

Board of Directors' Meeting

July 23, 2012

Presiding: Anne Struthers

Board Members

Present: Ronald Clay  
Kathy Hebert  
Donald Morris  
Steve Whitgob  
Rose Coleman  
Mike Kuller  
Gwen Nash-Butler

Board Members

Excused: Chi Lee  
Mike Treppa  
Hilda Mariscal  
Sister Marygrace

Staff Present:

Jim Burton  
Susan Driggs  
Rhonda Kimble-Kelly  
Nancy Kubota  
Pam Thomas  
Francine Davis  
Terri Jones  
Lisa Kleinbub  
Meredith Rosenberg

Guests Present:

Nyron Battles  
Cleo Manspeaker  
Rocio Smith  
Todd Struthers  
Martha Carendas  
John Rodriguez  
Sandi Soliday

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. Self introductions were made.

Greg Brooks, Ed Mansara and Glen Rosara of Cliff Bar addressed the group and reported their agency holds an annual charity and this year RCEB's Helping Hand Fund was chosen to be the recipient of the proceeds from the event. Several Cliff Bar employees and their families have benefitted from RCEB services and to honor that partnership, RCEB was presented with a \$44,000 donation for the Helping Hand Fund. Ms. Struthers and Mr. Burton thanked them for this extraordinary gift and reminded everyone that these funds will be used to support consumers with emergency goods and services that cannot be funded by any other means.

M/S/C            “The Board moves to send a thank you letter to the wonderful people at Cliff Bar expressing our sincere gratitude for their extraordinarily generous support of the RCEB Helping Hand Fund. (Clay/Morris) Unanimous.

### CONSENT AGENDA

M/S/C            “The Board moves to approve the agenda for July 23, 2012 and the minutes of June 25, 2012 as presented. (Kuller/Hebert) Unanimous.

### PUBLIC COMMENT

Cleo Manspeaker shared a plaque she prepared to give to Valley Care hospital for the very good care she received during her recent hospitalization.

### COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Anne Struthers

Mr. Burton presented two contracts for Board approval. The contracts for case management services with La Familia Counseling Services and Asian Community Health Services were reviewed and approved by the Executive Committee. These are continuations of existing contracts and will include the restoration of 3% of the 4.25% rate reduction.

M/S/C            “The Board moves to ratify the action of the Executive Committee to approve the continuation contracts for case management services with La Familia Counseling Services and Asian Community Mental Health Services.” (Morris/Coleman) Unanimous.

Mr. Burton explained that when a regional center fails to meet the caseload ratios identified in the Lanterman Act for two consecutive years, a Plan of Corrective Action is Required. We were not able to present the plan this evening but it will be ready for the next Board meeting in September. The Department of Developmental Services (DDS) has been notified that RCEB will forward their plan following the September meeting of the Board of Directors. Mr. Burton reported that with the new budget restoring 3% of our payment reduction, we have begin posting and hiring new positions for any new case management position that opens from July 1<sup>st</sup> and forward. As soon as we have our budget we will be able to make our plans for the rest of the fiscal year. Mr. Burton reminded members that we are not just facing a caseload problem. What we have is a workload problem throughout the regional center at every level as a result of the significant budget reductions imposed over the last few years.

## BUDGET AND FINANCE COMMITTEE: Mike Kuller

Mr. Kuller distributed and reviewed the Financial Status report for June 2012. It was noted that these figures reflect 12 months of expenditures for RCEB. Mr. Kuller cautioned that staff is still in the process of year end closure for accounting purposes and these figures will not fully reflect all expenditures for the fiscal year. There has been very little change in the POS projection since last month. Projections still reflect a possible mid-range insufficiency of \$3.8 million. We have worked closely with DDS to keep them informed of the insufficiency and staff will keep the Board informed of the status of our FY 2011-2012 POS projection. DDS has stated that they remain confident that there are sufficient funds remaining in the system-wide budget to address POS deficits like ours. Mr. Kuller reported that staff is completing year end work for Operations but we are happy to report we ended the year with a balanced Operations budget.

Mr. Kuller reported RCEB has received their preliminary contract allocation for FY 2012-2013 and staff is currently analyzing the preliminary budget but we will not have a clear picture until we receive the D-1 contract amendment expected in mid-August. We anticipate with the restoration of the 3% reduction this year's Operations budget will be a little less challenging to balance than the last two fiscal years.

Mr. Kuller reminded the group that the Sufficiency of Allocation Report (SOAR) is typically due to the state in October of each year. Staff will provide the Board with the POS projections for this fiscal year following the completion of the SOAR.

Mr. Kuller reported that the timely passing of the State Budget was good news for all regional centers. Following the passage of the budget, DDS made exceptional efforts to expedite cash advances and thanks to their effort we were able to avoid accessing our line of credit. We have made inquiries to Union Bank regarding a line of credit for FY 2012-2013 in the event there is a delay in receipt of state warrants. As of this date the bank has made no decision regarding a line of credit for the new fiscal year.

Mr. Burton shared that the diligent work of DDS allowed us to meet our obligations without accessing the line of credit and incurring interest expenses. RCEB received great assistance from DDS this summer and it is very much appreciated.

## MEMBERSHIP DEVELOPMENT COMMITTEE: Anne Struthers

Ms. Struthers reported we received a letter from DDS relating to our membership composition and we will be responding to that letter. We continue to be actively seeking representation from the Latino and Asian communities in Alameda County.

## PROVIDER/VENDOR ADVISORY COMMITTEE:

There was no report this evening but Mr. Burton shared that PVAC members covered a significant amount of budget information at their last meeting.

CONSUMER ADVISORY COMMITTEE: Rose Coleman

Ms. Coleman reported that her group was unable to secure tickets to an A's game for their annual team building event so the group agreed to have an A's themed party at their August meeting.

EXECUTIVE DIRECTOR'S REPORT: Jim Burton

Mr. Burton reported the State Budget was approved on time with some compromises made during the process. The Governor signed the budget on time and blue penciled some items but none in the area of developmental services. IHSS will continue the 3.6% reduction from the previous year with no additional reduction in hours or services. The other area of compromise was in Healthy Families. The Governor had proposed eliminating that program and the final compromise was to eliminate the program but move everyone in that program into MediCal. It is good to have an alternative but this huge transfer of people from one system to another is a difficult transition that will need careful monitoring. SSI is at the federal minimum level and could not be reduced any further.

Mr. Burton shared that some of the new things we will need to address are included in the trailer bill language that implements the Budget Act. The trailer bill includes language that will allow the payment reductions for service providers and the regional centers to be reduced from 4.25% to 1.25% beginning July 1, 2012. RCEB is actively working to implement this change for all of our service providers.

The second major piece of trailer bill language covers the transfer of responsibilities for behavioral services for autism from regional center funding to funding through individual health care coverage. At RCEB we estimate about 400 families will be impacted by this change. We have been working diligently to assist families through this transition. We have been getting great assistance from ARCA who has been working with many of the health plans and getting good information out to association members. RCEB is making every effort to see that critical services do not lapse or get delayed during this transition. Mr. Burton offered special thanks to Lisa Kleinbub and Pam Thomas for leading RCEB's efforts to address this complex issue.

Mr. Burton reported that RCEB is working to expand Medicaid Waiver numbers but we continue to struggle with staffing issues. The success of this effort is very important because the budget is depending on a significant increase in Waiver certifications each month going forward.

Mr. Burton also reported there is a massive amount of trailer bill language relating to difficult to serve consumers that will minimize any future placement to a state developmental center. There are many changes contained in this language and the restrictions could be fine as long as we have resources to serve these people in the community so they are able to lead healthy and safe lives. We will need to ensure

that we have proper placement options in the community and that we have that commitment from DDS.

Mr. Burton reminded everyone that last year's trailer bill language required independent assessments for people receiving supported living services. That requirement was not saving money and local providers worked very hard with DDS to put together good language to require that assessments be done only when deemed appropriate.

Mr. Burton acknowledged that there are many requirements in this year's trailer bill language but they have been crafted more carefully and present things we can work through. Members were reminded that we still face a trigger reduction of \$50 million in this budget if the Governor's tax initiative fails on the November ballot.

Mr. Burton shared that we are completing implementation on some of last year's trailer bill language. Last year's language required that service providers convert to electronic billing for services beginning July 1, 2012. RCEB has had a last minute rush of folks getting started but we still have about 190 service providers not on e-billing and the law will not allow us to pay those providers who have not converted to e-billing. The other area of trailer bill language that continues to be a problem is the requirement for service providers to have fiscal audits or fiscal reviews. Generally, we have sent a number of letters and worked with Senator Emmerson to raise the threshold for the audit requirement but his bill has died. We are very concerned because we have widespread non-compliance. State fiscal auditors will want to know the status of this effort. We have asked providers to continue to work to find some alternative to this in law but the current requirement for this year will not be changed. Providers will need to understand that the consequence of non-compliance could cause the loss of vendorization. This is a state wide problem which we hope is being reviewed by DDS.

Mr. Burton reported there has been a change of leadership at La Familia Counseling Services. The new interim director is John Steinfirsh. We are familiar with Mr. Steinfirsh through his previous work as CEO of Fred Finch, an organization providing services to adolescents.

Mr. Burton reported the sad news of the death of Dr. Mary Lu Schreiber on July 4, 2012. There is a memorial service for Mary Lu on Wednesday at 2:00 in El Cerrito. She and her late husband, Bob, were so very important to the provision of services to the people we serve and her passing is another great loss for this community.

Mr. Burton reported there are a number of events coming up and members were encouraged to attend as their schedules allow.

Congreso Familiar will be held on August 11<sup>th</sup> at Chabot College. This very special annual event is not to be missed. RCEB will have a staff picnic on the afternoon of August 29<sup>th</sup> at Kennedy Grove. The Carlos Quintong Celebration of Self Advocacy will be held on August 31<sup>st</sup> at the Ed Roberts Campus in Berkeley. On September 29<sup>th</sup> RCEB and the Provider Vendor Advisory Committee will host a retirement celebration for Rocio Smith at their San Leandro address.

## PUBLIC COMMENT

John Rodriguez reported that the Contra Costa County Developmental Disabilities Council held their annual planning retreat and set priorities for the coming year. This year's session had a good turnout with great discussions and community collaboration.

Sandi Soliday reported the Alameda County Developmental Disabilities Council also held their annual planning meeting and will be setting their agenda for the year. The Council will not meet in August and the next meeting will be September 12<sup>th</sup>.

Cleo Manspeaker shared that she will be celebrating her birthday on September 1<sup>st</sup> and this year her birthday will be on a Saturday. Cleo also shared some of the concerns she had during her recent hospitalization. Mr. Burton acknowledged Cleo for the responsible and effective way she has dealt with her recent health issues.

## ARCA REPORT:

Ms. Struthers reported that the next ARCA meeting will be held in mid-August.

## ADJOURNMENT

Following a brief closed session to discuss a personnel issue, the meeting was adjourned at 8:30 pm.

Respectfully submitted,

Rose Coleman  
Secretary  
RCEB Board of Directors