



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

Board of Directors Meeting

Monday, March 26, 2018
500 Davis Street, San Leandro
Approved 4/23/18

RCEB BOARD MEMBERS PRESENT:

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

ABSENT [excused]:

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
Priscilla Gomez, Transportation Manager
Julie Whiskeyman, Case Manager
Herb Hastings, Consumer Advocate
Michi Toy, Executive Assistant

GUESTS:

Patricia Albeno
Denise Bradley
Jerry Grace
Daniel Hogue
Vi Ibarra, CCCDDC

Jeri Pietrelli
Mirella Quearanta, DDS
Sandi Soliday, ACDDC
Geneva Ziaouré

CALL TO ORDER

Board President, Kathy Hebert called to order the regularly scheduled meeting of the Regional Center of the East Bay at 7:02 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 March 26, 2018 agenda as presented.”
 [Battles/Shapiro] Unanimous

M/S/C “The Board moves to approve the February 26, 2018 minutes as presented.”
 [Battles/Nash-Butler] Unanimous

PUBLIC COMMENT

Jerry Grace spoke about the People First Advocacy yearly statewide gathering taking place in Rancho Cordova from June 1st to the 3rd.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Kathy Hebert

BUDGET AND FINANCE COMMITTEE

Budget and Finance Report for March 26, 2018 – Chi Lee

Purchase of Service

Based on our expenditures through February 2018, RCEB is currently projecting for Non CPP Purchase of Services Expenditures a sufficiency ranging from approximately \$6.9MM to \$9.5MM. This is an increase of \$1.1M to \$1.3MM from the previous month’s projections.

Currently seven regional centers including RCEB, are reporting a sufficiency in their POS budgets. The statewide system has a deficit of \$12.6MM at a low projection, and a deficit of \$44MM at a high projection. This decrease is from last month’s deficit of \$13MM at a low projection and a deficit of \$47MM at a high projection. Therefore, the statewide system deficit seems to be decreasing.

At this time, RCEB is projecting a deficit of \$4.3MM for CPP Purchase of Services Expenditures. We have informed the Department about this deficit early in the fiscal year since RCEB does not want to be in a deficit for CPP allocation. Our CPP plan is to place 58 consumers in total; however, adequate funding has not yet been allocated for fiscal year 2017-18.

We will continue to carefully monitor the status of our POS projections for both non CPP and CPP until the end of the fiscal year.

Operations

We continue to report a projected balanced operations budget for the current fiscal year 2017-18. As of February 2018, we have 58% of expenditures in base, which was the same as last year's OPS expenditures at this time.

Cash Flow Status

The agency is currently maintaining a stable cash flow with approximately \$58MM on hand. We have been receiving full reimbursement for our claims through January. However, due to cash flow issues, DDS will pay the February claim in two payments. The first payment for around 70% will be paid on April 6th and the remaining 30% will be paid around the second or third week of April. DDS will begin offsetting cash advances starting in May (for March claim) in the amount of 50% to 60% of the advances. We are watching the budget proposal by the Governor to increase the DDS loan authority which would decrease cash flow issues in future years.

The Board is being reminded that we have established the \$35MM Line of Credit (LOC) with Union Bank which will be available for use starting on April 2nd. At this time, we don't anticipate needing to access our LOC until the end of the fiscal year. The staff will continue to monitor our cash flow status and update the Board, as well as the Executive Committee.

DDS Auditors

Last month, the Staff informed the Board and the Budget and Finance Committee that the DDS audit was in progress and estimated they would be onsite for five weeks for their biennial compliance audit. Currently, they have been at RCEB for roughly four weeks and completed about 90% of their work. They plan to work offsite for the rest of the 5th week and may return at the end of the week for the exit interview. The Staff will provide an update of their preliminary results of the audit at the next Board meeting.

CONTRACT APPROVALS

Ms. Hebert distributed the new *Supported Living Services* [SLS] contract to the board members. This contract represents agreement to operate an SLS agency providing support to clients who live in their own home in the community.

Broadmoor Community Services

Term: 4/1/18 – 3/31/23

Capacity: 20 individuals

Estim. Average monthly volume \$7,500/client

Estim. Annual total \$1,800,000

M/S/C “The board moves to approve of RCEB entering into the SLS contract with Broadmoor Community Services as specified above.”
[Battles/Shapiro] Unanimous The motion was adopted.

Ms. Hebert distributed two contracts in the *Community Placement Plan [CPP]* for ongoing service provider agreements to develop Specialized Residential Facilities and provide behavioral and sensory support to the elderly consumers residing in Sonoma Development Center [SDC] who will be moving into the community.

GEN Care, LLC

Term: 5/1/18 – 4/30/23
Capacity: 4 individuals
Rate: \$18,911.70/client/month
Maximum monthly rate: \$75,646.80/4 clients
Annual total \$907,761.60

M/S/C “The board moves to approve of RCEB entering into the contract with Gen Care, LLC property as specified above.”
[Battles/Puchac] Unanimous The motion was adopted.

Eduardo Manor, LLC

Term: 5/1/18 – 4/30/23
Capacity: 4 individuals
Rate: \$18,911.70/client/month
Maximum monthly rate: \$75,646.80/4 clients
Annual total \$907,761.60

M/S/C “The board moves to approve of RCEB entering into the contract with Eduardo Manor, LLC property as specified above.” [Battles/Shapiro] Unanimous
The motion was adopted.

Additional Staff Person [ASP] Policy

Ms. Hebert distributed the ASP Policy to the Board, which was also sent to them last week. Ms. Kleinbub elaborated on this Purchase of Service Policy for supplemental funding for additional staff for individuals who attend a day program, live in a residential home or in special cases, those who receive supported living services. This extra staff funding allows us to provide the additional support needed for individuals to maintain their current living arrangement. Some of the reasons are due to certain behavioral challenges or medical issues. It can be a short service or a long term service. Although in the early 1990’s, there was a purchase of service procedure for this; it was never approved by DDS when they began requiring review in the 1990’s. Therefore, we have been pursuing those cases as Exceptions to policy since we did not have a formal policy. The

previous procedure only allowed individuals to get additional staffing if they were at risk of residing in a developmental center. Many regional centers have a similar policy so this is a formalization of existing practice. By having this formalized, it will alleviate the need for the case to be considered an exception thereby streamlining the process for obtaining the additional support that the client may need to ensure their health and safety at their residence or program. This request was brought to our attention by our Labor Management Committee as a means of alleviating workload, as well as being beneficial to the clients as they may be able to get the necessary assistance sooner.

M/S/C “The board moves to approve the Additional Staff Person [ASP] Policy as presented.” [Battles/Iyemura] Unanimous The motion was adopted.

There was a time for Q&A’s regarding the specifics of this policy.

MEMBERSHIP DEVELOPMENT COMMITTEE: Kathy Hebert

Ms. Hebert stated that they are in a preliminary search for new board members and will update the board on status as necessary.

Ms. Hebert reminded the Board that a copy of the ByLaws was sent to them in February, to give them time to review them before we vote on any changes at our April board meeting, as per our Master Calendar.

PROVIDER/VENDOR ADVISORY COMMITTEE [PVAC]: Sister Marygrace Puchac

The PVAC meeting was on March 9th. Unfortunately the presenter for the Person Centered Planning presentation was not able to attend, so Ms. Kleinbub and Ms. Dewitt’s reporting updates were very detailed. The committee also reviewed the DC reports as well as the upcoming legislative bills. The committee also discussed the details of creating an ad-hoc subcommittee to address the needs of the day service providers in the Bay Area. The subcommittee would meet monthly to share ideas, resources and to discuss issues. One of the topics would be to collaborate on the HCBS Final Rule and how to keep up to date on best practices. Ms. Kleinbub added that some of the service providers received additional funding from DDS to implement these changes, so it is a good idea to have a committee to discuss those issues. The draft proposal for this committee was distributed to the board members. The RCEB Board of Directors will need to approve this addition since PVAC is committee of the board. Questions and answers followed.

M/S/C “The board moves to approve the Ad-Hoc PVAC Subcommittee as presented.” [Battles/Iyemura] Unanimous The motion was adopted.

The next PVAC meeting will be on April 13th.

CONSUMER ADVISORY COMMITTEE [CAC]: Nyron Battles and Gwen Nash-Butler

Mr. Battles stated that the CAC met on Monday, March 12th. Mr. Battles and Ms. Nash-Butler summarized the March 20th Grassroots advocacy meetings in Sacramento with five legislator Staffers, as well as Assembly members Timothy Grayson and Kansen Chu. Their major talking points had to do with housing and vendor rates; both subjects that they are passionate about since they are directly affected by these issues. Ms. Kleinbub added her observations on which representatives were really interested and invested in the DD community. The next CAC meeting will be on April 9, 2018.

DIVERSITY and EQUITY COMMITTEE: Morena Grimaldi

Ms. Grimaldi reported on the Diversity & Equity meeting this evening. We have the last of the 8 Purchase of Service public meetings next week on March 31st [see the schedule below]. We will have a summary report of those meetings available around May, which we will be submitting to DDS along with our plans to address the disparities.

Scheduled Meetings:

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. Comments are welcomed via an online form.

Ms. Grimaldi summarized the numerous outreach activities that our support groups have been busy with in the Spanish, Chinese, Cambodian and Mien populations. Activities include transition fairs, school events, and day programs. Some examples are; a new afternoon tea support meeting at Friends of Children with Special Needs [FCSN], and programs at the Lao Lu Mien Culture Association [LIMCA]. Detailed minutes are available on the Diversity & Equity page of our website: <https://www.rceb.org/pod/agenda-minutes>

The next Diversity & Equity meeting will be on April 23, 2018 from 6:00-7:00 pm.

EXECUTIVE DIRECTOR'S REPORT: Lisa Kleinbub, Executive Director
State Budget – Governor's Proposal 2017-2018

The initial budget hearings have been held in both the Assembly and the Senate and they were well attended by the DD community advocates. At the Assembly hearing, aside from the Governor's proposals, there were also many proposals by advocates on the agenda. Therefore, in addition to the proposal on the fourteen uniform holidays, there were proposals from Assemblymembers on eligibility, supported employment, and rates. This was not a typical agenda for a budget hearing.

The most important issues:

Uniform Holiday Schedule- In both the Assembly and Senate hearings, it was apparent that both committees wanted to reject the 14-day Uniform Holiday Schedule. However, both left it open likely for negotiations, as we move to the May Revise.

Assemblymember Chris Holden's Bridge Funding Request- A one-time funding request of \$25MM to the general fund dollars as a temporary bridge to help service providers pay for unfunded costs that exist for providers, as we wait for the rate study.

Minimum Wage- There was also discussion about local minimum wage. The cities that have a high local minimum wage do not benefit from the increases to the State minimum wage if they are already paying a higher city minimum wage. There was also discussion of the long process of making a health and safety request so that we can fund their local minimum wages. The members requested documentation on the cost of certain proposals, including what it would cost to implement the State minimum wage for everyone equitably.

Developmental Center Property- The possibility of selling or leasing the property and funneling that money back into the system. The Legislative Analyst Office [LAO] has written their comprehensive reports on the possibilities, and showed lots of interest in this proposal. This ties into the need for additional funding for housing in our community. Both the DDS and LAO offices were asked to return with additional information on those proposals.

Expansion of Eligibility Age- Senator Scott Wilk's proposal requests funding be put into the budget to expand the age for eligibility determination on developmental disability. Currently the developmental disability must start before age 18. This bill proposes raising it to below 22 years. This would allow those who experience traumatic brain injuries between the ages of 18 to 22, to have the opportunity to be eligible for regional center service. Senator Wilk based his decision on studies that point out that a young person's brain continues to develop up to age 25. This would concur with the Federal government's definition of a developmental disability. There are many questions about the costs of those services and whether we are able to serve this population in our system. There is no question that this is a population with many needs but this bill may not move forward this year.

In May, the governor will issue his May Revise to the budget. It is then that the Senate and Assembly hearings will take on greater importance since decisions will be made in the committees on the proposals. With this Governor, anything that will be coming out from the legislature that is different from what he proposed, will probably be negotiated with him prior to bringing it to his desk, in order to decrease the chances for his veto.

Ms. Kleinbub advised the board that we will be sending the March 7th Assembly Budget Subcommittee documents to them. These documents cover all the items heard at the hearings.

Developmental Center Budget Proposal

Funding the Community Placement Plan [CPP] that has previously been used to develop resources to move individuals out of the developmental centers, will be used for development in the community in 2018-2019. The regional centers have not received the guidelines for this yet, but we do anticipate they will be issued by DDS soon, so that we have time to provide comments. Our regional center will definitely propose projects that will serve our community. These ideas will be brought to our stakeholders and with their input, these proposals will be submitted to DDS. There is a lot of interest in developing services for those who are in crisis and short term services that would really help families in the community. We have also met with families of young adults with significant physical disabilities who have a need for services. Ms. Kleinbub stated that for a long time, we have not had the opportunity to develop new services for community members, so we are looking forward to this project.

Self-Determination [SD]

Ms. Kleinbub stated that the State has finally submitted the final waiver application to the Centers for Medicaid/Medicare Services [CMS]. CMS now has 90 days to respond with more questions or hopefully, an approval. In addition, we have a lot of details to the program that need to be worked on in order for the implementation of the program to begin after the approval. Many elements of the program need to be finalized, including facilitator choice; how the budget is going to be developed; how we are going to utilize the Fiscal Management Service [FMS]; and how caseloads are going to be structured. Regional centers realize that these issues will need to be planned for to successfully implement this program. One of our concerns is that there is an expectation that regional centers would advance money to the FMS's prior to the services being delivered. Currently that is a mechanism is not allowed in our system. Ms. Kleinbub stated that it is positive that the waiver was submitted, so we are moving in a forward direction and everything else will be worked out accordingly.

UFIS Computer System

Ms. Kleinbub informed us that our current fiscal computer system has broken several times and will eventually be inoperable. Unfortunately, DDS does not have any staff members who are able to fix the problems that occur with that, so there is a lot of discussion between ARCA and DDS on the proposals that they are looking at that will be able to use off the shelf technology to adapt to regional center needs. We do not know at this point if a couple of regional centers will be the test group for a new system or if we will all use it at the same time. This will be very costly, therefore the Department of Finance will need to be involved with solutions.

Respite Policy

The revision of the Respite Policy was approved at our February 26th board meeting and submitted to DDS the next day. While we wait for DDS's approval, we are currently operating on the initial policy that the Board approved on December 29, 2017.

Sonoma Developmental Center [SDC] Status – Steve Robinson

Mr. Robinson stated that we have 45 individuals left at Sonoma Developmental Center who will need to be moved to homes in the community. We have placements to make this week, thirteen planned placements next week, and May will also be a busy month. As far as the construction of the homes; we have five that are done and just waiting for licensing of the homes. The last of the homes are with Scioto, where they have walk-throughs when the home is 50% completed, and 75% completed, and there are always issues to be addressed. We have eight homes remaining to be completed, and are confident that we will meet the December 2018 deadline.

Community Events

The Autism STAR Conference was on March 17th at Diablo Valley College in Pleasant Hill. This is a yearly conference involving a collaboration of many groups who get together to organize this conference which targets parents of younger children diagnosed with autism. Attendance this year was higher than the previous years, with 166 people attending.

The Friends of Children with Special Needs [FCSN] 4th annual talent showcase was on March 24th at the Santa Clara Convention Center. Ms. Kleinbub exclaimed that the performances were amazing and all who attended had a wonderful time as always.

The Congreso Familiar in Oakley will be on April 28th at O'Hara Park Middle School. Just like the August conference in Hayward, there will be lots of workshops and resources for our Spanish speaking community in Contra Costa County.

PUBLIC COMMENT

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

Self-Determination

Ms. Ibarra informed us that our local advisory committee is working on outreach to the community on the Self Determination Pre-enrollment meetings. The list of the dates/times are on RCEB's website, and it will be continually updated with new dates. In May, our committee will be discussing the Final Rule.

April 19: Our Transition Task Force is continuing with the Crossroads Speaker Series; and this will be the next one. Client's Rights Advocate, Arthur Lipscomb will be speaking on alternatives to conservatorship.

March 28: This is the next CCCDDC meeting with a presentation by Stephen Dale on the topic of Life Passage Planning Project.

Ms. Ibarra stated that there will be many openings on the SCDD Board of Directors this summer, so if you are interested in our meetings, you are welcome to attend as they are open to the public. The dates of all the meetings are on our website.

Sandi Soliday, Alameda County Developmental Disabilities Council [ACDDC]

Ms. Soliday informed us of the successful Transition Faire on March 24th at the College of Alameda. Ms. Soliday stated that there was a noticeable increase in attendance this year compared to last year. There were about 365 family members who signed up to attend workshops (22% increase in attendance from last year), and around 50 service providers in the vendor showcase.

April 4: The East Bay Legislative Coalition Meeting will have discussions on all the numerous bills affecting the community this year.

April 11: This will be the next ACDDC meeting where there will be a presentation from Stephen Dale on the Life Passage Planning Project, where East Bay Innovations is the pilot program for Alameda County.

April 27: The next East Bay Employment Task Force meeting is from 10-12:00 at RCEB/Concord. There will be a Workforce Investment Board training session. This is currently going through a re-branding.

6/12: Save-the-Date for the yearly DDC awards dinner at Pleasanton Double Tree.

Ms. Soliday is still seeking local stories from individuals who would be impacted by HR620 or any notification bill.

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

Sheraden was unable to attend but Ms. Kleinbub shared her report. The Bay Area has received a strong amount of proposals for the latest SPPP grant cycle, the second highest number of qualified proposals in the State. Ms. Kleinbub conveyed Ms. Sherden's thanks to everyone who helped them spread the word.

April 17: Special Education and Beyond Workshop Series, workshop #4, Transition and Post-Secondary education in San Pablo.

May 15: This will be the next Regional Advisory Council meeting in S.F.

Update on National Core Indicators for the region— as of today, 399 regional interviews have been completed and approved.

Evangeline Iyemura, RCEB Board Vice-President/Chairperson for the Autism Speaks Walk in S.J.

Ms. Iyemura informed every one of the yearly Autism Speaks walk on April 14th at History Park in San Jose. The Dream Achievers Band will also be performing. The website is current and anyone may register online.

Dinah Shapiro, RCEB Board Member/CAC Member

Creative Growth is having their annual runway event fashion show on March 31st at the Oakland Scottish Rite Center.

ARCA REPORT: Lisa Kleinbub

Ms. Kleinbub informed everyone that at the March ARCA meeting, our RCEB Board President, was nominated to the position of ARCA's Board Vice-President, and that will be voted on at their June ARCA board meeting. Ms. Herbert thanked everyone for their congratulatory comments. Since she was not able to attend the March meeting, Evangeline Iyemura attended in her place, and informed all of the content of the meeting, especially the discussion of the San Bernardino attack in 2015 and how important it is to have safety measures in place.

MEETING ADJOURNED

The board meeting adjourned at 8:34 p.m.

The next Board Meeting will be at 7:00 PM on April 23, 2018 in San Leandro