

Board of Directors Meeting

Monday, September 25, 2023 Virtual Meeting Approved 10/23/2023

RCEB BOARD MEMBERS PRESENT:

Frank Paré, President/Supports&Services Co-Chair Sadia Mumtaz, Vice-President/Diversity&Equity Co-Chair Reneé Perls, Secretary Lilian Ansari/Supports & Services Co-Chair Nyron Battles, CAC Chair/Diversity & Equity Co-Chair Brian Blaisch Teresita DeJesus April Key-Lee Carmen Quinones Dinah Shapiro Lisa Soloway

ABSENT:

Daniel Hogue, PVAC Representative Linda Stevens Dr. Steven Whitgob, Assistant Treasurer

STAFF PRESENT:

Lisa Kleinbub, Executive Director
Lynn Nguyen, Director of Finance & Administration
Lucy Rivello, Director of Health & Behavioral Services
Ronke Sodipo, Director of Client Services
Ben Braun, Associate Director of Federal Programs
Chris Hanson, Associate Director of Client Services/Adults
Elvia Osorio-Rodriguez, Associate Director of Client Services/Children
Lindsay Meninger, Associate Director of Client Services/SDLAC
Michael Minton, Manager of Risk Management and Quality Assurance
Priscilla Gomez, Community Services Supervisor/Transportation, Health & Safety Waivers
Rebecca Sterling, Clinical Supervisor
Jefferey Dix, Quality Assurance Specialist
Michi Toy, Executive Assistant

GUESTS:

Sophia Agafonow/DDS
Justin Blankinship
Ben Chen/ACDDC
Rose Coleman

Vi Ibarra Wendell James Mary Beth Lepkowsky Dominique Mellion Melody Davis
Tandra DeBose
Eddie Esquivez
Families United for Equity
Maureen Fitzgerald
Erika Gonzalez

Patti & Vance Morris Sheraden Nicholau/SCDDC Jeri Pietrelli Ann Pringle Maria Ramirez

CALL TO ORDER

Frank Paré called the regularly scheduled business meeting of the Regional Center of the East Bay to order at 7:08 pm. A quorum was established.

CONSENT AGENDA / MINUTES

M/S/C "The Board moves to approve the September 25, 2023 Agenda as presented"

[Battles/Perls] Unanimous The motion was adopted

M/S/C "The Board moves to approve the June 26, 2023 (no BOD meeting in July/Aug) Minutes

with the exception of a personal name typo." [Perls/Shapiro] Unanimous The motion

was adopted

Presentation: Guest presenters Vance & Patti Morris along with Justin Blankinship representing Pittsburg's Elk's Lodge #1474 Delta Baggers cornhole team, joined the meeting this evening. They spoke about their Airmails for Autism Cornhole tournament in April, and presented the Board with the proceeds from their tournament. The board members expressed their gratitude for their generosity.

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.

Wendell James inquired about the status of the Mason Tillman Associates, LTD report on vendor equity.

Tandra DeBose thanked the board of directors on their willingness to listen to the parents of our clients; both good and bad comments and especially for being in this meeting right after the Diversity & Equity meeting, as it is appreciated and needed.

Melody Davis thanked all for the extra time for being in the meetings, and had a concern that she did not see that our Diversity & Equity meeting had a Spanish interpreter.

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

The State budget was passed in June and there are many items in trailer bills that impact regional centers and the developmental disability services. The legislature took a month break then developed new trailer bill language for a second round of trailer bill submission. Although unusual, it was expected due to their inability to come to agreement before the budget was passed. The newer trailer bill language included aspects of AB1147 Addis Bill. This bill called for developmental disability service reforms. Included in that bill, DDS would define generic services as well as category changes for compiling race, ethnicity and language in our documents. There would also be standardization of respite assessment tools, IPP's, vendorizations, and intake processes. We will wait to see what the directives will be from DDS so that the interpretation of this bill will be consistent across all regional centers.

Provisional Eligibility Expansion for 0-3 y/o

This affects young children who do not have an official professional diagnosis of having an Intellectual/Developmental Disability [I/DD]. These children will be able to get Medicaid Waiver services to be funded through Medi-Cal and Medicaid from the federal government. They will be eligible for institutional deeming. This is a new category, and is in progress in the regional center. We are waiting for guidance from the state to implement the trailer bill language.

Social Recreation/Camping Services

This category has been reinstituted last year due to changes in the Lanterman Act language centering on those services. Some regional centers were asking families to exchange respite or IHSS services for social recreation services. Those are not allowed to be part of any policy. Co-payments are also not allowed for these services. We will wait for how DDS interprets this; and an updated Social Recreation Policy will be brought to the board so that the policy can reflect the new law.

Remote IPP/IFSP Continuance

Many families have asked if they could continue to complete their IPP/IFSP remotely (not available for those who live out of the family home). We will see if that is a possibility long term, as it is convenient for the families to fit into their schedules. This option is currently in effect through June 2024.

Medical Services Funding Option

In the budget language, regional centers are to fund within 60-days, medical services that are not available from health insurers. This law is not very clear and we are waiting for DDS guidance. It is not unusual for families to wait more than 60-days to get an appointment, and there is not an abundance of specialists available.

A board member inquired about the continuity for care for the unassigned straight Medi-Cal clients. Ms. Kleinbub stated that the Fee-For-Service [FFS] Medi-Cal is ending for most everyone and going into

managed health care plans and we will see that evolve over the next year. The foster children category may move into a segment of Medi-Cal after a period for FFS.

Regional Center Performance Measures

We will hold a public meeting on October 25th to share the performance contract outcomes from 2022. We do not receive the reports back from DDS until spring, so we plan the meetings in the fall. https://www.rceb.org/event/public-meeting-rceb-performance-contract-outcomes/

NCI Data Presentation

The National Core Indicators [NCI] Surveys are used by DDS to assess performance in the services and supports provided to people with Intellectual/Developmental Disabilities [I/DD]. At our November board meeting, we will be sharing the results of the in-person surveys that were given to the clients and families, and will take public comment.

Request for Proposals Policy for Resource Development

Our board member and PVAC representative, Daniel Hogue spoke in the past about the new PVAC Equity Sub-Committee. One of the first requests of that committee was for the regional center to look at their current Request for Proposal [RFP] process to make it more transparent and clearer. Elements were included for the first time. We updated the policy to reflect some of those recommendations, which were provided to the PVAC Equity Sub-Committee with additional comments. Some of the inclusions in the policy were:

- All Request for Proposal announcements will be translated into RCEB's threshold languages
- Bidder's conference formalization- we have always had this conference, but now it is formalized
- We added language around encouraging RFP's from all communities for the grants
- Expansion of the applicant solicitation including to those who are not our traditional providers
- Include language around the staff who are in the evaluation committee making the selections

There were requests around knowing vendor submission scores and the posting of those scores, which runs into confidentiality issues; therefore, we will be keeping those anonymous.

We are asking the board for any comments on the RFP ideally prior to our October Executive Committee meeting so that we can make adjustments and vote on an approval at the October board meeting.

RCEB ByLaws

Ms. Kleinbub consulted with the attorney who has presented at our board training, Erin Braderick of NEO Law Group, regarding updating our current ByLaws. Ms. Braderick informed her that there are many minor areas where we would need to make changes in order to bring us up to date to reflect the changes in law. Therefore, we are looking into two possible scenarios for the format:

- 1. Full revision of the ByLaw format, which is the most cost effective and efficient method
- 2. Make just the necessary changes to our existing ByLaw format

The board had questions and comments regarding our existing ByLaws, which was created over 45 years ago and has had multiple minor changes throughout the years.

Another inquiry was on what types of changes needed to be made, and Ms. Kleinbub stated that the majority of them had to do with our committees and where they need to be placed in our ByLaws, as well as following what was required legally. One of the subjects was the legality of having an Audit Committee, which we do not currently have but it was brought up by a board member that it would be in the board's interest to have one. Ms. Kleinbub reiterated the information from the attorney, that regional centers are not required to have an Audit Committee due to the sources of where we receive our funding. Since we receive our funding from the State, this requires regular fiscal compliance audits. Our Early Start funding is also audited yearly, so we are not required to have an audit committee.

Board request \rightarrow To receive a redlined or highlighted areas of where the changes are indicated, to be available for the board to review firsthand. Ms. Kleinbub will share the changes that the attorney would be making to the ByLaws, and bring it to a vote at the October board meeting.

COMMITTEE REPORTS

Executive Committee Report/President's Report: Frank Paré

Acronym	ı List
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ARFPSHN Adult Residential Facility for Persons with Specialized Health Care Needs

BAHC Bay Area Housing Corporation **HCBS** Home and Community Based Services **CCH** Community Crisis Home **ILS** Individual Living Services

CCH Community Crisis Home ILS Individual Living Services
CPP Community Placement Plan ILS Individual Living Services

CRDP Community Resource Development Plan **OPS** Operations

DDS Department of Development Services **PEP** Purchase of Service Expenditure Projection

EBSH Enhanced Behavioral Support Home **POS** Purchase of Service **FHA** Family Home Agency **SLS** Supported Living Services

CONTRACT APPROVAL

[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.]

Bay Area Housing Corporation [BAHC] Farnham Home/Newark – 2nd Amendment

This contract amendment represents additional CRDP funds for the renovation of one specialized residential home for regional center adult consumers who are Deaf/Hard of Hearing [D/HOH] and who need staff that are fluent in American Sign Language (ASL). The resident of this home may have intensive behavioral, nursing or sensory support needs.

Term: 6/30/2022-3/31/2024

Cost: The total additional renovation cost for this home is \$835,028 [\$450,000 + \$385,028]

In FY 21-22, RCEB was initially awarded CRDP funding for \$400,000 of acquisition funds and \$350,000 of renovation funds to develop this home. On November 14, 2022, the contract was

amended for \$783,400 for acquisition and \$450,000 for renovation. An additional \$385,028 in renovations funds is needed for the special features as required by individuals who are D/HOH.

M/S/C "The board moves to approve of the renovation amendment needed for this specialized home." [Perls/Battles] Unanimous. The motion was adopted

Questions were asked by the board surrounding the need for a second amendment of the renovation cost of the home as the scope of specialization for the home is vast. Therefore, once the home is completed, we will have the board attend an open house tour of the home, as they did with a home in the past.

Ms. Kleinbub also added that there are no DDS grants of existing homes owned by service providers. The grants are to housing developers for renovations such as this one. For these BAHC homes, they are owned in perpetuity and are never owned by an individual, so they are not able to be sold.

RCEB Strategic Plan/Draft Survey Proposal - Brian Blaisch

Mr. Blaisch introduced himself as a board member involved in the Strategic Plan for RCEB and introduced the other board members in our Strategic Planning Committee [SPC]: Frank Paré, Sadia Mumtaz, Lisa Soloway, April Key-Lee, and Reneé Perls.

Mr. Blaisch introduced Mary Beth Lepkowsky/Helen Sanderson Associates USA, LLC. A learning and organizational development consulting group who has worked with Tri-Counties Regional Center. The group is working with RCEB to develop a Strategic Plan to put in place for the new fiscal year in July 2024.

Mr. Blaisch explained our purpose and need for having a strategic plan to work on strategic priorities as we are in the first phase of fact-finding. A questionnaire is being developed that will be disseminated to our community to gather input on what is/is not working in their relationship with RCEB and the services that they are receiving. Ms. Lepkowsky shared the timeline for the entire project, and elaborated on each stage.

The whole board did not have a chance to look at the survey in time to vote on it this evening. However, with their review of the survey and subsequent approval of the content, the Executive Committee will be able to approve the Strategic Plan's Community Survey. We are making the recommendation that the decision to approve the Strategic Plan be delegated to the Executive Committee in order for the board and the committee to stay on track with the proposed timeline.

Also offered to the Board, is an invitation to attend both the Strategic Planning Committee on Thursday, October 5th and the Executive Committee meeting on Wednesday, October 11th if they want to understand the community survey process.

M/S/C

"The Motion is made for the Executive Committee to be delegated the power to approve the Strategic Plan's Community Survey, given feedback of the survey from the BOD. This approval will need to be ratified by the Board of Directors at the subsequent board meeting of the Board of Directors" [Ansari/Shapiro] Unanimous. The Motion was adopted.

Membership Development Committee: April Key-Lee

Terms

Board member Dinah Shapiro's second term of 3 years was completed at the end of July 2023. Dinah expressed her desire to serve her last term of 1 year. A virtual ballot was conducted in July where all 14 board members voted YES to her continuing her service on the board. Congratulations to Dinah and we are happy to have her continue her service on the board.

BOD Officers for 2024

Ms. Key-Lee presented the current slate of officers and asked if any of the officers would like to vacate their positions; if not, then they remain on the slate. We also are inquiring if there are any nominations of another board member for any of the positions. In October, which is the meeting before the November election meeting, the Slate will be presented and finalized for voting to take place in November.

BOD Officers Interest for serving on the board from 2024-5:

President Frank Paré Vice-President Sadia Mumtaz

Treasurer (vacant)

Assistant Treasurer ... Dr. Steven Whitgob

Secretary Reneé Perls (current) & Dinah Shapiro

We are currently looking for new members who are Latinx who reside in the Contra Costa County. Please go on our website, read about the board and e-mail your interest:

https://www.rceb.org/about-us/board-directors/members/

Budget & Finance Committee: Lynn Nguyen

Acronym List			
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CRDP	Community Resource Development Plan	OPS	Operations
DDS	Department of Development Services	PEP	Purchase of Service Expenditure Projection
EBSH	Enhanced Behavioral Support Home	POS	Purchase of Service
FHA	Family Home Agency	SLS	Supported Living Services

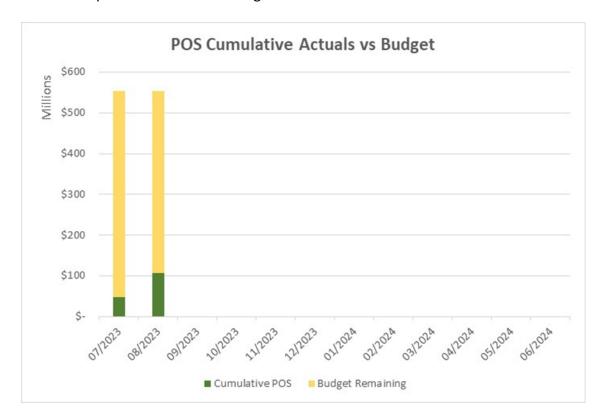
Budget and Finance Report for September 25, 2023

RCEB received the E-prelim in late June and has not received the E-1 allocation from DDS for FY23-24, which is normally expected in late August. Because of this delay, the staff just started to work on our Purchase of Services and Operations budgets for the current fiscal year and will submit to the Board for approval at the October board meeting.

Purchase of Service [POS]

For FY 23-24, the E-prelim contract provided \$554M in POS funding and the financial report summary shows year-to date POS expenditures of \$107M (or 17% of the budget). We expect to receive more POS funding in the E-1 amendment. In comparison to FY22-23, POS expenditures through August were \$90M, which represented 12% of the D-1 budget allocation. There was no CPP/CRDP allocation in the E-prelim allocation for FY23-24.

The graph POS cumulative Actuals versus Budget shows POS expenditures trending month-over month compared to the overall budget for FY 23-24.



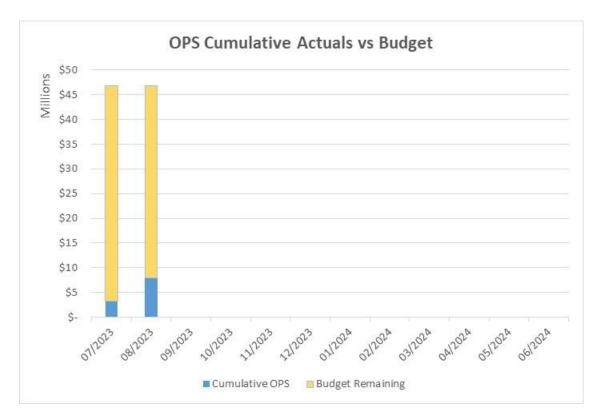
With regards to Fiscal Year 22-23, RCEB ended the fiscal year with projected spending of \$653M, resulting in a surplus of \$77M. All 21 Regional Centers, including RCEB, were reporting a surplus, resulting in an overall Statewide surplus of \$1.6B.

Actual POS expenditures through August 2023 totaled \$649M, which is 89% of the total budget of \$731M.

Operations

Due to the delay in the issuance of the E-1 amendment by DDS, RCEB has only started to work on FY23-24 budget. The E-prelim provided a preliminary funding of \$47M. The staff will provide the Board with a detailed Operations report at the next board meeting. However, some planning for and posting of growth positions began in August.

This month's financial statement shows the E-prelim allocation to date and actual expenditures through August 31, 2023 and compares to last year's D-1 allocation. The statement also compares actual expenditures for the same time period. Actual year-to date OPS expenditures were \$8M (or 17% of E-prelim budget) which is comparable to last year \$8M (or 12% of D-1 budget) at this time. The graph OPS cumulative Actuals versus Budget below shows OPS expenditures trending month-over-month compared to the overall budget for FY23-24.



For FY 22-23, actual OPS expenditures through August 2023 totaled \$55M, which is 82% of the total budget of \$68M. We are projecting a balanced budget for FY22-23 even with the deallocation funding expected in the D-3 amendment of \$1.8M.

Cash Flow Status

In July, RCEB's cash on hand reached its lowest point of the year. The Agency had just enough cash to fund our invoices for June services that were paid out mid-July and we did not have to draw on our line of credit. With the issuance of the E-prelim, RCEB received the first two advances for Fiscal Year 23-24 on July 17th. The 3rd cash advance was received in early August. These three advances replenished the Agency's cash on hand.

Investment and IntraFi Cash Service

With the advances received in July and the favorable high interest rate, RCEB invested in 30-days short-term treasury bills in accordance with RCEB's investment policy.

On July 17 2023, RCEB invested \$70M in approx. 30 days treasury bills, which matured on 8/22/23, interest earning of \$256,977.78 (or 4.82%).

On August 23, 2023, RCEB invested \$63M in approx.30 days treasury bills, which will mature on 09/28/23, with interest earning of \$297,990 (or 4.83%).

RCEB has also met with two banks, namely US Bank and Wells Fargo, to review the IntraFi cash service offered in order to obtain higher FDIC coverage greater than \$250,000 and invest in excess deposits to earn higher interest than the interest available in our regular checking account. Daily liquidity, comparable interest rate, and the convenience of transfer between the main cash operating account and the IntraFi investment account at the same bank are the main reasons the staff has chosen to open the IntraFi cash service account with US Bank. The IntraFi investment account at US bank allows access to multi-million dollar FDIC insurance on deposit accounts up to \$175M with various banks that are also participants of the IntraFi network, with interest earning of 4.0% (quoted in July 2023).

With IntraFi account, RCEB plans to maintain current month operating cash requirement in IntraFi account since it has daily liquidity and any remaining excess cash in 30 days treasury bills.

In talking with various banks about IntraFi cash service, the staff also asked about obtaining the line of credit and noted that these banks do not offer the line of credit without having the full bank relationships with other cash deposits on hand and other bank transactions, namely checks issuance and ACH transactions. We will continue to explore other banking relationships in the near future.

There was no budget and finance committee this evening so the intraFi proposal was not discussed. It will be on the Budget and Finance meeting agenda in October. Mr. Paré had concerns with approving this service since it is tied with US Bank and is asking about the status of receiving a due diligence report. Ms. Kleinbub responded that we do have a due diligence plan, but due to the absence of the Assistant Treasurer this evening, the committee did not meet to approve the plan. The plan's purpose is to lay out which financial contractors will go out to bid each three years and the order. We need to look at when we would need a new line of credit, a new audit company, a new bank with IntraFi line of credit options as well a new payroll system.

Also brought up was the status of the finance dashboard. Ms. Kleinbub responded that the finance report includes the charts which other regional centers use. Mr. Paré expressed interest in a different reporting format and there was discussion on this issue and formats. We will work with the Budget & Finance Committee on those matters.

Independent Audit for Fiscal Year 2021-22

Aiello, Goodrich & Teuscher (AGT), RCEB's independent auditor, has completed fieldwork of the financial audit for the fiscal year 22-23. AGT is scheduled to present the draft report to the Board at the October board meeting.

Consumer Advisory Committee [CAC]: Nyron Battles

There was an in-person meeting on Monday, September 11th that was well attended. Mr. Battles stated that Ms. Kleinbub reported on the upcoming Strategic Planning survey that is being developed and will be sent out to the clients, families, and service providers for their input on what they care about the most and what they think we should prioritize. DDS is also looking to standardize many processes such as IPP's.

Diversity & Equity [D&E] Committee: Sadia Mumtaz

- 1. Policy, Advocacy & Grievance Sub-Committee
- 2. Accessibility & Communications Sub-Committee
- 3. Purchase of Service [POS] Expenditures Sub-Committee

Ms. Mumtaz stated that the sub-committees met separately in August, and together this evening with a large attendance of around 32 people. Based on discussions in the August sub-committee meetings as well as the one this evening, the focus points are as below:

1. Policy, Advocacy & Grievance

- The focus is on reviewing existing RCEB policies and processes, and to identify priorities.
- To enhance and ensure that the policies are more equitable.

2. Accessibility & Communications

- Creation of a newsletter by age-group
- Focus on young adults and transition-age youth
- Addressing family concerns as it relates to communication with their case managers

3.POS Expenditures

Different family groups have provided good feedback to focus on the key issues and in receiving feedback for addressing.

There are many benefits of having separate sub-committees. Therefore, we will continue to have the subcommittees meet monthly and have the D&E meeting every other month to jointly discuss all the issues that were brought up in the sub-committee meetings. All these meetings are open to the public and if anyone wants to be on the e-mail list and specify which sub-committee(s) they would like to attend. They can email writetous@rceb.org.

Provider/Vendor Advisory Committee [PVAC]: Dan Hogue

No report this evening.

PUBLIC COMMENT

<u>Sheraden Nicholau, State Council on Developmental Disabilities [SCDD], Bay Area Office</u> bayarea@scdd.ca.gov 510.286.0439

The creation of the Employment 1st Office in the California Health & Human Services Agency was included in trailer bills AB 121 (Sections 26-28). The new Office will be official July 1, 2024 and funded at \$1M/year ongoing. Additionally, the Employment First Committee (EFC) will end and will be reinvented under the new Office in order to avoid fragmentation of employment first policy and to offer the Office an additional resource. AB 121:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB121 Section 4868.5 is added to the Welfare and Institutions Code.

Upcoming Policy Implementation AB 1663:

We'll be planning some community forums around supported decision making, as AB 1663 is being implemented. We're moving from the pre-work phase to the rollout phase of the Supported Decision-Making Technical Assistance Program (SDM TAP). As a part of this program, SCDD will be putting out requests for proposals so that important SDM systems-change and capacity building work can happen in key areas such as health care, judicial and financial settings, education, and IDD services. Stay tuned for save the dates.

Sept 27:

- 1. CA Statewide Self Advocacy Chat 11a 12pm: https://scdd.ca.gov/event/california-statewide-self-advocacy-chat/2023-09-27/
- 2. Bay Area Regional Advisory Committee Meeting at 5:30pm via zoom and in-person at the Ed Roberts Campus in Berkeley: https://scdd.ca.gov/bayarea/

Ben Chen, Alameda County Developmental Disabilities Council [CCCDDC]

Alameda County Area Agency on Aging County Wide Area Plan

Every four years, the Area Agency on Aging prepares a Countywide Area Plan that informs services for those 55+ in Alameda County.

https://www.surveymonkey.com/r/ACCWAP24-28

Alameda County Area Agency on Aging Digital Devices | Email: digitaldivide@acgov.org
Phone: 510-577-1907. Alameda County Area Agency on Aging is offering free iPads and internet service to help seniors 60+ and disabled adults ages 18-59 get connected. This service is for individuals that do not already have an internet connected device. For more information please email you name, phone number, and age or disability status to: digitaldivide@acgov.org or call AAA at 510-577-1907

Oct 11: This is the next Alameda County DDC Board Meeting 9:30AM - 12PM

Oct 21: Vision for the Future 8AM – 1PM @ Ed Roberts Campus

This yearly conference is back in-person at the Ed Roberts Campus in Berkeley. This conference is for the disability community to learn about education options and resources after high school. This year's event will also include a resource session for families and students to connect with providers and programs.

https://www.eventbrite.com/e/vision-for-the-future-post-secondary-education-opportunities-tickets-700410455527?aff=oddtdtcreator

ARCA – Sadia Mumtax

- Ms. Mumtaz attended the ARCA meeting in August where the budget priorities for Fiscal Year 2024-5 were discussed.
- There will be a new rate model implemented in 2024, and a change in the funding methodology to regional centers.
- Funding not used by regional centers is being looked at for the possibilities for it to be directed towards other opportunities.
- Improvement of Fiscal Management Services [FMS] under the Self-Determination Program.
- A focus on caseload calculation ratios to improve the funding
- Health care plans for staff will be coordinated and given additional funding.
- New technology for all regional centers are being looked at as well.
- Discussion about ARCA bylaws and coordination between regional centers

MEETING ADJOURNED

The board meeting adjourned at 9:12 p.m.

The Closed Session did not commence due to lateness in the evening

Virtual Meetings on October 23, 2023
The next Supports & Service Meeting will be at 5:30 PM
The next Board Meeting will be at 7:00 PM