

KERN REGIONAL CENTER

3200 N. Sillect Avenue • Bakersfield, CA 93308 • (661) 327-8531

Board of Directors Meeting

5:30 p.m. – 7:30 p.m.

KRC Malibu Conference Room

3300 N. Sillect Avenue

Bakersfield, CA 93308

MINUTES

March 3, 2015

PRESENT: Susan Lara, President Steve Esselman, Vice President
Lorie Stewart, Secretary Ismael Romero, Treasurer
Matthew LaGrand Laurie Hughey, VAC Representative
Jeremy Shumaker Quanah Mason
Tracy Brown Richard Rodriguez
Rosita Barron Nickole Mensch
Frank Meyer Carol Sackey

ABSENT: Veronica Quezada

I. CALL TO ORDER/ROLL CALL

II. CONSENT AGENDA

- A. **Approval of Agenda and regular Board Meeting Minutes dated February 3, 2015. Attachment 1.** Request to move of this item to the regular agenda was made by Lorie Stewart.
- B. **Approval of regular Board Meeting Minutes dated December 2, 2014. Attachment 2** – Motion to approve (Shumaker); second Rodriguez; board approved with an abstention by Essleman.

II.B **Item Moved from Consent Agenda**

Approval of Agenda and regular Board Meeting Minutes dated February 3, 2015. Attachment 1. Ms. Stewart had suggested revisions for the Board Minutes from February 3, 2015, and will e-mail the requested changes to Maria Solano.

III. PUBLIC COMMENT

- A. **David Marcus.** The League of Dreams has Opening Day on Sunday the 15th at 1:00 pm. David commented on the good service of the Regional Center and noted that he would be attending Grassroots Day.
- B. **Matthew LaGrand.** Informed the Board that he is considering running for the State Council of Developmental Disabilities Area 8 Board Regional Board.

- C. **Pam Woodruff.** Per Welfare and Institutions Code §463.95, all Regional Centers must provide DDS the operations budget for all Administrative Services except maintenance repair or purchase of equipment or property. KRC provided DDS the reports on Administrative expenditures for fiscal year 2012/2013 and 2013/2014; Ms. Woodruff said she believe the amount spent on attorneys' fees is excessive.
- D. **Kristen Sodergren.** Asks the board to take a question into consideration: What purpose is served with the posture that the board has with the staff? What purpose is served in any respect? She asked the board to ask themselves this question as things come up.
- E. **Cindy Martinez.** Commented on the Thanksgiving baskets. The foundation is going to help the staff with the tax ID number; however, the people that assist are on vacation. She will speak to them when they return. The second comment is a note that Cindy wrote in response to a comment at the February 2, 2015 Board meeting that KRC staff had boycotted sending out the notice in regards to the Fair Hearing training and the Family Forum. Cindy's note reads that KRC staff takes their work very seriously and have no intention of boycotting their job. They are submitting a list of signatures of employees that sent out the information they were directed to. Cindy also states that some notices were delayed due to insufficient postage.
- F. **Shayla Mcpherson** – Parent of a client of KRC since 2007; observed that there are issues from report of DDS. Stated that not all parents will be able to participate in the survey due to busy lives, lack of transportation, etc. Parents need staff, vendors and board to work together. Suggested that the board hold family forums outside the regional center.
- G. **Dian Schneider** – A reminder that they have the Night of Inspiration and Rights Law this week. Rights Law is sold out. There are about 15 seats for Night of Inspiration on Thursday night.

IV. ACTION AND DISCUSSION ITEMS – BOARD ACTIVITIES

- A. **KRC Draft Response to DDS Assessment Findings – Susan Lara. Attachment 3**
The Board was presented with the draft response to the DDS Assessment Findings. Brief discussion regarding the response.
MOTION to approve the response to DDS by Shumaker; second LaGrand. Motion approved with two opposed (Sackey, Stewart).
- B. **Board Policy Review Task Force.** The Task Force met on February 19th to review the revised by laws prepared by general counsel and two board policies which have been revised after discussion and overview.
 - 1. **Bylaws. Attachment 4.** Motion to approve (Mensch); seconded. The board votes to approve with no opposed and no abstentions. The Resolution requires a roll call vote:
AYES: Shumaker, Brown, Rodriguez, LaGrand, Esselman, Mason, Mensch, Romero, Hughey, Sackey, Lara, Stewart
NOES: none

2. **RFP Board Policy C-9. Attachment 5** – used for RFPs to address needs. Motion to approve by Lorie Stewart; Jeremy Schumaker seconds the motion. The board votes on approving with no opposed and no abstentions.
 3. **Whistleblower Board Policy P-4. Attachment 6** – Nickole Mensch motions to approve; second was made. The board votes to approve with no opposed and one abstention.
- C. **Referral Process – Duane Law (Information).** In January and February of this year, the movement out of active stats was 25. In February an additional 29 were added. In January, 21 individuals were assessed and deemed not eligible. In February, 19 individuals were determined not eligible. As of March, KRC is serving 7,906 clients. KRC does not, as an organization by history, keep track of the number of referrals that KRC makes for clients. It can be added to the equation. There are services that we may have multiple referrals or vendors to refer a client to for individual choice, and then there are some services for which we may have only one or two providers for. We also have services that because of the challenge of maintaining capacity are limited significantly where we can only say to an individual “here is a home”, for example, “that you may be able to reside in.” The individual can visit the home and make an informed choice that they wish to live there or live with the individuals that reside in that home. We have a broad array of services under service code 55; when an individual needs that service based on the IPP the service coordinators are able to provide referrals to those organizations. We have about thirty-five (35) SLS vendors. Based on the individual needs of a consumer, we can give referrals to day programs. All factors are understood through IPP process. One of the challenging areas is the Residential Services. We no longer serve a lot of people in group homes. Transportation is a big issue. The transportation issue with one of our large vendors has been resolved. We have two FHA vendors; one serves 85 clients, another serves 80 clients. The new KRC website has a Vendor/Service identifier. This is a map of Bakersfield and the surrounding community where you can select a specific type of service and the map will identify vendors in that community and area that provide those types of services. Duane will contact Rosita as she is the board member who raised this question at the last meeting.
- D. **Review of Contracts – Audit/Finance Committee. Attachment 7 (Action)**
1. **BARC Access Now Community Integration Training PK5126** – This contract was tabled from last month. It is a 24 month contract through June 30, 2016. The vendor submitted a letter detailing how the profit from this contract is used to supply other services and programs provided by BARC that are underfunded. CSD was pleased with the feedback from the vendor and community. The committee reviewed this contract and recommends board approval. Motion to approve the contract, second. The board voted to approve the contract with none opposed, one abstention (Hughey).
 2. **BARC Transportation HK2622** – This is a 36 month contract through June 30th of 2017. The service originated in 1996. They transport 58 consumers; the rate is \$1.54 per route mile. They run 13 routes to and from worksites.

The committee reviewed this contract and recommends board approval. Motion to approve the contract; second. The board voted to approve the contract with none opposed and one abstention (Hughey).

3. **Express Transit Transportation HK3973** – This is a 36 month contract through June 30th of 2017. The vendor began in 2007. They transport roughly 750 clients to and from day programs and after school programs on 29 routes with a rate of \$65.65 per vehicle service hour. At the time that the board reviewed this contract, the public utilities commission had pulled the license of Express Transit. The license suspension lasted only two days and the vendor is now in compliance. A question was raised regarding the license suspension which resulted from lack of the proper workers' comp insurance documentation. As of February 26th, the vendor is up to date. Motion to approve the contract; second. The board voted to approve the contract with none opposed and one abstention (Hughey).
4. **Mercies Day Program Transportation HK2632** – This is a 36 month contract through June 30th of 2017. Vendored in 2001; they transport 42 adults to and from their Mercie's Day Program on 6 routes with a rate of \$41.56 per vehicle service hour. The committee reviewed this contract and recommends for board approval. Motion to approve the contract; second. The board voted to approve the contract with none opposed and one abstention (Hughey).
5. **Mercies Day Program Transportation HK4234** – This is a 36 month contract to June 30th of 2017. They transport 321 adults to various day programs serving areas such as Wasco, Frazier Park, Lebec, Tehachapi, California City, Rosamond. They also provide youth bus service to and from day programs. The rate is \$60.00 per vehicle service hour. The committee reviewed this contract and recommends board approval. Motion to approve the contract; second. The board voted to approve the contract with none opposed and one abstention (Hughey).
6. **Routing Logistics Transportation PK3597** – This is a 36 month contract through December 31st, 2017. This company was vendored in 2006. They provide routing for all vendors providing services under subcode 880 and 875 at the monthly rate of \$21,750 a month and a onetime software maintenance fee. Routing Logistics provides cost analysis, routing solutions for cost effectiveness, route planning, inclined pick-up scheduling. They also were vital in assisting with routing with the Express Transit issue of last week. The committee reviewed this contract and recommends board approval. Motion to approve the contract; second. The board voted to approve the contract with two opposed (Essleman, Mensch) and one abstention (Hughey).
7. **Better Way Services Supported Living Services PK5096** – This is a 36 month contract through June 30, 2017. This SLS vendor was vendored in 2000; they serve 44 clients who reside in various living arrangements. CSD reports that the clients are well served by the vendor. After review of the supporting documents, the independent audit report came back qualified

due to inadequate documentation which does not impact services to consumers. The vendor is working to resolve the issues and implement policies and procedures for the resolution. The committee, after careful review and long discussions, decided to recommend approving this contract for two years, through June 30, 2016, to allow the vendor to continue to serve our consumers and to offer KRC a resolution to the qualified audit. Motion to approve the contract; second. The board voted to approve the contract with none opposed and one abstention (Hughey).

8. **California Spectrum Services PK6278** – This contract is for 1 year. It addresses a great need for ongoing early start services for infants and toddlers ages 0-36 months in their natural environment. The service is still in the planning stages with an hourly rate which could allow to exceed \$250,000 depending on referrals and amount of clients served. After discussing this contract in length, because the services have not started yet, the committee is recommending that the board not take action on an assumption contract, but rather that the contract be forwarded to the CEO for approval for one year. If the contract rises above the threshold of \$250,000 after the first year, then the board will review an extension of the contract next year. A motion to follow the recommendation to pass this to the CEO is made; a board member seconds the motion. The board votes to pass the contract on to the CEO with no opposed and no abstentions.

- E. **Board Education/Training: Governance and Board Responsibilities – Attorney Gary Ray, Ottone Leach & Ray** – Mr. Ray provided education to the Board regarding how to efficiently and effectively conduct a Board Meeting and how to properly prepare the minutes of the Board Meeting.

V. **ACTION AND DISCUSSION ITEMS – KRC ACTIVITIES**

- A. **Budget Update and Financial Report** – report on the budget situation for KRC and the State as it pertains to the delivery of developmental services. Audit/Finance Committee. **Attachment 8** – The committee was unable to meet with the CFO this past month; there has not been any changes. A financial report was submitted.

VI. **REPORTS:**

A. **Board President Report**

1. The Board is still working on getting the board training with the ERISA attorney; will send out some possible dates by the end of the week. February 26th, a family forum was held. There will be four family forums this year; there will be one in Inyo/Mono County. There was also a Fair Hearing training in conjunction with Office of Client Rights Advocacy. There was an English session on February 19th, and one in Spanish on February 20th. There was also a fair hearing vendor training on February 19th.

B. **Executive Committee Report**

1. The Committee met on February 23rd. The Committee reviewed recommendations from general council, Gary Ray, and approved to have Gary attend for the next two meetings. The Committee also reviewed the corrective action plan for submission to DDS, which was approved by the board in February. A cover letter was approved with the status of the survey. Depending on the outcome of the survey, the corrective action plan can be revised or amended to address other areas as needed. The survey is now live on the website and was sent to all consumers and families, staff, vendors and other community partners throughout our community with a cutoff date of March 16th. If surveys are received after that, they may be included also. All responses, both mail and electronic, will be sent to a non-bias third party CBA firm for reporting and calculating all preliminary responses to the Board in April. The Executive Committee also reviewed two emails they received through the Secure BOD email; one was regarding training and communication that would help prepare and empower staff. The staff asked for a safety training, the Lanterman training, and a better communication of policy and procedure changes. The Committee was informed that there has already been an Get Safe training scheduled for April 9th with two sessions; one from 10:00 am to noon and one from 1:00 pm to 3:00 pm. Also, in follow up with the active shooter training from the All Staff training in January, there will be an active shooter drill in the near future; date will not be announced. The Committee also discussed the possibility of the Lanterman training. The CEO informed the Executive Committee that links to the Lanterman Act were sent out to All Staff for access. Staff were also offered to receive a new Lanterman Act Booklet when they become available. The Board will also be receiving those. The second email was addressing the urgent need to fill the position of the Director of Client Services. The Executive Committee directed that the email have the names removed for privacy and to be copied for all Board members. This was included in the packets. Families and consumers are being notified via mail. Staff received via a link in an email. The survey is also on the website.

C. KRC CEO Report

1. CEO gave the board a brief review of the Purchase of Service Distribution Data that will be presented at the public meeting this month. 78% of all individuals throughout the state of California served through the Regional Centers reside in the home of a parent or guardian. Independent living and supported living is at about 8%. About 8% of the service population resides in group homes or community care facilities. All other living arrangements is approximately 6%. KRCs percentage of serving a consumer in the home of a guardian or parent stands at 74.91%. The expenditures associated with that service comprises about 33.71% of our funding. About 12% of KRC's consumers are living in independent or supported living settings. About 22.27% of our budget goes towards serving individuals living in those settings. Roughly 6% of KRC

consumers are living in community care facilities or group homes. The statewide average is 8%. In terms of cost, KRC spends 31.29% of revenues in this area compared to the state average of 34%. About 1.5% of the consumers we served are of Asian ethnicity. They receive approximately \$10,000.00 in FY 2012/2013. About 8% of the population that we serve are African Americans. They receive approximately \$13,000.00 in 2013/2014 and approximately \$13,433.00 state wide on average in 2013/2014. About 1.3% of KRC's consumers are Philippino. About 43% of KRCs clients are Hispanic. They receive on average, statewide, \$7,677 in 2012/2013 and about \$8,031 in 2013/2014. About 7% of KRCs clients are Native American. About 39% of KRC consumers are Caucasian/White. The expenditures statewide on average were about \$17,000 in 2012/2013 and \$17,434 on average in 2013/2014. There was an increase of 2.17% in the Asian population in terms of revenue expended statewide through the Regional Center system. For African Americans, there was an increase of 2.59%; for Pilipino its 1.16%; for the Hispanic population its 4.61%; Native Americans had a slight decrease. The Polynesian population had a decrease of 5.19%; The Caucasian/white population had a 2.85% increase.

D. Vendor Advisory Committee Report

a. No report.

E. Board Policy Review Task Force Committee Report

a. Reviewed by laws. Next meeting is in April.

F. Legislative Report

a. No report.

G. People First Report

a. No report.

H. State Council on Developmental Disabilities Reports

a. No report.

I. Affordable Housing Committee (ASPIRE)

a. No report.

J. Client Services Report

a. No report.

K. KRC Staff Report

a. Introduction and Welcome to Lori Blodorn, new Human Resources Manager. Lori is a Lawyer by background; has served on a School Board in Wisconsin and has experience in Human Resource management. Two new hires started on the same day as Lori. One service coordinator on Tamara Harney's unit and another in Ana Leheny's unit.

VII. CLOSED SESSION: Closed Session on legal issues regarding WIC 4663(a)(5) & 4664(a)

VIII. RECONVENE OPEN SESSION: Report on Closed Session, information only and no actions were taken.

IX. ADJOURNMENT: 8:49pm