



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

Monday, January 28, 2013, 7:00 p.m.
500 Davis Street, San Leandro, CA

MINUTES

Final Approved 2/28/13

RCEB BOARD MEMBERS PRESENT:

Anne Struthers, President
Mike Kuller, Treasurer
Ronald Clay
Hilda Mariscal

Sister Marygrace, PVAC
Gwen Nash-Butler, CAC
Steve Whitgob

MEMBERS ABSENT:

Kathy Hebert, Vice President (Excused)
Rose Coleman, Secretary (Excused)
Chi Lee

Donald Morris (Excused)
Mike Treppa (Excused)

STAFF PRESENT:

Jim Burton, Executive Director
Francine Davis, Director of Community Services
Terri Jones, Director of Human Resources
Lisa Kleinbub, Director of Health & Behavioral Services
Nancy Kubota, Director of Finance & Administration
Pam Thomas, Director of Consumer Services
Rhonda Kimble-Kelly, Case Manager 1
Meredith Rosenberg, Case Manager 1
Michi Toy, Executive Secretary

GUESTS PRESENT:

Bill Barbaria
Nyron Battles, CAC Chairperson
Denis Craig, SCDD Area Board 5
Cleo Manspeaker
John Rodriguez, CCDDC

Maria Rodriguez
Cecilia Corral
Rocio Smith
Sandi Soliday, ACPHD
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 7:01 PM. Quorum was present. Self introductions were made.

CONSENT AGENDA / MINUTES

M/S/C "The Board moves to approve the agenda for January 28, 2013 and the minutes of November 26, 2012 as presented."
(Nash-Butler/Puchac) Unanimous.

PUBLIC COMMENT

Cleo Manspeaker thanked RCEB, Bethesda Lutheran, and C.O.M.P.A.S.S. LLC, as she is receiving great assistance in moving to an apartment.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Anne Struthers

Contract Review

- Jim Burton requested the board to review the two transportation contracts; MV Transportation and First Transit. Both contracts are a continuation of existing contracts currently in place, with no rate changes.
- Francine Davis added that MV Transportation covers the Fremont/San Leandro areas, while First Transit covers the areas from San Leandro to West Contra Costa. Combined, they transport an average of 1,500 consumers daily to and from programs.

M/S/C “The Board moves to approve both the MV Transportation and First Transit transportation contracts, as presented.” (Whitgob/Kuller) Unanimous.

- Ms. Struthers referred members to their packets for review and approval of the Master Calendar and Board Work Plan for 2013. The Executive Committee recommends adoption of both documents.

M/S/C “The Board moves to approve the Work Plan as our working document for 2013” (Kuller/Puchac)

M/S/C “The Board moves to approve the 2013 Master Calendar” (Whitgob/Butler)

- The Board unanimously agreed to adopt both the 2013 Work Plan and the 2013 Master Calendar as a guide for their activities for the year.

BUDGET AND FINANCE COMMITTEE: Mike Kuller

Purchase of Service (POS)

- Mr. Kuller informed us that RCEB’s current Sufficiency of Allocation Report (“SOAR Report”) projects a mid-range insufficiency of approximately \$23.6M, which is consistent with the Preliminary SOAR presented in November 2012. Since the Department of Developmental Services (DDS) has not yet released the D-2 contract amendment, this figure is still considered preliminary. DDS has reported that there is still \$109M in POS (Purchase of Service) funds remaining to allocate.
- Currently, 20 out of the 21 California regional centers are projecting insufficiencies in their POS projections.
- Our POS expenditures continue to reflect impact of the Trailer Bills implemented in prior years and expenditures remain flat despite caseload growth. Our projected expenditures have only increased by approximately 2.85% from last fiscal year’s projections, despite a 3% restoration in provider rates.
- Our POS projections also include estimated savings from the implementation of Senate Bill 946 which transferred funding responsibly for behavioral services from regional centers to health plans. If these savings do not materialize, our POS projected expenditures may increase. We will continue to monitor the status of our POS projections carefully until year-end.

Operations

- Mr. Kuller stated that RCEB has posted a majority of the staff vacancies created by the hiring freeze. Thus, RCEB will not only be complying with the caseload mandates, but also providing more manageable workloads that will result in better service to our consumers and their families in the near future.
- We have also been rebuilding our infrastructure at RCEB; such as replacing computers and equipment which were neglected when we faced consecutive years of deficits in our operations budget. We are still reporting a sufficiency in the operations budget this fiscal year.

Cash Flow Status

- RCEB is maintaining a stable cash flow at this time, reported Mr. Kuller. The Department of Developments Services (DDS) informed all the regional centers that timely cash warrants should be available through March; however, cash flow at the State level might start to slow down due to the lag in receipt of federal funding. We may see this occurring at the beginning of April. Our line of credit is in place to address this contingency for a limited time.

Independent Audit Report for Fiscal Year 2011-2012

- The Independent Audit Report was presented at the November board meeting. The review and approval of this report is an action item for this January board meeting. There are no negative audit findings and everything is in very good order.

M/S/C “The Board moves to accept the Independent Audit Report for Fiscal Year 2011-2012.”
(Whitgob/Butler) Unanimous.

MEMBERSHIP DEVELOPMENT COMMITTEE: Anne Struthers

- Ms. Anne Struthers and Ms. Gwen Nash-Butler interviewed an applicant for the board this evening; a parent, Cecelia Corral for a position on the RCEB Board of Directors. Cecelia was nominated at this January board meeting and her name will be on the ballot for voting at the February meeting.
- Ms. Struthers also indicated that there is another candidate for board member, who will be interviewed in March. The Membership Development Committee has been proceeding to fill the vacancies on our board.
- Current board member, Mike Kuller has completed his second term in office. Following a ballot election tallied by board member Steve Whitgob, Ms. Struthers reported that Mr. Kuller has been unanimously elected to serve his third term (1 year) as a board member. Mr. Burton explained the terms of office that is stated in RCEB’S Bylaws and the term limits included in law.
- Ms. Struther’s also thanked and acknowledged that Sister Marygrace Puchac, our elected representative from the Provider Vendor Advisory Committee (PVAC,) has agreed to continue her service on our board.

PROVIDER/VENDOR ADVISORY COMMITTEE: Sister Marygrace Puchac

- Sister Marygrace informs us that Nancy Rosenberg will continue as Chairperson of PVAC, and that she herself, will continue as the PVAC representative on the RCEB board for an additional year.
- At the PVAC meeting on January 11th, Sister Marygrace said that Ms. Rosenberg asked the group the question, “What are you looking forward to in 2013?” This question was answered by the members following their self introductions. The sharing of what these individuals were excited about for this New Year, really helped in getting to know the members and in building bonds with them.

- Sister Marygrace said that the group brainstormed on what topics they can concentrate on this year, that would assist them in providing a high level quality of service. Topics discussed were the Affordable Care Act, staff trainings, new and helpful innovations, mental health counseling for staff and the people that they serve, etc.

CONSUMER ADVISORY COMMITTEE: Gwen Nash-Butler

- Ms. Nash-Butler summarized the January 14th CAC meeting starting with the comments made by Chairperson Nyron Battles, of how optimistic he is about this year, due to the passage of Proposition 30 and the re-election of President Obama. Ms. Nash followed with Jim Burton's good news that the State no longer has a projected deficit, mainly due to the passage of Proposition 30, and that no new cuts have been proposed.
- Ms. Nash-Butler exclaimed that the highlight of the meeting was the cake that they all shared in celebration of Bill Barbara's retirement; and especially to thank him for his continued service at their meetings.

Important Conferences

- Townhall Meeting, February 8th at the Oakland State Building Auditorium
- Alameda County Transition Fair, March 16th at the College of Alameda
- 18th Annual Statewide Self-Advocacy Conference, May 3-4th in Sacramento
- People 1st Conference, June 28-30th in San Jose

EXECUTIVE DIRECTOR'S REPORT: Jim Burton

- Mr. Jim Burton started off with the Governor's proposed budget which was released January 10, 2013. The Governor's budget highlights include a State budget without a deficit, which is the first time in about eight years that this has occurred. In this budget, Mr. Burton informs us that there are no new public policy or trigger cuts proposed for the developmental disability service system.
- Mr. Burton also stressed that this fiscal year, the State reduced the "reduction in payments" to regional centers and service providers by 3% (years ago, the State imposed a 3% reduction, then increased that by 1.25%, making it a total of a 4.25% reduction in payments). Thus, the Governor's proposal to restore the remaining 1.25% payment reduction this coming fiscal year, is extremely beneficial to service providers and regional centers. The Governor is proposing no additional reductions to the regional centers and their providers as of July 1, 2013.
- Mr. Burton exclaimed that this is the first time, in a long time that there has been a budget without any cuts, and it includes a restoration of some cuts made in the past.
- In the budget, the Department of Developmental Services will be given \$4.3 billion to serve 266,000 people with developmental disabilities and their families in the community. Including the cost of the state developmental centers (\$500 million), the total expenditure for DDS is approaching \$5 billion.
- Although we are starting the year off with a \$24M insufficiency, it is entirely due to the State allocation methodology, as we are not growing in our expenditures per person. Until the allocation methodology is changed, we will always start out the year with an insufficiency. For example, at the beginning of last year, our insufficiency was \$18M. Towards the end of the year, we were \$4M - \$5M short. However, after the fiscal year ended, we received \$4.4M from DDS, so we are currently only approximately \$1M insufficient. Since California still has an entitlement and the State still has a responsibility, RCEB is continuing to fund our responsibilities included in the Individual Program Plans (IPP's).

- There is also an estimated increase in case load by 9,000 consumers to the regional center system, which is an increase of over 3%. Mr. Burton expressed a positive and hopeful outlook in 2013.

Other Services

- There will be no new cuts to our **In-Home Support Services (IHSS)**. There will be a restoration of the 3.6% reduction to recipient hours.
- There are no changes or reductions to **Supplemental Security Income (SSI)**, which has already been reduced to the Federal minimum.
- The movement of the **adult education** responsibilities from the K-12 school system, to the community colleges. Currently, some programs are already under the community college system, so this proposal would move the remaining programs over.
- **Medi-Cal** has no significant cuts being proposed, although the Governor is proposing the delaying the implementation of certain changes. In particular, the coordinated care initiative between Medi-Cal and Medi-Care. Mr. Burton expressed a need for the board to stay on top of this issue, as it affects those with developmental disabilities and all Californians at both the State and National levels.
- Mr. Burton stressed that although this budget is a *proposal* with the legislature still needing to weigh-in and make adjustments, the Governor is in a strong position in Sacramento with a lot of support and backing. This budget is balanced mainly due to the Governor's successful Proposition 30 campaign; a passage that will produce much needed revenue for our State.
- We will now be shifting gears from "survival" mode to "re-build" mode, as we think about what and how to re-store cuts that were implemented in our systems, and how we want our services to look in the future.

Sonoma Developmental Center

- Last month, the Department of Developmental Services voluntarily withdrew four out of ten Intermediate Care Facility (ICF) living units at the Sonoma Developmental Center (SDC) from federal certification. This will affect 112 out of 290 ICF residents. This withdrawal should help preserve the certification and funding for the remaining six ICF units.
- The resulting loss of federal funding ranges in the \$12M - \$14M per year. Despite that loss, the priority is to maintain the health and safety of the individuals who we serve at SDC. DDS has made many improvements and changes at SDC, and is continuing to work diligently in finding an experienced permanent Executive Director.
- SDC continues to be a hot topic with the media, bringing up concerns about the quality of care at the facility, as well as concerns with the role of the Office of Protective Services (OPS). There are 550 people residing at SDC; 160 of them are RCEB consumers, the largest amount of any regional center. We know these residents and their families very well, and work very closely with them. RCEB regularly send staff to Sonoma, to be present and to keep abreast on current day-to-day issues.
- Mr. Burton reiterates that the focus of our energy is geared toward the well being of our residents; what they need and what is best for them and their families.
- Lately, some have been calling for the immediate closure of the developmental center. In actuality, immediate closure is not a possibility, since there are not adequate resources available in our communities today to serve all SDC residents. California will eventually become a state without a developmental center, but not until we have adequate plans set forth and implemented.

Board Comments on Sonoma Developmental Center

- Anne Struthers inquired about the current safety of the four ICF units that were de-certified, as well as if there are corrective actions and investigations being done to make improvements to the program and remaining units.
- Mr. Burton was candid in responding with the seriousness of the State's threat to take away the operating license of the center, due to the deficiencies present at SDC. Therefore, both DDS and the staff at SDC have prioritized the health and safety issues of those residents.
- Gwen Nash-Butler, inquired on the probability of the residents at SDC being admitted to the Napa State Hospital.
- Mr. Burton stated that the Napa State Hospital scenario would not occur, as that facility is entirely geared to serving people with serious mental health issues, not developmental disabilities.
- Although there is an urgency surrounding the SDC situation, it is important to plan things very carefully and thoughtfully. Ms. Nash-Butler and Ms. Struthers brought up the issue of what the plan would be if an individual resident is in imminent danger if they stay at the facility- would they then be admitted to another State Developmental Center.
- Mr. Burton stated that it is possible but unlikely that SDC residents would be sent to another Developmental Center, and more likely that SDC services would be quickly "beefed-up" to ensure health and safety of the residents. There are consumers and families who are actively searching for alternative placement within the community where placement might be accelerated if proper services are available and ready.
- Other questions were brought up during this session of and addressed by Mr. Burton.

Philanthropy

- Pam Thomas, Director of Consumer Services, spoke about the many ways that RCEB case managers creatively worked on projects that benefitted our consumers over the holidays. An example was the Gift Tag Program that case manager Sandra Regan organized. In this program, the staff at RCEB would purchase items from a wish list, then the gifts would be delivered by case managers to the consumers (700 gifts were received). Another example was a case manager who worked with a school in Hayward to donate toys, which resulted in 500 very happy consumers and in a few cases, their siblings

PUBLIC COMMENTS

- Sandi Soliday, from the Alameda County Developmental Disabilities Planning and Advisory Council, listed the upcoming events:
 - The Legislative Townhall Meeting will take place on February 8th at 9:30 a.m. at the State Building in Oakland.
 - The Provider Vendor Advisory Committee (PVAC) monthly meeting normally scheduled that day will not convene this month, due to the Townhall Meeting.
 - The Alameda County Developmental Disabilities Council's (ACDDC) board meeting is on Wednesday, February 13th. The Affordable Care Act (ACA) will be presented by Feda Alamaliti and Herb Schultz.
 - The registration forms have been printed for the March 16, 2013 from 9:30–3:00 at the College of Alameda -> 2013 Transition Information Faire for disabled students 14-22 yrs-old and their providers to learn about the transition process.

- John Rodriguez from the Contra Costa County Developmental Disabilities Council, listed the upcoming events:
- The Contra Costa County Office of Education is putting on a mini conference titled, “Parenting the Child with Special Needs” on Saturday, February 23rd at the Loma Vista Adult Center from 8:30 a.m.–12:30 p.m.
- The 6th Annual West County Transition and Special Education Resource Fair will be on Saturday, April 27th at the Vista Hills Education Center in Richmond.

ARCA REPORT: Anne Struthers

- Ms. Struthers attended the ARCA meeting in Sacramento on January 18th, and reports that ARCA is still struggling with its transition and reorganization. There were many important issues on the agenda, including diversity and perceived disparity in Purchase of Service (POS) expenditures.
- Mr. Burton addressed the diversity issue, by informing the board that he was part of a task force which includes Rocio Smith and Mr. Burton leading work groups to identify successful strategies to address this issue. There are seven bills that are in the works that will address this issue being introduced this spring.
- Ms. Struthers also reported that ARCA finalized their legislative platform and is reviewing new legislation and what they will be supporting.
- The 2013 ARCA’s Grass Roots Day, which draws regional center advocates from around the state to share their message with legislators in their Capitol office, has been moved to the first week of March. Those who want to attend should let us know, as plans need to be solidified.

CLOSED SESSION

No closed session necessary.

MEETING ADJOURNED – The meeting was adjourned at 8:10 p.m.

Next Board Meeting – 7:00pm, Monday, March 25, 2013

500 Davis Street – San Leandro

Respectfully submitted,

Rose Coleman
Secretary
RCEB Board of Directors