



**REGIONAL CENTER OF THE EAST BAY
Board of Directors' Meeting**

Monday, February 25, 2013, 7:00 p.m.
500 Davis Street, San Leandro, CA

MINUTES

Final Approved 4/22/13

RCEB BOARD MEMBERS PRESENT:

Anne Struthers, President

Kathy Hebert, Vice President

Mike Kuller, Treasurer

Rose Coleman, Secretary

Nyron Battles, CAC Chairperson

Ronald Clay

Cecilia Corral

Chi Lee

Hilda Mariscal

Donald Morris

Mike Treppa

Steve Whitgob

MEMBERS ABSENT:

Gwen Nash-Butler (Excused)

Sister Marygrace, PVAC (Excused)

STAFF PRESENT:

Jim Burton, Executive Director

Lisa Kleinbub, Director of Health & Behavioral Services

Nancy Kubota, Director of Finance & Administration

Pam Thomas, Director of Consumer Services

Rhonda Kimble-Kelly, Case Manager 1

Guillermo Torano, Case Manager 1

Michi Toy, Executive Secretary

GUESTS PRESENT:

Bill Barbaria

Denis Craig, SCDD Area Board 5

Sharon Haggerty, DDS

Cleo Manspeaker

John Rodriguez, CCDDC

Sandi Soliday, ACDDC

Todd Struthers

CALL TO ORDER

President, Anne Struthers, called to order the regularly scheduled business meeting of the Regional Center of the East Bay at 7:00 PM. Quorum was present. Self introductions were made.

CONSENT AGENDA / MINUTES

M/S/C “The Board moves to approve the agenda for February 25, 2013 and the minutes of January 28, 2012 as presented.”
(Kuller/Treppa) Unanimous

PUBLIC COMMENT

Cleo Manspeaker thanked Mr. Jim Burton and RCEB staff, for the great service she has been receiving for the past 31 years. She also wanted to thank Bethesda Lutheran, and C.O.M.P.A.S.S. LLC, with their assistance in organizing her move into an apartment.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Anne Struthers

There is nothing new to report.

BUDGET AND FINANCE COMMITTEE: Mike Kuller

Purchase of Service (POS)

- RCEB’s current Sufficiency of Allocation Report (SOAR) projects a mid-range insufficiency of approximately \$22.4M, which is a reduction of around \$1.2M since January 2013.
- All Regional Centers are still waiting to receive the D-2 allocation, which should include our anticipated Placement Continuation and Deflection funds of approximately \$2M, which is an amount that is already included in our Financial Report totals. It is also likely that the Department of Developmental Services (DDS) will issue additional POS funds based on growth. DDS also has indicated that they are still holding approximately \$109M in remaining POS funds. Twenty of the twenty-one regional centers are still projecting insufficiencies in their POS projections.
- As reported last month, our Purchase of Services expenditures continue to reflect the impact of the past years’ Trailer Bills and our projected expenditures continue to remain relatively flat, despite caseload growth and a 3% restoration in provider rates.
- Upon receipt of the D-2 allocation, we will be able to provide an updated status report on the current year POS projections.
- On February 25th, DDS released the C-9 allocation for Fiscal Year 11-12, which provided us with approximately \$681,000. Although RCEB had a small insufficiency remaining in POS for last fiscal year, we are now very close to a balanced POS budget for Fiscal Year 11-12. We want to thank and acknowledge DDS for providing additional POS funding for last year.

Operations

- RCEB continues to project a balanced operations budget; and have been proceeding with the important tasks of restoring staffing and infrastructure after many years of challenging operations budgets. We are carefully recruiting and hiring to ensure that the vacant positions are being filled with excellent staff as quickly as possible. By filling these positions, we will be able to meet compliance with caseload ratio mandates and better serve our consumers and families.

Cash Flow Status

- Although the agency is currently maintaining a stable cash flow at this time, DDS has recently advised the Regional Centers that they will begin to partly offset claims due to late Federal reimbursement to the State; starting with our January claim. DDS has also informed us that cash flow may be an issue in March.
- RCEB currently has an active \$46.4M line of credit in place until September 28, 2013. However, we cannot borrow beyond the limits of our State contract.
- Mr. Kuller stated that the Board as well as the Executive Committee will be periodically updated on the cash flow status.

MEMBERSHIP DEVELOPMENT COMMITTEE: Anne Struthers

- Ms. Anne Struthers was pleased to announce that we are electing two new board members that were nominated at the last board meeting. Nyron Battles is returning to the board, and Cecilia Corral will be new to our board. Following a ballot election tallied by the board Vice President, Ms. Kathy Hebert; Mr. Battles and Ms. Corral were each unanimously elected to serve their first 3 year term of service.

PROVIDER/VENDOR ADVISORY COMMITTEE: Jim Burton

- The PVAC meeting was replaced by the Legislative Town Hall meeting. Therefore, there is nothing to report on PVAC.

CONSUMER ADVISORY COMMITTEE: Nyron Battles

- The CAC met on February 11th, where they went over some of the CAC by-laws and rules. At the meeting, a vote was taken on the preference of attending the People's 1st Conference in San Jose or in Anaheim. The members are still deciding if they will be attending the conference.
- Also discussed was the fashion show that will be put on by Creative Growth in April.

CALENDAR OF EVENTS:

- The next CAC meeting will be on March 11th.
- Alameda County Transition Fair, March 16th at the College of Alameda. Board member Donald Morris will be a speaker at the fair.
- Creative Growth's Beyond Trend Week, April 4-6. Art, food, music and fashion.
- 18th Annual Statewide Self-Advocacy Conference, May 3-4th in Sacramento
- People 1st Conference, June 28-30th in San Jose

EXECUTIVE DIRECTOR'S REPORT: Jim Burton

- Mr. Burton provided an update on board member Gwen Nash-Butler's status, as she suffered a stroke on February 16th. Mr. Burton, Nancy Kubota and Francine Davis visited Ms. Butler in the hospital and are pleased to announce that Gwen is recovering nicely, and we are all looking forward to her returning to the board and CAC.
- Mr. Burton also informed the board of the unfortunate passing of a former board member and good friend, Tamara Loughrey. She passed after a two year battle with breast cancer at the age of 47. Tamara worked with Mr. Burton at Golden Gate Regional center for many years, as well as being on the RCEB board of directors. She went back to law school and became a civil rights attorney for people with developmental disabilities and their families. Tamara was a wonderful mother to her two disabled sons, dedicated wife, and a tireless advocate who will be greatly missed by all of us. Mr. Burton requested that the meeting be closed in Tamara Loughrey's memory.

State Budget/Hearings

- Mr. Burton reiterated that there are no proposals for additional cuts for this fiscal year, and that the Governor's proposal for the restoration of the 1.25% in payment reduction to service providers and regional centers is still active. This proposal was generated from the Governor and the administration; therefore, it is very likely to pass.
- Hearings are scheduled to begin at 9:30 a.m. on March 7th, starting with the Senate's Subcommittee 3 budget, dealing with Health and Human Services. The Department of Developmental Services (DDS) will be the first topic listed on the agenda. Due to the fact that there are no new cuts being proposed and few State budget issues, it is not expected that there will be a lot of discussion in those areas; however, there is expected to be discussions on the Sonoma Developmental Center (SDC) as well as the closure of the Lanterman Developmental Center, since they both have been prominent in the news and are of major concern to all.
- The Assembly will not meet on our issues until April.

Trailer Bills

As a part of the State budget process, the administration has released proposed trailer bill language consisting of three components this year:

1. Proposed trailer bill addressing the regional centers paying the co-payments and deductibles for behavioral and health services for our clients. This bill is controversial due to the strict restrictions for qualifying for the program and the family's high deductible plans.

Note-> A bill has been introduced that addresses the co-pay issue, that differs from the trailer bill presented. The advantage to the families in this bill is that it allows for more testimony and public involvement, thus the process is slower. Due to the fact that this bill was introduced by a senator who has recently resigned, we do not know where this bill stands at this point. This resignation also leaves the Senate without a supermajority.

2. Proposed trailer bill eliminating the sunset date of June 30, 2013 for the Annual Family Program Fee (AFPF), which is a fee charged to many families. This fee ranges from \$100 to \$200 depending on factors, such as family size and income. The proposal is for that fee to continue indefinitely.
3. Proposed trailer bill regarding Welfare & Institutions code section 6500, dealing with judicial commitments of those who are deemed "Dangerous to self and others". There is extensive clean-up language in the bill, which we need to get a better in-depth understanding of.

Sonoma Developmental Center

- SDC continues to be a hot topic with the media with ongoing concerns about the quality of care at the facility. Mr. Burton reiterated that the Department of Developmental Services has continued to focus their energy and efforts toward the immediate health and safety of the residents and in stabilizing their current services.
- The interim Executive Director, Harry Pitchford, came out of retirement to help stabilize the center short-term while DDS is actively recruiting/interviewing candidates for the position. Mr. Pitchford comes to the center with a wealth of experience and knowledge; as he was the Executive Director at both Agnews and Porterville Developmental Centers.
- DDS is also addressing the voluminous licensing issues that have been identified, and structural issues that need to be addressed. They are actively working to correct the quality of care at SDC and to retain the Federal funding that is critical to the State as well as SDC.

- RCEB staff is regularly at the center and participating in the Individual Program Plans (IPP's).
- Mr. Burton states that the immediate closure of a developmental center the size of Sonoma, is not a possibility at this time as we are not prepared with alternate community resources for these residents; many of whom have significant physical, medical and behavioral challenges. The services would need to be planned, built, and nurtured going forward; however, the first priority is to stabilize the situation at SDC.
- It is our hope that we begin an inclusive, collaborative, and careful planning process for the closure of all California developmental centers, with the health and safety of all the individuals as a priority.

Board Comments on Sonoma Developmental Center

- Anne Struthers inquired about the availability of public documents or quarterly reports regarding SDC.
- Mr. Burton stated that while budget issues are minimal, legislator's focus will be on Sonoma Developmental Center at the March 6th hearing. They are also very concerned and may well hold oversight hearings on both SDC and the role of the Office of Protective Services (OPS). Mr. Burton said that the legislators will want regular reports from the administration, as they are very concerned.
- Ms. Struthers inquired about land use plans after the developmental centers are closed; and if it would be set aside for housing or bigger picture issues that we are facing.
- Mr. Burton stated that for Sonoma, the plot is very large and expensive, but there is a constitutional amendment with respect to the use of State property when it is no longer used for the intent that it was developed for. When that property is sold, the proceeds go into a State general fund for all programs. This is the same issue that RCEB ran into with the closure of Agnews Developmental Center, and is the reason why we set up the Bay Area Housing Plan (BAHP).

Sequester Deadline- March 1st

- If an agreement to reduce spending is not reached by the Friday, March 1st deadline, then the Federal spending cuts will automatically go into effect, leading to substantial cuts in federal spending. This would ultimately trickle down to State and local governments.
- We will be watching this carefully, but we do not know at this time what the total impact would be to our consumers and their families.

Events / Inquiries

- *Grassroots Day* is on March 6th in Sacramento. Grassroots is an event where the Association of Regional Center Agencies meets at the Capitol with the legislators

in our area. We will be attending this event, so let us know if you are interested in going as well.

- There was a large turnout of legislators at the *Oakland Town Hall Meeting* on February 8th. It was so outstanding and well organized; the presentations by consumers and family members sent very clear messages to those legislators. Among the presenters was a former resident of Sonoma Developmental Center, who successfully transitioned out into a Supported Living Service home after being at SDC for 27 years. In sign language, she addressed a senator's inquiry on how difficult it was to transition. The former SDC resident animatedly responded with how the change was very easy and her adaptation to independence was very exciting and supported.
- Anne Struthers inquired about the issue of possible disparity in the provision of services based on ethnicity.
- Mr. Burton responded with the information that eight bills are being put together to address this issue. Also, there is a March 31st deadline for all the regional centers to report on their data compilation related to expenditures with respect to age, ethnicity, and disability.

PUBLIC COMMENTS

- Sandi Soliday, from the Alameda County Developmental Disabilities Planning and Advisory Council, listed the upcoming events:
 - The Alameda County Developmental Disabilities Council's (ACDDC) board meeting is on Wednesday, March 13th, with a couple of presentations.
 - The March 16, 2013 Transition Information Fair is from 9:30–3:00 at the College of Alameda -> for disabled students 14-22 yrs-old and their providers to learn about the transition process. Board member Donald Morris will be a scheduled speaker at this event.
- John Rodriguez from the Contra Costa County Developmental Disabilities Council, listed the upcoming events:
 - The board will meet on February 27th, with a presentation on fetal alcohol syndrome. Mr. Burton commented that the last presentation at the Alameda County Developmental Disability Council on the Affordable Care Act was a very informative and helpful presentation.
 - The 6th Annual West County Transition and Special Education Resource Fair will be on Saturday, April 27th at the Vista Hills Education Center in Richmond.

ARCA REPORT: Anne Struthers

- Ms. Struthers reported that an ARCA representative is needed. A representative attends four all-day meetings per year on a Friday, and although there is a lot of background reading involved, the representative can get involved in the legislative process. For those who are interested, contact Ms. Struthers.
- The next ARCA meeting is March 22nd in Sacramento. There are many pieces of legislation in the forefront, so it will be an interesting year.

CLOSED SESSION

No closed session.

MEETING ADJOURNED – The meeting was adjourned at 7:55 p.m. in memory of Tamara Loughrey, as well as for other members of our community that we have lost in the last year.

Next Board Meeting - 7:00pm on Monday, March 25, 2013
Location - 500 Davis Street – San Leandro

Respectfully submitted,

Rose Coleman
Secretary
RCEB Board of Directors