



Regional Center of the East Bay
REGIONAL CENTER OF THE EAST BAY

Board of Directors Meeting

Monday, January 22, 2018
500 Davis Street, San Leandro
Approved 2/26/18

RCEB BOARD MEMBERS PRESENT:

Kathy Hebert, President
Evangeline Iyemura, Vice President
Nyron Battles, Secretary
Chi Lee, Treasurer
Lilian Ansari
Morena Grimaldi, Diversity & Equity Chair
Gwen Nash-Butler, CAC Vice-Chair
Linda Stevens
Gerald Tamayo

ABSENT [excused]:

Sister Marygrace Puchac, PVAC
Dinah Shapiro
Mike Treppa, Budget & Finance

STAFF PRESENT:

Lisa Kleinbub, Executive Director
Beth DeWitt, Director of Community Services
Terri Jones, Director of Human Resources
Lynn Nguyen, Director of Finance & Administration
Lucy Rivello, Director, Health & Behavioral Services
Steve Robinson, Director of Community Placement & SDC Closure Plans
Evelyn Hoskins, Associate Director of Federal Programs
Elvia Osorio-Rodriguez, Associate Director of Children's Services
Silvia Siu, Controller
Priscilla Gomez, Transportation Manager
Meredith Rosenberg, Case Manager
Julie Whiskeyman, Case Manager
Michi Toy, Executive Assistant

GUESTS:

Vi Ibarra, CCCDDC
America Liberty Manspeaker
Sheraden Nicholau, SCDD
Eileen Spain

CALL TO ORDER

Board President, Kathy Hebert called to order the regularly scheduled meeting of the Regional Center of the East Bay at 7:03 p.m.

WELCOME AND INTRODUCTIONS

Self-introductions were made and a quorum was present.

CONSENT AGENDA / MINUTES

M/S/C “The Board moves to approve the January 22, 2018 agenda as presented.”
[Battles/Nash-Butler] Unanimous

M/S/C “The Board moves to approve the November 27, 2017 minutes with the addition
of the year 2017 in the ARCA report.”
[Battles/Nash-Butler] Unanimous

PUBLIC COMMENT

America Liberty Manspeaker was happy to report that she changed her name and that she is very appreciative of the services that she is receiving at RCEB.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Kathy Hebert

BUDGET AND FINANCE COMMITTEE

Budget and Finance Committee Report from 1/22/17 – Chi Lee

Independent Audit Report for Fiscal Year 2016-17

At the October board meeting, the Agency’s independent auditors, Marcum LLC., presented a draft of the audit report to the Board. This report was an unmodified clean report with no management comments. The report was not available for the Board’s final approval at that November meeting, pending the latest valuation of the unfunded liability as of 6/30/17 from CalPERS to be included in the audit report. Information from CalPERS was available in early January 2018; therefore, Marcum LLC has recently issued a final draft of the audit report. The Budget and Finance Committee reviewed the final draft of this audit report which is also a clean report. The Committee recommends that the Board approve the Fiscal Year 2016-17 Independent Audit Report as presented. Questions were asked and addressed by Lynn Nguyen.

M/S/C “The Budget and Finance Committee motions to approve the Fiscal Year 2016-17
Independent Audit Report as presented.” [Battles/Stevens] Unanimous
The motion was adopted.

Purchase of Service

Our Fiscal Year 2017-18 Purchase of Services projections remain stable with almost half of the fiscal year expenditures in base. Looking at on our expenditures through December 2017, RCEB is currently projecting a sufficiency ranging from approximately \$4MM to \$7MM for Non-CPP POS Expenditures. At this time last year, RCEB was projecting a sufficiency ranging from \$.8MM to \$3.7MM. Currently, four regional Centers including RCEB, are reporting a sufficiency in their POS budgets.

This year, the Statewide Projected system-wide deficit is currently at a low of approximately \$41MM and a high of \$80MM. Last year at the same time, the overall system was projecting a statewide deficit from a low of \$9MM and a high of \$44MM. Overall, the regional centers statewide deficit projections in Purchase of Services is increasing.

There are a few factors to consider in our POS projections that result in a sufficiency:

- RCEB's projected program development for Non-CPP clients continues to be low due to challenges in establishing new programs and services in our area.
- We have added an estimated cost for the projected increase in respite services with the removal of the respite cap effective 1/1/2018. However, the additional in-home and out-of-home services may not be fully utilized until later on in the fiscal year.
- Our current POS projections also include estimated costs for the increase in the State minimum wage from \$10.50 to \$11.00 per hour, but we are still analyzing the true cost of this mandate.

Operations

Through December 2017, we have expended 44% of the operations budget of \$43.8MM. We continue to monitor our operations budget and we project a balanced operations budget for the current fiscal year 2017-18.

Cash Flow Status

The agency is currently maintaining a stable cash flow. To date, we have been receiving full reimbursement for our claims through November. DDS recently announced that they will begin to offset cash advances starting in April for February claim.

The agency has begun working with Union Bank to renew our line of credit which we expect to re-establish beginning April 2018.

Questions were asked by the board and the audience and answered by Ms. Nguyen and Ms. Kleinbub accordingly.

CONTRACT APPROVALS

Ms. Hebert distributed the two contract amendments for the Community Placement Plan [CPP] for start-up funding for development. These are homes for those individuals currently residing in Sonoma Development Center [SDC] who will be moving into the community. Mr. Robinson elaborated on both contract amendments and the homes.

Housing Consortium of the East Bay [HCEB]

This contract is an amendment to the already approved start-up agreement with HCEB to develop an Adult Residential Facility for People with Special Health Care Needs [ARFPSHN]; individuals needing 24-hour licensed nursing care. This is a 4-bed residence.

Term: 6/1/15 – 3/31/18

Original Amount: \$650K

Amended and Restated CPP Housing Agreement:

Increase of \$75,000 for acquisition of home

Second Amendment:

Increase of \$223,720 for renovation of home

Current Total amount:

\$948,720

M/S/C “The board moves to approve of the amendment to the original agreement with Housing Consortium of the East Bay as stated in the Contract Approval Form” [Battles/Nash-butler] Unanimous. The motion was adopted.

SP West Properties LLC [Scioto]

This contract is also an amendment for start-up funds, to develop five 4-bed Specialized Residential Facilities [SRF’s] as well as three Enhanced Behavioral Support homes for consumers moving from SDC. It is also for one Community Crisis Home to serve consumers living in the community who may be at risk of living in a locked facility.

Term: 6/30/16 – 3/31/19

Original Amount: \$6,400K maximum
for acquisition and renovation

First Amendment:

\$7,217,572 maximum for acquisition and renovation

Second Amendment:

\$779,539 maximum for renovation

Total increase: \$1,597,111

M/S/C “The board moves to approve of the amendment to the original agreement with SP West Properties LLC [aka Scioto] as stated in the Contract Approval Form” [Battles/Stevens] Unanimous. The motion was adopted.

Work Plan for 2018

The board strives to achieve 4 major goals with multiple objectives every year. These are basically the same goals/objectives every year but with adjustments which do not change the overall plan.

Suggested changes to the Work Plan are related to:

Goal 3 regarding board skill development

- [E] Replace “participate in an orientation session within the first quarter of their appointments” with “receive training materials at the start of tenure, and additional training within their first year of appointment.”

Goal 4 regarding board relationships in the community

- [E] Replace “will meet with parent groups in both counties upon invitation.” with “may attend [not required] Diversity and Equity meetings and other community events.”

M/S/C “The Board moves to approve the 2018 Work Plan with the two amendments listed above.” [Battles/Lee] Unanimous. The motion was adopted.

Master Calendar for 2018

The Board of Director’s Master Calendar is a schedule of target months for the completion of reports and activities. As with the Work Plan, it is basically the same calendar that we have been using annually.

Suggested changes to the Master Calendar:

- Move the ARCA Grassroots Day to April from March.
- Move the Executive Director Review back to June from December.

M/S/C “The Board moves to approve the 2018 Master Calendar as presented.” [Butler/Stevens] Unanimous. The motion was adopted.

MEMBERSHIP DEVELOPMENT COMMITTEE: Kathy Hebert

Ms. Hebert informed the Board that Gwen Nash-Butler and both our Finance Committee members; Chi Lee and Mike Treppa, will be terming out after their last one year service on our board. We will have a ballot vote at our next Board meeting. Since we are required to have board members representing the community that we serve, we will be looking for qualified Hispanic applicants as well as those in the medical and legal fields.

PROVIDER/VENDOR ADVISORY COMMITTEE [PVAC]: Beth DeWitt for Sister Marygrace Puchac
The PVAC meeting was on January 12th where there was a presentation by QuickSolvePlus, which is a web based software company geared towards service providers to assist them with their

scheduling and management needs. Ms. DeWitt stated that Michael Minton, RCEB's Home and Community Based Services [HCBS] Specialist spoke about the grant process whereby service providers can apply to DDS for funds via the regional centers. These funds will assist them in modifying their services to comply with the new HCBS rules that will take effect March 2022. The deadline for regional centers to receive these applications was January 5th and the regional center's deadline to send them to DDS along with their recommendations was January 19th. RCEB received a total of 48 proposals and the majority were from residential providers. We are hopeful that our providers will be the recipients of some additional funding for their projects. The next PVAC meeting will be on February 9th.

CONSUMER ADVISORY COMMITTEE [CAC]: Nyron Battles stated that the CAC met on Monday, January 8th where Maria Marquez gave an informational training to the attendees on Self-Determination. She highlighted specifics about the program and how it is beneficial to many consumers. There was no quorum, so the committee could not vote on officers or new memberships. The next CAC meeting will be on February 12, 2018.

DIVERSITY and EQUITY COMMITTEE: Lisa Kleinbub for Morena Grimaldi Ms. Kleinbub informed the Board that there will be Purchase of Service meetings in the East Bay during the month of March to go over the Purchase of Service 2016/17 data:

In accordance with Section 4519.5 of the Welfare & Institutions Code, Regional Center of the East Bay will hold public meetings regarding data relating to Purchase of Service (POS) authorization, utilization and expenditure with respect to consumer's age, ethnicity, primary language, residence type, and disability.

Scheduled Meetings:

March 2nd at 4:00 PM: Interpretation in Cambodian, Vietnamese
Regional Center of the East Bay Conference Room
500 Davis Street, Suite 100, San Leandro, CA 94577

March 3th at 4:30 PM: Translation in Mandarin, Cantonese
Friends of Children with Special Needs
2190 Peralta Blvd., Fremont, CA 94536

March 9th at 9:00 AM: Interpretation in Spanish
Oakley Union School District
91 Mercedes Lane, Room 6, Oakley, CA 94561

March 10th at 10:00 AM: Interpretation in Cantonese, Mandarin
Chinese Community United Methodist Church
321 8th Street, Oakland, CA 94607

March 12th, 2018 at 9 AM Interpretation in Spanish
George Miller Center
2801 Robert Miller Drive, Richmond, CA 94806

March 21st at 9:30 AM: Interpretation in Spanish
Church of the Living God
1125 Harbor St, Pittsburg, CA 94565

March 31st, 2018 at 10:30 AM. Interpretation in Spanish
La Familia Neighborhood Resource Center
22366 Fuller Avenue, Hayward, CA 94541

March 20th through 31st
Virtual Meeting

A PowerPoint video of the data presentation will be available on our web site from March 20th-31st, with the ability to provide comments via an online form.

Ms. Kleinbub also added that the support groups presented their updates; one being from Sister Marygrace Puchac's new support group consisting of younger parents for the dual purpose of focusing on the special needs of their children and also providing stress management and other coping supports for the parents. These groups will be meeting at the Center of Well-Being.

Request for Proposals for Funding to Reduce Disparity and Promote Equity

DDS has advised us of the community-based organizations that were chosen to receive funding for their projects to reduce disparities and promote equity. These choices were based on the various proposals that they submitted to the department in early November, 2017. Our regional center submitted a request covering three areas; Production and Translation of Materials in Languages that have at least 30 clients, Cultural Competence Training, and Community Events. We are pleased to announce that our Community Events project will be receiving \$60K in funding from the Department. There were five community based organizations in our community that received funding as well. Last year, RCEB received funding for Cultural Competency Training, which we used in Train-the-Trainer workshops put on by World Trust. We asked our vendors to apply to become trainers for their organizations as well. There were about 90 interested individuals for 45 slots, so we had asked the vendors to send just one representative to be able to accommodate everyone. We were really pleased with the interest generated, as it is representative of a diverse group of providers from Early Start to older adult supported living/supported employment.

The next Diversity & Equity meeting will be February 26, 2018 from 6:00-7:00 pm.

EXECUTIVE DIRECTOR'S REPORT: Lisa Kleinbub, Executive Director Sonoma Developmental Center [SDC]

We have had 28 SDC placements of individuals moving from SDC into the community this fiscal year with a goal of 58 placements by the end of June 2018. We are on track to complete all the placements by the end of 2018. The key factor in meeting that goal is in getting the houses developed, which we have been doing for quite some time. In our Adult Residential Facility for Persons with Special Healthcare Needs [ARFPSHN], we will have open beds for those individuals from the community who qualify for them. There are no more individuals identified at SDC for placement in that type of facility.

Ms. Kleinbub attended a family follow-up meeting in January, regarding their inquiries into emergency supports the homes and communities have in the event of another disaster such as the October fire in Sonoma County. Ms. Kleinbub stated that the meeting was very positive, and family members received information from the service providers who performed the actual evacuations in those affected areas. Ms. Kleinbub added that the families felt comfortable with the plans that were shared with them.

State Budget – Governor’s Proposal 2017-2018

The Governor released his budget to the State this month, and the Department of Developmental Services highlights are posted on our website: <https://www.rceb.org/post/legislation-and-state-budget>.

The budget is divided into several parts; the Community Services System, State Developmental Centers, and DDS headquarters. For the community services system, expenditures overall continue to be down. This is due to the fact that we have not been able to purchase services to meet every consumer’s goals in their Individual Program Plan [IPP]. The major reason is that services have not been developed to meet needs many providers are unwilling to expand due to the low rates, particularly in the high-cost areas. Therefore, the expenditures are lower than what we would expect.

There are also not many requests for the changes to minimum wages due to the statewide minimum wage increase. When the providers submit their requests, they look back to what they paid within the past ½ year. If they were paying above the minimum wage, then it is not seen that they need additional funding to bring them up to minimum wage. This has been the case in our area, as well as in L.A., where there are many local minimum wages above the State minimum wage. It is a problem that does need to be addressed. The formula DDS has utilized is not working to bring individuals up to where they need to be.

Next year, there is an expectation adding 15,187 additional individuals added statewide to the service system in the community. Last year, RCEB added 450 new consumers and will probably add somewhere in that range this fiscal year. Much of the increased funding in the state budget is related to this increase in caseloads, both for additional case managers to cover the consumer growth, and monies based on projections of what our purchase of services [POS] will be for those new consumers.

The Governor is also proposing to return to a 14-day holiday uniform schedule effective July 1, 2018. This schedule was originally put into the budget to save money during the 2008/9 recession. This required our day-service providers to close for a total of 14 days that were specified by DDS. These days were a uniform schedule consisting of Federal as well as days around the winter holidays. Regional centers were not to provide transportation services to programs during these holiday dates. After this was put into place, there were lawsuits by service providers and they prevailed in California so that it could not be enforced. About a year ago, there was a Supreme Court case which ruled that individual providers did not have standing to bring a case about Medicaid funding to the Courts, as they stated that the only entities allowed to bring

a case forward are the State and the Federal Government. As a result, any lawsuits regarding this issue that were successfully won, have no validity with the Supreme Court's ruling. The Welfare & Institutions code statute referring to the 14-day holiday is still current and standing. In order to change this, we need to ask the legislature to revise the holiday schedule. Our regional center has 10 standing holidays that most service providers follow. With 14 holidays, regional centers will still need to fund supports based on the IPP, such as supported living, residential care, childcare, and daycare. People's need for employment support and other services do not end due to holidays. This subject will likely be an important issue this year, and at Grassroots Day on March 20th at the Capitol in Sacramento. For our service system, the budget is basically the same as before, with no increases for cost of living for regional centers or service providers. There is an assumption that we are waiting for the Burns & Associates rate study for rate increases, but we continue to have dramatic increases in the cost of living, especially in our area impacting services.

DDS will have more loan authority, which is a positive in this budget. DDS will be receiving @20% of their general fund amount as a loan authority. This may reduce our need for a line-of-credit to cover us for those times when DDS does not have a good cash flow. RCEB has taken a line-of-credit in the past to pay our bills in July before we receive our initial allocation from the Department.

We are looking to update our uniform fiscal system via computer software to bring us up-to-date from our old system. There is some effort around piloting a new system. The State, including other departments has had poor experiences with obtaining new computer software systems, so regional centers are very apprehensive in this area.

Self-Determination

Ms. Kleinbub stated that it looks like DDS may be submitting the application to the Federal government at the end of January/early February. After receipt of that application, the Federal government has 90 days to respond with additional questions, or hopefully, an approval. Once approved, it will be available to 2,500 consumers and their families during the 3-year introductory period and all others are on a voluntary basis thereafter. In RCEB's Self-Determination Committee, we are beginning our Train-the-Trainer programs by encouraging people to learn about self-determination and sign up for the SD pilot program lottery. If you are unsure about being in the pilot program, you can still sign up and learn more about the program to make a decision on whether this is the right program for you and your family.

There are several concerns that regional centers have in regards to self-determination. There are a number of requirements for paying bills, and necessary staff positions that are assumed to be what regional centers will be able to do, but that is not the case. An example is the requirement for an Analyst position, which currently does not exist, and we would need to be budgeted for that position. In order to have the program working correctly, we do need to have those positions. Regional centers would have to pay the Financial Management Service [FMS] who manage the bills for the participants in advance. However, the regional center system fiscally is not set up to make advance payments. We also do not have the authority in how to do so. We

hope these concerns can be addressed so that self-determination can be implemented successfully because we believe that it will be a great opportunity for many of our consumers.

Community Development Funds

RCEB has been receiving funds to place individuals out of developmental centers as well as to develop services for individuals who have a high risk of having to reside in a developmental center. By the next fiscal year 2018/19, we may be able to target those funds to community development projects, such as affordable housing for our clients. DDS is working on guidelines on how these funds will be distributed and what will have to be submitted. Proposals will be presented to the community for their input.

Respite Policy

RCEB shared the revised Respite Policy with the board members on October 23, 2017, and it was approved at the board meeting and submitted to DDS for approval. DDS approved the revision, pending adjustments, and informed us on December 29, 2017. The approval is for only three months in order for us to include a more *specific* Exception Procedure and to provide clarity on In-Home-Support-Services [IHSS] and how it will be used in conjunction with respite. All regional centers are being asked for this change. We are asking DDS for clarity on these changes. An updated Respite Policy will be presented to the Board for approval next month.

PUBLIC COMMENT

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

Jan 24: This is the next CCDDC meeting at the RCEB/Concord location where there will be a presentation/discussion regarding the Governor's proposed budget, as well as a ballot vote for the 2018 officers.

Feb 2: The CCDDC has been working in conjunction with ACDDC and EBLC to prepare for the Legislative Breakfast next month at RCEB/San Leandro.

Feb 15: Transition Task Force is putting together a monthly speaker series to span a few months, focusing on transition into adulthood. The first meeting will start in February.

March 24: Alameda County Transition Faire at the College of Alameda.

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

Ms. Nicholau informed everyone that the SCDDC's 2017 Annual Performance Plan was released and there is an easy to follow PowerPoint presentation available. Ms. Nicholau thanked and congratulated the community partners as SCDD has been able to reach 2.57 million Californians with training, assistance, collaborations and partnerships.

SCDD is working on their next Program Development Grant [PDG] Cycle 41 [\$240K grant]. The Request for Proposals are due by March 6th, and they are focusing on regional projects that will have statewide impact. The criteria and information for the application is on their website:

<https://scdd.ca.gov/grantinformation/> Note that they will also have a pre-bid call-in for additional information.

SCDD is also working on a new project grant with the UC Davis Mind Institute focused on supported decision making projects for California.

- Feb 12:** Legislative and Public Policy Committee meeting in Sacramento
- Feb 21:** Employment First Committee meeting in Sacramento
- Feb 28:** The Regional Advisory Committee meeting at the S.M. Office of Education
- Mar 19:** Self-Advocate Advisory Committee meeting
- March 20:** Next State Council Meeting in Sacramento

ARCA REPORT: Lisa Kleinbub
Regional Center Update

Ms. Kleinbub stated that there was an ARCA meeting last week in Sacramento. Gabriel Rogin was announced as the new Executive Director of North Bay Regional Center replacing Bob Hamilton, who had retired. Mr. Rogin was formerly the Chief Deputy Director of the State Council on Developmental Disabilities. Kern Regional Center is still being managed by an outside organization and we hope that they will be independent again soon.

Budget Asks

ARCA's agenda this year focuses on several critical issues; restoring social and recreational services and camp activities, returning funds from reduced purchase of services expenditures to be put back into our community for resource development, rejecting the 14-day uniform holiday schedule, to reinvest the SDC land sale or rental into affordable housing, to fund for case management growth at the salary rate that they funded the positions when we had case load reductions a year ago (not the outdated core-staffing formula), and to address the unknowns surrounding the self-determination programs.

ARCA has a new website that is very user friendly: <http://arcanet.org>. There's also a site associated with the quest to restore recreational services and camping with many videos of self-advocates speaking: <http://www.restoremyservices.net/>

There will be another bill coming out by Assembly Member Holden on the local minimum wage for service providers. A similar bill did not pass last year, so he is attempting to rally more support for his bill focusing on local minimum wages. All bills are due to the legislature by February 16th.

Democratic San Diego Senator, Toni Atkins will be succeeding Kevin De León as the newly appointed Senate President Pro Tem this year. She has worked positively on many issues related to our service system.

Ms. Kleinbub also added that there is no longer a Democratic 2/3 majority in the State assembly, as numerous harassment accusations have resulted in departures from the assembly. This could impact some of the legislation.

Ms. Hebert stated that at the ARCA board delegate meeting last week, there was training from Alta California Regional Center [ACRC] regarding the different departments in the regional center and their functions, as well as the Board of Director's responsibilities. The next ARCA meeting will be in March.

CLOSED SESSION – Personnel Issues

MEETING ADJOURNED

The board meeting adjourned at 8:28 p.m.

The next Board Meeting will be at 7:00 PM on February 26, 2018 in San Leandro