

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

Board of Directors Meeting
6:30 p.m. – 8:00 p.m.
Zoom Webinar

<https://us02web.zoom.us/j/87226907375?pwd=ZkRmUUU1kSjNQSVmVhR3hHRFNrc3BMQT09>

Webinar ID: 872 2690 7375, Password: 299968

Dial in Number: 1-669-900-6833

MINUTES

August 25, 2020

Board Members Present:

Oscar Axume
Mitzi Villalon
Kevin Gosselin

Simon Verdugo
Ryan Jones
Nickolerene Mensch

Martin Vasquez

Board Members Absent:

Mark Tolentino
Jasmeet Bains

GENERAL BUSINESS

1. Call to Order and Introductions

The meeting was called to order at approximately 6:43 p.m. by Oscar Axume. It was determined that a quorum was present.

2. Approval/Additions to Agenda

Action – Motion to approve the Regular Meeting of the Board of Directors Agenda dated August 25, 2020.

M/S/C – (Villalon/Mensch) Motion approved the agenda for the meeting of May 26, 2020 with the addition of the ARCA Report as Items 9.
7-0-0.

3. Meeting Minute Approval

Action – Motion to approve the minutes of the Regular Meeting of the Board of Directors held May 26, 2020.

M/S/C – (Villalon/Vasquez) Motion approved the minutes of the regular meeting of the Board of Directors held on May 26, 2020 with the corrections of removing Martin from the attendees list, change votes on actions from 8 to 7 and for #10F it should be 6-0-1.
7-0-0.

4. Public Input

No public comment.

UNFINISHED BUSINESS

REPORTS

5. Board President Report – Oscar Axume

- A. At the last Board meeting, I asked if any of the Board members wanted to volunteer for the position of Secretary and there were no volunteers. I asked a couple of Board members after the meeting and one of them said yes. I am very pleased that Martin accepted to be the Secretary. Does anyone have any comments, make them now and if not, I will need a motion to approve Martin as Secretary of the Board.

Action – Motion to approve Martin Vasquez as Secretary on the KRC Board of Directors.
M/S/C – (Villalon/Gosselin) Motion approved Martin Vasquez as Secretary of the Board of Directors effective August 25, 2020.
7-0-0

6. Financial Report – Tom Wolfgram

1. Tom Wolfgram, KRC CFO, provided the financial report for Operations and POS Operations (see attachment 2) – Here we have the first month of the operations budget. We have a five-year contract. A was our last year we were in. We are currently in the second year of the contract, so we are in B. With B we get the preliminary amount allocation. The preliminary allocation is about \$18,500,000 you will see that the estimated budget is around \$21,500,000. The B1 should be coming out which will give us a larger allocation. On the salaries and benefits you will notice that there is \$17,000,000 that includes all employees. Some of those employees will be moved out into the CPP or the Foster Grandparent Senior Companion. As soon as we get those budgets, that is approximately \$1,000,000 in additional funding, or in special project funding. That would reduce that amount and with that, the B1 should be in balance. I do not have anything else to report as we have only had 2 pay periods, so you will see down below an estimate of a month.
2. POS (*see attachment 3*) – On the POS you will see that for July under the purchase of service, we have spent a total amount of about \$13,500,000. If we include the CPP we have spent about 9.6% of the total allocated preliminary POS budget, which is \$142,700,00. So, we have spent \$13,687,000. That is approximately 9.6% of our total allocated amount so far, which is 1% above 1-12th. We still have invoices that are coming in from May and June, so we have not closed out the previous year. We will have information before the next meeting. It will be sent out to the Board members.

7. Executive Director's Report – Michi Gates

A. Dr. Michi Gates reported on COVID-19 with general updates.

- 1.** DDS is continuing to provide statewide data on COVID numbers across the Regional Centers. Information is also available on the DDS website. DDS has revamped their website. Accessible right from the DDS homepage you will see a COVID tab.
- 2.** Kern Regional Center was doing pretty good until the numbers started going up for everybody and I think that was after a couple of weeks after reopening started in the State. Then the numbers started going up and we saw a steep increase among our clients and our providers being diagnosed with COVID-19. That was late June through the beginning of August. Since then, we are seeing numbers decline again. I do not know if that will hold up because everybody is rightfully concerned about what is going to happen in the fall and winter when flu season comes. For now, there has been a big improvement in our numbers along with the other two Central Valley regional centers. If you look at the graph, they very much follow Kern's graph. We are all the same because of the hot spot that occurred in the Central Valley. We are still dealing with outbreaks in some of our care homes. We are trying to help with additional staff if individuals are positive with COVID. We are also utilizing our surge site, which has been provided by the Delano Association for the Developmentally Disabled. Mike Gutierrez and his staff have been very good in supporting our individuals who needed a place to live temporarily and these are individuals who are positive. We have been very lucky to have that resource for individuals who have a positive diagnosis.
- 3.** Another point of concern during this pandemic has been the decline statewide of Early Start referrals from 0 to 3 age individuals. Fortunately at Kern that is reviving and so we are seeing those intake numbers increase back to normal. The reason that this is concerning is because we know the need has not gone away. We know that 0 to 3 age children still need our support and services. We are assuming that due to COVID those referrals just kind of stopped as people sheltered in place. We are happy to see those numbers coming back so that we can provide those supports that are very much needed, during that small window of opportunity.

B. Improved Wi-Fi and Community Communication

- 1.** We have taken the opportunity or were more forced to speed up enhancement of our technology due to all the work from home and the need to be able to communicate more effectively with people who are sheltering in place. We have been able to upgrade our network system and our equipment. We have all become very familiar with using Zoom. We have advanced a great deal thanks to all our staff being willing to learn how to use the technology from home. Thanks to Francois Besnard, Controller, who is under Tom Wolfgram our CFO, he and our consultant have done wonders to improve our system.
- 2.** One of the other things that has come up with the Board before is to improve our ability to communicate with our community through social media. We are finally making some progress. Shannon Lueck, our Training Coordinator, has been a huge help with this. ARCA just recently started a group that has representatives from all the Regional Centers to help all of us improve our social media efforts

across the State. Kern is kind of behind a lot of other Regional Centers who have already been using social media for quite a while. Besides ARCA, we also have a colleague who has been willing to help us. I know this is real simple stuff but exciting for us. We have a new Facebook account. We had Facebook accounts existing but we were locked out of them because whoever set them up, that person isn't here anymore and we had no way to access them or get rid of them, so it was causing some barriers to us moving forward. We do now have a Facebook account and it's my understanding from Shannon it automatically posts to Instagram. Thanks, to Cherylle Mallinson's efforts and research we added some new software recently that helps us do mass communication much more easily. We have been using that quite a bit to communicate with our vendor community and hope we can use that as we acquire more email addresses for our individuals and families.

C. Compliance issues with our Early Start contract audit.

1. I would like to thank Kristine Khuu, her two Program Managers in Early Start Karina Proffer, Lulu Calvillo and all their Service Coordinators who have worked extremely hard to address audit findings. For the Early Start Program, which is 0 to 3, the expectation on all audit points is to have 100% compliance. That is just how it is, it's a Federal Program and nothing less than 100% is satisfactory or acceptable, you can imagine that's hard to meet. Every time we didn't meet 100% on a factor, we would have to do a follow up audit with DDS. We have done that a couple of times and this last time we were successful in getting to 100% and that is due to the really hard work of our Early Start teams and I appreciate that. For the long-term fix, the issue is meeting timelines. The problem with meeting timelines is a lack of resources for assessment, so for the long term fix we are interviewing other agencies who can assist us, so that we will have more resources in place to complete assessments, once we get a referral, in a timely manner and complete the Individual Family Service plan on time.
2. In terms of other audits, DDS just recently presented their draft reports for us for 2 audits covering the span of 2014 through 2018. Each one is for a two-year period. We went over these with DDS and now it is our turn to respond to those draft findings. Typically, Regional Centers during this step can ameliorate some of those findings, correct some of them completely or at least reduce some to a less formal level so that the final audit report will reflect the true situation for that Regional Center. We are working on that right now; the DDS audits are much better. Kern is digging itself out from under some serious issues that were created during prior administration. Kern is making a lot of progress thanks to the efforts of some dedicated staff, including Cheryl Mallinson, who has taken a lead in and been part of appeals on behalf of Kern regarding these audits. In terms of the financial consequences to these audits, the main issue is improper rates that were provided by prior administration and these are called by the Department and by us legacy issues. Those are very hard to correct because we are not giving people more money but having to tell them we must reduce their rates because they are not within regulation.
3. In terms of other compliance issues there is Board training. Not this past year, but the year before Regional Centers had a few additional requirements added

and one of those was to submit a Board training report to the Department by September 1st of this year. I have shown you all a plan, a training plan that I had Matthew Bahr put together. He is one of our consultants who provided the training to the Board last year and he is very familiar with Board trainings. What I would like to do and I didn't put this on as an action item because I think at this point it's just informal, that I would like to submit a plan to the Department by September 1st, but it's not set in stone. It is not something the Department approves. It is just a requirement we must submit and in December of 2021 is when we will then submit to DDS, the report that reflects the actual training that you all chose to participate in. There's a couple of other things to consider. We were just informed last week that ARCA Academy, which had that training last year is putting together a plan for possibly every other month to have live webinars. The most important thing that the Board members said they got out of the ARCA Academy last year was the ability and the opportunity to interact with other Board members. They will try to reproduce that to the best extent they can, under the current COVID-19 circumstances and those would be live webinars. What I was going to do is recommend we add that to Matthew's report, a final sentence or two saying, in addition, the Board will utilize the ARCA Academy as appropriate to meet Board training needs in the following year. Oscar Axume adds a question. Do we need to approve it as a Board? I do not have it on the agenda as an action item as it is an informal submission of proposed training. The other thing that the Board should consider, and we can discuss at the meeting next month, is when to have the trainings? Some Regional Center Boards only have a meeting every other month and then on the intervening months, they have their training, so that is an option, if the current Regional Center Board wanted to change its Board meeting calendar. Other options are to have training and meeting in the same month, have it on the same day as the Board meeting or have it on a different day. Those are the options and maybe the Board can decide at the next month's meeting how you want to schedule the trainings.

4. The public meeting requirements. I mentioned this before, that another new requirement was added for this year, each Regional Center Board is now required to do a public presentation of the last year's performance contract data. I'm recommending, because at least a 30-day notice is required, that the Board consider doing this at your October Board meeting, that would fulfill the public meeting requirement. You can do it whenever you want, you can have it as a separate meeting. Of course staff here at Kern would help in any preparation that you need for the presentation and assist with the report that is due after that to the Department regarding the performance contract. The Presentation needs to be done by one or more of the Board members. I was thinking October would be better because there is at least a 30-day notice required.
5. We will also need to do the annual presentation of the future performance contract. Cherylle Mallinson normally leads on that.
6. Another new requirement is the National Core Indicators public presentation. KRC staff would present at a future Board meeting the National Core Indicator data for Kern Regional Center. It is a survey that asks people questions concerning their quality of life and their life experiences and how regional

center services and supports are helping them.

8. Vendor Advisory Committee – Mitzi Villalon

- The VAC did not meet this month but we did meet on July 28th. Much needed information was provided by KRC regarding a multitude of budget and COVID issues.
- The VAC nominated and voted in a new VAC Chair for the remainder of 2020 and 2021. At this time I have the great privilege of introducing to the KRC Board, Shawn White as the potential new VAC Chair.
 - A little bit about, Shawn, he joined PathPoint in 2015 and in his role as Vice President of Kern County's PathPoint he is responsible for the quality, effectiveness, and efficiency of all services they provide. Additionally, he has experience as a Program Manager at Bakersfield ARC, 2011-2015 and at Clinica Sierra Vista where he supervised case managers connecting community resources to families of southeast Bakersfield, 2003-2007. He holds a Bachelor of Science in Health Care Management from Florida Agricultural and Mechanical University, and earned a master's degree in Public Administration from California State University, Bakersfield.

Shaun White added a comment: I am extremely excited about this opportunity and I look forward to working with all of you. Mitzi thanked the Board for allowing her the opportunity to serve as Vendor Advisory Chair.

- The last item is the committee unanimously agreed to postpone the Vendor Advisory luncheon. Unfortunately, due to COVID they have decided to postpone it.
- The next Vendor Advisory Meeting is September 22nd at 10:00 a.m.
- The Board meeting September 22nd at 6:30 p.m. Oscar thanked Mitzi for everything she has done for the Board and for always being involved.

Action – Motion to approve Shaun White as Vendor Advisory Chair on the KRC Board of Directors. **M/S/C** – (Mensch/Axume) Motion approved Shaun White as Vendor Advisory Chair of the Board of Directors effective August 25, 2020.
7-0-0

9. ARCA Delegate Report – Nickolerene Mensch

- A.** Daniel gave an update on the State and Federal Legislation. There was also an update on COVID-19. Nancy Bargmann, DDS, gave a comprehensive update on today's meeting regarding one contract negotiations with DDS. Key topics; 4731 complaints and DDS reporting requirements out of State Foster Children. The Self Determination Program Aussie oversight in DDS wanting progress timelines, CPP funds and cleaning up the basic contract boiler point to local communications, RC staff who are doing community outreach. Cameron Page, is heading up the committee to figure out which topics are most relevant to continue for education and for COVID-19. Continuous discussions on how to best respond to the unique and challenging environment clients and their families maybe facing, as well as struggling providers. Our next meeting will be in October. The meeting date and time has yet to be determined.

10. Staff Report – Cherylle Mallinson

A. Resolution Ratifying Prior Execution of (POS) Contracts (*see attachment 4*).

Cherylle Mallinson, in her capacity as Director of Community Services for Kern Regional Center (“KRC”), and in accordance with instructions by one or more prior Executive Directors of KRC, has routinely executed purchase of service (“POS”) contracts with vendors; Mallinson has continued such practice under the current Executive Director; in accordance with Welfare & Institutions Code Section 4625.5 (“WIC Section 4625.5”), the Board understands that Ms. Mallinson has only executed POS contracts of \$250,000 or more after receiving consent of the Board; and the Board of KRC now wishes to ratify Ms. Mallinson’s prior actions. The Board of KRC hereby ratifies all prior POS contracts signed by Ms. Mallinson as valid corporate actions, and with the intent to be bound by them; *provided, however*, to the extent such contracts required Board approval under WIC Section 4625.5, the Board only ratifies those POS contracts the Board previously approved. This Resolution shall take effect immediately upon its adoption and shall remain in effect until revoked. The only reason my name continues to be cited here is because I do not want the Board to just blankly approve any contract signed by the Director of Community Services for KRC or prior position. We want to make sure that legacy issues remain legacy and that anything I have done is a move forward.

Action – Request a motion for approval to Ratify Prior Execution

M/S/C – (Mensch/Gosselin) Motion approved to Ratify Prior Execution Contract Passes.
6-0-1 (Villalon)

B. Resolution Delegating Authority to Execute (POS) Contracts (*see attachment 5*).

Contracts over \$250,000 will continue to be presented to the Board of Directors for approval. Resolution: *The Board of KRC hereby authorizes and designates the Executive Director of KRC, and such other officers, employees, and agents of KRC who may be designated by the Executive Director, to execute all POS contracts with vendors.*

ACTION – Requesting a motion to approve Resolution Delegating authority to Executive to execute POS contracts.

M/S/C – (Mensch/Gosselin) Motion approved to Ratify Prior Execution Contract Passes.
6-0-1 (Villalon)

BOARD TRAINING

NEW BUSINESS

GOOD AND WELFARE

- a. Meeting is adjourned at approximately 7:31p.m.

The next Regular Meeting of the Board of Directors is tentatively scheduled for Tuesday, September 22, 2020 at 6:30 p.m. via Zoom Webinar.

Note: Requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Administrative Assistant during regular business hours at 661-852-3360.

Respectfully submitted: _____

