



**REGIONAL CENTER OF THE EAST BAY**

**Board of Directors Meeting**

Monday, November 23, 2015

500 Davis Street, San Leandro

Approved 1/25/16

**RCEB BOARD MEMBERS PRESENT:**

Anne Struthers, President  
Evangeline Iyemura, Vice-President  
Mike Treppa, Budget & Finance Committee Chair  
Steve Whitgob, Treasurer  
Rose Coleman, Secretary  
Nyron Battles, CAC Vice-Chair  
Morena Grimaldi  
Daniel Hogue, PVAC  
Donald Morris, CAC  
Gwen Nash-Butler, CAC  
Darcy Ting

**ABSENT:**

Chi Lee [excused]  
Marie Parra [excused]  
Carmen Quinones [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  
Steve Robinson, Director of Community Placement & Sonoma Developmental Ctr Closure Plans  
Ronke Sodipo, Director of Community Services  
Melanie Fowler, Associate Director of Adult Services  
Evelyn Hoskins, Associate Director of Federal Programs  
Priscilla Gomez, Manager of Transportation  
Guillermo Torano, Case Manager  
Michi Toy, Executive Assistant

**GUESTS:**

Bill Barbaria  
Kathy Hebert

Anna Shands, DDS  
Todd Struthers

**Public Meeting – RCEB 2016 Performance Contract  
Review of Annual Objectives for 2016**

Lisa Kleinbub, Director of Health & Behavioral Services presented the expectations for 2016 as she distributed the draft plan for the Local Public Policy Outcomes and stated that this is a requirement in the Lanterman Act, Section 4629. Ms. Kleinbub explained each of the measurable goals listed in the Public Policy Performance Measures hand-out as well as the activities that the regional center plans in 2016 will achieve these outcomes. She touched base on our efforts around developing resources as a result of individuals moving out of developmental centers, increasing supports for our consumers and their families, and decreasing the percent of adults and especially minors living in large facilities. All of the data from our report comes from actual, measurable outcome measures provided by the State. Mr. Burton added that the reason why these particular performance objectives were selected were because there is in fact a measurable way to look at achievement.

Local Public Policy Outcomes

The regional center addresses these unfunded optional outcomes yearly. This year we have two outcome measures that relate to reducing disparity and improving equity in purchase of services expenditures. Ms. Kleinbub stated that the law changed this year, where we are required to include these performance objectives. As we did last year, we look into the factors as it relates to these disparities in purchase of services. We are continually addressing these needs and implementing ideas that we develop during our Diversity & Equity Committee meetings.

One of the major events that RCEB co-sponsors is Congreso Familiar's yearly conference [A resource fair providing workshops, childcare, food, and live music for around 1,000 people who attend] in Alameda County. RCEB worked with Congreso on a mini conference (Congresito) in Contra Costa this year and will continue to co-sponsor both events. RCEB also co-hosts the STAR Conference [Conference for families to learn how to access medical, educational and social resources for children who have autism spectrum disorder], college preparedness conferences as well as numerous other events that we support and participate in. We will continually work with Asian Community Mental Health Services [ACMHS] and La Familia Counseling Services to identify effective outreach methods in underserved communities, as well as with individuals, families and other community partners to identify unmet needs.

Ms. Kleinbub went over each of the measurable goals listed in the hand-out and explained how the State measures and analyzes the goals. The questions asked by the Board were addressed by Ms. Kleinbub and Mr. Burton accordingly.

M/S/C            “The Board moves to approve the 2016 Local Public Policy Outcome and Public Policy Performance Measures as presented. [Coleman/Whitgob] Majority rules Yes [10-yes, 0-no, 1 abstain]

- The board was reminded that an annual performance contract report which outlines how RCEB performed in meeting the 2015 objectives is due to DDS at the end of January 2016 and will be presented to you at our January board meeting.

### **Public Meeting- RCEB Board of Director’s Meeting**

#### **CALL TO ORDER**

President, Anne Struthers called to order the regularly scheduled meeting of the Regional Center of the East Bay at 7:07 p.m. following the board training session on the new contract language and the public meeting regarding RCEB’s 2016 performance contract objectives.

#### **WELCOME AND INTRODUCTIONS**

Self introductions were made and a quorum was present.

#### **CONSENT AGENDA / MINUTES**

M/S/C            “The Board moves to approve the November 23, 2015 Agenda as presented.”  
[Treppa/Iyemura] Unanimous

M/S/C            “The Board moves to approve the minutes of October 26, 2015 with the exception of removing the Diversity & Equity Chair position in the Proposed 2016 Slate of Officers, since that is an appointed not an elected position.  
[Treppa/Iyemura] Unanimous

#### **PUBLIC COMMENT**

There were no public comments made.

### **COMMITTEE REPORTS**

**EXECUTIVE COMMITTEE:** Anne Struthers

#### **CONTRACT APPROVALS**

##### **MV Transportation**

RCEB sent out a new request for proposal for a transportation company to replace MV Transportation in servicing our clients, and will be taking extra care in evaluating the numerous

applicants. The board will be advised of our choice at the January board meeting but in the interim, we would like to extend our current contract with MV Transportation by one month, since we do not meet in December.

M/S/C            “The Board moves to approve the MV Transportation contract extension of one month from January 1, 2016 to January 31, 2016, with no changes to the rates or service as presented.” (Whitgob/Nash-Butler) Unanimous

#### Dental Benefits Contract Approvals

This is the renewal of the Health Care Employees Dental and Medical Trust (Delta Dental) contract. The total of the contract for fiscal year is over \$250K with an average monthly payment of \$29K, an increase in annual premium by 2.3%. Mr. Burton stated that RCEB seeks bids yearly from a number of providers, and that Delta Dental was the least expensive.

M/S/C            “The Board moves to approve the 2016 contract with Health Care Employees Dental and Medical Trust [Delta Dental] as presented.” (Battles/Iyemura) Unanimous.

#### **BUDGET AND FINANCE COMMITTEE- Report from 11/23/15: Steve Whitgob**

##### Independent Audit Report for Fiscal Year 2014-15

The Independent Audit Report for Fiscal Year 2014-15 was presented at the October board meeting. As reported last month, the audit report is a clean report with no management comments. It is the recommendation of the Budget and Finance Committee to approve the Fiscal Year 2014-15 Independent Audit Report.

M/S/C            “The Board moves to approve the Independent Audit Report for Fiscal Year 2014-15” [Treppa/Battles] Unanimous

#### Purchase of Service

Regional Centers typically submit to the Department a preliminary Sufficiency of Allocation Report [SOAR] which is the basis of Regional Centers’ Purchase of Services projections each fiscal year. The SOAR Report advises the Department of Regional Centers’ projected expenditures for the current fiscal year and reports on the sufficiency of State funding for Purchase of Services. The format in submitting the SOAR is the same as last year and the report is due to the Department on December 10, 2015.

Staff completed our preliminary SOAR report for the current fiscal year. Based on expenditures through October 2015, we are projecting for NON-CPP POS Expenditures a range between an insufficiency of approximately \$1.14MM (worst case) and a sufficiency of \$1.1MM (best case). This is basically a balanced projected budget for Purchase of Services. It is also the lowest

insufficiency that has been reported on our preliminary SOAR in many years. The board is reminded that this is the agency's preliminary SOAR.

There are several new program expenditures that will have impact on our POS expenditures for Fiscal Year 2015-16 and may be reflected in our SOAR report:

- Growth in caseload: We grew by 948 net new consumers from 7/1/14 through 6/30/15.
- State Minimum wage increase [AB10] effective 1/1/16 will impact our residential, Supported Living Services, respite, day care and some day programs.
- Sick leave Act [AB1522] effective 7/1/15 will impact residential, Supported Living Services, respite, day care and personal assistance and some day programs. Also, In-home Supportive Services [IHSS] hours, which are funded by counties are impacted.
- A 5.82% rate increase due to the Federal Standard Labor Act [SB856]. This was a regulatory requirement by the Department of Labor and the pass-through funding was initially added to Regional Centers' budgets last fiscal year with an effective date of 1/1/15. In early January of 2015, this act was overturned by a federal court decision and a stay order was put in place so DDS rescinded the funding. The Department of Labor appealed the court's decision and recently the stay order was removed, therefore making the Federal Labor Standard Act a mandate once again. The courts established the effective date of the Labor Act to be 10/13/15 but at this time, the Department has not confirmed the implementation effective date of the Fair Labor Standards Act for Regional Centers. The Department has confirmed that they are holding additional POS funds to implement this federal mandate. Our SOAR report does not yet include the impact to our POS projections but once we receive the funding confirmation and the effective date, our SOAR projections will be adjusted accordingly. The Fair Labor Standards Act will impact many services, particularly residential, Supported Living Services, respite, day care, and personal attendant services.
- Changes and increases in Local minimum wage rates [over and above the State minimum wage] continue to impact our Purchase of Services projections.

The total RCEB projected fiscal impact for regular growth, State minimum wage, Sick Leave Act and Local Minimum wage is approximately \$13.3 M in new growth expenditures. This amount does not include the fiscal impact to fund the Federal Standard Labor Act. At this time, consider the SOAR as a preliminary baseline projection estimate of our Purchase of Service expenditures as many of the state/federal mandates have not yet been implemented.

#### Operations

We are currently projecting a balanced operations budget for the current year.

Cash Flow status

The agency is maintaining a stable cash flow at this time. We have been advised by DDS that timely cash warrants should be available through April. After April, the Department will begin to offset our cash advance. The agency does not have an active line of credit at this time; however, we do not anticipate any delays in the receipts of the state warrants. Staff will update the board monthly on the status of the agency’s cash flow.

Mr. Burton added that a year ago we were looking at our \$18M-\$22M budget insufficiency, so this budget is as close to being balanced as you can be, and the best that it has been in at least 10 years. Although financially, this is very good news, it is bad news because it reflects the fact that we have not been able to develop sufficient services due to low provider rates and lack of start-up funding. We added 948 new consumers in one year to our current 18,500 total but our list of new programs is very small. All the restrictions that were put into law during the recession, and still in law prevents us from starting up new programs and restrict us from paying rates that would allow our providers to grow, expand, and be able to stay in business.

**MEMBERSHIP DEVELOPMENT COMMITTEE: Anne Struthers**

President Anne Struthers announced the retirement of current board member, Donald Morris after this board meeting. Mr. Morris has been a dedicated board member since February, 2009 as well as an integral member of the CAC. Due to his workload, he will only be able to dedicate his time to his CAC activities. Ms. Struthers presented him with a retirement plaque, as we have appreciated his services on our board.

RCEB Board Officers

In RCEB’s ByLaws Section 5.10(b), officers of the Corporation shall be elected by the Board at its annual meeting, which is in November. In Section 6.2(b), opportunity should be given for those interested in holding an office, to be nominated at the board meeting prior to the annual meeting. Our current Secretary, Rose Coleman read the current Slate of Officers for 2015. Ms. Struthers inquired from the board at the October meeting if there was any interest from our members to hold an office for the 2016 calendar year, after which board member Nyron Battles expressed interest in holding the position of the Secretary. After a unanimous vote at this November board meeting, the follow officers are:

**2016 OFFICERS**

Anne Struthers.....	President
Evangeline Iyemura.....	Vice-President
Mike Treppa.....	Budget & Finance Chair
Steve Whitgob.....	Treasurer
Rose Coleman .....	Secretary

**PROVIDER/VENDOR ADVISORY COMMITTEE [PVAC]:** Daniel Hogue

At the October meeting, RCEB's Melanie Fowler and Ronke Sodipo presented on the need for Tailored Day Services. At the November meeting, there was a presentation from Esperanza Diaz-Alvarez regarding Community Resources for Independent Living [CRIL] and their Travel Training program. Mr. Hogue elaborated on the serious financial concerns of the service providers.

**CONSUMER ADVISORY COMMITTEE:** Nyron Battles/Gwen Nash-Butler

Mr. Battles reported that at their CAC meeting, they voted for officers. Gwen stated that this RCEB board meeting is guest Bill Barbaria's last meeting. Mr. Barbaria has been retired from RCEB for three years but has consistently attended our board and CAC meetings to assist, and we appreciate his time and commitment to our consumers.

**DIVERSITY and EQUITY COMMITTEE:** Morena Grimaldi

There was no meeting today since we had a board training session instead.

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

Developmental Services Task Force

At the last developmental services task force meeting, California Health and Human Services Agency [CHHSA] Secretary Diana Dooley announced the retirement of Santi Rogers as the Director of the Department of Developmental Services [DDS]. Mr. Rogers has been working in our service system for 47 years, and will retire at the end of November. Mr. Burton added that our system is losing a trusted, thoughtful, and good friend of the developmental disability community. The current Undersecretary of CHHSA, Michael Wilkening will be the Acting Director in the interim and will be getting assistance from the Chief Deputy Director of DDS John Doyle until a replacement is announced.

Sonoma Developmental Center [SDC]

Mr. Burton stated that there is no doubt that the SDC closure will be a significant issue for coming legislation. Secretary Diana Dooley announced that they will be submitting closure plans to the legislature for all three of the developmental centers [including Porterville and Fairview] by April 1, 2015.

RCEB continues to meet monthly with the families from Sonoma Developmental Center's Parent Hospital Association [PHA]. Families from the Agnews Developmental Center's Association for the Mentally Retarded at Agnews [AMRA] were present to tell their story of how they were initially strongly opposed to the Agnews closure, but living in the community turned out to be a successful and great alternative. Hearing these stories helped our Sonoma families understand what to expect in a developmental center closure. In developing new community services for our clients at Sonoma, we received 35 responses to our Request for

Proposals [RFP's] of different service models. We are working hard to put services in place and so far it is going exceedingly well.

Mr. Burton added that key legislative staffers visited RCEB/San Leandro with an interest in the specialized services that were developed for Agnews. They took a tour of two of our 962 homes [homes for adults with developmental disabilities who are medically fragile and require 24/7 licensed nursing supports] as well as a highlight visit to a former SDC resident of 27 years and who has been living successfully in a supported living arrangement. It was clear to everyone that she really enjoyed living in the community. The legislative staffers were very pleased in what they saw and heard, and equipped with knowledge about how services can be provided as well as on addressing client and family issues raised to the legislature. Mr. Burton thanked Steve Robinson and Lisa Kleinbub for making the arrangements.

#### State Budget – Special Session Update

The legislature will not be reconvening until January when the regular session resumes. Rallies are being planned now as it is clear at this point that people are very frustrated over the lack of progress. They are frustrated that although they continued to rely on the legislative process, they saw nothing come out of the Special Session. Instead, we are seeing programs close and services are harder to access. We are hoping that when the legislature convenes on January 4<sup>th</sup> that they can work with the Governor to find solutions to the troubles that our system is experiencing. On the positive note, at least there still is a Special Session, and our issue is front and center.

#### Program Closures

Some of the major closures for this month are listed below. The majority of the closures are due to the low rates, and no cost of living rate adjustments. The older service providers suffer the most because their rates were set many years ago and have not been adjusted for many years.

#### **Lynn Center**

This center provided early intervention services to children in Contra Costa County and has been doing so for 61 years. They will be closing at the end of November due to inadequate rates. RCEB has been working very hard with Contra Costa ARC to identify alternate services for these children. This is a very difficult closure partly due to the fact that it served those in a part of Contra Costa [Pittsburg/Bay Point] that does not have many services available. This closure has hit our community extremely hard and it will be a highly publicized closing.

#### **Camp, Inc.**

This Adult Day Program [ADP] in Dublin with a capacity of 30, closed on Friday, October 30<sup>th</sup>. It is in the tri-valley area where there are not a lot of services available. The licensees run another program called the Sierra Day Program where about half of the consumers opted to transfer to it after the ADP closed.



### **Over 21 Day Program**

This program with a capacity of 25, closed on Friday, October 30<sup>th</sup> as well. A community based program opened in time for some who chose to take the option of going to alternate program.

### **Holy Spirit Residential Care Home**

This home with a capacity of 6 in Fremont closed on October 31<sup>st</sup>, 2015. All residents have relocated to other residential facilities and Supported Living situations.

### **Emmanuel Home Health Agency**

This agency was struggling to provide services as well as dealing with licensing and allegation of abuse issues, and closed their doors in response to the investigations.

### Overtime / Fair Labor Standards Act

Mr. Burton stated that this is a very serious problem for all our providers especially our supported living providers. It is very difficult for everyone to manage the hundreds of hours of in-home support services and equal number of hours of staff time to make the necessary tedious adjustments. Although there is money in the budget [5.82%] the Administration expressed that they want to handle this consistently and that IHSS can't do this until February 2016 and that DDS could not do anything at this point. As a result, this leaves providers in a terrible situation by having them wait until February as well as not knowing if the rates will be retroactive to October 13, 2015, which is when the courts ruled to change the Fair Labor Standards Act to require overtime. Mr. Burton stated that it would be better if it were done simply and quickly and not retroactively. We are asking the Administration to re-evaluate and to provide a 5.82% across the board to get the money out.

### Announcements

#### **2015 Board Composition Survey**

The Department of Developmental Services had each regional center complete a yearly survey on their board composition, pursuant to Welfare & Institutions Code section 4622.5. RCEB was the only regional center that met all the requirements. Mr. Burton thanked the board for their volunteerism and commitment, and added that our board really represents our community in many respects.

#### **SCDD, Bay Area**

Our State Council on Developmental Disabilities, Bay Area office representative, Gabriel Rogin has accepted the interim position in Sacramento as the Acting Chief Deputy Director of the State Council on Development and Policy Issues, while continuing to be our local representative.

#### **Events/Changes**

Mr. Burton informed the board that there are many changes in store for 2016 and that we should be prepared to embrace the changes that will be forthcoming.

Regional Center Changes

There are three regional centers [Golden Gate, Westside and Kern regional centers] that are recruiting for an Executive Director at present.

RCEB’s Director of Consumer Services, Pam Thomas will be retiring at the end of March 2016. We have known for sometime of Pam’s plans so the position has been posted and we are conducting multiple interviews.

Mr. Burton ended his report by wishing everyone a happy Thanksgiving and holiday and thanked everyone for their service and willingness to volunteer. He added that regional centers thrive when they have great board members like the ones that RCEB is so fortunate to have.

**PUBLIC COMMENT**

There was no public comment this evening.

**ARCA REPORT:** Anne Struthers

Ms. Struthers stated that the next meeting will be in January where there will be a lot more information on the special session and the state budget as the legislators reconvene.

Ms. Struthers announced the passing of Janna Reed Rollens, wife of Rick Rollens who were both strong and successful advocates for people with developmental disabilities and autism. Ms.Struthers closed the board meeting in Janna Reed Rollen’s memory.

**EXECUTIVE SESSION** – Personnel Issue

**MEETING ADJOURNED**

The board meeting adjourned at 8:54 p.m.

The next Board Meeting will be at 7:00 p.m. on January 25th in San Leandro  
There is a Diversity & Equity Meeting at 6:00 prior to the board meeting