



REGIONAL CENTER OF THE EAST BAY
Board of Directors Meeting
MINUTES

Monday, April 28, 2014 8:05 p.m.
500 Davis Street, San Leandro, CA

Approved
5/19/14

RCEB BOARD MEMBERS PRESENT:

Anne Struthers, President
Kathy Hebert, Vice-President
Mike Treppa, Budget & Finance Committee Chair
Steve Whitgob, Treasurer
Cecilia Corral, Diversity & Equity Committee Chair

Melanie Fowler, PVACo-Chair
Nyron Battles, CAC Chair
Evangeline Iyemura
Carmen Quinones
Darcy Ting

ABSENT:

Rose Coleman, Secretary [excused]
Chi Lee [excused]
Donald Morris, CAC [excused]
Gwen Nash-Butler, CAC [excused]

STAFF PRESENT:

Jim Burton, Executive Director
Terri Jones, Director of Human Resources
Lisa Kleinbub, Director of Health and Behavioral Services
Nancy Kubota, Director of Finance & Administration
Ronke Sodipo, Director of Community Services
Pam Thomas, Director of Consumer Services
Rhonda Kimble-Kelly, Case Manager
Carol Nyhoff, Case Manager
Michi Toy, Executive Assistant

GUESTS:

John Rodriguez, CCCDDC
Gabriel Rogan, Area Board 5
Sharon Jimenez, DDS

CALL TO ORDER

President, Anne Struthers called to order the regularly scheduled business meeting of the Regional Center of the East Bay at 7:06 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 minutes of March 24, 2014 as presented [Treppa/Whitgob] Unanimous

M/S/C "The Board moves to approve the agenda of April 28, 2014 as presented" [Treppa/Whitgob] Unanimous

PUBLIC COMMENT

No public comments

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Anne Struthers

Department of Developmental Services Contract

Ms. Struthers distributed the Department of Developmental Service's [DDS's] E-4 contract amendment approval sheet which includes an additional \$2.2M to RCEB's Purchase of Service allocation. The contract amendment is for the fiscal year 2012/13.

M/S/C "The Board moves to approve DDS's E-4 contract amendment as presented." [Battles/Hebert] Unanimous

Bylaw Review

Ms. Struther's reminded the board that the Bylaws of the organization are reviewed annually. The last revision was a year ago regarding the Board of Director's Terms of Office. The Executive Committee will meet in May and will advise the Board if there are any changes necessary.

Performance Contract Year End Report – Pam Thomas

Ms. Thomas informed the group that this yearly report for the Department of Developmental Services (DDS) quantifies who the regional center serves as well as our regional center's performance in 2013. Ms. Thomas distributed the reports and stated that there were very little changes from the 2012 year as far as the statistics on *who* we serve. There were some areas that Ms. Thomas wanted to point out, as she went through the figures:

Autism

- Ms. Thomas informed the Board that the big change is in the category of Autism Diagnosis. In 2012 autism diagnosis was at 23.5% and increased to 25.31% in 2013. Mr. Burton added that it was not that long ago that the primary diagnosis of autism in the total population was only 4%. The phenomenal rise in the

incidence of autism is evident in the recent publication by the Center for Disease Control & Prevention [CDC].

Developmental Center Residents

- RCEB has always had a large number of consumers in DC's compared to the other regional centers, due to the large number of placement into the DC's prior to the establishment of RCEB. The percentage of residents has decreased from 63% in 2012 to 51% in 2013, and will continue to decline as we find appropriate housing for our consumers.

Client Development Evaluation Report [CDER]

- The currency CDER's has not been tracked this period but that is scheduled to change next year due to the updates in the CDER program.

Q/A

Anne Struthers inquired about the reasoning that DDS only looks at a few particular areas in the report. Mr. Burton responded that because of the limited availability of information, DDS needs to use the categories that are measurable. Ms. Thomas added that our Local Performance Plans report covers more categories and are focused on what we are doing within our own communities.

Gabe Rogan, AB5 questioned the response on the significant increase in autism, and why there is not more start-up funding for regional centers who are prohibited from using any funds to devote to that area. The Board agreed and stated that it will be something that the State needs to take action to address.

Darcy Ting inquired about how the regional centers are going to improve in the categories in the report, when many of the results are up to the consumers and family choices. Mr. Burton responded that it entails a planning team collaboration between the consumers and the regional centers [ex. Moving from a developmental center] to analyze the options available. The measures are not perfect measures, but it gives a sense of how well the regional center is doing in these select areas.

Service Coordinator Caseload Survey – Pam Thomas

- Ms. Thomas distributed the 2014 DDS Service Coordinator Caseload Survey report that measured whether the regional center's case management ratios met the State requirements. Ms. Thomas directed the Board to the Required Ratio vs. the Actual Ratio figures in the different categories; both actual and as if our open case manager positions were filled. RCEB has been making good progress in lowering caseload ratios. We have hired 66 new staff members since 2013; 18 of them in 2014 and 8 more staff members will be starting in May to bring down the positions opened to 11 [just 6 for case managers].
- RCEB will continually need to hire additional staff to meet the increase in consumer count and case load ratios, if funding is available to do so.

- DDS requires a Plan of Correction report whenever the ratios are not met, which we have been dutifully reporting.
- Mr. Burton pointed out the Consumer Caseload per Staff report, which indicates the statewide ratios of all the regional centers.
- Anne Struthers inquired about how the uncovered cases are being served, whereupon Ms. Thomas responded that some are covered by the supervisors and others are re-assigned to other case managers.

BUDGET AND FINANCE COMMITTEE: Steve Whitgob

Purchase of Service

- The regional centers received the E-4 amendment on April 7, 2014. This current year amendment provided RCEB with an additional \$2M in Purchase of Services and approximately \$200K in Community Placement Plan (CPP) funding for a total of approximately \$2.2M allocated on the E-4 amendment.
- Last month, we reported a mid-range Purchase of Service insufficiency of approximately \$7.9M. With the E-4 amendment, and a decrease in our POS projections, we are now projecting a mid-range insufficiency of \$5.1M. The prior years' large insufficiencies were funded either very late in the fiscal year or after the fiscal year ended. As a comparison, our mid range insufficiency at the same time last year was \$19M. The timely receipt of the E-4 and the Department's recognition of RCEB's POS insufficiency are encouraging. We will continue to monitor the status of our current year POS projection carefully.

Operations

We continue to report a projected balanced operations budget for current year.

Cash Flow Status

- As we reported last month, the Department indicated that they would only issue partial warrants for our February claims and would begin to offset cash advances. At the last board meeting, we were uncertain how much of February's claim would be paid.
- To update the board, all Regional Centers received only 55% of their February claims due to Federal funding delays at the State level. We had adequate cash on hand to fully fund our March invoices on April 15th as well as all other payment obligations for April, but we are uncertain how much of our March claim will be funded in May.
- As of this date, we have approximately \$30M cash on hand. We expect to be reimbursed for some portion of our March claim HOWEVER if we do not receive 100% of our claim, we will have difficulty fully meeting our obligations without accessing our Line of Credit. If we do not receive any other reimbursements

from the Department going forward due to cash advance offsets, we will run out of cash by mid June.

- The agency currently has an active \$49.6M line of credit in place until October 15, 2014; however, we cannot borrow beyond the limits of our state contract and claim receivables. If the Department does not provide regional centers with full and timely reimbursement, the Board is advised there is a possibility we may need to access our LOC before the end of the fiscal year. We will keep the Board, as well as the Executive Committee, updated on our cash flow status.

MEMBERSHIP DEVELOPMENT COMMITTEE: Anne Struthers

- Ms. Struthers welcomed Carmen Quinones back to the board. Carmen is a returning board member from 2010.
- The committee is continuing to recruit from either Alameda or Contra Costa counties, board members that would fulfill our diversity requirements.

PROVIDER/VENDOR ADVISORY COMMITTEE: Melanie Fowler

The last meeting was on April 11th, with a presentation by Matthew Verscheure, the Program Director for the Training Academy for Personal Caregivers and Assistance [TAPCA]. Mr. Verscheure informed on the different types of training for IHSS workers, home care agencies, and family members.

→ The next PVAC meeting will be on May 9, 2014.

CONSUMER ADVISORY COMMITTEE: Nyron Battles

Mr. Battles stated that the group went over the Rules of Conduct for the meetings, as well as the People First Conference, which a few of the CAC members will attend. According to the Director's report, no action has been taken on the State budget pending the May Revise.

→ The next CAC meeting will be May 12, 2014.

DIVERSITY and EQUITY COMMITTEE: Cecilia Corral

The focus on the meeting was brainstorming on the Diversity & Equity Committee's Mission Statement and Core Values. The group had several good ideas, which will be shared with the D&E members.

- At the next meeting we will also resume with focusing on our sub-committees:
 - Group 1: Diversity & Equity Webpage
 - Group 2: Training {for families as well as in-house}
 - Group 3: Support Groups

→ The next meeting will be June 23rd in the Concord office

EXECUTIVE DIRECTOR'S REPORT: Jim Burton

STATE BUDGET

- Mr. Burton informed the board that the budget hearings were completed in March [March 19th (Assembly) and March 27th (Senate)] where no actions were taken pending the May Revise. The turnouts at the hearings were large, with a good contingent of East Bay participants. There was consistent support for the Lanterman Coalition's budget recommendations. Although the May Revision is scheduled to be revealed on May 15th, we may see it a week earlier on May 9th.
- Shortly after the Governor makes his announcement, the legislature will quickly set up hearings in the Assembly and the Senate, where they will make quick decisions. Mr. Burton stated that the Governor is very concerned about the water situation and does not want to ever see California with a budget deficit. Mr. Burton does not foresee any cuts or many new additions to the budget.

There are four areas that Mr. Burton feels especially optimistic about:

1. Early Start

A lot of effort has been put into restoring Early Start services. The Association of Regional Center Agencies [ARCA] and many advocates have been pressing to restore this program to where it was prior to the 2009 budget cuts.

2. In-Home Support Services [IHSS] and Overtime Pay

Mr. Burton stated that it appears that a compromise may have been worked out, but we will not know for sure until the May Revision. We are hopeful that the Administration has agreed to a good compromise and that IHSS workers will get paid for overtime worked.

3. Cash Flow

Cash flow has been a problematic challenge for all regional centers; RCEB received just 55% of the amount that was spent the prior month. DDS Deputy Director, John Doyle met with a group created to collaboratively work on a solution to this continuing issue. We are hopeful that the State will have more authority to borrow now that the dependency on Federal funds is greater.

Mr. Burton expressed to the Board that he feels confident that we will be able to get through this cash flow challenge, with help from the Department.

4. Future of State Developmental Centers

The Developmental Centers Task Force Final Report [1/15/14] on the *Plan for the Future of Developmental Centers in California* will put pressure on the Administration to act on the good recommendations of the Task Force.

OTHER BUDGET ITEMS

Lanterman Coalition

- The Lanterman Coalition submitted their eight recommendations on the State budget. Although far reaching, it was important as they addressed the numerous budget cuts implemented over the past few years, even if their recommendations do not make it through this cycle of the budget.

Minimum Wage Increase

- The Department had been working collaboratively with a cross section of advocates and service providers, as well as the Association of Regional Center Agencies [ARCA] on this very complicated issue. Mr. Burton believes that the Department has come up with a reasonably good solution that entails an automated spreadsheet which each program will be using. This solution will be announced in 1 to 1 ½ weeks and will also be posted on the website.
- For the negotiated rates that are set by RCEB, we will also use the same process as the Department for consistency and convenience for all of our providers. This process will be very tedious since every rate will need to be changed, but it is very important to our service providers to have this set in place in the system.
- *Anne Struthers* inquired about the status of Sub-Minimum Wage [less than minimum wage to those developmentally disabled workers]. Mr. Burton stated that there was good dialogue about this topic at a recent Area Board 5 [AB5] meeting. This issue goes beyond the State; it's a national problem with different views by those in the developmental disability community. Mr. Burton feels that this issue is one of fairness to all and that every worker should receive the prevailing minimum wage. The solution is very complicated and it will take a tremendous amount of planning and changes and some people may end up unemployed, so it needs to be carefully planned.
- Gabe Rogan added that since AB5's forum meeting, several providers have approached him to state that they are starting to feel differently about the issue, and how they will be thinking about how to change the way they do business in order to support those employed. Mr. Rogan stated that it is important to have dialogue about this sensitive issue; therefore, they will be hosting more forums in the near future.

Announcement

- Mr. Burton extended Francine Davis' thanks to everyone who attended and helped at her retirement celebration on April 4th, and that it meant a great deal to her.

PUBLIC COMMENT

John Rodriguez, Contra Costa County Developmental Disabilities Council

- The 7th Annual West County Transition Resource Fair in Richmond was well participated by many providers, and well attended by many consumers and their families.

May 28, 2014: This next council meeting will be at RCEB/Concord. There will be information on the status of a project regarding new residential developments in Contra Costa, as they are part of the community placement plan.

June 5, 2014 The 25th Annual Awards Dinner hosted by the Developmental Disability Councils will have their event at Scott's Restaurant in Jack London Square/Oakland at 7:00 p.m. The keynote speaker will be Santi Rogers, Director of DDS.

ARCA REPORT: Anne Struthers

The next meeting will be in Southern California in mid-June. Ms. Struthers stated that the focus of the Executive Committee's conference call was on the legislation and on other subjects, including Early Start.

Closed Session

No closed session.

MEETING ADJOURNED

The board meeting adjourned at 8:10 p.m.

The next board meeting will be on May 19, 2014 at 7:00 P.M. in San Leandro A board training session will be from 6:00 – 7:00 P.M.
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