



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

Monday, April 22, 2013, 7:00 p.m.  
500 Davis Street, San Leandro, CA

**MINUTES**

Approved May 20, 2013

**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

Mike Treppa

Sister Marygrace, PVAC

Steve Whitgob

**MEMBERS ABSENT:**

Donald Morris (Excused)

Gwen Nash-Butler (Excused)

**STAFF PRESENT:**

Jim Burton, Executive Director

Francine Davis, Director of Community Services

Lisa Kleinbub, Director of Health & Behavioral Services

Nancy Kubota, Director of Finance & Administration

Pam Thomas, Director of Consumer Services

Antonia Heinrich, Accounting

Rhonda Kimble-Kelly, Case Manager

Meredith Rosenberg, Case Manager

Michi Toy, Executive Secretary

**GUESTS PRESENT:**

Cleo Manspeaker

John Rodriguez, CCDDC

Maria Rodriguez

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 7:05 PM. Quorum was present. Self introductions were made.

## **CONSENT AGENDA / MINUTES**

- M/S/C “The Board moves to approve the minutes of February 25, 2013 as presented.” (Whitgob/Treppa) Unanimous
- M/S/C “The Board moves to approve the minutes of March 25, 2013 as presented.” (Whitgob/Treppa) Unanimous
- M/S/C “The Board moves to approve the agenda of April 22, 2013 with the following amendments:
- [IV. C] Board Composition Compliance Report- This will be presented at the next board meeting due to the need for further evaluation.
  - [V.] FHA Request for Proposal- This was presented at the last board meeting and is not an action item.
- (Whitgob/Treppa) Unanimous

## **PUBLIC COMMENT**

Cleo Manspeaker spoke of being an RCEB client for 31 years this coming May.

## **COMMITTEE REPORTS**

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

#### **Contract Approvals**

Ms. Struther’s distributed the contract proposal packets being voted on at this board meeting.

- Due to time constraints for the return of the contracts to DDS and the lack of having a forum in March, the D-2 and C-9 contracts were approved by the Executive Committee at their meeting on March 13<sup>th</sup> and are up for ratification at this board meeting.

M/S/C “The Board moves to ratify the Board President’s signature on the Department of Developmental Services [DDS] contract amendments D-2 and C-9.” (Treppa/Whitgob) Unanimous

- The D-3 contract arrived a couple of days before the board meeting; therefore, the Executive Committee has not seen this amendment, but it has been reviewed by Mr. Jim Burton and Nancy Kubota. This highly anticipated contract represents the third of the “D” series contracts between DDS and RCEB for fiscal year 2012-2013, and has been earmarked for the Community Placement Plan efforts.

M/S/C “The Board moves to approve the D-3 contract amendment with DDS as presented.” (Puchac/Hebert) Unanimous

- The fourth contract is with Telecare Corporation’s Redwood Place facility, which provides treatment to those with developmental and mental health disabilities. This contract reflects the necessary downsizing to 15 beds from 36 beds to meet the new requirements of the trailer bill and still be federally fundable. Originally, there were three regional centers along with RCEB [North Bay and Golden Gate] placing residents there, but now there are just 8 beds for RCEB clients along with 7 beds for Golden Gate Regional Center (GGRC) clients. The negotiated rate per consumer has increased to \$706.09/day per consumer, but the overall cost is lower due to the significantly reduced number of beds.

M/S/C “The Board moves to approve the Telecare Corporation’s Redwood Place facility contract with RCEB as presented.” (Lee/Treppa) Unanimous

#### Bylaw Review

Ms. Struther’s reminded the board that the Bylaws of the organization are reviewed annually. The Executive Committee has reviewed the Bylaws and has made a couple of suggestions to clarify the Board of Director’s terms of office:

- **Section 5.4 Terms of Office**- clarifying that an officer can serve two *consecutive* terms of three years, followed by a one year term.
- **Section 5.1 Composition** and **5.2 Qualifications**- removing the restriction of not serving more than seven years within an eight year period in this section, and putting that statement in **Section 5.4 Terms of Office**.

M/S/C “The Board moves to approve the change to the Bylaw wording to add clarity to Terms of Office, as amended.” (Herbert/Battles)

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

##### Purchase of Service (POS)

- The D-3 amendment recently received from DDS provides regional centers with \$1.3M in Regular Community Placement plan (CPP) funding for the *current* year. These funds are considered restricted POS funds and can only be used to fund current year CPP startup projects and Developmental Center placements, or placement costs for consumers currently in specialized locked facilities.

The D-3 did not include the Community Placement Plan Continuation and Deflection Funds [approximately \$2M], which are used to fund current year costs for *last* year’s Developmental Center placements.

RCEB’s financial report continues to assume receipt of these anticipated funds with hopes of receipt in a future amendment.

- Last month, we reported a mid-range Purchase of Service insufficiency of approximately \$19.5M. With the D-3 amendment of \$1.3M in CPP, and estimated \$2M in Community Placement Plan Continuation and Deflection funds to be issued in a future amendment, our revised Purchase of Service mid-range Purchase of Service insufficiency is now approximately \$19M, a reduction of \$.5M from last month. The \$1.3M in CPP funds received in the D-3 amendment does not assist in bringing our POS projections down since CPP funds are restricted funds.
- At this time, we do not know when the Regional Centers will receive a D-4 allocation and subsequent amendments to fund insufficiencies in purchase of Service. As of this date 20 of the 21 regional centers are still projecting insufficiencies in their POS projections. We will continue to monitor the agency's POS projections and report them to DDS and to our community.

### Operations

- RCEB received a reduction of approximately \$2K in operations funding in the D-3 amendment for case transfers. The impact of this reduction is negligible as the agency continues to project a balanced operations budget.
- At the last board meeting, we reported the agency was making excellent progress in filling vacant positions. In the past two months, 27 new staff (mostly case managers) were hired. Recruitment and hiring of staff continues to be a priority for the agency, to better meet the service needs of our consumers and community, as well as to meet our mandated caseload ratio.

### Cash Flow Status

- As reported last month, the Department of Developmental Services [DDS] is experiencing critical cash flow issues at the State level, due to delays in Federal reimbursement. Therefore, the regional centers are only receiving partial warrants [approximately 82% of January and 40% of February reimbursements].
- This has created critical cash flow problems for all regional centers. RCEB has been advised that reimbursement of our state claim warrants will be an issue until the State receives full Federal Reimbursement from the anticipated 1915(i) waiver.

### Line of Credit

- The agency currently has an active \$46.4M line of credit in place until September 28, 2013. We cannot borrow beyond the limits of our State contract and claim receivables. It is likely we will need to access our LOC before May 15th, if the State does not issue a substantial percentage of our State claim reimbursements. We will continue to keep the board and the Department of Developmental Services apprised of our cash flow status.

Mr. Burton addressed questions that were asked about timing and cash flow.

**MEMBERSHIP DEVELOPMENT COMMITTEE:** Anne Struthers

- Ms. Anne Struthers stated that there was no report this evening.

**PROVIDER/VENDOR ADVISORY COMMITTEE:** Sister Marygrace

- The April 12<sup>th</sup> PVAC meeting was well attended by over 40 people. Members shared their comments on who they most admired and why. The thought provoking answers varied from their admiration of a friend, a family member or a famous person.
- Barbara Maizie, Executive Director, Contra Costa ARC, gave a very thorough and focused presentation on the Affordable Care Act and the affect on service providers and regional centers.

**CONSUMER ADVISORY COMMITTEE:** Nyron Battles

- The CAC met on April 8<sup>th</sup>, where the main topic was the CAC Conduct Rules and how it was important to abide by them.
- Also discussed was the budget issues, new healthcare laws, and In Home Support Services (IHSS)
- Pictures were taken of the CAC members for the upcoming newsletter.

CALENDAR OF EVENTS:

- The next CAC meeting will be on May 13<sup>th</sup>.
- 18<sup>th</sup> Annual Statewide Self-Advocacy Conference → May 3-4<sup>th</sup> in Sacramento
- People 1<sup>st</sup> Conference → June 28-30<sup>th</sup> in San Jose

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

- Mr. Burton informed the board of his new role as a grandfather to baby Lionel Burton.

State Budget/Hearings

- Mr. Burton reiterated that there were no big surprises at the hearings and that they took very few actions; the big issues being Sonoma Developmental Center (SDC) and the Lanterman closure. They did approve the sunset date (June 30<sup>th</sup>) of the Governor's proposal for the restoration of the 1.25% in payment reduction to service providers and regional centers.
- Testimony on the restoration of Early Start cuts was important, as legislators are hearing from families on how those cuts have affected them. There are thousands of children who are no longer able to benefit from regional center services due to the tightening of the eligibility restrictions, so it was critical for the legislators to hear about the impact.
- May 15<sup>th</sup> is the scheduled release date of the Governor's revised budget, and we are not expecting any additional proposals other than budget/fiscal updates due to changing circumstances.

### Sonoma Developmental Center [160 RCEB Clients]

- There continues to be considerable legislative concern over the developmental centers and the Office of Protective Services. Mr. Burton and three other regional center directors and the Department of Developmental Services [DDS] met with all the legislators/staffers, to discuss the complexity and challenges that they are facing and the need to properly put together good resources in the community. RCEB continues to press along with the Association of Regional Center Agencies [ARCA] for a properly developed, thorough closure plan involving the clients and their families.
- Mr. Burton informed the board that Senator DeSaulnier spoke adamantly that the focus should not be on SDC issues, but on finding appropriate community alternatives for the residents.
- Mr. Burton states that he will continue making frequent bi-monthly trips to SDC to meet with the DDS Director, Terri Delgadillo and Executive Director Karen Faria regarding all the issues and to coordinate efforts and focus on reasonable solutions to the issues. Mr. Burton reports that he has not seen any health/safety issues on his visits, despite SDC being short staffed. SDC has hired 50 people in a few weeks, so progress in meeting staffing requirements is occurring.
- SDC's health and safety issues are being addressed, and the challenge is how to provide service to the clients when they are residing in old, antiquated facilities. Construction is currently going on to meet the fire, life safety requirements, and Federal and State licensing issues. Mr. Burton states that we are on track regarding Community Placement Plan goals and timing, and are getting the support that we need.
- Placement questions were asked and Mr. Burton addressed them accordingly.

### Cash Flow – Major Concern

- Mr. Burton expressed concern over the \$19M Purchase of Service insufficiency amount, since there are only two months left to the fiscal year. However, he states that the Director of the Department of Developmental Services [DDS], who has the legal responsibility to notify the legislature if there is a deficiency in the regional center system, continues to believe that the regional center is precariously balanced by a razor thin margin. Therefore, we will be following the May revision announcements very carefully.
- Due to the fact that we were reimbursed only 82% and 40% in the previous couple of months combined with no commitment from DDS regarding reimbursement percentage for next month, it is likely that we will need to borrow from our Line of Credit [LOC] to cover our May 15<sup>th</sup> payments to service providers. We will continue to work with DDS to try to avoid borrowing.

- Mr. Burton stated how important it is for the Medicaid 1915(i) waiver to come through as well as other Federal funds.

#### POS Expenditure Data Report

- Mr. Burton thanked Nancy Kubota for compiling the information and submitting the POS Data Report. This report shows expenditures by diagnosis, age, race, ethnicity, and primary language. Mr. Burton pointed out that the disparities that were written about in the L.A. news were not evident in our figures; however, they do warrant analysis. The report is available to the public on-line, and RCEB will be holding public meetings in conjunction with board meetings to allow for input.

#### Case Management Caseloads

- Mr. Burton added that RCEB has hired 27 new employees, and will continue to hire to fill all the positions that we are committed to, and wanted to acknowledge that we have made a huge progress within the last 1.5 months.

#### Intermediate Care Facilities [ICF's]

- Mr. Burton informed us that RCEB along with Golden Gate and San Andreas regional centers, will be meeting with the ICF providers regarding the impact of the 10% rate reduction cut. Gary Macomber, former Director of D.D.S. who now advocates for ICF's, will be the guest speaker and will inform us of the intricate details of how this cut will affect our providers and our consumers.
- While folks are looking for a legislative solution, Mr. Burton states that the biggest challenge is to try to get a bill moving that would have a fiscal impact. There remains a \$50K limit on bills.

#### Special Event at May Board Meeting

- Mr. Burton informed us that there will be a special event at 6:00 before the next RCEB board meeting in May. We will be memorializing our large conference rooms in the name of former officer and President of our board for 21 years, Ralph S. Griffin. If you would like to make a brief statement about Mr. Griffin, you will have that opportunity during the opening ceremony.
- Mr. Burton acknowledged that our board member, Gwen Nash-Butler, who suffered a stroke in February, will be attempting to attend our board meeting in May. We are confident that her determination will bring her back to our board soon.

#### **PUBLIC COMMENTS**

- Sandi Soliday, from the Alameda County Developmental Disabilities Planning and Advisory Council advised that the March 16<sup>th</sup> Transition Information Fair at the College of Alameda was very successful with over 600 people in attendance.
- The next ACDDC meeting will be on May 8<sup>th</sup> on employment/self employment.

- The 24<sup>th</sup> Annual DDC Awards dinner will be on June 4<sup>th</sup> at the Embassy Suites Hotel in Walnut Creek.
- John Rodriguez from the Contra Costa County Developmental Disabilities Council, listed the upcoming events:
  - The 6<sup>th</sup> Annual West County Transition and Special Education Resource Fair will be on April 27<sup>th</sup> from 10:00-12:30 at the Vista Hills Education Center in Richmond.
  - Mr. Rodriguez added that Joey Travolta will be the keynote speaker at the DDC Awards dinner and will be talking about his efforts in working with people with disabilities in the film industry.

**ARCA REPORT:** Anne Struthers

Ms. Struthers announced that there was no ARCA report, but the next meeting will be on June 21<sup>st</sup>, where there will be a vote on a new slate of officers.

**CLOSED SESSION**

No closed session.

**MEETING ADJOURNED**

- The meeting was adjourned at 8:11 p.m.
- Next Board Meeting will be in San Leandro at 7:00pm on Monday, May 20, 2013
- The board meeting will be preceded by the Ralph S. Griffin Conference Room Dedication Ceremony at 6:00 p.m. sharp.

Respectfully submitted,

Rose Coleman  
Secretary  
RCEB Board of Directors