program Development Grants RFP Cycle 45 are due May 17<sup>th</sup>.**

The State Council on Developmental Disabilities administers grants to community-based organizations to fund new and innovative program development projects. During Cycle 45, the Council is looking to fund regional projects in areas such as education, employment, health & safety, housing, etc.

*Ann Pringle* thanked RCEB for sending out the 3 referrals, although the clients were not compatible with her home. Other comments were related to vendor back-pay and rate increase questions, as well as the idea of vendor-to-vendor assistance in placements.

*Gladys Lizarraga* inquired as to why there was no Spanish translation for the meeting; however, RCEB never received a request for that service. She also asked why the Chat was disabled during this Board of Directors meeting other than during the public comment portions.

*Zachery Wheeler* reiterated about the housing crisis that is facing our state and system, where vendors are using their funding to pay for repairs and sometimes rent for consumers.

*Jeff Dix* spoke about the rate study and alternative services which were not included in that rate study. Therefore, they will advocate to get the alternative services included in the rate increase.



*Assata Olugbala* spoke about the need for translation services and continues to express that there is no racial equity in the regional centers.

*Maria Ramirez* spoke of frustrations with families not receiving the services that they need due to COVID.

**ARCA REPORT:** Lisa Kleinbub

Grassroots Day this year is on Tuesday, April 5<sup>th</sup>. Key talking points are:

Provider Rate Reform Acceleration – the forward movement of the rate increase to 50% instead of 25% in July.

Modernizing the Core Staffing Formula – for regional centers to have enough resources to do the multiple tasks that are required

**BOARD TRAINING SESSION – Start Time 8:30 PM**

**MEETING ADJOURNED**

The board meeting adjourned at 8:25 p.m.

Virtual Meetings on April 25, 2022

The next Diversity & Equity Meeting will be at 5:30 PM

The next Board Meeting will be at 7:00 PM