



REGIONAL CENTER OF THE EAST BAY
Board of Directors Meeting
MINUTES

Monday, May 18, 2015 7:00 p.m.
500 Davis Street, San Leandro, CA

Final
6/22/15

RCEB BOARD MEMBERS PRESENT:

Anne Struthers, President
Rose Coleman, Secretary
Steve Whitgob, Treasurer
Nyron Battles, CAC Vice-Chair
Daniel Hogue, PVAC
Evangeline Iyemura

Chi Lee
Gwen Nash-Butler
Marie Parra
Carmen Quinones
Darcy Ting

ABSENT:

Morena Grimaldi [excused]
Donald Morris [excused]

Mike Treppa [excused]

STAFF PRESENT:

Jim Burton, Executive Director
Terri Jones, Director of Human Resources
Lisa Kleinbub, Director of Health & Behavioral Services
Nancy Kubota, Director of Finance & Administration
Ronke Sodipo, Director of Community Services
Pam Thomas, Director of Consumer Services
Evelyn Hoskins, Associate Director of Federal Programs
Elvia Osorio-Rodriguez, Associate Director, Children's Services/Bilingual
Priscilla Gomez, Transportation Manager
Meredith Rosenberg, Case Manger
Laura Woodford, Case Manger
Michi Toy, Executive Assistant

GUESTS:

Cleo Manspeaker
Gabe Rogin, SCDD, Bay Area Office
Sandi Soliday, ACDDC

Josh Sullivan, CCCDDC
Geneva Ziaouré, PVAC

CALL TO ORDER

President, Anne Struthers called to order the regularly scheduled meeting of the Regional Center of the East Bay at 7:05 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 May 18, 2015 Agenda with the addition of an Executive Session on a Personnel Issue at the end of the Board meeting.”
[Battles/Butler] Unanimous

M/S/C “The Board moves to approve the minutes of April 27, 2015 as presented”
[Battles/Butler] Unanimous

PUBLIC COMMENT

Cleo Manspeaker thanked both North Bay Regional Center [NBRC] and RCEB for her successful life in the community and spoke about how pleased she was with her supported living arrangement and in being a regional center client on this exact day 33 years ago. Mr. Burton presented Ms. Manspeaker with an award from the board in recognition of her continued success in living in the community.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Anne Struthers

Service Coordinator Caseload Survey

Presented by Pam Thomas, Director of Consumer Services

Ms. Thomas distributed the Department of Developmental Services [DDS] Service Coordinator Caseload Survey which outlines the consumer caseload per staff ratios for each regional center, as well as our in-house report that compares the required ratios to the actual ratios. Ms. Thomas provided an explanation for this yearly reporting requirement of each regional center. As she pointed out, ARCA’s report clearly shows that all regional centers across the state are having problems meeting the case load ratios required in law. Another report that Ms. Thomas elaborated on was a comparison of the ratios if all the open RCEB positions were filled. Although the ratios were closer, it was evident that we would need to have significantly more funding in order to meet the requirements. Mr. Burton commented that this important

measure shows how well we are able to serve people, and that lower case load ratios means better service to our consumers and their families because it allows the case managers to spend more time working together. Mr. Burton also pointed out that the high workload that the case managers' experience is also evident across the board within every department in each of the regional centers. Mr. Burton added that all our continuing efforts now are to try to make sure that we do get funded appropriately so that we will be able to meet caseload/workload requirements. Questions were asked and addressed accordingly.

Contract Approvals

The Department of Developmental Services Preliminary Allocation "B" Series Contract for fiscal year 2015/16 has all the same contract language as the last contract amendment and includes funding at approximately 80% of the May Revision budget. Normally we would present this at our June meeting but it is a preliminary contract that needs to be sent back to DDS quickly because that will allow us to borrow funds if necessary as well as to help us claim an advance that will avoid the necessity to borrow funds. Although we are due to receive it the 2nd week of June, we would like to get an approval at this board meeting in order to expedite it back to DDS quickly.

M/S/C "The board approves of the "B" Series Preliminary Contract, all language remaining the same, and authorizes the President, Anne Struthers to enter into that contract upon receipt, in order to return it to DDS since it is critical for our cash flow." [Whitgob/Battles] Unanimous

BUDGET AND FINANCE COMMITTEE: Steve Whitgob

Due to the board meeting being held a week earlier this month and since POS payments to service providers for April were just issued last Friday, we do not have an updated financial report this month, but will have both the April and May financial reports available at the June Board meeting in Concord.

We have updated the Sufficiency of Allocation Report projections for Purchase of Services. RCEB has reported to DDS on our latest month SOAR, an updated mid-range NON-CPP Purchase of Service insufficiency of approximately \$9M. Last month, our mid range projection was \$9.9M which is a \$900K decrease from last month's mid-range projection. Our POS projections remain relatively stable.

Operations

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

Cash Flow status

As reported last month, RCEB had adequate cash to fully fund our April invoices on May 15th as well as all other payment obligations for the month of May.

However, almost all Regional Centers including RCEB, will experience some cash flow issues as we get close to the end of the fiscal year. We were advised by the Department that Regional Centers might expect to receive 30% of the April Services reimbursement in June. If we receive 30% of our reimbursement, RCEB will make it to the end of the fiscal year but our cash reserves will be extremely tight until early July of the new fiscal year when we should be receiving our cash advance.

However, if we do not receive any other reimbursements from the Department going forward due to either current year cash advance offsets, or if we receive any reimbursement less than 30%, we will likely run out of cash in late June. We will be notifying DDS of our cash flow projections, and will make every effort to receive assistance from DDS to make it through June 30th. The Department has been very collaborative in assisting Regional Centers in previous years.

DDS expects to release the preliminary 2015-16 "B series" contract by end of May or early June. They are releasing the preliminary contracts earlier to allow Regional Centers to get their contracts signed and get the Fiscal year 2015-16 cash advances more quickly. This is also contingent upon the timely passage of the state budget which is expected.

The agency currently has an active \$49.6M line of credit in place until October 15, 2015. However, we cannot borrow beyond the limits of our state contract and claim receivables. Our staff will keep the Executive Committee of the Board updated on our cash flow status.

MEMBERSHIP DEVELOPMENT COMMITTEE: Anne Struthers

Ms. Struthers announced the resignation of Kathy Hebert as our Vice President of the Board in order for her to take care of family matters.

Ms. Struthers announced the nomination of current board member, Evangeline Iyemura to take Ms. Hebert's place, and asked for other nominations from the floor, for which there were no nominations. Following a ballot election and tally, Ms. Iyemura was unanimously elected to begin her first year term as Vice President of RCEB's Board of Directors until January 2016 [Kathy Hebert's term limit].

We are now at 14 board members, so we are seeking another member from Alameda County.

PROVIDER/VENDOR ADVISORY COMMITTEE: Daniel Hogue

Mr. Hogue summarized the last PVAC meeting on May 8th, where Mr. Burton's report focused on what to expect and what not to expect in the May revise, the uniform holiday schedule, and the funding of the Sonoma Developmental Center closure. Mr. Hogue stated that Lisa Kleinbub gave a presentation to the PVAC members on the Purchase of Service Data.

CONSUMER ADVISORY COMMITTEE: Nyron Battles

The last meeting was on May 11th, with the focus on the same issues that Mr. Hogue touched on in his report. A new subject was the planning of a social event seeing an A's game and fundraising. The next Consumer Advisory Committee meeting will not be until July 13th.

DIVERSITY and EQUITY COMMITTEE: Anne Struthers

Ms. Struthers informed the board that the committee had a very rich discussion on all the events that have taken place in our community. The Congresito event summary was given by case manager Sylvia Cabrera who stated that it was a success with 152 adults and 165 kids in attendance. There was also a Farsi support group meeting, with good discussions, that took place in our San Leandro office at the end of April. The next Farsi support group meeting will be in June. Elvia Osorio-Rodriguez also reported on the Spanish family and community support group meetings in the area. Ms. Struthers also advised that the State Council on Developmental Disabilities [SCDD], Bay Area Office will be administering grants, so they will be releasing a request for proposal for support groups in the areas of early intervention and multi-cultural awareness.

EXECUTIVE DIRECTOR'S REPORT: Jim Burton

GOVERNOR'S PROPOSAL – MAY REVISE

Overview

As the May Revise highlights were distributed, Mr. Burton wanted to make it clear that this is the Governor's proposal; it is not the final, and it has not yet had any legislative review/approval. Mr. Burton stated that the May Revise contains mixed news. It was very disappointing that there was nothing in the budget that related to the Lanterman Coalition recommendations to help sustain our service system, which our board as well as the community has supported. The Governor did not provide any significant across-the-board adjustments for any Health & Human Services efforts. The Governor did propose an effort to address poverty and inequity in California through a new state Earned Income Tax Credit [EITC] which provides tax credit to low income working families. In his speech, the Governor made it very clear that California's economy is improving and capital gains taxes have gone up. However, that will not last and there will eventually be a downturn where we will have fewer revenues. Due to Proposition 98, a majority of new State revenues will be going to schools and a portion to the reserve, so there is very little left for anything else. Mr. Burton stated that we have a very compact period of time [between now and June 15th] to still influence this budget process.

California State Developmental Centers

The Administration did step forward to recommend the closure of the three developmental centers in California. The budget proposes the closure of Sonoma, Fairview and the non-secure treatment portion of Porterville Developmental Centers. The proposed time frame for closure of all three developmental centers would be in six years, which is more ambitious than was

recommended by the legislative analyst's office. This is probably reflective of the strong pressure that the federal government has put on California to eliminate large institutions, especially in light of the removal of federal funding at Sonoma Developmental Center [SDC]. The Administration proposed that a closure plan be developed for SDC by October 1, 2015, with a closure of SDC to be accomplished by the end of 2018. This time frame is shorter than we anticipated, and is less time than we had with the closure of Agnews Developmental Center. This budget included \$49.3M total to begin the development of the new resources, as well as to fund the staffing needed at the regional centers and the Department which amounts to \$1.3M for regional centers and \$1.3M for DDS to get the planning process going. The State is seeking ways to maintain the federal Center for Medicaid/Medicare Services [CMS] funding for SDC for all living units except the original 4 decertified units. It would amount to hundreds of millions of dollars over the years if they can't secure that federal funding. Our regional center has the highest number of clients at 128 residing at SDC, followed by Golden Gate and North Bay regional centers.

Mr. Burton referenced the budget document that the Department put together on the Future of State Developmental Centers which gives good details on the planning and the closure process. Mr. Burton added that we will be leaders as a community in that effort to make it successful. Our past experience with the Agnews Developmental Center closure is that we can be successful if we collaborate and work closely with residents and their families, legislators, providers and with the other regional centers to make sure that we provide outstanding services and good lives for people out in the community. Mr. Burton reiterated that we have been successful in the past and we can do it again as long as we never lose our focus.

Summary

Mr. Burton stated that other than that, there is nothing really significant in the budget. Regional Centers are finding that our case loads and expenditures continue to grow quickly and the Department has continued to put funds in the budget to accommodate that growth. There's almost a half billion dollars put in the budget to cover Purchase of Services this year and next year to cover the growth in expenditures that is occurring. Mr. Burton clarified that this is money to back-fill under budgeted growth, not to create new services, much of which is the result of under-budgeting by the prior Administration.

Mr. Burton added that we have made tremendous progress from years before. Currently, we have 64 legislators who have signed Senator Beall's letter in support of the Lanterman Coalition recommendations and we should feel good overall about where we are. We have more legislative support and more of a unified position as regional centers and as community advocates. We cannot let the disappointment in this budget keep us from continuing to advocate and to continue to have hope.

HEARINGS

General

Today was the first hearing in the Assembly Budget Subcommittee No.1 chaired by Assemblymember Tony Thurmond, who made extremely strong and powerful statements

about the fact that this budget does not contain any of the increases that had been requested and that he would continue to make it a priority that the Lanterman Coalition recommendations for all services go forward. Mr. Burton was very appreciative that Assemblyman Thurmond stepped forward and made those statements as it paved the way for testimony on that subject. The testimony was also supported by the legislators, and it was clear to the Department and DDS that they would continue to press for a 10% increase in the current fiscal year. There was very strong support from assembly members Bonta, Chiu and Grove. Mr. Burton added that the Secretary of Health and Human Services, Diana Dooley clearly stated that while the Governor had presented his budget, the Department is open to having a good discussion with the legislature within the parameters of the funds that are available on these issues. Mr. Burton stated that if interest in this dies down, then there will be no funding allotted; therefore, we need to keep up the strong grassroots efforts and to keep the hope alive. There was no action taken on the budget at the end of this Assembly Budget Subcommittee No.1 as they will hold off until Thursday's Vote Only meetings.

State Developmental Centers

In regards to the developmental center closures, the members were generally complimentary to the Governor for making the proposal. They were very clear in their concerns about doing it correctly and staying focused on the needs of the residents at the developmental centers and in putting together great services. They were very concerned about the deadline dates given, in particular the date given for SDC as it is shorter than the other developmental centers. They made clear that they viewed closure dates as a goal, and that the developmental centers should not close until the last person is successfully placed into a great community arrangement. The Administration's efforts will be strongly supported as long as they continued to stay focused on the individuals who reside at the centers. Mr. Burton stated that the hearing was brief but positive.

Tomorrow is the Senate's Budget and Fiscal Review Subcommittee No.3 chaired by Senator Holly Mitchell. No decisions will be made, as that will occur on Thursday. Based on the information that we received from the Senate, we are expecting strong support. By the end of the week, the May Revision will be done and it will go to the Conference Committee, and it's really important that the Lanterman Coalition recommendations remain a high priority for legislators. Mr. Burton once again stressed that the grassroots efforts need to start with remembering to thank the legislators for the countless hours that they have put in to our cause, as we continue to visit, write, and post on social media to keep this on the forefront, as this is a multi-year process.

Self-Determination

At the end of May, Gabriel Rogin and Mr. Burton will be conducting interviews with the numerous applicants to participate on the Self-Determination local advisory committee. The committee members will be picked by June 1st, and the first meeting will be held by July 1st.

Yesterday, the California Autism Society hosted a Northern California Self-Determination Independent Facilitator Training course at our San Leandro office. They started out with a very

informative overview of the self-determination law and included the principles of self-determination as they trained the Facilitators on how they can be assisting their clients in the person-centered planning process.

ARCA's Board of Director's Meeting

The Regional Center of the East Bay will be hosting the Association of Regional Center Agencies [ARCA] board meeting on June 19th. Mr. Burton encouraged the RCEB board members to take the opportunity to attend this public meeting in our San Leandro office.

Cash Flow

Mr. Burton stated that Mr. Whitgob's report was thorough in explaining where we stand, which is in better shape than we have been in prior years at this time, although we may or may not have to borrow since we are right at that border. We will not have any problems continuing to meet all our obligations as we pay our service providers and staff on time but we hope to not have to spend money on interest. Mr. Burton added that we have always received great help from DDS on cash flow and have faith that we will receive that help if we are running short towards the end.

Holiday Schedule

We have received legal clarification in regards to the closure days and ½ day billing. As informed last month, the Court issued an injunction stopping the Department from implementing the 14-day closure holiday plan, and the Department had appealed the Court's decision. This appeal does not affect the injunction, which remains in place if/until the Court makes their ruling on the appeal. Therefore, we need to go back to the 10-day schedule that we worked on with our service providers. This recommendation calendar was distributed, which is the same holiday schedule that was in place back in 2009, prior to the 14 day calendar suggestion. The ½ day billing has also returned to the same rules that were in place prior to the change. Mr. Burton asked the board to ratify these two points.

M/S/C "The Board will approve of going back to the 10-day Holiday Schedule and ½-Day Billing that was in place prior to the change." [Whitgob/Lee] 10-yea, 1-abstain, 2-absent

PUBLIC COMMENT

Gwen Nash-Butler informed everyone that 2015 marks the 25th anniversary of the Americans with Disabilities Act [ADA], and listed a couple of events in honor of that anniversary:

July 25, 2015 Cril/Hayward is sponsoring a movie night in Livermore. Contact Delores Tejada at 510-881-5743 for more information.

Sept. 25/26: Festival and parade at the S.F. Civic Center

Sandi Soliday, Alameda County Developmental Disabilities Council

June 16: Save-the-date for the disability councils annual dinner.

ARCA REPORT: Anne Struthers

Ms. Struthers announced that the next ARCA Board of Director's meeting will be on June 19th from 8am–1pm at RCEB in San Leandro. Ms. Struthers promoted the ARCA agenda and highly recommended that board members attend.

Closed Session

There was a brief closed session regarding a Personnel issue.

MEETING ADJOURNED

The board meeting adjourned at 9:00 p.m.

The next Board Meeting will be at 7:00 p.m. on June 22, 2015 in **CONCORD**
The next Diversity & Equity Meeting will be at 6:00 p.m. before the Board Meeting