

## BOARD OF DIRECTORS' MEETING

September 22, 2008

Presiding: Ralph Griffin

Board Members  
Present:

Patricia Albeño  
Ronald Clay  
Mike Kuller  
Hilda Mariscal  
Claudia Sladen

Nyron Battles  
Shana Cohen  
Chi Lee  
Carmen Quinones

Board Members  
Excused:

Rose Coleman  
Will Sanford

Lauri Parks

Staff Present:

Bill Barbaria  
Jim Burton  
Susan Driggs  
Rhonda Kimble-Kelly  
Colleen Moore  
Mark Neiman

Carol Bohnsack  
Francine Davis  
Terri Jones  
Lisa Kleinbub  
Nancy Kubota

Guests Present:

Josh Caplan  
Kathy Hebert  
Dave Johnson  
Cleo Manspeaker  
Sandi Soliday

Barbara Garcia  
Gina Jennings  
Susan Johnson  
Rocio Smith  
John Visbal

### CALL TO ORDER

President, Ralph Griffin, called to order the regularly scheduled business meeting of the Regional Center of the East Bay at 7:02 PM. Self introductions were made.

## CONSENT AGENDA

M/S/C            “The Board moves to approve the agenda for the September 22, 2008 meeting and the minutes of the July 28, 2008 meeting as presented.” (Kuller/Sladen) Unanimous.

## PUBLIC COMMENT

Cleo Manspeaker shared with the group that she had celebrated her 48<sup>th</sup> birthday on September 1<sup>st</sup>. Cleo also shared that she had been frightened by the earthquake on September 5<sup>th</sup> and would prefer that we have no more earthquakes. Cleo reported that during the quake she sheltered under her table with her cell phone and called her team leader for support. Mr. Burton praised her for her quick and appropriate action and reminded the group that disaster preparedness should be a high priority for all Californians.

Rocio Smith, on behalf of the steering committee of Congreso Familiar, thanked Mr. Burton, Mr. Griffin, the Board of Directors and RCEB for their continuing support of Congreso Familiar. Ms. Smith presented Mr. Burton with a plaque of appreciation.

## COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Ralph Griffin

Mr. Griffin announced that we would postpone the Unmet Service Needs report scheduled for this evening to allow adequate time for an update on the state budget.

BUDGET AND FINANCE COMMITTEE: Mike Kuller

Mr. Kuller distributed the Financial Status Report for August and noted that these figures are very preliminary and are subject to change as we receive more budget information. These figures are based on the draft budget amendment released by the Department of Developmental Services (DDS) following approval of the state budget. A preliminary Sufficiency of Allocation Report (SOAR) will be completed by October and this report will be the basis of our 2008-2009 Purchase of Service expenditures and growth projection through June 30, 2009. If RCEB shows a deficiency in our base funding, additional funding from DDS is anticipated. The increased Operations funding is due to growth in our consumer caseload of 837 net new consumers over the last fiscal year.

Mr. Kuller reported that the line of credit was activated on September 17<sup>th</sup>. RCEB has borrowed \$8.5 million with the daily interest expense totaling approximately \$1300 per day. This interest expense will not be funded by the State and will be paid through our limited Operations budget. We expect to

receive our cash advance early next week. Mr. Kuller noted that RCEB was well supported by Union Bank of California throughout the extended budget process and we are grateful for their support and collaboration.

**MEMBERSHIP DEVELOPMENT COMMITTEE: Ralph Griffin**

Mr. Griffin reported that we have finalized the slate of officers for 2009 and elections will take place at the November meeting. Members were reminded that additional nominations can be made from the floor at the October meeting of the Board. The following slate of officers for 2009 was presented:

President – Ralph Griffin  
Vice President – Lauri Parks  
Treasurer – Mike Kuller  
Secretary – Nyron Battles

Mr. Griffin also reported that this committee has interviewed a candidate for board membership and are working out the logistics of his service on the board.

**SUPPORTS AND SERVICES COMMITTEE: Claudia Sladen**

Mrs. Sladen reported that her group has not met this month but has resubmitted the Family Training Services Policy to DDS with the recommended changes and are awaiting their approval.

**PROVIDER/VENDOR ADVISORY COMMITTEE: Jim Burton for Will Sanford**

Mr. Burton stated that much of the PVAC meeting had been spent discussing the budget and cash flow issues and planning and preparing how to provide services if the state budget stalemate continued.

**CONSUMER ADVISORY COMMITTEE: Nyron Battles**

Mr. Battles reported that Ms. Kubota had provided a budget update for his group. CAC members began discussion of nominees for CAC Chairperson for 2009. Nominations will be made in October and the election will take place at the November meeting. Mr. Battles also shared that his group had reviewed meeting etiquette with members in an ongoing effort to ensure that meetings are informative and productive.

**EXECUTIVE DIRECTOR'S REPORT: Jim Burton**

Mr. Burton acknowledged that the budget stalemate appears to be over. This has clearly been the longest wait and most difficult time we have faced in California budget history but the Governor is expected to sign the budget tomorrow.

The Budget Act that has been approved by the Legislature does include new cuts to the regional center system. It contains all the prior cost containment measures we have been struggling with for the last six years and has made these permanent. We will need to keep focusing attention on these issues to ensure that legislators are aware of the serious impact of the freeze on start-up funding and the freeze on rates that have been in place far too long. Additionally, a 10% cut in the supported employment rate has been approved but the effective date of that cut is still unclear. They have expanded the Family Cost Participation Program to include children from birth to three years effective October 1, 2008. A fee schedule has been established for all family members receiving respite, day care and camp services. We expect to have 200 families potentially impacted in the East Bay. The Legislature has also approved POS review requirements for all services we purchase. This isn't new to most regional centers since we already have a review process but we will have to make sure it meets all the requirements in the trailer bill that implements the budget. This is expected to save \$7.1 million but it is difficult to see how this will be accomplished since most regional centers already have the process in place. They have also changed the Lanterman Act language to include parental responsibilities to provide for their developmentally disabled child what would be provided to any child. We don't anticipate any significant savings here since regional center services are already layered over what families provide for their children but \$2.7 million is being removed from the regional center system for this change.

Mr. Burton reported that we have limited information on cuts to other service systems that are relied on by persons with developmental disabilities and their families. They have suspended the state cost of living adjustments due in October and June 2009 for people receiving SSI/SSP funds. So far they have allowed the federal cost of living adjustment to be passed through in January. This will have significant impact on consumers living independently or in supported living. They have also suspended the cost of living adjustments for CalWorks. A 10% reduction was put in place for the Office of Clients' Rights Advocacy. The legislature did reject limits on state participation in IHSS provider wages. They also rejected the elimination of optional MediCal benefits including services like adult dental care. They restored most of the 10% cut to MediCal rates but not until March 1, 2009. Unfortunately, we have already lost MediCal providers as a result of the rate reduction that went in place in July. They also restored most of the 10% cut to California Children's Services, again, effective March 1, 2009.

Mr. Burton reminded members we are getting very close to the September 30<sup>th</sup> deadline for approval of bills introduced in the last session. As a result of the incredible work of the Blue Ribbon Commission on Autism, they had a package of ten bills in the Legislature and nine of the ten bills were passed and will now go to the Governor for final approval. One of these bills, SB 1175 is based on

the housing effort in the Bay Area Plan for the closure of Agnews Developmental Center and it will expand opportunities for purchasing homes in the future.

Mr. Burton reported that cash flow issues were really severe over the summer. Our ICF providers are funded entirely by MediCal and their funding ended about the third week of July. These facilities provide services to some of our most severely medically challenged individuals and they were left with no cash flow. They were left to borrow and to find whatever way they could to put food on the table and pay staff. RCEB provided loans to three providers who were unable to obtain additional lines of credit and had no other alternatives. We took action to assist them to protect the health and safety of those consumers being served in these homes.

All 21 regional centers had to borrow money to continue to operate during the budget stalemate. RCEB was able to meet all of our funding obligations and we are proud of what we were able to do. Mr. Burton thanked Ms. Kubota and her staff for their impressive record of accounting for taxpayers' money because their outstanding work helped us to obtain a \$42 million unsecured loan. This loan allowed us to continue to provide services to consumers and families until the budget was approved. We had regular meetings with Union Bank of California over the summer and are grateful for their support of this regional center. Mr. Burton also thanked the Department of Developmental Services for their efforts to secure some funding through this difficult summer. For almost three months we have spent the bulk of our time trying to keep things together when this time should have been spent building and developing the services that we need to provide. Mr. Burton cautioned that we will continue to face these kinds of budget challenges until California changes the current budget process. Members were reminded that since June, we have lacked only eight votes to approve the budget and those eight votes delayed services to millions of Californians.

Mr. Griffin asked members to officially recognize our fiscal department for their outstanding work.

M/S/C            "The Board moves to thank RCEB's fiscal department for their outstanding work in responsibly administering state funds."  
(Kuller/Sladen) Unanimous.

Mr. Burton reported that last fiscal year we grew by 837 net new people to be served. This is extraordinary growth with the prior year being about 340. The first estimate we received from DDS did not include full funding for this increase. We are actively working to get this growth acknowledged and addressed. Without funding for this growth, RCEB will probably start the year with a deficit. With 837 net new people to serve and no money to start a new program and no money to pay that program a rate that is commensurate with the cost of providing high quality services, we are in trouble. It will be unbelievably problematic to honor IPPs without the resources to provide critically important services. This

must be our community's priority for the coming year. The challenge to maintain existing programs functioning is a challenge that has grown with the expansion of the freeze on rates to include negotiated rates. We are now required to use the median rate in our area or the state-wide median rate, whichever is lower. As a result, consumers with the most significant needs may not be able to find appropriate services. Mr. Burton reported that this month a behavior management day program serving 47 people with behavioral challenges closed as a result of the rate freeze. Mr. Burton noted that we have an incredible group of service providers in the East Bay who are struggling to survive and running out of creative options.

Mr. Burton reported that we have reached some significant milestones in the Agnews Closure Plan. RCEB has now received all 15 homes and we have fewer than 30 consumers remaining at Agnews. This has been a very positive ending for families who are pleased with the new homes and programs and consumers are thriving in the community.

Mr. Burton stated that he very much appreciated the recognition of RCEB by Congreso Familiar. He thanked Ms. Smith on behalf of the Congreso Board for this most incredible annual event that provides a remarkable opportunity for families to meet and find support.

Mr. Burton informed the Board that there were staffing changes over the summer. Mary Brett asked to return to a case management supervisory position. Pam Thomas has been appointed the Interim Director of Consumer Services. Ella Liggins, a long-time Contra Costa County supervisor, has assumed the position of Associate Director of Consumer Services for Contra Costa County on an interim basis. Mr. Burton reported that this has been an extremely positive transition for our staff.

Mr. Burton reported that RCEB held a staff picnic last week and it was a great event that resulted in a fun-filled afternoon for everyone in attendance. RCEB has also scheduled an All Staff meeting for October 7<sup>th</sup> that will provide an opportunity to discuss the budget and its impact on our staff and community.

Mr. Burton welcomed Sandi Soliday to our community. He also noted it was good to have Ms. Garcia in our audience as a retired annuitant.

Mr. Burton reported that Las Trampas will be celebrating their 50<sup>th</sup> anniversary on October 16<sup>th</sup> at their Lafayette site.

Mr. Burton sadly informed the Board that Mark Stanford, SEIU representative for RCEB staff, passed away unexpectedly over the Labor Day weekend. This has been a very difficult time for his family and our staff.

## PUBLIC COMMENT

Rocio Smith announced that the East Bay Legislative Commission will be hosting a town hall meeting on December 5<sup>th</sup>. This meeting will be used to help local legislators understand the critical impact of cost containment measures on our community. Everyone present was encouraged to attend and participate.

John Visbal of the California Autism Foundation said that their organization has faced some difficult issues this year and thanked Mr. Burton and Ms. Davis for their help and support. Mr. Visbal also reported that the California Autism Foundation will be celebrating their 25<sup>th</sup> anniversary on October 25<sup>th</sup>.

## ARCA REPORT: Ralph Griffin

Mr. Griffin reported that the next ARCA meeting is scheduled for October 16<sup>th</sup> and 17<sup>th</sup> in San Diego. Mr. Griffin also acknowledged that the ARCA office and Mr. Burton have done a tremendous job of keeping us informed throughout the budget crisis.

Mr. Griffin reported that ARCA will be presenting their third New Day conference in San Francisco on February 5<sup>th</sup> and 6<sup>th</sup>. The focus of this year's conference will be on employment and housing. ARCA, in conjunction with San Diego Regional Center and the California Coalition of Compassionate Care Developmental Disabilities Task Force will present Final Journeys II: Quality End-of-Life Decisions on November 17<sup>th</sup> and 18<sup>th</sup>. This conference will be held in San Diego.

## ADJOURNMENT

Following a closed session meeting to discuss real estate negotiations and pending legal action, the meeting was adjourned following a moment of silence in honor of Mark Stanford, at 8:45 PM.

Respectfully submitted,

Mike Kuller  
Treasurer  
RCEB Board of Directors