

**KERN REGIONAL CENTER
Monthly Board of Directors Meeting**



5:30 p.m. – 7:30 p.m. Board Meeting
Malibu Room
3300 N. Sillect Ave.
Bakersfield, CA 93308

Kern Regional Center
3200 N. Sillect Avenue
Bakersfield, CA 93308

**AGENDA
December 3, 2013**

I. CALL TO ORDER:

- A. Self Introduction:**
- B. Approval of Agenda:**
- C. Approval of Minutes of November 5, 2013 as Attachment I**
- D. Public Comment: Limited to 5 minutes**

II. ACTION AND DISCUSSION ITEMS - BOARD ACTIVITIES:

- A. ARCA Report -**
- B. Review of Contracts - Finance Committee**
 - o **None**
Checklists and contracts attached.
- C. Board Policy Task Force - Susan Lara**
- D. DDS Consumer Advisory Report**

III. ACTION AND DISCUSSION ITEMS - KRC ACTIVITIES:

- A. Budget Update and Financial Report - report on the budget situation for KRC and the State as pertains to the delivery of developmental services**

IV. REPORTS: (Reports will be made only from groups that have met and/or have items to share)

- a) President's Report

- b) Legislative Report
- c) People First of Kern County Report
- d) Area Board Reports
- e) Vendor Advisory Committee
- f) Executive Committee Report
- g) Foundation Report
- h) Foster Grandparent Progress Report
- i) Affordable Housing Committee (ASPIRE)
- j) Client Services Report
- k) KRC Staff Report
- l) Board Comments
- m) CEO Comments



V. **Adjournment by 7:30 p.m.**

Ashlee O'Brien, Interim KRC Board Secretary

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MINUTES
November 5, 2013

PRESENT: Susan Lara, President
Frank Meyer, Treasure
Ashlee O'Brien, Interim Secretary
Matthew LaGrand
Quanah Mason
Iman Killebrew
Lorie Stewart
Veronica Quezada

ABSENT: Carol Sackey (excused), Emily Greenwood (excused), Steve Esselman (excused)

- I. CALL TO ORDER:** The meeting was called to order at approximately 5:39 p.m. by Susan Lara. It was determined that a quorum was present.
- A. Self Introductions:** Self-introductions were made around the table. In addition to Board members listed above, in attendance were Beth Himelhoch, Dale Davis, Aaron Markovits, Marlene Donahue, James Donahue, Eric Greenwood, Virginia Gantong, Grace Huerta, Jeffrey Popkin, Neil Gehlawat, Mitzi Villalon, Rhonda Glen, Ken Manda, Jill Green, Darla Benson, Tamerla Prince, Diane Schneider, Sandra Guzman, Agnes Lopez, Tania Sandoval, Mario Espinoza, Daisy Villa, Luz Knight, and KRC Staff: Jon Gusman, Maria Solano, Duane Law, Cherylle Mallinson, Tammie Inman, Juan Vieyra, Jennifer Mullen, Jill Bivins, Darlene Nuno, Yadira Camorlinga, Able Fierro, Jenny Ainsworth, Gloria Tucker, Cynthia Rodriguez, Melvina Mull and Cindy Martinez.
- B. Approval of Agenda:** M/s/c--- (Meyer/LaGrand) to approve the agenda as written. (8-0-0)
- C. Approval of Minutes of October 1, 2013 as Attachment I:** M/s/c--- (Meyer/Mason) to approve the minutes with the following corrections: item II.

Board Activities D. Officer Nomination for Board Secretary it should read “the Nominating Committee did not meet to address the vacancy of Secretary” and item IV. Reports f) Executive Committee the following should be added “Susan also reported that the Executive Committee approved a KRC policy on client abuse titled “Zero Tolerance” since KRC had a deadline of 10/21/13 to adopt this policy. They also reviewed a policy on insurance and have referred it to the policy task force committee for further review.” Also, under the same item for j) Client Services correct typo from “KR Chas” to “KRC has”. (8-0-0).

- D. Public Comment:** Susan Lara started off by commenting that last month during the Public Comment section of the meeting, the Board was presented with a list of requests into the hiring process of our new CEO, details into the terminations of former managerial staff and a few other issues affecting access to services. Susan stated that since the Board strives for transparency, she would like to read the Board’s response to the request. Susan read the letter response to Mrs. Donahue. The letter explained that the Freedom of Information Act and the California Public Records apply to the federal government, not state governments or agencies, nor non-public agencies. KRC is a private non-profit agency. KRC cannot release information regarding the employment or termination of employees without a written consent from the employee without violating privacy rights. Lastly, the Board term limits were included in the letter although KRC is not mandated to release this information. Susan also responded that Board minutes from open sessions are on the website and the minutes from committee meetings will be posted on the website soon.

Neil Gehlawat introduced himself as a lawyer who works for two former KRC employees. He explained a correspondence he received from Tom Crear who is the attorney for KRC and discussed the correspondence they have been sending to each other. He explained the issue regarding compensation of salary and that they were not bonuses. He indicated that for every year he saw authorizations with signatures of the Board. He indicated that Susan Lara’s signature was on the form and that she authorized the bonuses. He went on to encourage everyone to continue asking questions because they do not believe that the Board is being transparent. He thanked the public for being here.

Yadira Camorlinga commented that services are not being interrupted because of the issues surrounding these personnel matters. She discussed that services and these issues have nothing to do with each other. Dale Davis asked how many board members are on the board. Susan responded 11. Dale indicated that there should be 15 based on by-laws. And he would like to continue with an interview process. Susan stated that she would discuss details in regards to the boards’ compensation during the president’s report section. Dale also asked about ABA services and the recent law that was passed. Duane explained to Dale where he can find this information on our website. Duane walked him through the process on where to find it on the website and stated he can give him a call if he needs assistance locating it. Diane Schneider commented that they are holding a Casino Night in Delano on February 7, 2014 and tickets are \$60 per person. They are also having an annual night of inspiration on March 6, 2014. Diane explained who the speaker will be and gave a little background information on the individual. Diane also reported a little bit of her son’s

background and stated that they are currently fighting for a program that he really enjoys but it has a two year limit. She would like to know what she can do before this program is over for him which is about to end in 7 weeks. She explained how this program has helped him tremendously. Susan Lara suggested that she go through the fair hearing process but Diane clarified that it is not the service but how the program is structured with their contract with KRC. Susan Lara stated that the Board would look into this issue and would get back to her before the next Board meeting. Marlene Donahue read a statement she prepared for the Board and started off by explaining what she believes the Board's role is. She encouraged the Board to ask questions for issues, as well as not to vote on issues they don't understand. She asked the Board to ask questions before approving policies. She questioned the process the Board took in regards to firing ex-employees. She stated that there are no balances in the Board because no one disagrees during Board meetings. She asked why there are no Hispanics on the Board of Directors. She stated that she submitted a letter of interest to serve on the Board and also stated that she has concerns regarding the Executive Committee because they are the same individuals who serve as well as the Board President. She also questioned how and why Ashlee came back as Secretary. She continued to discuss her point of view of how Board members are appointed on and why the Board is composed the way it is. She stated that by law she understands that KRC is not mandated to give answers but morally there should be answers to these questions.

Iman Killebrew commented and stated that she does not take lightly the comments that continue back and forth regarding personnel issues. She also commented that some of the comments made earlier are untrue. She expressed frustration because of accusations and comments that are made without whole facts and/or knowledge. She reminded everyone that the Board is here for one purpose only and that is to serve individuals with developmental disabilities. Eric Greenwood commented that he served on the Board of Directors 18 years and commented that Susan Lara always encouraged everyone to take the President role on the Board and the Board always felt Susan was doing a great job as Board President. Aaron Markovits commented that the Fox Theater will be screening David and Zach's Quest to Sac on Saturday, November 9th and the movie shows at 3:10PM. There will also be other movie screenings and you can purchase a day pass for \$20 per person.

Cindy Martinez commented that KRC employees are doing baskets for Thanksgiving and they are asking for donations which can be dropped off at the front desk. Duane commented that staff generosity is enormous here at KRC. He commented that he is proud of staff for taking the initiative. He commented that staff also donates vacation and sick time to each other when an employee is in need and they continue to give and give. Duane also commented that People First is sponsoring and KRC is hosting a Holiday Bazaar in the Malibu conference room on November 14, 2013 from 1PM - 6PM. Clients who sell items for their business will put displays up and present their merchandise. Juan Vieyra commented on ABA services and informed everyone that they will implement the changes based on the IPP's starting January 1, 2014. A parent, who was Spanish speaking only, commented that she did not think it was professional for Duane to have a smirk on his face when another parent was

making a public comment. She also asked why there isn't any available translation during the Board meetings as these meetings are important and this should not happen. With Juan Vieyra translating, Duane apologized to the parent for any facial expressions he made. He stated it was not his intention to appear as though he was smirking but he is very bothered by Mrs. Donahue comments and accusations when she knows only minimal information. Duane also commented that DDS is here looking thoroughly into these matters and he recommended that the public wait to see the results of the DDS audit. Duane also explained that KRC understands the need for translation and translation equipment and KRC is taking this seriously. KRC has taken initial steps to address this issue and we are working as quickly as possible. Dale Davis commented that the Hispanic population is much underserved by KRC. Another parent commented that this is the first time she attends a KRC Board meeting and expressed some concern based on the interactions she has seen between the Board and the public. She also expressed concern regarding Ramona Puget possibly rejoining the Board of Directors and discussed a time she reached out to Ramona for help when she first found out her son had a developmental disability. She stated that Ramona was not helpful at all and provided very minimal information. Duane Law and Susan Lara apologized for this incident and explained that Ramona is a strong advocate for individuals with Autism. Grace Huerta commented that her agency works closely with the Hispanic community and she also asked the Board to keep them in mind since they have knowledge of the community.

II. ACTION AND DISCUSSION ITEMS - BOARD ACTIVITIES:

- A. **ARCA Report** - Duane reported that the committee met on October 18th and they had a discussion with DDS regarding cash flow. DDS informed them that they are currently; paying as requested but coming January 2014 they will no longer be able to pay as requested. All regional centers' feel this is a big issue and it is challenging for all. They will draft a letter to address how they are being funded. Duane also reported that there are 132 consumers at Lanterman Developmental Center which is down from 150 back in 2010. The consumers are being placed in the community and out of the centers. Duane also discussed the following bill that the Governor has signed into law and which will affect how these services are delivered at regional centers: SB 468 Self-Determination, SB555 IPP and IFSP translation and AB1041 Employment First. Duane reported that the bills are available on our website for public view. A question was asked regarding vendor contract and why haven't they been presented to the Board the last few months. Duane explained that contracts are under review and the regional center is meeting with individuals to address issues and to bring the contracts back into compliance. Duane explained the 2011 findings DDS reported with several vendors and explained there are a number of issues the regional center is trying to address.
- B. **Review of Contracts Audit/Finance Committee -**
- o None
- Checklists and contracts attached.*

- C. **Board Policy Task Force** - Susan Lara reported that the committee met on November 1st and discussed a draft policy for service provider insurance requirements. A few items needed clarification which will be researched and reviewed by the committee. No action was taken for this item. Susan also reported that the committee reviewed Board Policies C1-C8 for Client Services and three will be revised and presented to the Board for approval in December. They also reviewed a draft policy regarding computer use. Susan stated that with the regional center moving into new technology and more mobile capabilities, there needs to be a policy in place. Susan also reported that she asked Lorie Stewart to take over as chair of the committee but at this time Lorie declined.

III. ACTION AND DISCUSSION ITEMS - KRC ACTIVITIES:

- A. **Budget Update and Financial Report** - Jon Gusman reported that since the last Board meeting, for Fiscal Year 2013-2014, the state was billed \$12.51 million for September services. The current bank balance is \$3.87 million. Statewide, DDS has not released the purchase of service budget instructions for use in preparing the forecast for 2014. Therefore, details on the financial condition of the purchase of services budget for KRC will be released in the future. For cash flow, the bank will offer the line of credit in January 2014. So, KRC should secure its line of credit by then. For Fiscal Year 2012-2013 statewide, the purchase of service deficit is down to around (\$35) million. KRC's deficit remains at around (\$2.3) million. For Fiscal Year 2011-2012 there are enough funds remaining to pay any late bills.

IV. REPORTS: (Reports will be made only from groups that have met and/or have items to share)

- a) **President's Report** - Susan Lara reported on the Board and the current composition. She explained and read the laws regarding how the Board should be composed. Susan also explained term limits as well. She explained that currently they meet the requirements of the laws with 4 members who represent Intellectual Disability, 2 members who represent Cerebral Palsy/Epilepsy, 1 member who represents Infant Development, 3 members who represent Autism and 1 vendor from the Vendor Advisory Committee. The Board has 6 parents, 3 consumers, 1 professional and 1 vendor.
- b) **Legislative Report** - Duane Law reported the same he reported for the ARCA Report. He summarized the laws he discussed and opened the floor for questions regarding these laws.
- c) **People First of Kern County Report** - Richard Rodriguez presented the mission statement for People First which they developed. He also mentioned the Holiday Bazaar being held at KRC Malibu conference room. Richard
- d) **Area Board Reports** - Vicki Smith with Area Board 12 gave an update on the dental project she discussed during the September Board meeting. The survey has been sent out and they have received two responses and are waiting on nine more. Area Board 12

also recently had a board meeting and KRC had a representative there to give input on Self-Determination.

- e) Vendor Advisory Committee - Iman Killebrew reported that currently the Vendor Advisory Committee is working on the final preparations for the upcoming annual Vendor Luncheon. The Vendor Luncheon will be held on Friday, November 8, 2013 at Hodel's Country Dining beginning at 9:30AM. Iman invited everyone to attend the Vendor Display portion of the vendor luncheon.
- f) Executive Committee Report - Susan Lara reported that the committee met on October 29, 2013 to gain additional awareness on the Defined Benefit Pension Plan and the Money Purchase Plan at KRC. The committee had Duane, Jon and Michelle Lanz liaison with PensionMark do a presentation on the pension and their roles in the pension. Susan reported that they did not take any action on any items.
- g) Foundation Report - None.
- h) Foster Grandparent Progress Report - Susan Hernandez was not present.
- i) Affordable Housing Committee (ASPIRE) - Grace Huerta reported that Duane has reviewed their Request for Proposal and they are currently waiting on Articles of Incorporation to move forward with the vendorization.
- j) Client Services Report - Susan Hernandez was not present.
- k) KRC Staff Report - Duane Law reported that KRC received 45 applications for the HR Manager position and they were able to narrow it down to 5 individuals to interview. He reported that interviews will be conducted sometime within the next few weeks.
- l) Board Comments - Lorie Stewart commented that she would like to express her interest in being the ARCA Representative of the Board. Veronica Quezada inquired about how KRC notifies Spanish speaking families of events. A few staff members responded what they do to get information out to Spanish speaking families. Discussions continued regarding translation services and the lack of translation at KRC. Duane explained that we are in the process of acquiring more translating equipment and that we are working on fixing the lack of available translation.
- m) CEO Comments - Duane Law commented that KRC is in the process of moving to more mobile technology. This will allow staff to engage and spend more quality time with families, consumers and vendors. Duane explained that this should make the work flow more efficiently.

V. **Adjournment** by 7:30 p.m. There being no further business, M/s/c--- (Killebrew/O'Brien) to adjourn the regular meeting at 8:15 p.m. (8-0-0).

Susan Lara, KRC Board President

ACTION LOG

November 5, 2013

1. **M/s/c---** (Meyer/LaGrand) to approve the agenda as written. (8-0-0).
2. **M/s/c---** (Meyer/Mason) to approve the minutes with the following corrections: item II. Board Activities D. Officer Nomination for Board Secretary it should read "the Nominating Committee did not meet to address the vacancy of Secretary" and item IV. Reports f) Executive Committee the following should be added "Susan also reported that the Executive Committee approved a KRC policy on client abuse titled "Zero Tolerance" since KRC had a deadline of 10/21/13 to adopt this policy. They also reviewed a policy on insurance and have referred it to the policy task force committee for further review." Also, under the same item for j) Client Services correct typo from "KR Chas" to "KRC has". (8-0-0).
3. **M/s/c---** (Killebrew/O'Brien) to adjourn the regular meeting at 8:15 p.m. (8-0-0).