



REGIONAL CENTER OF THE EAST BAY
Board of Directors Meeting

Monday, November 27, 2017
500 Davis Street, San Leandro
Approved 1/22/18

RCEB BOARD MEMBERS PRESENT:

Kathy Hebert, President
Evangeline Iyemura, Vice President
Nyron Battles, Secretary
Morena Grimaldi, Diversity & Equity Chair
Gwen Nash-Butler, CAC Vice-Chair
Sister Marygrace Puchac, PVAC Representative
Dinah Shapiro
Gerald Tamayo

ABSENT [excused]:

Lilian Ansari
Chi Lee, Treasurer
Mike Treppa, Budget & Finance

STAFF PRESENT:

Lisa Kleinbub, Executive Director
Beth DeWitt, Director of Community Services
Terri Jones, Director of Human Resources
Lynn Nguyen, Director of Finance & Administration
Steve Robinson, Director of Community Placement & SDC Closure Plans
Lucy Rivello, Interim Director, Health & Behavioral Services
Ronke Sodipo, Director of Consumer Services
Elvia Osorio-Rodriguez, Associate Director of Children's Services
Priscilla Gomez, Transportation Manager
Colleen Lee, Case Manager
Meredith Rosenberg, Case Manager
Laura Woodford, Case Manager
Herb Hastings, Consumer Advocate
Michi Toy, Executive Assistant

GUESTS:

Patricia Albeno	Will Sanford	Jean Tehaney
Vi Ibarra, CCCDDC	Sandi Soliday, ACDDC	Geneva Ziaouré, PVAC
Patrick McKay	Ricardo Sorio	
Tristan Mora	Carmen Sora	
Sheraden Nicholau, SCDD	Linda Stevens	
Jeri Pietrelli	Josh Sullivan, CCCDDC	

CALL TO ORDER

Board President, Kathy Hebert called to order the regularly scheduled meeting of the Regional Center of the East Bay at 7:00 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 November 27, 2017 agenda as presented.”
[Battles/Shapiro] Unanimous

M/S/C “The Board moves to approve the October 23, 2017 minutes with a slight correction in the Finance report. The draft version stated: “In terms of the financial statements and the two Federal programs, they issued an unmodified/clean opinion.” Since we have just one Federal program, we replaced that sentence with, “In terms of the financial statements and the Federal program, they issued an unmodified/clean opinion.”
[Shapiro/Battles] Unanimous

PUBLIC COMMENT

Jean Tehaney spoke about the adverse changes that she has noticed at the Adaptive Learning Center [ALC] over the years, in regards to how the program concentration has switched from being focused on the social, educational, and emotional needs of the clients to being strictly maintenance, and her concerns on how these changes has affected the client’s mental/physical health. Ms. Tehaney added that the medication distribution to the clients and the method in which the client’s money is being managed is also of a concern.

Carmen Sora, who is a nurse, also added her concerns with the medication disbursement method at ALC, as she does not feel that her family member is getting the best care.

Ms. Kleinbub addressed both their concerns with ALC and stated that they have been looking into the new Federal settings rules, and that each situation is different and that the new rules should not affect the individualization of care. RCEB will look into it and will follow up with Ms. Tehaney and Ms. Sora.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Kathy Hebert

BUDGET AND FINANCE COMMITTEE

Budget and Finance Committee Report from 11/27/17 – Lynn Nguyen for the Budget & Finance Committee

Independent Audit Report for Fiscal Year 2016-17

Lynn Nguyen distributed the October Financial Status Report to the board members and stated that at the October board meeting, the Agency's independent auditors, Marcum LLC., presented a draft of the audit report to the Board. This is a clean report with no Management comments. Normally, the Budget and Finance Committee would recommend the Board approve the audit report at the November meeting. However, there will be a delay in the final Audit Report because unlike other years, Marcum requires to have the latest valuation of the CALPERS unfunded liability amount as of 06/30/17. This valuation will not be available until the end of December. Therefore, the final audit report will not be issued or presented for the Board's approval until the January board meeting.

Purchase of Service

Regional Centers typically submit a preliminary Purchase of Services Expenditure Projection (PEP), previously known as the SOAR, to the Department of Developmental Services (DDS). This is the basis of Regional Centers' Purchase of Services projections each fiscal year. The PEP report advises DDS of Regional Centers' projected expenditures for the current fiscal year and reports any funding insufficiencies in Purchase of Services (POS). The format for submitting the PEP is the same as last year and the report is due to DDS on December 10th, 2017.

Staff completed our preliminary PEP report for the current fiscal year. Based on expenditures through October 2017, we are projecting at this time for NON-CPP POS Expenditures a sufficiency ranging from approximately \$2.5MM (worst case) and \$5.6MM (best case). It is the highest sufficiency that has been reported on our preliminary PEP. We believe that the continuing lack of adequate program development to reflect consumer growth and support needs is the basis of this number. Again, the board is reminded that this is the agency's preliminary PEP.

There are several new program expenditures that have impacted our POS expenditures for Fiscal Year 2017-18, which are reflected in our PEP report:

- Growth in caseload; RCEB grew by 540 net new consumers in the past 12 months.
- The State Minimum wage increases effective 1/1/16 and 1/1/17 continue to impact our residential, supported living services, respite, daycare and some day programs in Fiscal Year 2017-18.
- The Service Provider ABX2 1 rate increases will continue to significantly impact our POS projection of current services.
- POS expenditure for new program development in FY 2017-18 is projected at a mid-range of \$9.2M.
- With the cap removed for both in-home and out-of-home respite effective 1/1/2018, in-home respite increases from 30 hours to 40 hours per month or (90 hours to 120 hours per quarter) and out-of-home respite is at 21 days annually. Included in this preliminary PEP is an increase in respite expenditures of \$2.5MM.

- Also included in this PEP is \$1.3MM projection for the State minimum wage increase effective 1/1/18 from \$10.50 to \$11.00.

Staff will continue to monitor our POS projections.

Operations

Through October 2017, we have expended 29% of the operations budget of \$43.8MM. At this time, we are projecting a balanced budget in operations. Staff will be keeping the board apprised of our operations budget for the year.

Cash Flow Status

The agency is currently maintaining a stable cash flow at this time. DDS paid the September claim submitted in October at the beginning of November as expected, and will continue to pay each month's claim monthly until March, before the Department will begin to offset our cash advance.

The agency does not have an active line of credit at this time and will work with Union Bank and bring forward an analysis and recommendations to the Board in a future Board meeting.

Staff will update the board monthly on the status of the agency's cash flow.

Questions were asked by the board and the audience and answered by Ms. Nguyen and Ms. Kleinbub accordingly.

CONTRACT APPROVALS

SUPPORTED LIVING SERVICE [SLS]

Ms. Hebert distributed the two contracts with the agencies that operate an SLS for providing support to those clients who live in their own home.

By Popular Demand

Term: 12/1/17 - 11/30/2022

Capacity: 15 individuals

Estim. Average monthly volume \$7,500

Estim. Annual total \$1,350,000

M/S/C "The board moves to approve of RCEB entering into the SLS contract with
By Popular Demand as specified above."
[Shapiro/Battles] The motion was adopted.

Toolworks

Term: 7/1/17 – 6/30/18

Capacity: Increase from current 25 individuals to 30

Estim. Avg monthly rate: \$8,823. This will vary since the clients have individualized rates based on need.

Estim. Annual total: \$3,176,280

M/S/C "The board moves to approve of RCEB entering into the SLS contract with Toolworks as specified above."
[Battles/Shapiro] The motion was adopted.

COMMUNITY PLACEMENT PLAN [CPP]

Ms. Hebert informed the board that Steve Robinson took her on a tour of some CPP homes and that she was very impressed with how every detail of the home accommodated the individual's needs without compromising on the aesthetics, as they were all very beautiful.

Ms. Hebert distributed the housing contracts for the Community Placement Plan [CPP], to provide homes for those individuals currently residing in the development centers who will be moving into the community. Mr. Robinson went over the contracts and answered the questions accordingly.

Elwynn California

These three contracts are for Adult Residential Facilities for People with Special Health Care Needs [ARFPSHN]; individuals needing 24-hour licensed nursing care. This will be for two 5-bed and one 4-bed residences.

Cheyenne Drive 5-bed

Term: 1/15/18 – 1/14/23

\$22,635.55/client/month

Max monthly rate \$113,177.75

Annual Disbursement **\$1,358,133**

Banbury Place 5-bed

Term: 1/15/18 – 1/14/23

\$22,635.55/client/month

Max monthly rate \$113,177.75

Annual Disbursement **\$1,358,133**

Maria Avenue 4-bed

Term: 2/15/18 – 2/14/23

\$22,635.55/client/month

Max monthly rate \$90,542.20

Annual Disbursement **\$1,086,506.40**

M/S/C "The board moves to approve of RCEB entering in the three ARFPSHN housing contracts with Elwynn as specified above."
[Battles/Shapiro] The motion was adopted.

California Housing Foundation [CHF]

This contract represents a CPP amendment to a start-up agreement for the contractor to develop six ARFPSHN homes with a capacity of 28 individuals.

Term: 6/30/16 – 3/31/18

\$1,690,000 total increase for acquisition of homes

Revised total: \$5,890,000 (original amount \$4,200,000)

M/S/C “The board moves to approve of CHF’s contract amendment for the acquisition of the six ARFPSHN housing contracts as specified above.”
[Nash-Butler/Shapiro] The motion was adopted.

Housing Consortium of the East Bay [HCEB]

This contract represents a CPP reduction amendment to a start-up agreement for the contractor to develop four homes; two ARFPSHN and two Special Residential Facilities [SRF] homes.

Term: 6/01/15 – 3/31/18

Original amount: \$5,500,000

Revised total: \$3,738,543

M/S/C “The board moves to approve of HCEB’s contract amendment for the start-up development of the two ARFPSHN and two SRF housing contracts as specified above.”
[Shapiro/Nash-Butler] The motion was adopted.

Roslil

This contract represents a CPP start-up agreement for the contractor to develop one ARFPSHN Home to house 4 individuals.

Term: 1/01/18 – 12/31/23

\$22,635.54/client/month

Max monthly rate: \$90,542.16

Annual Disbursement: **\$1,086,505.92**

M/S/C “The board moves to approve the start-up contract with Roslil to develop one ARFPSHN home as stated above.”
[Battles/Shapiro] The motion was adopted.

Center for Synergy and Independence dba Woodbridge

These two start-up contracts are for People with Special Health Care Needs [ARFPSHN] for those needing 24-hour licensed nursing care. This will be for two 4-bed homes.

Trifari

Term: 1/01/18 – 12/31/23

\$22,635.55/client/month

Max monthly rate: \$22,635.55

Annual Disbursement: **\$1,086,506.40**

Clayton

Term: 1/01/18 – 12/31/23

\$22,635.55/client/month

Max monthly rate: \$90,542.20

Annual Disbursement: **\$1,086,506.40**

M/S/C “The board moves to approve the start-up contract with Woodbridge to develop two ARFPSHN home as stated above.”
[Battles/Shapiro] The motion was adopted.

Questions regarding the housing contracts were asked by the board members and addressed by the staff accordingly.

Health Care Employees/Employer Dental & Medical Trust

The last contract to approve this evening is for RCEB staff. It is a renewal of the current Delta Dental contract. Ms. Terri Jones explained the contract details and noted that the dental rates will decrease by 4.6% for 2018.

Term: 1/01/18 – 12/31/18

Amount: over \$250,000 with an average monthly payment @\$35,000.00, depending on the amount of staff.

M/S/C “The Board moves to approve the Health Care Employees/Employer Dental Trust contract for the January 1, 2018 to December 31, 2018 year.”
[Battles/Shapiro] The motion was adopted.

MEMBERSHIP DEVELOPMENT COMMITTEE: Kathy Hebert

Slate of 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.

At the October board meeting, the proposed 2018 Slate of Board Officers was presented. A ballot vote was cast at this board meeting and tallied by Evangeline Iyemura. It was unanimous that the Slate of Board Officers for next year will be:

2018 SLATE OF OFFICERS

Kathy Hebert	President
Evangeline Iyemura.....	Vice-President
Mike Treppa.....	Budget & Finance Chair
Chi Lee	Treasurer
Nyron Battles	Secretary

Board Membership

Last month, a board candidate was nominated to join the board after she had completed the interviews and has continually attended our board meetings. Following a ballot election tallied by board member Evangeline Iyemura, Ms. Hebert reported that Linda Stevens has been unanimously elected to serve her first term of 3 years starting today.

PROVIDER/VENDOR ADVISORY COMMITTEE [PVAC]: Sister Marygrace Puchac

The PVAC meeting was on November 17th where there was a presentation by Behavior Agent Dr. Lisa Keliher. She spoke about how we look at behavior issues using real-time technology that gathers data. The next PVAC meeting will be on December 8th, which will be a short meeting as they celebrate the various holidays at the end of the year.

CONSUMER ADVISORY COMMITTEE [CAC]: Nyron Battles stated that the CAC met on Monday, November 13th. He added that case manager supervisor, Julie Whiskeyman will be attending the CAC meetings regularly. Mr. Battles added that former Board and CAC member, Maria Marquez will give a presentation at the January CAC meeting on Self Determination. The next CAC meeting will be on January 8, 2018.

DIVERSITY and EQUITY COMMITTEE: Morena Grimaldi

We have started taking formal minutes of our meetings and posting them with the agenda's on our website at <https://www.rceb.org/diversity-equity-committee>. At the end of the minutes, we will indicate the date/location for the next Diversity & Equity Committee meeting.

Ms. Grimaldi summarized the events and information shared about support groups activities in Livermore and San Lorenzo as well as other various Spanish speaking group activities.

Ms. Grimaldi stated that RCEB's Diversity & Equity Specialist, Jairo Guiza, reminded the committee that DDS's deadline for community-based organizations and individuals to submit their Request for Proposals [RFP] to receive funding for their projects to reduce disparities and promote equity was November 6th. Our regional center submitted a request for three areas; production and translation of materials in language that have at least 30 clients, cultural competence training, and community events. DDS will respond to those applicants by December 31st, so hopefully we will know which groups were selected by our January meeting.

The next Diversity & Equity meeting will be January 22, 2018 and will start an hour earlier due to a Board of Director's training session from 6:00-7:00pm.

EXECUTIVE DIRECTOR'S REPORT: Lisa Kleinbub, Executive Director

Ms. Kleinbub advised the Board that we had received input after last month's public meeting on RCEB's Performance Report goals for 2018, and have incorporated a few of these goals in the revision as a result. Ms. Sodipo elaborated on specifics in this report as well as the added activities that RCEB will employ to achieve those new outcomes listed. The main changes are to measures related to employment as well as those to reduce disparities. In March, we will share the results and will post them on our website.

M/S/C "The Board approves the revised 2018 Performance Contract goals as specified."
[Nash-Butler/Battles] The motion was adopted

Sonoma Developmental Center [SDC]

We are expecting rapid movement of clients from SDC to their new homes in the communities now that we have many homes licensed. The homes for the medically fragile [ARFPSHN] and seniors are being licensed first, and we will follow in the Spring with licensing Enhanced Behavioral Support Homes [EBSH] for those with more significant behavioral issues. We have approximately three SDC individuals transitioning this month, and are expecting up to 20 individuals in December.

Ms. Kleinbub attended a family meeting regarding the concerns the family had about their family members being moved out of SDC during the Sonoma fire in October. Some clients were fortunate that their new homes were completed, so they were able to move in directly without returning to SDC. The families were very grateful to the staff for their support and their dedicated work evacuating the residents. A follow-up family meeting will be scheduled in January to share information on emerging supports that their family members will have in their new homes.

ABX2 1

We have about 19 vendors who did not turn in their survey by DDS's October 1st deadline, and we are currently waiting for clear instructions from DDS on the status of the reduced rates. We are hoping to be given the instructions soon. This impacts our Accounting department to retroactively reduce rates, as it is a great workload issue to go back to reduce for previous months.

Budget

We are expecting the Governor's budget to be released by January 10th. We have no sense as to what will be in that budget; if there will be any increases or decreases. It is unlikely that there will be any increases due to the rate study that is currently going on by Burns & Associates.

We are in a world of uncertainty with the tax bills. It is unclear on what is going to happen with Medicaid and funding for social services especially if the Federal government has large deficits. We do know that the Governor will continue to be conservative as we all wait to see what will happen in Washington, D.C. There is an election coming up in 2018 for a new governor, as well as a March forum with some of the gubernatorial candidates in Sacramento, who will be available to listen to the concerns and answer questions posed by our community.

The East Bay Legislative Coalition [EBLC] is planning a legislative breakfast on February 2nd, where the focus will be on issues that are of concern to our developmental disability community. This will be an invitation only event with an attempt to have representation throughout our community.

Diversity & Equity

In reference to DDS's Request for Proposals [RFP's] from the various community-based organizations and individuals, we had 7 local community proposals from our area for program funds to reduce disparity in purchase of services as well as two state-wide proposals. DDS will be making decisions on those proposals on a state-wide basis. They will look at communities based on their individual needs and their targeted disparity. We are anxious to see which of our proposals will be funded.

We will be publishing more purchase of service data at the end of December and will have public meetings next year to share that data.

Ms. Kleinbub also added that DDS is accepting proposals by service providers for \$15M statewide to meet some of the goals of the community based services settings rules. These proposals are due January 5th. The nature and goal is for the quality of people's experiences to be inclusive. It's about individualized services and looking at what is of value to individuals, so that they are not in isolated settings. Last year, a number of providers received funding for individual program plans, person-centered thinking trainings, and items purchased to provide more inclusive daytime activities, etc. DDS did say that they will look at organizations who did not receive the funding last year, to give other's a chance.

Self-Determination

Ms. Vi Ibarra, Chair of our local Self-Determination Committee, spoke and advised the attendants that on December 4th, there will be a Self-Determination Train-the-Trainer meeting in RCEB's Concord office from 6:00pm – 9:00pm. This will be for those organizations as well as individuals who are interested in conducting Self-Determination Program [SDP] information meetings. The purpose of the SDP meeting, is to educate and inform individuals and their families about what Self-Determination is, and decide if it is something that they are interested in. Attendance at an SDP meeting is mandatory for those who want to sign up to be on the lottery list, which will give them an opportunity to be randomly selected for the first phase of the self-determination trial.

Ms. Kleinbub ended with wishing everyone a restful holiday season and to return invigorated in January 2018.

PUBLIC COMMENT

Vi Ibarra, Contra Costa County Developmental Disabilities Council [CCCDDC].

Mr. Sullivan introduced Vi Ibarra, who is not only our Self-Determination Committee Chair, but will take Mr. Sullivan's place as he had been promoted to Health Services Administrator a few months ago.

Nov 29: This is the next CCCDDC meeting at the RCEB/Concord location where there will be a presentation by Michael Minton on HCBS, System Changes, and the Final Rule.

CCCDDC will not meet formerly in December, as they will have their yearly retreat for their 2018 new year planning.

Sandi Soliday, Alameda County Developmental Disabilities Council [ACDDC]

Ms. Soliday welcomed Ms. Ibarra to the council and is looking forward to working with her.

Nov 30: This is the next East Bay Legislative Coalition meeting [EBLC] from 10:00-12:00 at the Public Health Department in Oakland.

Nov 30: Transition team meeting at RCEB/San Leandro from 3:30-5:00 with presentations by Shriver Center case managers to explain what they do.

Dec 13: This is the next ACDDC meeting where there will be a Special Education Dispute Resolution presentation by a representative from AUSD and from DREDF.

Jan 10: This is the first ACDDC meeting of 2018 with a presentation on Mitigating Human Trafficking by Assemblyman Rob Bonta's staff member.

March 24: Alameda County Transition Faire at the College of Alameda

Sheraden Nicholau, State Council on Developmental Disabilities [SCDD], Bay Area Office

Ms. Nicholau started off congratulating Vi Ibarra in her new position at CCCDDC and added that we are fortunate to have two DD councils in the East Bay. Congratulations also went out to Linda Stevens, RCEB's new board member.

Nov 30: SCDD meeting in Sacramento where they will be looking at 4-5 sponsorship proposals as well as structural deficits.

Dec 5: The Bay Area Regional Advisory Committee meeting will be in Hayward, and they will be looking into 2018 priorities.

Dec 6/7: Statewide Self-Advocacy Network two-day meeting in Sacramento

ARCA REPORT: Lisa Kleinbub

Ms. Kleinbub stated that there was no ARCA meeting in November.
The next ARCA meeting will be in January.

CLOSED SESSION – Labor Negotiations

MEETING ADJOURNED

The board meeting adjourned at 8:37 p.m.

There will be a Board of Director Training session one hour before the regularly scheduled Board meeting from 6:00-7:00 on January 22, 2018 in SAN LEANDRO

The Board Meeting will start at 7:00 pm as regularly scheduled