



Board of Directors Meeting

Monday, February 27, 2023

Virtual Meeting

Approved 3/27/2023

RCEB BOARD MEMBERS PRESENT:

Frank Paré, 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
Brian Blaisch
Teresita DeJesus
Kathy Hebert
Daniel Hogue, PVAC Representative
April Key-Lee
Carmen Quinones
Dinah Shapiro
Lisa Soloway
Linda Stevens

ABSENT:

Lilian Ansari/S&Services Co-Chair

STAFF PRESENT:

Lisa Kleinbub, Executive Director
Lynn Nguyen, Director of Finance & Administration
Caylin Patterson, Director of Human Resources
Steve Robinson, Director of Community Services
Ronke Sodipo, Director of Client Services
Ben Braun, Associate Director of Federal Programs
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
Herb Hastings, Client Advocate
Michi Toy, Executive Assistant

GUESTS:

Juan Arenas
Denise Bradley
Geneva Carlos-Valentino

Sheraden Nicholau/SCDD
Mike Pereira
Jeri Pietrelli

Rose Coleman
Eddie Esquiviz
Erika Gonzalez
Dan Hogue
Vi Ibarra/CCDDC
Diamino Lamb
Maxine Milam/DDS

Ann Pringle
Maria Ramirez
Jaynette Underhill-Levingston
Families United for Equity
Janisha Wade
Zackery Wheeler

Public Meeting: National Core Indicator [NCI] Data

Start/Finish 7:08 – 7:44 pm

“The National Core Indicators (NCI) program is a collaborative effort between the Human Services Research Institute (HSRI) and the National Association of State Directors of Developmental Disabilities Services (NASDDDS). It is nationally recognized as a valuable source of information about individuals with developmental disabilities receiving services across a large sample of states. The information is gathered by surveying individuals with developmental disabilities and their families about their satisfaction with the services they receive and their overall quality of life.”

Ms. Kleinbub elaborated on the major points of interest on her PowerPoint presentation. This document will also be available on our website under Public Information:

<https://www.rceb.org/about-us/public-information/national-core-indicators/>

There were a couple of areas that were of concern to RCEB; one being in the category of House Rules where the question was, *Are there rules about having friends or visitors in your home?* Since the survey was conducted during COVID restrictions, it may have affected the answers. Of the respondents in California, 45% responded Yes, and 50% of RCEB clients answered Yes. We should be seeing an improvement in this area as we wind down on COVID restrictions. We have been incorporating and focusing on HCBS’ Final Rule. This focuses on individuals to have inclusive lives and visits with friends and relatives.

Another area of concern had to do with the number of times per week that the residents physically exercised (lifting weights, push-ups/sit-ups, physical therapy, etc.). Of the California respondents, 70% stated No, and 85% of RCEB clients stated No.

A positive result from the Service Coordination category was that 96% of RCEB clients stated Yes to if they have met their case managers, and 91% responded Yes to if their case managers ask them what they want. Both percentages were higher than statewide.

Q/A followed the presentation. In addition to responses from Ms. Kleinbub, Sheraden Nicholau, [SCDD], Bay Area Office responded to many of the specifics on the survey data, since they conduct many of these surveys.

CALL TO ORDER

Frank Paré called the regularly scheduled business meeting of the Regional Center of the East Bay to order at 7:45 p.m. A quorum was established.

CONSENT AGENDA / MINUTES

M/S/C “The Board moves to approve the February 27, 2023 agenda as presented.”
[Battles/Shapiro] Unanimous. The motion was adopted

M/S/C “The Board moves to approve the January 23, 2023 minutes with the exception of correcting the minutes consent to include the abstention of one board member.”
[Shapiro/Battles] Unanimous. 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 announced the resignation of our Treasurer, Gerald Tamayo as his schedule has been very busy. Mr. Tamayo has been on our board going on 6 years, and we will miss him.

Acronym List

ARFPSHN	Adult Residential Facility for Persons with Specialized Health Care Needs		
BAHC	Bay Area Housing Corporation		
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

[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.]

Supported Living Services [SLS]

Ms. Kleinbub provided background on SLS contracts and regional center's responsibility to vendorize them if they meet the minimum qualifications. We are required by Medicaid law to vendorize these cases. All the contracts for SLS providers are basically very similar. The rates are moving towards all the SLS providers to be the same by 2024. The only way we would be able to provide a higher rate than the standard rate is when a vendor files for a health & safety exception on behalf of an individual consumer due to a specialized need, such as needing a qualified staff person with training in that specific area. SLS contracts are different from those for start-ups or housing developments, so that needs to be kept in mind.

These three SLS contracts represents the agreement to operate a SLS agency that is meant to provide the necessary support to allow clients to live in their own home in the community.

Term: 3/1/2023 – 2/29/2028

Capacity: 15 clients

Avg monthly volume/client: estimated \$10,000

Annual Total: up to \$1,800,000 at total capacity

Florecer, Inc.

Florecer will offer a person centered approach that includes coordination of housing, section 8, IHSS, Social Security benefits, Medical benefits, behavioral support needs, physical support needs, personal support needs, strategies for building and maintaining an effective circle of support, money management, common daily living activities and emergencies.

M/S/C “The Board moves to approve the Florecer, Inc. SLS contract with RCEB as presented.” [Whitgob/Soloway] 13-yea, 1-abstain The motion was adopted.

Cordelia Adult Residential Care Facility, LLC.

Cordelia will offer a person centered approach that includes coordination of housing, section 8, IHSS, Social Security benefits, Medical benefits, behavioral support needs, physical support needs, personal support needs, strategies for building and maintaining an effective circle of support, money management, common daily living activities and emergencies. The intent back in 2020 was to open an Adult Residential Facility [ARF], but they switched gears to open an SLS but keep the LLC.

M/S/C “The Board moves to approve the Cordelia Adult Residential Care Facility, LLC. SLS contract with RCEB as presented.” [Stevens/Battles] 13-yea, 1-abstain The motion was adopted.

Birch House Foundation

The Birch House Foundation will offer a person centered approach that includes coordination of housing, section 8, IHSS, Social Security benefits, Medical benefits, behavioral support needs, physical

support needs, personal support needs, strategies for building and maintaining an effective circle of support, money management, common daily living activities and emergencies.

M/S/C “The Board moves to approve the Birchhouse Foundation SLS contract with RCEB as presented.” [Battles/Hebert] 13-yea, 1-abstain The motion was adopted.

Questions were asked by the board and addressed by Ms. Kleinbub. Ms. Kleinbub responded to a question about who is responsible for repairs when a home is in disrepair and what happens to the client if the needed repair is not taken care of. That obligation would be the landlord of the home to make the necessary repairs, and if that were not done, we would assist in finding another residence for the client(s) including the supports that they already have in place. Ms. Kleinbub added that RCEB does not sign the leases; the owner of the property is the owner of the lease in a majority of the situations. There is a difference between an individual living in an SLS vs. a licensed residential care facility in this sense because the provider is responsible for all the repairs since they own the property.

ByLaw Changes

The ByLaw change suggestions that Mr. Paré presented to the Executive Committee were also sent to the board. The changes specifically affect Section 8.4 Standing Committees. Mr. Pare explained the rational for making these changes for all three sections:

(a) Executive Committee- The responsibility of reviewing and recommending policies moved from the Budget & Finance Committee to the Executive Committee.

(b) Budget & Finance Committee- This was brought on by the line of credit fees charged by the bank and RFP’s from other banks, as well as the wording about the committee’s responsibilities as it is related to the finance report and the budget. Ms. Kleinbub added that we are already required in law, to choose a different audit firm every 5 years. As we do not have an audit committee, the Budget & Finance Committee is the one who meets with the state of California independent auditors to share information with them. What is possible is if every three years, we ask for an RFP from at least three independent audit companies. RCEB’s only financial relationship is with the bank.

(e) Supports & Services Committee- there are two added topics; points #5 & #6, where adding the responsibility of reviewing the contracts will be on this committee, who will then review and advise the BOD of their findings and recommendations. The other topic point #7 adds that the chairperson of the S&S committee also be on the Executive Committee. At this point, we will only be voting for the 2nd topic, #7, as the first one will need to be worked on since there are only two board members currently on this committee.

These changes were reviewed and approved by the board with the exception of correcting a numerical change from section (2) to (3).

M/S/C “The Board moves to approve the ByLaws suggested changes made to the Section 8.4 Standing Committees as outlined in the Suggested Change document sent in the BOD packet as well as outlined today, but with the typo numerical correction informed. [Hogue/Perls] 10-yea, 3-no [Additional discussion added below]

Supports & Services Committee [S&S]: Frank Paré

Mr. Paré stated earlier about expanding not only the role of this committee and to include the chairperson of this committee into the Executive Committee, but to also meet on the same month as the board meets vs. meeting every-other-month. This committee’s expanded role would focus the responsibility of *contract reviewing, communicating and reporting of findings/recommendations to the board. One of the challenges would be for board members to join this committee in addition to the time they will spend during the board meetings.

*California Welfare and Institutions Code Section 4625.5

4625.5(a) The governing board of each regional center shall adopt and maintain a written policy requiring the board to review and approve any regional center contract of two hundred fifty thousand dollars (\$250,000) or more, before entering into the contract.

(b) No regional center contract of two hundred fifty thousand dollars (\$250,000) or more shall be valid unless approved by the governing board of the regional center in compliance with its written policy pursuant to subdivision (a).

M/S/C “The Board moves to approve the idea of moving the contract review process from the BOD meeting, to the Supports & Services meeting. [Blaisch/Key-Lee] Unanimous. The motion was approved, then retracted. See point #1 below:

Point#1: Upon further discussion of the challenges of the S&S taking this responsibility, Mr. Paré suggested that this be tabled for now as there needs to be further discussions. A couple of factors to consider are how many board members will also be attending the S&S meetings and how often/when the committee would be able to meet.

M/S/C “The Board moves to retract the earlier motion in regards to moving the contract review process to the S&S committee, thereby removing the Supports & Services Committee points #5 & #6 from the ByLaw changes, and just continue with the ByLaw added point#7 (current #) relating to the S&S chairperson being a part of the Executive Committee” [Hogue/Whitgob] Unanimous. The motion was adopted.

In addition to Supports & Services report as it related to the ByLaws, Mr. Paré gave a committee report Since they met this evening. Some of the points to highlight are that the committee will need a scribe, adding the brochure fact sheets on the website, brochure measures of success, case manager usage of the brochures, continually evolving the brochure with updated information, as well as the reporting of the POS backlog, which should be cleared up by July.

Budget & Finance Committee: Dr. Steven Whitgob

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Purchase of Service

Through January 2023, we have expended 48% of the total POS budget of \$720M for FY22-23. At this time, for non-CPP POS Expenditures, we are projecting a surplus of \$72M, which is a decrease of \$1M from the previous month's projection. Note that this PEP projection now has 6 months of expenditures in base. It does not have the cost impact for the rate increases in January 2023. With more expenditures in base, we experienced a \$1M decrease in the surplus. Currently, 20 out of 21 Regional Centers are reporting a surplus in their POS projections. With the D1 budget allocation, the Statewide system is reporting in an overall surplus of \$881M, which is a decrease of \$95M from previous month's projection.

We will continue to analyze monthly POS expenditures and trends as more data become available next month, specifically with the impact of the rate increases in January 2023.

Operations

Based on the D-1 allocation, through January 2023, we have expended 43% of a total of operations budget of \$68M, which is slightly less compared to the 49% for previous year at this time. We continue to work with DDS to receive the remaining CPP allocation that was not included in the D-1. At this time, we are projecting a balanced budget as we continue to hire more staff for new growth positions and attritions.

We made good progress with hiring in the last two months, with 5 new hires in January and 11 in February. Even so, we continued to have attritions with 7 terminations in the last two months. RCEB will be offering a referral stipend for staff who refers successful applicants and will be holding job fairs in March and April.

Cash Flow and Banking

The agency is currently maintaining a stable cash flow. To date, we have been receiving full reimbursement from DDS for our December claims in February.

With the merger of Union Bank and US Bank in December, we have started preliminary discussions with the Bank about transferring RCEB's bank accounts and bank files to the new US Bank platform. The new account structure will take effect on May 30, 2023. This includes the new line of credit with no commitment fees for the period of June 1, 2023 to August 31, 2023.

We will finalize the line of credit documents and submit to the Board at a future meeting.

Provider/Vendor Advisory Committee [PVAC]: Dan Hogue

Mr. Hogue informed the board that at the February 10th PVAC meeting, RCEB's new POS Coordinator was introduced. That there is now a dedicated RCEB email address for the providers who have questions as well as a Google form for information input. There was also a presentation by Mains'l titled *Center on Me*, about a project that had come from HCBS funding which focuses on providers building their own person centered planning.

Mr. Hogue reminded the board that last month, PVAC was working on the formation of a sub-committee to focus on provider equity to address cultural and language barriers. This sub-committee would be chartered at the provider level. The sub-committee draft charter details had been completed and submitted to the board for approval. If approved, the subcommittee's first meeting will be after the March PVAC meeting.

M/S/C "The Board moves to approve PVAC's draft of the Provider Equity Subcommittee Charter as was presented in the board packet" [Hogue/Blaisch] Unanimous The motion was adopted.

Consumer Advisory Committee [CAC]: Nyron Battles

Mr. Battles spoke about a client who is writing a book and would like to share this book. The committee members would gladly like to have him attend the meeting and present what he has accomplished. There is another client who is writing a book on autism, and we will like to have him present to the committee as well.

EXECUTIVE DIRECTOR'S REPORT - Lisa Kleinbub, Executive Director

Unmet Needs Assessment

Ms. Kleinbub stated that we had a needs assessment study a few months ago, where we received many responses and input on what changes to make to the evaluation in order to generate a greater response. We submitted a number of proposals to the Department for funding through the Community Placement Plan [CPP] community resource development project via RFP's. We requested eight projects and were awarded six of those projects. Tomorrow, we are having a provider meeting where they can ask questions about the projects prior to submitting their RFP's. Our preference is for local providers who are familiar with and know how to serve our diverse Bay Area community. Some of the projects are:

- To serve deaf & hard of hearing in a home in Newark that was awarded a housing development organization last year.
- To develop a behavioral support home for females with a dual diagnosis and currently residing in a more restrictive setting.
- For a dental service surgery center in our county where individuals can get dental surgery under anesthesia. There is a lot of need in this area and there is also funding through the state of California building these sites. There is also legislation that was added as trailer bill language last year.

- A housing development organization to develop another Enhanced Behavioral Support Home [EBSH] home.
- For a behavioral respite provider. This is something that we have needed for a long time, and we feel that with the increase in rates, that a provider will be able to develop a sustainable model.
- An employment services provider for micro enterprises.

<https://www.rceb.org/providers/request-proposal/>

We were not awarded funds for a step down home for people from crisis homes and for multifamily housing development, but we believe that they will be in the future.

Ms. Kleinbub added that the contracts for these programs/services will be presented for approvals, which will be in May/June.

Coordinated Family Support Services

DDS has provided us with the general guidelines for these services. These supports will be provided to individuals living in their family home and have a need for coordination, such as personal attendants, medical services, emergency care providers and benefits management, to name a few. This type of service is similar to ILS or supported living that is provided to adults living independently, but not in the family home. We will be discussing this further at the March PVAC meeting. It would be beneficial to have service providers in underserved communities and bi-lingual staff provide coordinated family support services. This service is new, and no regional center has provided this service yet. We are looking forward to see this get started, especially for those clients with no POS.

PUBLIC COMMENT

Diamino Lamb is the owner of the Cordelia Adult Residential Care Facility, which is one of the SLS contracts that were approved this evening. Mr. Lamb introduced himself and thanked the board for approving the contract and extended his commitment towards providing a great facility for the consumers.

Zackery Wheeler spoke about the role of housing consortium as a middle man between the landlord and the consumer and the responsibility for repairs. He also spoke of how some owners pay out-of-pocket for consumer's needs, since some clients do not have credit or income.

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

The state council is still giving out free antigen and PPE's, just email Ms. Nicholau at sheraden.nicholau@scdd.ca.gov

We are still collecting legislative and policy bill ideas; please submit your ideas to:

https://scdd.sjc1.qualtrics.com/jfe/form/SV_8c9wD1u72jkHEF0

Feb 28: The BART Customer Access and Accessibility invite you to a virtual town hall meeting scheduled for blind and low vision community from 10-12pm:

<https://www.bart.gov/news/articles/2023/news20230210>

March 2: This is the next state council planning meeting at 10am

ARCA – Frank Paré

Mr. Paré stated that there was no ARCA meeting this month; however, we will be looking at ARCA's Strategic Plan and seeing how our board can look at policy and procedures to develop our own strategic plan as well.

MEETING ADJOURNED

The board meeting adjourned at 9:17 p.m.

Virtual Meetings on March 27, 2023

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

The next Board Meeting will be at 7:00 PM