

## BOARD OF DIRECTORS' MEETING

October 26, 2009

Presiding: Ralph Griffin

### Board Members

Present:	Patricia Albeño	Nyron Battles
	Ronald Clay	Shana Cohen
	Kathy Hebert	Mike Kuller
	Chi Lee	Donald Morris
	Carmen Quinones	Will Sanford
	Anne Struthers	Steve Whitgob

### Board Members

Excused:	Hilda Mariscal	Claudia Sladen
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Staff Present:	Bill Barbaria	Francine Davis
	Susan Driggs	Terri Jones
	Rhonda Kimble-Kelly	Lisa Kleinbub
	Nancy Kubota	Ella Liggins
	Pam Thomas	

Guests Present:	Tom Florin	Sharon Hagerty
	Gina Jennings	Doreen Penn
	Sandi Soliday	Rocio Smith

### CALL TO ORDER

President, Ralph Griffin, called to order the regularly scheduled business meeting of the Regional Center of the East Bay at 7:00 PM. Self introductions were made. Mr. Griffin reported that Francine Davis would be sitting in for Jim Burton this evening due to illness.

### CONSENT AGENDA

M/S/C "The Board moves to approve the agenda for the October 26, 2009 meeting and the minutes of the September 28, 2009 meeting as presented." (Kuller/Lee) Unanimous.

## PUBLIC COMMENT

Donald Morris distributed invitations to his 50<sup>th</sup> birthday party. The party will be held on November 13<sup>th</sup> beginning at 6:00 PM.

## COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Ralph Griffin

Mr. Griffin reported that Executive Committee members had reviewed the draft Performance Objectives for 2009. Pam Thomas, RCEB Director of Consumer Services, reviewed the draft plan with the group and responded to questions. Mr. Griffin asked the Board to consider approval of the 2010 Performance Contract.

M/S/C            “The Board moves to approve the 2010 Performance Contract Objectives as presented.” (Kuller/Sanford) Unanimous.

BUDGET AND FINANCE COMMITTEE: Mike Kuller

Mr. Kuller distributed and reviewed the abbreviated Financial Status Report for September. Mr. Kuller noted that the report reflects our preliminary Purchase of Service (POS) and Operations (OPS) allocations for Fiscal Year 2009/2010. Mr. Kuller reported that staff are continuing efforts to determine caseload and staffing needs of the agency due to the new changes in law which also include newly mandated responsibilities. At this time we expect to be able to meet the current year OPS obligations and staff will continue to monitor the budget carefully throughout the year. Mr. Kuller reported that staff is completing the Sufficiency of Allocation Report and will submit the report to the Department of Developmental Services on November 5, 2009. This report will be the basis of our POS projections through June 30, 2010. DDS has required that regional centers submit their SOARs with their best estimates of the impact of the trailer bill service reduction cost savings. Mr. Kuller noted the Financial Status Report for September does not include those projections. We expect to have these figures when the SOAR is complete and will report those figures at next month's meeting.

Mr. Kuller reported there is no change in the agency's cash flow status. It was noted that the Controller's office has been slow to release funds to regional centers but we currently have enough cash on hand to meet all our obligations and commitments. DDS staff have made extraordinary efforts to help us deal with cash flow.

Mr. Kuller informed the group that RCEB is undergoing the second phase of our annual independent fiscal audit. RCEB's auditors, Lautze and Lautze, will submit the audit report to the Board in November for final approval at the January meeting of the Board.

M/S/C "The Board moves to accept the Budget and Finance Committee report as presented." (Kuller/Lee) Unanimous.

#### MEMBERSHIP DEVELOPMENT COMMITTEE: Ralph Griffin

Mr. Griffin distributed and reviewed the Board Composition Report and noted that his group will continue their recruitment efforts. Mr. Griffin requested that any members with questions about the report contact him.

Ms. Struthers questioned why only two meetings were held in Contra Costa County and the majority of the meetings in Alameda County. Mr. Griffin will defer this question to Mr. Burton when he returns to the office.

Mr. Griffin reminded members that the slate of officers for 2010 had been presented at the September meeting of the Board and the election will take place at the November meeting. Mr. Griffin requested additional nominations from the floor and with none offered the nominations were closed and the following slate of officers for 2010 was presented:

President – Ralph Griffin  
Vice President – Anne Struthers  
Treasurer – Mike Kuller  
Secretary – Nyron Battles

#### SUPPORTS AND SERVICES COMMITTEE

There was no report this evening.

#### PROVIDER/VENDOR ADVISORY COMMITTEE: Will Sanford

Mr. Sanford reported that he had not attended the last PVAC meeting and asked Francine Davis to report on his behalf. Ms. Davis noted that Lisa Kleinbub, RCEB Director of Health and Behavioral Services, provided an outstanding presentation of information on the flu and precautions that should be taken during the flu season. A flier containing the flu information was sent to all providers on October 22<sup>nd</sup> with the turn-around invoices.

#### CONSUMER ADVISORY COMMITTEE: Nyron Battles

Mr. Battles reported that his group had a good meeting and spent some time reviewing the CAC rules of conduct and meeting process with members. Mr.

Burton provided the group with an updated budget report and reviewed the impact some of the current budget cuts have had on consumers and families. Mr. Battles also reported that the CAC had welcomed one new member and will elect a new Chairperson at their next meeting.

Mr. Sanford asked if the CAC has considered sub-meetings in other areas of the counties. Mr. Battles said the group has not really explored that option but are very hopeful they will have more participants when RCEB moves to a more accessible location in the spring.

#### EXECUTIVE DIRECTOR'S REPORT: Francine Davis for Jim Burton

Ms. Davis reported that State Revenues are below estimates by \$1.1 billion in the first quarter of this fiscal year. Additionally, a number of lawsuits have stopped or temporarily halted some of the cuts included in the state budget passed in late July. Although this will increase the state deficit, it appears that no significant actions will occur on this deficit or next fiscal year's projected deficit until the Governor issues his budget in mid-January.

Ms. Davis shared that the Trailer Bill Language (TBL) implementation has been completed for most RCEB consumers and families impacted by the cuts contained in the TBL except for those cuts that were to be implemented at the time of the next IPP. This was a very painful process for our consumers, families, service providers and staff. So far we have received 105 appeals that are directly related to the TBL cuts. 52 of these appeals were for respite, 23 for social recreation, 14 for incontinence supplies, 14 for non-medical therapies and 2 appeals were for camp. 35 appeals have been resolved either before or after the informal hearing so far. Only 1 state level appeal has been heard so far and no decision has been received. State level appeals are backlogged and scheduling of hearings has been affected. Ms. Davis emphasized that we deeply appreciate the reasonableness of our consumers and families who are dealing with these as well as cuts in other services and the ongoing impact of the recession in California.

Ms. Davis informed the Board that the new Prevention Program was put in place at RCEB on October 1<sup>st</sup>. Approximately 251 infants and toddlers were moved from the Early Start Program to this new Prevention Program although we expect this number to grow significantly over the next few months. Services being provided in this program include intake, assessment, case management and referral to generic services. We are working with many in our community so that we can do our best for these infants and toddlers. To date we are not aware of any appeals being filed in this regard.

Ms. Davis reminded the group that a number of lawsuits have been filed that impact service reductions included in the state budget. These include the successful suit to prevent the use of transportation funds for the new purposes

outlined in the budget; a preliminary injunction issued to stop IHSS cuts in hours of service provided; a preliminary injunction issued to stop the reduction of Adult Day Health programs from 5 days a week to 3 days; and an unsuccessful suit to stop the elimination of “optional” medical benefits like adult dental services.

Ms. Davis reported the Stakeholder Group established by the Department of Developmental Services (DDS) has been modified somewhat by adding another consumer representative , an Early Start representative and a home health representative. The name of the group has now been changed to the Budget Advisory Group. The last meeting of this group was focused on the Individual Choice Budget (ICB) and the many significant implications of this model of service. The ICB would allow consumers and families more choice of services but within a constrained budget. Consumers and families will need to be actively involved in the discussions of this model as it would significantly change the way services are provided in California.

Ms. Davis informed members that the POS budgets statewide for prior year budget 2007/2008 and 2008/2009 now appear to be balanced. Ms. Davis noted that for 2008/2009, the extra efforts made by regional centers to bring in federal funds brought in more than expected, all of which was needed to balance this budget. She also shared that DDS Director, Terri Delgadillo, has reported the Obama administration has been very helpful and open as they pursue additional federal funding opportunities for California.

Finally, Ms. Davis reported that work is underway locally to support the efforts of the Senate Select Committee on Autism through the office of Senator Mark DeSaulnier. The first major meeting of the Committee will be held on November 4<sup>th</sup> with details to follow.

#### PUBLIC COMMENT

There was no public comment at this time.

#### ARCA REPORT: Ralph Griffin

Mr. Griffin reported that ARCA had a very spirited meeting this month. A good portion of the meeting time was devoted to discussion of AB 1589 and the implications of the Individual Choice Budget. ARCA has put AB 1589 in a Watch category and the Legislative Committee will be following the progress of the bill. It appears that every member of the Administration and Accountability Committee voted to move this bill forward. Mr. Griffin urged everyone to be aware of this bill and watch its progression carefully.

The next ARCA meeting will be held in Sacramento in mid-January. Mr. Griffin encouraged anyone interested in observing the process to please attend an

ARCA meeting. Mr. Griffin acknowledged Bob Baldo and Rick Rollins for their outstanding work in Sacramento representing regional centers and providing us with valuable and necessary information.

ADJOURNMENT

The meeting was adjourned at 7:50 PM.

Respectfully submitted,

Nyron Battles  
Secretary  
RCEB Board of Directors