



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

Monday, September 23, 2013, 7:00 p.m.  
500 Davis Street, San Leandro, CA

Final  
Approved 10/28/13

**RCEB BOARD MEMBERS PRESENT:**

Anne Struthers, President	Cecilia Corral
Kathy Hebert, Vice President	Ron Clay
Mike Kuller, Treasurer	Chi Lee
Rose Coleman, Secretary	Hilda Mariscal
Nyron Battles, CAC Chairperson	Mike Treppa

**MEMBERS ABSENT:**

Donald Morris [excused]  
Sister Marygrace Puchac, PVAC [excused]  
Gwen Nash-Butler  
Steve Whitgob

**STAFF PRESENT:**

Jim Burton, Executive Director  
Lisa Kleinbub, Director of Health and Behavioral Services  
Nancy Kubota, Director of Finance & Administration  
Pam Thomas, Director of Consumer Services  
Elvia Osorio-Rodriguez, Associate Director of Consumer Services/Contra Costa County  
Ronke Sodipo, Associate Director of Consumer Services/Alameda County  
Meredith Rosenberg, Case Manager  
Michi Toy, Executive Secretary

**GUESTS PRESENT:**

Bill Barbaria  
John Rodriguez, CCDDC  
Rocio Smith  
Sandi Soliday, ACDDC  
Todd Struthers  
Felsha Zuschlag, Congreso Familiar

### **CALL TO ORDER**

President, Anne Struthers, called to order the regularly scheduled business meeting of the Regional Center of the East Bay at 7:08 p.m. Quorum was present.

### **CONSENT AGENDA / MINUTES**

M/S/C            “The Board moves to approve the minutes of July 22, 2013 as presented.” [Treppa/Battles] Unanimous

M/S/C            “The Board moves to approve the agenda of September 23, 2013 as presented.”  
[Treppa/Battles] Unanimous

### **PUBLIC COMMENT**

Felsha Zuschlag of Congreso Familiar and Rocio Smith presented RCEB with a beautiful picture plaque depicting the numerous activities from the 7<sup>th</sup> annual Congreso Familiar Conference. They thanked the many RCEB volunteers and their families for helping at this very successful event where 995 people attended. Rocio also presented everyone at the meeting with a colorful Congreso Familiar shopping bag, as additional thanks for RCEB’s support over the years.

## **COMMITTEE REPORTS**

### **EXECUTIVE COMMITTEE:** Anne Struthers

- Ms. Struthers distributed the Department of Developmental Services [DDS’s] E-1 contract amendment approval sheet indicating an additional \$70M to RCEB’s budget allocation and informed the board that it was approved at the Executive Committee meeting on September 11, 2013 and will need the board authorization for RCEB to enter into this contract:

M/S/C            “The Board moves to ratify the E-1 contract amendment with DDS as presented.” [Treppa/Battles] Unanimous

### **BUDGET AND FINANCE COMMITTEE:** Mike Kuller

#### **Purchase of Services and Operations**

- After the regional centers received the E-1 allocation amendment on August 30<sup>th</sup>, DDS sent a series of notices indicating that due to calculation errors, the operations allocation will be adjusted down by approximately \$200K; therefore, we have adjusted the E-1 allocation on the financial report accordingly.

- The E-1 provides most of our operations allocation for the year but we are still waiting for the Department to provide us with our operations allocation for the Community Placement Plan and the continuation workload funding for the Agnews Developmental Center closure. Staff is currently working on a preliminary operations budget for the year.
- This month's financial statement shows our allocation to date and actual expenditures through August 31, 2013. It compares the E-1 allocation and last year's D-1 allocation as well as actual expenditures for the same time periods. We expect to have our standard financial statements available at the board meeting in November once the Sufficiency of Allocation Report (SOAR) is completed.
- The E-1 amendment includes restoration of the last portion (1.25%) of the 4.25% payment reduction in accordance with F/Y 2013-14 Trailer Bill for Regional Centers Operations and Service Provider Payments. The E-1 amendment also provides additional funding for caseload growth for both Operations and Purchase of Services.
- RCEB grew by 321 **net** new consumers during the last 12 months. The good news is that our Purchase of Service allocation for F/Y 2013-14 appears to have been adjusted based on our actual expenditures for the past 2 years. For example, our D-1 allocation in POS was \$247.7M and our E-1 allocation in POS is \$265.5M. This is an increase of almost \$18M. If the Board will recall, we started the past 3 fiscal years with an insufficiency ranging from approximately \$18M to \$25M. Although we are still uncertain whether the E-1 allocation may be sufficient to meet all of our POS obligations for the year even with the adjustment for the elimination of the 1.25% payment reduction, it appears we will be starting this fiscal year in a much better position than in previous years.
- Staff is expected to complete the preliminary SOAR which will be the basis of our Fiscal Year 2013-14 Purchase of Services projections through June 30, 2014. Soon with the submission of our SOAR, the Department will be advised of our projected expenditures for the current fiscal year, and we will report any funding insufficiencies in our Purchase of Services budget at that time. As of this date, DDS has not provided instructions on when the SOAR is due to the Department. Staff will report back at the Budget and Finance committee in November when the SOAR report has been completed and a detailed Purchase of Services summary will also be provided.
- With regards to Fiscal Year 2011-12, RCEB received a C-11 amendment of approximately \$147,000. This amount will be sufficient to balance our Fiscal Year 2011-12 POS budget. We have not yet received any updates on the status of Fiscal Year 2012-13 amendments to the POS budget for that year. We have

been informed by DDS that they believe there are sufficient funds remaining in the system to cover deficiencies in Regional Centers' POS budgets for last fiscal year.

Line of Credit and Cash Flow

- Although the agency's cash flow is currently stable, our Line of Credit will expire at the end of September. Staff will follow up with Union Bank regarding an extension of our line of credit for the current fiscal year. Although a line of credit is not needed at this time, it is prudent to retain one in the event that State warrants are delayed during the remainder of the fiscal year, or if there are delays in federal reimbursement.
- Staff will continue to update the board on the agency's cash flow status.

**MEMBERSHIP DEVELOPMENT COMMITTEE:** Anne Struthers

- Ms. Struthers stated that we have received a great response from community members and staff who have sent in names of people they feel would be excellent board members and who can represent the community that we serve. We have sent out 8 applications for up to 3 vacant board positions, and will proceed with interviews accordingly.

**PROVIDER/VENDOR ADVISORY COMMITTEE:** Jim Burton for Sister Marygrace

- The last PVAC meeting was on September 13<sup>th</sup>. The majority of the meeting was a training provided by RCEB staff on Special Incident Reports [SIR's] and the laws and regulations surrounding them. The service providers were very interested in knowing more about the applicable procedures, regulations and laws.

**DIVERSITY and EQUITY COMMITTEE:** Cecilia Corral/Anne Struthers

This is a new committee that we recently formed to discuss the information reflected in the Purchase of Service [POS] Data report. The purpose of that report was to see what differences exist in POS authorization and expenditures as it relates to consumer age, ethnicity, primary language spoken, and type of developmental disability. We feel that it is very important to continue to discuss those differences in a public forum and to find effective strategies to address differences as appropriate.

- The first meeting was conducted an hour before the commencing of the board meeting. It was a well attended, diverse group of 19 people from our community who shared their ideas and their thoughts about regional center services. Ms. Struthers added that the dialogue was very good, especially since the issues were sensitive to many of our families.

- Mr. Burton summarized that this first meeting was very constructive and helpful, and that understanding the differences is the first step to resolution.

**CONSUMER ADVISORY COMMITTEE:** Nyron Battles

The last CAC meeting was on September 9<sup>th</sup>, where the two main topics were:

- Golden Gate Regional Center’s self advocacy conference on September 25<sup>th</sup> in S.F. The theme was “How Person-Centered Thinking Can Change your Life”.
- Status of the San Leandro BART sidewalk construction, as it affects those who have walking difficulty. Mr. Battles updated the board on how members of the CAC were proactive in putting pressure on the city to construct a safe pathway from BART to the intersections.
- The next CAC meeting will be Monday, October 14th.

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

**Personnel Transitions**

- Mr. Burton started off with the introduction of Elvia Osorio-Rodriguez, who took the place of newly retired Ella Liggins, as the Associate Director of Consumer Services for Contra Costa County. Ms. Pam Thomas, Director of Consumer Services, informed the board of Elvia’s background in the developmental disability service industry, particularly in the children’s and autism fields. Ms. Osorio-Rodriguez is an active supporter of Congreso Familiar and has been with La Familia and a case manager supervisor at RCEB for nearly 20 years.
- Mr. Burton noted that a major personnel transition is occurring at the Department of Developmental Services [DDS]. On August 28<sup>th</sup>, Terri Delgadillo announced her retirement as the Director of DDS after 7 years of dedicated service. Ms. Delgadillo worked for a total of 35 years in public service at the federal, state and county levels. Mr. Burton summarized Ms. Delgadillo’s accomplishments and leadership during the most significant recession in California that had significantly impacted our service system. Mr. Burton added that Ms. Delgadillo had visited our community a number of times and also attended Congreso Familiar events, which made a very significant impression on her. Ms. Delgadillo will attempt to stay on through December, health permitting, to assist in the transition of her successor in this position.
- Ms. Struther’s added that Ms. Delgadillo, who also has a relative with a developmental disability, brought a unique perspective to the position, in that

her background was in social work. Since Ms. Delgadillo’s accomplishments have made a lasting impression on us, Ms. Struthers motioned to send a thank-you letter from the board to Ms. Delgadillo.

M/S/C “Motion to approve the sending of an appreciation letter from the Board to Ms. Delgadillo.” [Kuller/Battles] Unanimous

#### Policy Report

- The report on Zero Tolerance for Consumer Abuse or Neglect was sent to the board members ahead of time, as well as distributed and explained at this board meeting. According to the new contract language, all regional centers are required by the State to post this policy on our website by October 1<sup>st</sup>. A very similar policy exists for State Developmental Center’s as well. Mr. Burton pointed out that this policy does not significantly change practices and procedures of this regional center. We feel that there is nothing more important than to identify, report, and to follow up on reports of consumer abuse or neglect. RCEB provides training to its staff and vendors on Special Incident Reportings [SIR’s] and to adhere to reporting requirements for children as well as adults. Although most regional centers had this as their practice for years, it is beneficial to now have it in policy.

M/S/C “The board moves to approve Regional Center of the East Bay’s Zero Tolerance Policy for Consumer Abuse or Neglect” as written.” [Treppa/Lee] Unanimous

- Board member Ms. Hebert, inquired about the requirement for case managers and service providers to annually sign the policy. Mr. Burton responded that the regional center staff will annually receive information to read and understand with a signed statement to that fact. However, service providers are not bound by our regional center contract. The regional centers regularly inform the providers and advise them of our policy.
- Ms. Struthers inquired about the frequency of training that RCEB will be giving its employees on this policy. Mr. Burton responded that RCEB conducts multiple trainings on a regular basis not only among our staff, but within the community. Ms. Sodipo, Associate Director of Consumer Services, added that not only do we train case managers, supervisors, and Quality Assurance directly, but also regularly report incidents to our local police and Community Care Licensing [CCL] and Protective Services.
- Mr. Kuller requested clarification on whether any part of this policy was new, or just that it is now put in writing. Mr. Burton responded that although this regional center has been following most of what’s in this policy for years, we feel

that it is beneficial to have it in our contract. The section related to service provider notification is the most significant change in practice that will result from this policy.

#### Department of Developmental Services Contracts

- **E – 1** Mr. Burton wanted to add that receiving this contract was a relief as we are starting this fiscal year with smaller deficit than the \$22M deficit that we had been experiencing these past few years. We are anxious to see our remaining prior year deficiency of over \$8 million, resolved.
- **C – 11** Mr. Burton added that this contract is the 11<sup>th</sup> amendment to the 2011/12 contract, and is less than the minimum dollar amount needed for board approval at \$147K, but we have been waiting for this contract for a long time to close out that budget year.

#### Legislation

##### **Assembly Bill 10 - Minimum Wage Increase**

- The Governor is expected to sign bill AB10 which is California's minimum wage legislation that will raise the minimum wage from \$8/hour to \$9/hour next July 2014, then again to \$10/hour by January 2016. This will have a positive impact on the wages of our direct care staff. Changes in the labor law from the U.S. Department of Labor [DOL] will also extend minimum wage and overtime protection to most direct support professionals such as In-Home Support Service [IHSS], supported living service [SLS], and regional center vendors providing respite services. This is a major change for some of our providers in terms of their requirement to pay for overtime and holiday work. It will be critical for the State to back up these changes in law by increasing service provider rates to accommodate for the higher rates of pay to their workers. If these rates remain the same, our service providers will have massive problems trying to balance their budgets and continue to provide services. Mr. Burton advised that RCEB will increase our advocacy support this spring and to ensure that the State provides the necessary support to our providers.

##### **Senate Bill 468 - Self Determined Services**

- This bill requires regional centers to establish and implement self determined services for a limited number of consumers and families. There have been 5 regional centers that have been piloting Self Determined Services for over a decade, but it has never been expanded to other regional centers or other regional center consumer and families. The regional centers in the pilot program have found that in order to successfully implement a self determination plan, the caseload ratio ideally need to be much lower than the current caseloads at regional centers.

- Mr. Burton gave background information indicating an effort was made involving a Southern California autism organization and Disability Rights California to move this legislation forward. They worked with Senator Emmerson to get SB468 together with overall strong support from many on the concept. The major remaining concern for regional centers is the funding that it would take to implement the program; case loads, financial management, needed resource development, and infrastructure. There is virtually no funding supporting those efforts which are critical to properly implement this new way of delivering services.
- The bill has moved forward; the authors and supporters did work with regional centers to amend and work on the bill, but they did not reach an agreement on the issue noted above. The bill has been passed by the Legislature and is on the Governor's desk.

#### Developmental Centers

- The second meeting for "The Future of the Developmental Center Task Force", chaired by Secretary Diana Dooley of the California Health and Human Services Agency [CHHS], met last month. The committee had been working extremely hard and created several task forces that actively gathered information and honed in on the key issues of what needs to happen to provide a community alternative that is beneficial to everyone. Mr. Burton added that he was very impressed and encouraged with their progress, and is confident that they will come up with significant public policy proposals.
- There will be two more task force meetings; October 22<sup>nd</sup> and November 13<sup>th</sup>, and they will follow-up with final recommendations by November 15<sup>th</sup>.

#### Congreso Familiar

- Mr. Burton acknowledged and thanked the RCEB staff and board members who volunteered at this year's Congreso Familiar's Conference on August 10<sup>th</sup>. Mr. Burton restated that the event was very successful and undoubtedly made a difference for many families.

#### **PUBLIC COMMENT**

Both John Rodriguez and Sandi Soliday informed the board of the upcoming activities:

- September 25<sup>th</sup>: 17<sup>th</sup> Annual Golden Gate Self-Advocacy Conference at the Milton Marks Conference Center.
- October 2<sup>nd</sup>: Tri-Valley Transition Night at the Pleasanton Senior Center.
- October 2<sup>nd</sup>: Annual Self-Advocacy Award Party & Dance at Ed Roberts Campus in Berkeley.
- October 5<sup>th</sup>: Going To College with a Disability Conference at Ed Roberts Campus.



- October 25<sup>th</sup>: East & Central County Transition Fair at the Willow Creek Center in Concord.

**ARCA REPORT:** Anne Struthers

Since the next ARCA meeting will be on October 17/18<sup>th</sup> in El Segundo, Ms. Struthers stated that she will be reporting on the issues at our next board meeting on October 28<sup>th</sup>.

**Closed Session**

No closed session necessary

**MEETING ADJOURNED**

The board meeting adjourned at 8:02 p.m.

The next board meeting will be on October 28<sup>th</sup> 2013 in **CONCORD**

Respectfully submitted,

*Rose Coleman*

Secretary

RCEB Board of Directors