



Board of Directors Meeting

Monday, April 24, 2023

Virtual Meeting

Approved 5/22/2023

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
Lilian Ansari/Supports & Services Co-Chair
Nyron Battles, CAC Chair
Brian Blaisch
Teresita DeJesus
Daniel Hogue, PVAC Representative
April Key-Lee
Carmen Quinones
Dinah Shapiro

ABSENT:

Lisa Soloway
Linda Stevens

STAFF PRESENT:

Lisa Kleinbub, Executive Director
Lynn Nguyen, Director of Finance & Administration
Caylin Patterson, Director of Human Resources & Support Services
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 Adult Services
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
Frankie Moore, Staff Physician
Herb Hastings, Consumer Advocate
Michi Toy, Executive Assistant

GUESTS:

Kim Ard-Elutilo
Marlene Boyston
Ben Chen/ACDDC

Wendell James
Rolando Gil Mendoza
Rev. Jonathan Moseley Sr.

Rose Coleman
Francesca Davis-Percelle
Mikari Dawson
James Ford/DDS
Angela Gattis
Erika Gonzalez
Surlene Grant

Sheraden Nicholau
Michael Pham
Jeri Pietrelli
Ann Pringle
Maria Ramirez
Zackery Wheeler
Families United for Equity

CALL TO ORDER

Frank Paré called the regularly scheduled business meeting of the Regional Center of the East Bay to order at 7:07p.m. A quorum was established.

CONSENT AGENDA / MINUTES

M/S/C “The Board moves to approve the April 24, 2023 Agenda and the March 27, 2023 Minutes, with typo correction, otherwise as presented.” [Battles/Hogue] 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.

Several attendees expressed their support of the Families United for Equity’s 2023 Integrated Community Proposal which was created for the purpose of *Securing Equitable Access to Disability Services for African American Students With Developmental Disabilities*.

Wendell James had a concern about the confidentiality of the Executive Director’s yearly evaluation SurveyMonkey link being e-mailed by the ED’s Executive Assistant, and suggested that an impartial third party send the link and receive the summary back from SurveyMonkey.

Ron Payne, representative for Rep. Eric Swalwell spoke about the Little Hoover report and the need for ongoing issues to be discussed with RCEB along with legislators and constituents. He will be e-mailing his contact information to us.

EXECUTIVE DIRECTOR'S REPORT - Lisa Kleinbub, Executive Director

Legislature

Ms. Kleinbub stated that the month of April is usually quiet legislatively. However, this month there have been many Assembly hearings that are important to our service system. The first was in the Health & Human Services committee where bills were passed out to the appropriations committee. That committee decides on whether there is revenue to fund bills after estimates.

A couple of bills that we are watching:

AB649 Asm. Wilson- This bill would eliminate the requirements needed for families to appeal a denial. This can improve the timing for clients to receive regional center purchases

AB1147 Asm Addis- This bill proposes substantial changes to the IDD system by adding more oversight and accountability for the regional centers.

There will be a discussion on the Little Hoover Commission Report with members of the administration as well as with those who served on the commission on Wednesday April 26th via the Assembly Budget Sub-Committee No.1 on Health & Human Services. Ms. Kleinbub encourages all to listen to the discussion and to hear what the assembly members are asking.

<https://lhc.ca.gov/report/system-distress-caring-californians-developmental-disabilities>

There will also be a summary on the Georgetown University report. DDS commissioned them to look at the Service Access and Equity Grant and the results from those grants. This study took 2.5 years to complete, and some of the findings and recommendations will be presented.

Ms. Kleinbub added that the reports reflect a lot of what we have been hearing about our service system including its many complexities, and how it does not operate smoothly for all people. There are also many proposals for standardization of processes across the state. On the other hand, there is interest in preserving the regional center system's responsiveness to local communities. This is a good venue for those to state their opinions to the legislature.

RCEB Job Fair

RCEB will be holding its first in-person job fair on Wednesday, April 26th at the San Leandro office. We will interview for case management positions that day and will make same day offers contingent on background and other required checks. This event is advertised via a myriad of media resources.

We are also going to be starting an intensive case management training program for staff who would like to become case managers.

Regional Center Performance Measures

All regional centers have been receiving various communications regarding the performance measures. We also need to submit employment data where we have targets to reach in Competitive Integrated Employment. Last year, around 54 individuals received incentives in this category, and our target this year is 80 individuals, so we are working to make that happen. We are looking at new

grants for microenterprises, projects, and a HireAble's job creation project for those who need unique jobs.

Cultural Humility Training

We are working with other regional centers to identify a provider for a Cultural Humility training for regional centers in order to engage in this training in a standardized way. The curriculum would be fairly similar across California and although everyone will be receiving similar training, parts of it will be tailored to the uniqueness of each community.

Families United for Equity [FUFE]

Ms. Kleinbub stated that she has had a couple of meetings with this group, as they shared ideas on how to work on the inequities that exist in our service system and looking into ways to provide services to those who are traditionally underserved. We will be looking into different funding mechanisms to work towards projects that we can fund. Currently, we have funds in language access and cultural competency and DDS' service and access equity program will be announced soon.

BOD Comments

A few comments were made by the board members during this time. One asked about FUFE's *Resource Center* that was referred to by several attendees speaking during the Public Comment portion this evening. The board will be sent FUFE's proposal to support a category of individuals/families in getting access to the regional center system, as well as IPP support.

There was concern that all the case managers including future new case managers receive the same *cultural competency training* across the board. It is important to have continuity as well as to incorporate a system for follow-up, in order for the subject to remain relevant. Ms. Kleinbub agreed and had made the request to DDS to incorporate an interactive training style where participants engage, rather than just rely on presentations only.

An inquiry was made regarding the numerous reports on inequities, and if those results are used to make plans for changes. Ms. Kleinbub used the extensive *Little Hoover Reports* as an example in her response and stated that those reports are for the legislature, as they will be actually holding hearings on those findings. It is their role to look at what the recommendations are and either pass trailer bill language to go with the budget, or create separate bills with requirements from DDS or regional centers. One of the concerns is that the tax revenue is still uncertain, so we are looking at how many new initiatives can be taken on. One of these is the proposal to fund additional case management using the core staffing formula vs. what some of our advocates are putting forward. Last year, the legislators took on funding for regional center service providers and moving the rate increase back-date up earlier. Also on the plate last year was the need to change the core staffing formula for the regional centers, but that did not happen. Unfortunately, the government moves very slowly. Regional centers can make changes, but in more limited areas.

The POS service provider back-log status is continuing to improve. Last month we had thirteen providers with overdue POS' and just one from last fall. We are currently working on revising the POS

policies that continue (instead of 6-month renewals) until cancelled for those where there may not be any changes. The deadline to clear all the outstanding POS backlog is still June 30th.

COMMITTEE REPORTS

Executive Committee Report/President’s Report: Frank Paré

Strategic Plan

Mr. Paré spoke about his support for and the importance of our agency having a strategic plan so that the board and the agency will focus on goals and direction, as well as working on improvements. The plan would preferably be a 5-year plan that may be updated as needed. It is very important for the board members to be available to engage in this process in order to move it forward; as this will either help or hinder when the plan can be completed. We are realistically looking at December 2023 due to all the elements and commitments that need to be taken into account.

Comments by a couple of board members were that they think Ms. Kleinbub definitely needs to be a major part of the plan creation since this is what she does daily and can prioritize what elements she sees as important to the cause, while keeping in mind the parameters set forth by the Lanterman Act and DDS. An idea brought up would be for the board to work with Ms. Kleinbub on the first draft, as this would be important to have before including an outside facilitator for third party input.

Board Training

At the Executive Committee meeting per input given to Mr. Paré from several board members, that they wanted an overview of the workings and structure of our regional center, which would including the organizational chart indicating the leadership and structure. This training would be an overview of the department roles as well as an office tour. Therefore, we sent out a survey to garner which dates the BOD are available for this 6-7pm training.

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.]

Regional centers are required by Medicaid law to vendorize SLS applicants if they meet the minimum qualifications. All the contracts for SLS providers very similar at the basic level. The rates are moving towards all the SLS providers to be the same by 2024. The provision of a higher rate than the standard rate is only possible if 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.

Supported Living Services [SLS]

The two SLS contracts that we are asking for approval this evening represent 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.

Rise to Success

Rise to Success will be able to serve clients in both Alameda and Contra Costa County. Rise to Success can serve ambulatory and non-ambulatory clients that may require some medical and behavioral support needs.

Term: 5/1/2023 – 4/30/2028

Capacity: 15 clients

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

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

M/S/C “The Board moves to approve the Rise to Success contract with RCEB as submitted.”
[Battles/Perls] 11-yea 1-absention The motion was adopted.

Success to Express, Inc.

Success to Express can serve clients with mild to moderate behavioral challenges, those with high personal care needs, and individuals who are medically fragile. They can serve clients who speak Spanish as well.

Term: 5/1/2023 – 4/30/2028

Capacity: 15 clients

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

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

M/S/C “The Board moves to approve the Success to Express, Inc. contract with RCEB as submitted.” [Perls/Shapiro] 10-yea, 1-no, 1-abstain The motion was adopted.

Contract Term Change – going forward

The questions were asked again and addressed by Ms. Kleinbub regarding if there are any different rates for specialized staff as well as how often SLS homes are visited/inspected.

The board questioned the flexibility of approving a 5-year contract vs. a shorter one such as a 3-year contract. After much conversation, it was decided that the board would continue with their approval of the two SLS contracts presented, and will need to discuss and approve of changing the term to 3 years going forward for the next SLS contracts. This will be discussed at the Executive Committee.

Budget & Finance Committee: Dr. Steven Whitgob

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Purchase of Service

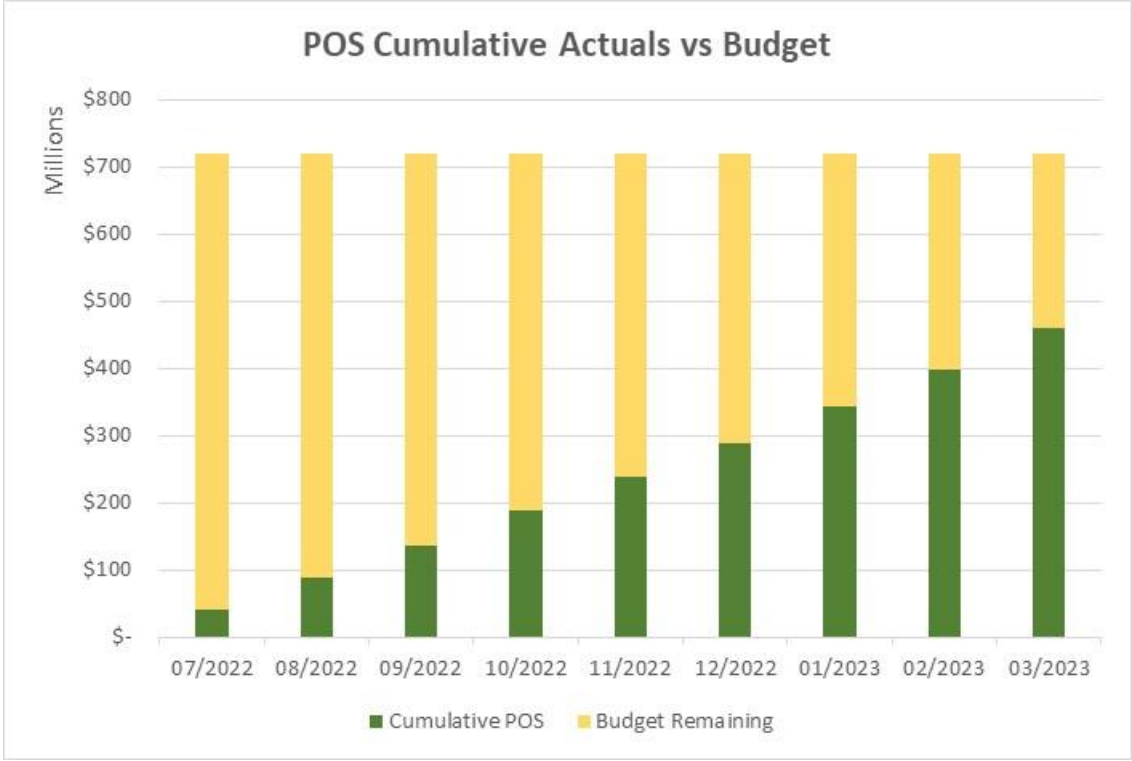
Through March 2023, 64% of our fiscal year 22-23 POS expenditures are in base. At this time, we continue to project a surplus of \$75M for NON-CPP POS Expenditures. This is an increase of \$1.6M over the previous month's projections.

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 \$1.288B, which is an increase of \$256M. RCEB is reporting \$75M surplus, which presents 5.8% of the overall Statewide surplus.

Through March 2023, RCEB already spent \$39M in additional Covid related costs. We project to write Covid purchases through June 30, 2023, with monthly average cost of \$3M and projected annualized costs of \$39M. Major covid related costs include additional staffing hours for in-home day program support, increased respite and personal assistance hours for individuals receiving SLS and ILS supports. It is anticipated that these additional support services will continue through December 2023 when remote service is scheduled to end.

For CPP POS Expenditures, the placement cost of \$640k is in alignment with funding allocation of \$693k. We are still waiting for start-up funding in the D-2 allocation. These projects have been recently approved by DDS for approximately \$1.6M.

The graph POS cumulative Actuals versus Budget shows POS expenditures trending month-over-month compared to the overall budget.

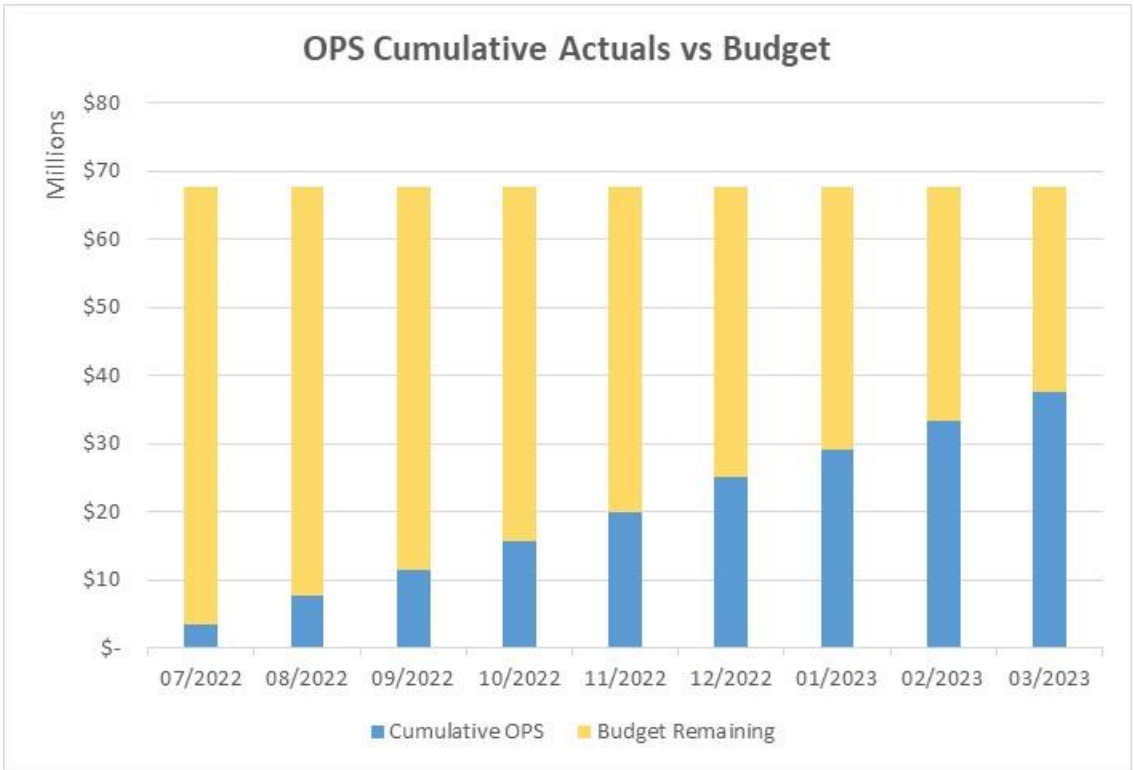


Operations

Based on the D-1 allocation, through March 2023, we have expended 55% of a total of operations budget of \$68M, which is slightly less compared to the 62% for previous year at this time. We are still waiting for DDS to issue the remaining CPP allocation that was not included in the D-1.

At this time, we anticipate having more spending in operating costs, specifically with the hiring referral stipends, and the recently announced employee tuition reimbursement program, and year-end one-time purchases for equipment, technology, and other general expenses. We believe that the referral stipends will help with hiring while the tuition reimbursement program will help with staff retention.

The graph OPS cumulative Actuals versus Budget shows OPS expenditures trending month-over-month compared to the overall budget.



Line of Credit

Staff recently received documents to re-establish our Line of Credit (LOC) for Fiscal Year 23-24. US Bank agrees to renew our Line of Credit of \$40M for 3 months from June 2023 through August 2023. As expected, this line of credit with US Bank will have no commitment fees. Last year with Union Bank, there was a fee of .20% (2/10th of a percent or \$15,000 for a \$30M LOC). The interest rate per annum is equal to the Reference Rate, or prime rate, which is currently at 8.00%.

In addition to the committed line of credit, US Bank also agrees to issue an uncommitted Line of Credit of \$40M from September 2023 to May 2024 at zero fees. However, under the uncommitted line of credit, the lender is not obligated to make any loans and will make loans on its sole discretion.

It is anticipated that RCEB does not need to borrow similar to last year. However, it is prudent to have the LOC on hand in the event that RCEB needs to draw due to cash flows need at the end of the fiscal year, or DDS does not advance cash for the next fiscal year before the July payments to the vendors.

Executive Committee of the Board on April 12th has reviewed both the committed and uncommitted line of credit as presented.

Board Discussion on the Line of Credit

At this point, a request for a motion to approve the committed and uncommitted line of credit was made. However, earlier in the evening during his Executive Committee report, Mr. Paré informed the board that he had reservations about approving this line of credit due to the following issues:

1. Since the agreement itself was written by the bank, not by RCEB, our legal counsel was advised to review the contract.
2. The subject of the \$40K in uncommitted loan with -0- interest fee is not stated in this agreement.
3. There is a concern that the interest rate has increased to 8%.

Ms. Kleinbub addressed those issues and stated that our attorney, Musick, Peeler & Garrett LLP reviewed the contract, had questions for the bank and had them addressed. The attorney clarified that since the contract does not mention a “Fee”, the bank will not be able to charge us a fee. Regarding the 8% interest rate, that is the going rate across the board. The committed interest rate is only for mid-July when there could be a possibility that we do not have enough money in the bank due to not receiving DDS’ payment on time.

Mr. Paré was concerned that if the board approved the Letter of Credit terms now, and he is the one signing the contract, then there is an obligation. Ms. Kleinbub added that the board does not need to approve now; we can discuss this at the Executive Committee meeting next month.

Ms. Mumtaz inquired about third party funding, since the ARCA Strategic Planning report mentioned it under the category of Funding for Current and Future Needs pg 4/9:

4. Exploring and pursuing, with the support of stakeholders and governmental champions, reliable funding sources for the developmental services system outside the state’s General Fund, beginning with an in-depth analysis of the funding streams for education and behavioral health systems.

Ms. Kleinbub addressed that by stating that the only way a regional center can get funding from a third party and use it for separate items is if they have a foundation or entity that is created. Otherwise, if we received funding from other businesses, we would be asked how that would be supplanting funding from DDS. Therefore, we are not in the same position as other non-profits such as ARCA. We will also touch on this at the Executive Committee meeting.

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

Mr. Paré stated that the committee met this evening and had robust conversations. Ms. Ansari has been expressing her request to start a parent advisory group in the near future. Topics of concern this evening was the unsheltered DD clients and the challenges they have been facing. Also, if the case manager is unable to contact them, sometimes their accounts are deactivated. Also discussed was the Families United for Equity working with the unsheltered and their request to collaborate with RCEB to work on solutions.

Provider/Vendor Advisory Committee [PVAC]: Dan Hogue

The committee met on April 14th with reports by the various departments. The regional center will be posting a new position for a Quality Assurance Specialist who will be working collaboratively with the providers and RCEB staff. Also discussed was the case management training program with SLS providers so that both sides know how the other works. We continue to discuss options for the transportation issues, including adding an element to the 880 contract where a service provider can use their own vehicles to transport clients. The equity committee will meet next Friday.

Consumer Advisory Committee [CAC]: Nyron Battles

Mr. Battles stated that there was no quorum at their meeting this month, so they spent time sharing information. The May meeting will be in-person.

PUBLIC COMMENT

Dominique requested support of the resource center project proposal, and how it would benefit the community.

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

bayarea@scdd.ca.gov 510.286.0439

Through Cycle 46 Grant Cycle, the Council wants to fund statewide projects in the following areas: Education, Employment, Health & Safety and Self-Advocacy. Project proposals are due May 22nd.

Read more about grant opportunities, technical assistance clinics and the Council's pre-bidders' conference call at: <https://scdd.ca.gov/grantinformation/>.

April 26: Statewide Advocacy Chat at 11am

<https://scdd.ca.gov/event/california-statewide-self-advocacy-chat/2023-04-26/>

April 26: This is the next Bay Area Regional Advisory Committee meeting at 6:30pm

<https://scdd.ca.gov/wp-content/uploads/sites/33/2023/04/RAC-Packet-4.26.23.pdf>

May 4: Employment First Committee Meeting at 10:30am

<https://scdd.ca.gov/event/2023-employment-first-committee-efc-meeting-2023-05-04/>

May 22: Self-Advocates Advisory Committee Meeting

<https://scdd.ca.gov/event/january-2023-saac-meeting/2023-05-22/>

May 23: State Council Meeting at 10:30am

<https://scdd.ca.gov/councilmeetings/>

Ben Chen/Alameda County Developmental Disabilities Council [ACDDC]

June 6: This is the 33rd annual DD Council Awards Event from 6:30PM-8PM. There will be a link to nominate an individual/organization who is making a difference or impact in our community. There is a registration link:

https://cchealth.zoom.us/meeting/register/tJMuce-gqzMvG9wR3r_1pTu65HVEvjBagSsl#/registration

The Oakland Ice Center operated by Sharks Ice is offering a Special Hockey program that is open to all skaters with developmental or physical challenges who would like to participate in hockey. With support and encouragement our program is adapted to the level of the ability of our participants. minimum age is 6 y/o with prior skating experience.

<https://www.oaklandice.com/figure-skating/special-hockey>

May 10: This is the next ACDDC meeting from 9:30-12pm.

May 13: Golden Village Family Conference 8:45-3pm at the Ed Roberts Campus/Berkeley. Geared towards those DD 3-21 y/o who are Cantonese, Korean, and Vietnamese families with children.

<https://www.eventbrite.com/e/golden-village-family-conference-tickets-602628095857>

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

Submitted written report: The Contra Costa DD Council Board meeting will be Wednesday, April 26. We will have a presentation by the Dale Law Firm to discuss conservatorships and to help families understand what some of the other options might be for supporting their loved one. Additionally, we have invited Frank and Sadia to join the meeting to introduce themselves to our board and talk a bit about the work of the RCEB board. We are looking forward to them getting to know the DD Council a bit more and seeing the work we do.

ARCA – Frank Paré
No report this evening.

Closed Session – Real Estate

MEETING ADJOURNED

The board meeting adjourned at 8:45 p.m.

Virtual Meetings on May 22, 2023

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

The next Board Meeting will be at 7:00 PM