



## **Board of Directors Meeting**

Monday, January 23, 2023

Virtual Meeting

Approved 2/27/2023

### **RCEB BOARD MEMBERS PRESENT:**

Frank Pare, President/Supports & Services Co-Chair  
Sadia Mumtaz, Vice-President/Diversity & Equity Co-Chair  
Dr. Stephen Whitgob, Assistant Treasurer  
Reneé Perls, Secretary  
Nyron Battles, CAC Chair/Diversity & Equity Co-Chair  
Lilian Ansari/Supports & Services Co-Chair  
Brian Blaisch  
Teresita DeJesus  
Kathy Hebert  
Daniel Hogue, PVAC Representative  
April Key-Lee  
Carmen Quinones  
Dinah Shapiro  
Lisa Soloway  
Linda Stevens

### **ABSENT:**

Gerald Tamayo, Treasurer

### **STAFF PRESENT:**

Lisa Kleinbub, Executive Director  
Lynn Nguyen, Director of Finance & Administration  
Caylin Patterson, Director of Human Resources  
Lucy Rivello, Director of Health & Behavioral Services  
Steve Robinson, Director of Community Services  
Ronke Sodipo, Director of Client Services  
Ben Braun, Associate Director of Federal Programs  
Chris Hanson, Associate Director of Client Services/Adults  
Lindsay Meninger, Associate Director of Client Services/SDP/Medicaid Waiver  
Elvia Osorio-Rodriguez, Associate Director of Client Services/Children  
Michael Minton, Manager of Risk Management and Quality Assurance  
Priscilla Gomez, Manager of Transportation  
Vanessa Ibanez, Case Manager  
Herb Hastings, Client Advocate  
Michi Toy, Executive Assistant

**GUESTS:**

Yasir Ali/DDS  
Juan Arenas  
Patricia Albeno  
Denise Bradley  
Geneva Carlos-Valentino  
Ben Chen/ACDDC  
Erika Gonzalez  
Morena Grimaldi  
Vi Ibarra/CCDDC  
Wendell James

Diamino Lamb  
Maxine Milam/DDS  
Alex Mountford  
Sheraden Nicholau/SCDD  
Assata Olugbala  
Jeri Pietrelli  
Ann Pringle  
Maria Ramirez  
Families United for Equity  
Janisha Wade  
Zackery Wheeler

**CALL TO ORDER**

New Board President, Frank Paré called the regularly scheduled business meeting of the Regional Center of the East Bay to order at 7:03 p.m. A quorum was established.

**CONSENT AGENDA / MINUTES**

M/S/C            “The Board moves to approve the January 23, 2023 agenda as presented.”  
                         [Shapiro/Battles] Unanimous. The motion was adopted

M/S/C            “The Board moves to approve the November 28, 2023 minutes as presented.”  
                         [Shapiro/Battles] 14-yea, 1-abstain The motion was adopted

**PUBLIC COMMENT**

*Regional Center of the East Bay uses Robert’s Rules of Order to guide our meetings. Robert’s Rules of Order is the most used manual of parliamentary procedure in the United States. Robert’s Rules of Order is designed to provide structure and guidance while facilitating the orderly operation of a meeting.*

*According to Robert’s Rules of Order, our board members are not allowed to comment, debate or respond to the public during our public meetings. There are other meetings such as our Diversity & Equity or Supports & Services meetings that begin at 5:30pm before the board meetings.*

- There were no public comments at this time.

**COMMITTEE REPORTS**

**Executive Committee Report/President’s Report:** Frank Paré

Mr. Paré gave a brief summary of our January 11<sup>th</sup> Executive Committee meeting which included strategic planning/tracking and the discussion of a different board format that will increase board

member engagement during the meeting, but keep the length of the meeting to a manageable 1.5 hours.

ByLaw Changes

Mr. Paré asked the board members to look at the ByLaws which were sent to them electronically as well as physically, to see if there should be any changes made to them. Changes can be made and approved throughout the calendar year as necessary.

**Acronym List**

<b>ARFPSHN</b>	Adult Residential Facility for Persons with Specialized Health Care Needs		
<b>BAHC</b>	Bay Area Housing Corporation		
<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**

[Note: 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.]

- There are no contracts for approval this evening.

**Membership Development Committee:** Frank Paré

Mr. Paré announced his assignment of board member April Key-Lee to chair the Membership Development Committee. Therefore, she will also be attending our monthly Executive Committee meetings.

**Budget & Finance Committee:** Dr. Steven Whitgob

Purchase of Service

Through December 2022, we have expended 40% of the total POS budget of \$720M for FY22-23. This is comparable to 43% of total POS budget in prior fiscal year.

At this time, we are projecting for NON-CPP POS Expenditures a surplus of \$73M which is a decrease of \$6M from previous month’s projection. We expect this decrease in surplus due to additional costs are now included with 5 months of expenditures in base. This preliminary projection can still be refined with more data and the impact of the 2<sup>nd</sup> rate increase implementation in January.

Currently, all 21 Regional Centers are reporting a surplus in their POS projections. With the D-1 budget allocation, the Statewide system is reporting in an overall surplus of \$976M, a decrease from previous month’s projection of \$1B.

For CPP POS Expenditures, through the D-1 allocation RCEB received \$693k for placement costs. RCEB has submitted our start-up project proposal plan for Community Placement Plan (CPP) and Community Resource Development Plan (CRDP) for FY22-23 and is still waiting for DDS approval as was reported last month. There will be more details to report next month after we have received the approved plan from DDS and allocation in the D2.

Questions were asked by board members regarding:

*What is driving the surplus in POS in all regional centers?* Ms. Nguyen stated that this was discussed at the ARCA meeting this month. RCEB's surplus is 11% and other regional centers range around 12/15/20/24%. We project as best as possible, and make adjustments when additional data figures are available. Some of the surplus could be funding for the rate implementation that will be another 20% that you see in January 2023. This has already been projected. At this time, this is the 2<sup>nd</sup> preliminary projection which will continue for six months until this fiscal year ends. Therefore, as we get the rate implementation in place and roll out of alternative services and progress into other types of expenses such as transportation, we will see the change as we are moving towards in-person services. This surplus is more of a trend of the allocation from DDS, and not so much a projection of what is actually being spent.

*Regarding the pending back-POS' that still need to be approved; are they included in this projection as part of the accruals?* Ms. Nguyen stated that they were included in the projection from last year, but as we have more services that the POS is lagging, it will eventually mix in with our projection. We have also hired a new POS Coordinator who will be tracking and following up on the POS'.

### Operations

We have received the D-1 allocation, which included 50% funding for CPP/CRDP of \$1M and other policy items, including funding for new positions to reduce case-load ratios for all people service as part of the Performance Incentive. Included in this Operations budget is the expected \$1M to be received in the D-2 allocation.

The Agency has updated its FY 22-23 budget for Operations for \$68M and projected a balanced budget at this time. Through December 2022, we have expended 37%, which is comparable to the 42% for previous year at this time. We continue to hire more staff to fill open positions as well as new growth positions.

### Line of Credit

Since the merger of Union Bank and US Bank, RCEB has received confirmation that a line of credit this year will not have commitment fees. The contract will be drafted and sent to RCEB in a March/April time-frame. The Staff will submit this to the Board for approval at a future meeting.

*Comment:* Board members expressed the importance of pushing the bank to not return to charging us an interest fee on the LC. The board is concerned over bank policy changing next year. Ms. Nguyen stated that US Bank regularly does not charge regional centers a fee on the LC, unlike Union Bank but since there is a merger, that same policy will most likely be the case. However, we will follow up with that with the bank.

The Jim Burton Helping Hand Fund

The Staff provides an update twice a year to the Board on how the fund has been spent. For the 6 months ending 12/31/22, the fund received donations of \$7,825 and spent \$19,817. Compared to the previous 6 months, the fund received donations of \$1,096 and spent \$14,186. As of December 31, 2022, the fund balance is \$656,033 compared to \$662,931 at June 30, 2022.

Activities from July 2022 through December 2022 show a total of \$19,817 was spent: \$14,726 in grants and \$5,091 in loans for rent/lodging, utilities, food, clothing and other miscellaneous. The detailed schedule below shows each total by category for both grants and loans.

<u>Helping Hands allocation (7/1/22 - 12/31/22)</u>			
	Loans	Grants	total
Rent / Lodging	5,091	8,366	13,457
Utilities	-	-	-
Food Exp	-	600	600
Clothing	-	150	150
Misc Exp.	-	5,609	5,609
	5,091	14,726	19,817

Medicaid Waiver Audit

The staff is informing the Board and the Budget & Finance Committee that starting today, DDS will be conducting the biennial review of the Agency’s Medicaid Waiver cases in accordance with the Home and Community-Based Services (HCBS) Regulation. They plan to complete the review in 2 weeks, with the 1st week working remotely reviewing client files and the 2<sup>nd</sup> week completing in-person site visits with our day program and residential vendors. For the first time, compliance with the Self-Determination Program (SDP), which is also a HCBS waiver, is included in this audit.

**Diversity & Equity Committee [D&E]:** Sadia Mumtaz & Nyron Battles

Ms. Mumtaz stated that the committee met this evening before the board meeting and received the updates from the different groups. Language access & cultural competency were discussed, along with the funding that was received for the use of translation services and improving services and access to certain populations. RCEB will be hiring a Manager of Diversity, Equity, Access and Inclusion. Discussion was also on the Services Access Equity Grant to reduce the Purchase of Service disparities. There were 28 applications for grants and 17 were approved. These applications were in various areas from outreach to access. There was also an update on the Mason Tillman report. When completed, this report will be available for BOD and PVAC input.

*Comment:* A board member stated that it isn’t always a family not knowing what services they want, but rather to choose to wait for a different resource to become available. Ms. Kleinbub added that it is true that families make their own decisions on options given to them, whether it is a service or a

home, due to various factors. We have put this in our Language Access & Cultural Competency plan as well. The idea is to allow providers to share information about their program so that families can decide what would be a good fit for them. It is not just the case manager giving them the information. This also allows the provider to share information about what is important about them especially due to language and cultural issues.

Another comment from the board was to make sure that this kind of program is available to those who may not be equipped with the technology to get their specific details out due to technological or access issues. The suggestion was for there to be in-house support to assist the vendors in being able to accomplish this, so that they can be as visible as possible. Ms. Kleinbub added that this is one of the activities that our Language Access & Cultural Competency manager will be working on.

**Provider/Vendor Advisory Committee [PVAC]: Dan Hogue**

Mr. Hogue introduced himself, as this is his first meeting this year as the PVAC representative for our board. The PVAC group met on Friday, January 13<sup>th</sup>. Late POS approvals were discussed, and as Ms. Kleinbub earlier reported, RCEB created a position for this purpose. An internal candidate has been selected and we will be moving forward to address this issue. Mr. Hogue also added that some providers feel that their racial inequity concerns are not being heard. PVAC will be forming a sub-committee to focus on provider equity, in order to address cultural and language barriers. This sub-committee will be chartered at the provider level. The sub-committee charter details will be submitted at the February PVAC meeting for approval. A point was brought up by our board member that inequities are not just race and culture, but driven by other factors as well, so they should also be discussed at this sub-committee. Sometimes the vendor is the one choosing who to service, so it goes both ways.

The yearly PVAC membership election was conducted in November, and the roster was submitted to our BOD in their packets for approval:

Co-Chair positions: **Daniel Hogue** and **Geneva Ziaoure**.

**Amanda Eicher**, Secretary; **Marcie Hodge**, Membership Chair.

Members: **Jennifer Carper**, **Esther Chow**, **Carlos Cienfuegos**, **Donna Feingold**, **Daniel Hogue**, **Samuel Kim**, **Ramsay Mashy**, **Michael Pereira**, **Jamie Renton**, **Craig Rose**, **Geneva Ziaoure**.

M/S/C            “I would like to make a motion that the Board approve the PVAC slate of members that were presented at the November PVAC meeting.” [Blaisch/Battles] 14-yea 1-abstain The motion was adopted

*Questions* were asked by the BOD on the specifics of when the PVAC meetings are conducted and who are in attendance. The PVAC meetings are general attended by providers, but everyone is welcome to attend. The committee meets every 2<sup>nd</sup> Friday/month and the date/agenda/previous meetings are on the RCEB website in both the Upcoming Events section as well as the dedicated PVAC page: <https://www.rceb.org/about-us/board-directors/board-committees/providervendor-advisory-committee/>

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

Mr. Battles stated that the committee met on Monday, January 9<sup>th</sup> via Zoom instead of in-person due to the weather and illnesses. Special guest speaker, Lucy Rivcello, RCEB Director of Health & Behavioral Services informed the committee on the new Medi-Cal/Medicare change as it relates to Anthem Blue Cross and the change from Cal Medi-Connect plans to a Dual Eligible Special Needs Plan [D-SNP] where both Medi-Cal and Medicare will be managed by Anthem through the Medi-Cal Managed Care Plan as of this year.

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

#### Governor's State Budget

The Governor's proposal for the state budget was released on Tuesday, January 10<sup>th</sup> showing how state funds will be allocated to our services. There is a statewide deficit in California's tax revenues of \$22B. Therefore, many of the proposals address this large deficit and limit spending new monies. Last year, much of the spending was one-time spending. Overall, our regional center system did well in this budget proposal. There is one area that was postponed for a year which is in the development of inclusive preschools, which DDS has not had the opportunity to start work on. There were a few increases in the budget:

*Service Provider Rate Increase-* The budget shows the continued commitment to fund the rate increases for service providers which were originally to start on July 1<sup>st</sup> but moved up to January in order to start earlier for our providers.

*Minimum Wage Increases-* These were put into place so that they are part of the funding for a particular service in a home.

*Increases to Mileage-* This was added in provider rates for those who had mileage included in that rate. The federal mileage reimbursement increased, and the fact that they included the mileage increase gives us an opportunity to address whether or not there are other factors that should contribute to rate increases. Some of these reasons may relate to changes in wages in our local economy. This is something we should push for in the future for our service providers.

*Caseload for 0-5 year olds-* Last year DDS wanted to reduce the caseload ratio for this age group to 1:40. However, when that was done, some allocation mistakes were made by using an old funding formula which resulted in insufficient funding to regional centers for this year. This has been corrected for next year's budget and some of the challenges with the core staffing formula were addressed. The wage is now comparable to what a case manager should be making. They will be looking at correcting wages in our other areas that used the old core staffing formula as well.

*Children in Foster Care-* There is funding in the Governor's budget for additional case managers to serve children in foster care. As reported before, we are developing three homes through our start-up funds to serve some in this population, which requires more intensive case management services. One of the state's goals is to place these children in California vs. out-of-state locations.

## Advocacy

We are not expecting a lot of change to the budget at this time. The legislature will begin hearings in February and March and we will be advocating as a system, for these services provider rates to be continued. The Lanterman Coalition, which includes the Association of Regional Center Agencies [ARCA], the regional centers as well as the numerous service provider organizations will continue to advocate for change in the core staffing formula for regional centers, and to fund our operations appropriately. Therefore, we will be pushing on that as a state system.

*Autism Service Branch-* DDS is proposing six positions at DDS where the focus will be on best services for those with autism. Currently the system does not have adequate resources tailored for those with autism who age out of school. We are hoping that if DDS does receive funding for that branch, that the focus will be on adults with autism. Years ago, DDS was to have assessment guides with evidence-based treatments that have still not been published. We would like to see this come to fruition and provides reports and good recommendations.

This coming Friday is the yearly **Legislative Breakfast**, organized by the East Bay Legislative Coalition [EBLC] partners. This virtual event gives our IDD community the opportunity to meet with their local legislators in zoom rooms and voice what is important to them in the system. Individuals, families, and service providers are encouraged to attend.

ARCA is holding their yearly **Grassroots Day** virtually on Wednesday, March 29<sup>th</sup>. This is an opportunity for regional centers representatives can meet with their Senators and Assemblymembers to advocate and discuss the issues that are affecting our IDD community.

Ms. Kleinbub recommended that everyone keep abreast of the state budget status, and we will also send updates.

## Regional Center Performance Measures [RCPM]

We review our performance contract yearly, which is presented to the board for approval. DDS has added some changes which regional centers will need to meet.

RCPM: When we were funded for new case managers positions, the idea was that we would receive 90% of the funding, then earn 10% more to fund Operations with these performance measure incentives. We have started to see what kind of performance incentives are going to be offered by DDS.

Person-Centered Service Planning [PCSP]: This year we will be able to earn incentives as a regional center if we have one PCSP trainer for every 10K people that we serve. Therefore, we would need to have three on staff, which we currently do. We are also able to receive additional funding if we bring more of these specialized trainers on as staff. Next year, every single regional center staff will need to show that they are trained in PCSP and conduct their meetings accordingly.



Early Start: We will be required to provide a child-find and identification measure, which is an outreach plan to identify children <3 y/o who are eligible for Early Start and to have them enrolled within a certain time-frame. We will need to establish baselines of our client population by race, ethnicity and language. After we establish that for this year's baseline, we will have children who are coming into our service system reflect the population of our community.

Individual Family Support Plan [IFSP] Timeliness: We will be measured on the timeliness of when we deliver the IFSP's, which should be within 45 days from initial application. We are planning to increase our Early Start staff in order to lower the caseloads.

Service Provider Quality Incentive Measures: We saw this in Fall 2022 that service providers were able to earn \$8K for submitting a survey on staff stability. There will be a new incentive rolled out for those service providers who operate an Adult Residential Facility for Persons with Special Health Care Needs [ARFPSHN] meeting health outcomes. Employment Providers will also be given enhanced incentives for job placement and retention.

The performance measures are changing from what we have seen before, to having better data that looks at populations and things that are important to people. We will slowly see the other areas for regional centers such as individual and family satisfaction and some other areas in service access and equity.

#### Home and Community Based Services [HCBS] Compliance

We receive federal funding for most of the services that we provide to individuals. DDS as well as all the other department of healthcare services are making sure that services are provided outside of institutions, really have at their core value, that each individual has access to the benefits of community living and receive services in the most integrated setting possible. This does not require a specific type of setting. We are working towards collecting all the documents and plans in place by the March 17<sup>th</sup> deadline for the entire state in order to preserve the 50% of federal funding that we receive for many of the services that we provide.

Our staff is working very hard to make sure that our providers have completed the self-assessments as DDS is very serious about this and it will have impacts on those who do not complete these assessments, as we reported on this last month. Of our day program providers, 97% have started their engagement in the process, and 94% of our residential service providers as well. We anticipate that DDS will be sending some information out to these providers who have not started the process since it is very important to our client's experience, as well as to preserve our federal funding.

#### **PUBLIC COMMENT**

*Wendell James* added to take into account those clients who do not have families or technology to be able to source options and rely on unbiased case managers. Concern also was expressed about backlogged POS'.

*Iris* suggested that the PVAC sub-committee should be attended solely by vendors and focused on race/equity.

*Assata Olugala/Maria Ramirez* spoke about discrimination, racism, disparity in the DD system.

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

Ms. Ibarra spoke of a presentation given by their planning group consisting of the DD councils to RCEB staff in October. This presentation focused on the services that the community partners provide. This will enhance RCEB case management staff's knowledge of the multitude of resources available to our families. The planning group will present the same to the consumers/families in the community on February 28<sup>th</sup> at 5:30.

**Feb 25:** CCCDDC Board Meeting- a presentation by the EBLC co-chair relating to the Governors budget impacts. Also a flyer will be shared regarding the three presentations over the next month tailored to Early Intervention and school-aged children.

*Ben Chen, Alameda County Developmental Disabilities Council [ACDDC]*

**Jan 11:** This was ACDDC's board meeting with a presentation on Self-Determination and some of the trends at the state and local level.

**Jan 27:** This is the yearly East Bay Legislative Coalition's Legislative Breakfast via Zoom from 10-11:30. This is an opportunity for the IDD community to directly engage with local legislative offices and voice what matters to you directly to your elected officials. All stakeholders from Alameda and Contra Costa Counties are welcome. Breakout rooms will be arranged to allow people to directly converse with legislative offices and their staff in the Legislative Districts that you live in, as a part of the event. Registration is required.

**March 25:** This is the Alameda County Transition fair from 8:30am – 3pm. We will be going back to in-person. This conference and resource fair is for students with intellectual/developmental disabilities and their families, teachers, case managers, service providers, and others working in support of our youth with disabilities. Workshops will include: Transition process in Special Education, Preparing for future education, employment, and adult living, among many other topics. New this year will be a workshop for youth/young adults and a roundtable focused on a discussion around healthy relationships, social connections & sexuality. Registration will be coming.

**Feb 2-8:** There will be a Very Special Family Camp. The City of Berkeley is offering a Very Special Family Camp Weekend catered to families that have loved ones with disabilities. This program will be held at Berkeley Tuolumne Camp, near Yosemite National Park, on June 29 - July 2. Priority registration for a Very Special Family Camp Weekend is February 2- 8.

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

If you are in need of PPE's and Antigen tests, supplies are running low; but we still have the relationship with CA Dept Public Health and CA Office of Emergency Services so please reach out to [sheraden.nicholau@scdd.ca.gov](mailto:sheraden.nicholau@scdd.ca.gov) and we will do all we can to get you supplies at no cost to you.

Year-round opportunity to apply for State Council sponsorships: <https://scdd.ca.gov/sponsorships/>  
SCDD supports events that promote self-advocacy, leadership and education, enabling people with developmental disabilities and their family members to expand their knowledge and skills. Organizations may apply for Council sponsorships for events that promote consumer and family self-advocacy.

Year-round way to share your policy and legislative bill ideas with the State Council: [https://scdd.sic1.qualtrics.com/jfe/form/SV\\_8c9wD1u72jkHEF0](https://scdd.sic1.qualtrics.com/jfe/form/SV_8c9wD1u72jkHEF0)

**Jan 24:** State Council January 2023 meeting, 1/24, 1030a – 330p

**Feb 2:** Employment First Committee, 2/2, 1030a – 330p

Recent release: The SB 639 Report to the Legislature

<https://scdd.ca.gov/sb-639-report/>

Includes benchmarks, timelines, best practices, and recommendations for transitioning Californian employees with IDD and other disabilities from subminimum wage employment to competitive integrated employment. Also includes a variety of references and resources from our state and from across the nation.

**ARCA** – Frank Paré

ARCA met January 19-20 with attendance from Mr. Paré

**MEETING ADJOURNED**

The board meeting adjourned at 9:07 p.m.

Virtual Meetings on February 27, 2023

The next Supports & Services Meeting will be at 5:30 PM

The next Board Meeting will be at 7:00 PM