

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 Ave.
Bakersfield, CA 93308

AGENDA
December 2, 2014

I. CALL TO ORDER:

- A. **Self Introduction:**
- B. **Approval of Agenda:**
- C. **Approval of Minutes of November 4, 2014 as Attachment I**
- D. **Public Comment: Limited to 5 minutes**

II. ACTION AND DISCUSSION ITEMS – BOARD ACTIVITIES:

- A. **ARCA Report – Duane Law**
- B. **Review of Contracts – Audit/Finance Committee**
 - **BARC Access Now Community Integration PK516**
 - **Desert Area Resources and Training Transportation HK2631**
 - **Desert Area Resources and Training Transportation HK2624**
 - **Kern Adult Program Community Integration PK0655**
 - **Kern Adult Program Community Integration PK1546**
 - **Kern Adult Program Community Integration PK4572**
 - **Kern Adult Program Transportation H62954**
 - **Kern County Autism Center Transportation HK2629**
 - **SAILS Bakersfield Sapphire (location change) PK6244**
Contracts and checklist attached
- C. **Office of Treasurer – Susan Lara**
- D. **Pension Committee Recommendations – Jeremy Shumaker**
- E. **Secured Form of Communication – Susan Lara**
- F. **Vendor Presentation – Pathpoint: Christina Rajal**
- G. **Collective Bargaining Agreement Extension – Susan Lara**

III. 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.

B. Performance Contract – Cherylle Mallinson

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. MOTION TO GO INTO CLOSED SESSION:

VI. CLOSED SESSION:

VII. MOTION TO GO OUT OF CLOSED SESSION:

VIII. MOTION TO GO INTO OPEN SESSION:

IX. RESULTS OF CLOSED SESSION:

X. Adjournment

X

Lorie Stewart, KRC Board Secretary

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Board of Directors Meeting

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MINUTES

November 4, 2014

PRESENT: Susan Lara, President
Steve Esselman, Vice President
Frank Meyer, Treasurer
Lorie Stewart, Secretary
Shawn Kennemer
Ismael Romero
Matthew LaGrand
Jeremy Shumaker
Quanah Mason
Tracy Brown
Rosita Barron
Carol Sackey
Richard Rodriguez

ABSENT: Emily Greenwood (Resigned), Karen McCormick (excused), Veronica Quezada

I. **CALL TO ORDER:** The meeting was called to order at approximately 5:45 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, Aaron Markovits, Rhonda Glenn, Marta Vasquez, Ramona Puget, Iman Killebrew, Elias Herrera, Jill Green, Mitzi Villalon, Dian Schneider, Matt Gerde, David Marcus, Rafael Arias, Vicki Smith, Grace Huerta, Micaela Huerta, Adela Alvarez, Sandra Gusman, Maria Montano, Rita Payes, Mellissa DeConza, Mike Gutierrez, Richard Sikes, Misty Varner, Mario Alvarez, Gabriela Calderon, Kelly Lank, Vanessa Frando, Silvia Ramirez, Enriqueta Luria, Ignacio Lucio, Fabiola Rangel, Maria Muniz, Jose Luis Castillo, Susan Graham, Denise Ordonez, Nancy Bargmann, Brian Winfield, Josefina Bowman and KRC Staff: Duane Law, Maria Solano, Margaret Pyles, John Noriega, Dana Hutchison, Roy Rocha, Tonia Cody, Cynthia Rodriguez, Teresa Farmer, Yadira Camorlinga, Kristie Jandel, Ambra Clayton, Laura Burton, Irma Gonzalez, Leslie Waggoner, Fatima Marquez, Darlene Nuno, Pam Woodruff, Monica Fowler, Mary Abel, Laura Quintana, Denise Arreguin, Tammie Inman, Jamie Bargaen, Celia Sanchez, Misti Royal, Mark Meyer, Sally Gann, Blanca Gamboa, Lisa Womack, Stephanie Oliver, Karina Proffer, Rosa Ortiz, Sam Duarte, Lulu Calvillo, Diana Ulloa, Brenda Ibarra, and Kristen Sodergren.

- B. Approval of Agenda: M/s/c---** (Meyer/Brown) to approve the agenda with the addition of Item II D. Resignations. (12-0-1). Lorie Stewart abstained from casting her vote.
- C. Approval of Minutes of September 2, 2014 as Attachment I: M/s/c---** (Meyer/Brown) to approve the minutes as written. (10-0-2). Lorie Stewart and Shawn Kennemer abstained from casting their vote.
- D. Public Comment:** Susan Lara commented that she received 11 public comment forms and wanted to remind everyone to keep their comments within 5 minutes. Cindy Martinez gave an update on the Turkey Baskets. She reported that they needed to raise about \$3,000 and so far they have \$1,000. She gave a brief update on how they are raising more funds. Yadira Camorlinga asked why the Bylaws on the website are from 2003 and also why the Executive's Directors' severance package was changed from 30 days to 180 days. Monica Fowler asked if the Pension Committee was moving forward and why only two of the staff were considered. Susan Lara commented this committee is still under development. Pam Woodruff commented that the Executive Director received a raise, not an adjustment and asked what was used by the Board to determine his salary and what was reviewed to evaluate performance and if they asked for feedback from the staff. Susan explained how the Board completes their annual review of the Executive Director. Pam Woodruff commented that the Board should have asked for feedback from the staff. Maria Salinas asked the Board why Duane was given a salary adjustment and KRC staff have not. Teresa Farmer asked the Board why the Agenda for the meeting is not posted on the website. Roy Rocha asked Duane about his raise and commented that Duane had commented when he first started that he would not receive any form of raise until his staff got one too. He also mentioned that People First will be having their annual conference soon and they have about 122 attendees.

Mike Gutierrez commented that he had a letter he wanted to distribute to the Board which he did. He explained what the letter was about and proceeded to read it. He also expressed concerns about the rates for transportation as vendors in this business are reporting losses. Susan Lara commented that the Audit/Finance Committee reviewed his contract and she encouraged Mike to stay for this item on the Agenda. Mike also commented that he would like for the Board not to approve his contract because it is damaging his business but he would like to work with the regional center to come up with a solution. David Marcus commented that the Buddy Walk on October 25th was well attended. He thanked Tracy Brown for her work. David also commented that League of Dreams ended their basketball season which had over 200 athletes. David commented that registration begins January 1st and a new season begins in February 2015. Susan Lara commented that League of Dreams and Applebee's are sponsoring a Breakfast with Santa event on December 6th and she encourage parents to go to their website for more information. Susan Lara also commented that K.A.T.C will be having a Tech Up Conference on Friday, November 14th and anyone is welcome to attend. She encouraged everyone to visit K.A.T.C.'s website for more information. Aaron Markovits gave the Board an update on their negotiations with the regional center. He also summarized the issues for those that were not aware. Aaron expressed concerns about being able to provide services, he commented that they are trying to help individuals but have been unable to provide full services since July 2014. Aaron also expressed concerns with being able to keep their doors open and commented that there are individuals in the community who are waiting for a new agreement to provide services. Lorie Stewart

asked why it has taking more than a year to resolve. Duane Law commented that he would rather not discuss. Diane Schneider commented that they will be having their Wrightslaw Bootcamp on March 6-7, 2015. On Thursday the 5th, they will be having a Night of Inspiration and their Keynote Speaker is Pete Wright. Diane commented that they have registration forms available or parents can contact their Service Coordinators for more information. Diane also commented about H.E.A.R.T.S. connection and explained that they have received a lot of questions from parents. Diane stated that they did not sever their relationship with KRC contrary to what was mention at an all staff meeting. Diane explained that they are still open with five people in the office and one person in Inyo/Mono County.

Adela Alvarez commented about her experience with KRC and how long she has had to wait for services. She also commented that KRC should provide a translator for meetings because it is difficult for Spanish speaking parents to communicate and understand what is being said. Griselda Calderon commented on the difficult time she has had with KRC to provide transportation for her daughter and explained that her daughter would be unable to attend the program because it will be difficult to pick her up. She also commented that H.E.A.R.T.S. and Exceptional Family Center have provided parents many services and she does not understand why KRC is making it difficult for them to operate. Rita Payes asked if KRC will be hiring more bilingual staff and why hasn't KRC provided listing of vendors to parents. Sandra Guzman commented that she has attended several Family Forums and that she attended one particular meeting where the budget was shown. She explained that this report showed the Hispanic community was underserved and that agencies likes H.E.A.R.T.S. and Exceptional Family Center are there to help these parents.

Duane thanked all of the parents for their advocacy. He explained that there are services KRC can't pay for and how generic resources need to be sought first. Duane also discussed denying services and Notice of Proposed Actions. Josephina Bowman commented that she wanted to discuss the issue that was brought up last month. Susan Lara commented that she has information available for her but hasn't sent it to her yet. Josephine discussed working conditions and commented on several other issues. Duane stood up and made several comments as things got out of hand during the meeting. Duane explained that he understood everyone's frustrations and apologized. He also commented on how there are just services we can and cannot pay for. Duane thanked everyone for their public comments and commented that the Board needed to get back to business. Blanca Gamboa commented that everyone is present because the Board asked them to be here and the Board didn't want anonymous information. Susan Lara thanked everyone for coming and supporting H.E.A.R.T.S. She also commented that KRC and the Board are trying to be more transparent and that draws a lot of questions but they are trying to keep everyone informed the best that they can.

Of note: Steve Esselman, Board Member, left the Board of Directors meeting during Public Comment.

II. ACTION AND DISCUSSION ITEMS – BOARD ACTIVITIES:

- A. ARCA Report** – Duane reported they had the ARCA meeting on October 15th. They discussed various topics; a big concern was housing availability for consumers in all areas served by Regional Centers. Duane reported that the Executives agreed on various strategies to look at different solutions for this issue. Duane also reported that they discussed the new CMS rules and how they would impact Regional Centers. Duane also reported that DDS was in attendance and they reported that

funding for Regional Centers is solid. Duane also reported on Self-Determination, he explained that KRC is currently under a pilot and there are about 100 consumers who are served under this pilot. These individuals will be automatically rolled over. Duane explained that the implementation is still in process and they continue to discuss. Duane also discussed Grassroots day, he discussed this event in detail for those in attendance that were not aware of what this event is. Duane explained that it will potentially be held on April 8th or 15th and KRC will send individuals to participate.

B. Review of Contracts: Audit/Finance Committee – Susan Lara reported that the Audit Finance Committee met on October 28th and reviewed the following:

- **Achieve Behavioral Associates, LLC** – This is a new vendor who will provide behavior intervention services to include the use of behavior intervention programs, development of programs to improve the recipient's development, behavior tracking and analysis and the fading of any intrusive intervention measures. This intervention program will be restricted to generally accept positive approaches. This is a 12 month contract from 11/01/2014 to 10/31/2015. The committee reviewed rate of payment which was negotiated and within the median rate. Cost statements have been submitted and approved. The committee recommends this contract for Board approval. **M/s/c---** (Romero/Meyer) to approve the contract for Achieve Behavioral Associates, LLC. (10-0-1) Shawn Kennemer's business involvement as a KRC vendor has thus precluded him from casting the vote.
- **BARC SLS** – This is a renewal, vendored in 1999, BARC will provide through Supported Living Services support to individuals in their own homes from the people they hire to provide assistance with personal needs and to facilitate active participation in the community. BARC currently serves 58 individuals male and female who are 18 years and older who reside in various living arrangements. This is a 36 month contract from 7/1/2014 to 6/30/2017. Vendor is in good standing with KRC and has met insurance requirements and has met their 15% Administrative Cap. Rate was negotiated prior to 2008. \$27.07 per client/hour, subcode PSOS \$14.87 per client/hour and IH15 of \$11.36 per Client/hour. Vendor has submitted independent audit from CPA firm. Vendor reports a loss of \$85,415 due to inadequate funding.

BARC Community Integration Training – This is a renewal, vendored in 2002, BARC will provide through a “look alike day program” ongoing training in an integrated community based program which focuses on community activities and critical skills training. The goal is for clients to function independently as possible and to ultimately move to the least restrictive environment a possible. Vendor is in good standing with KRC; they have met all insurance requirements, the 15% administrative cap and have submitted an independent audit report. The vendor reports a profit of 56.92%. Since one of the BARC contracts reports a loss and the other reports a profit, the committee would like to recommend that these contracts are approved for one year instead of three and that the committee reviews all of BARC's contracts that exceed \$250,000 collectively

Vendors present expressed concern in regards to the Board approving these recommendations. After discussions the Board motioned to approve the contracts as written for three years. **M/s/c---** (Meyer/Stewart) to approve the contracts for BARC SLS and BARC Community Integration as written for three

years. (9-0-2) Shawn Kennemer's business involvement as a KRC vendor has thus precluded him from casting the vote. Matthew LaGrand abstained from casting his vote.

- **DADD Transportation** - This is a renewal, vendored since 1985, DADD currently operates 18 vehicles, 9 of which are wheelchair equipped. They operate approximately 54 routes per day and transport 170 clients per day. Most of the transportation is provided within the city of Delano; however they provide services for three clients to in Wasco/Lost Hills and 13 clients in Bakersfield. The contract is for 365 months from 7/1/2014 to 6/30/2017. The vendor is in good standing with KRC, has met insurance requirements and the 16% administrative cap. They also have submitted an independent audit from their CPA. The rate is negotiated from before 2008 at \$49.93 per vehicle per service hour. The vendor reports a loss of \$101,000 per year. The vendor has been advised to apply for a Health & Safety Waiver from DDS which could increase their rate.

Shawn Kennemer asked if KRC would be supportive of a Health & Safety waiver. Discussions began regarding transportation services and vendors reporting losses from these businesses. Mike Gutierrez commented that he would like for the Board not to approve this contract and would prefer to meet at the table to discuss. Questions were asked regarding who completes a Health and Safety Waiver and Duane briefly explained how this process is completed. After further discussions the Board decided to approve the contract as written. **M/s/c---** (Stewart/Meyer) to approve the contract for DADD Transportation as written. (10-0-1). Shawn Kennemer's business involvement as a KRC vendor has thus precluded him from casting the vote.

- **New Leaf Supportive Services Money Management** - Susan reported that this contract was tabled last month due to issues with check pickup. This issue has been resolved and this contract is ready to be approved. **M/s/c---** (Stewart/Meyer) to approve the contract for New Leaf Supportive Services Money Management as written. (10-0-1). Shawn Kennemer's business involvement as a KRC vendor has thus precluded him from casting the vote.
- **California PsychCare, Inc. Client/Parent Support Behavior Intervention Training** - Susan reported that there is an issue with these two contracts because the vendor was advised they could receive either travel expense/fuel fee or mileage reimbursement of \$.34 but not both. The vendor is requesting both. The committee is recommending that the Board table these two contracts at this time to allow time for the vendor to decide between one of the two options. **M/s/c---** (Meyer/Shumaker) to table both contracts for California Psychcare until vendor is ready to proceed with one of the options provided. (10-0-1). Shawn Kennemer's business involvement as a KRC vendor has thus precluded him from casting the vote.

C. Secured Form of Communication - Susan Lara commented that they haven't received anything from legal counsel and hope to have more information for next month.

D. Resignations - Susan Lara reported that Frank has resigned from Treasurer but will continue to be part of the Board of Directors. Susan read his letter of resignation and thanked Frank for his years of service to the Executive Committee. Susan also asked the Board for nominations for Treasurer. Lorie Stewart

commented that she would like to nominate Rosita Barron but Rosita declined. Susan Lara also reported that Emily Greenwood has been accepted to UC Berkley and Emily has resigned from the Board of Directors. Susan read her letter and thanks Emily for her years of service to the Board of Directors. Susan explained that the Board had approved to recommend Nickole Mensch to serve on the Board when a seat was vacated back in August 2014. Susan invited Nickole to take her sit with the Board of Directors. Shawn Kennemer also nominated Nickole to serve as Treasurer but she declined. Nickole thanked the Board and commented that she is honored to serve.

III. **ACTION AND DISCUSSION ITEMS – KRC ACTIVITIES:**

A. Budget Update and Financial Report – Susan Lara commented that Jon Gusman will now be giving the Audit/Finance Committee the report for the Budget. Susan explained that they discussed how they would like to structure this process moving forward. Susan reported that DDS has changed how they allocate funds to Regional Centers. They are using the budgets from last year to allocate. Susan also reported that KRC has secured a line of credit. Shawn Kennemer asked if a copy of the Budget could be included in the Board packets. It was agreed that moving forward this will now be included.

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 that she received a written request from Sandie Wheeler requesting a copy of the Executive Director's employment contract which Susan will be emailing to her.
- b) Legislative Report – Duane summarized this report during the ARCA report.
- c) People First of Kern County Report – No one was present to report.
- d) Area Board Reports – Vicki Smith commented on several changes the State Council is going through and with these changes the community believes that their offices are going away. She reported that they are not. Vicki discussed Senate Bill 1093 which will go in effect January 2015 and it's regarding cultural issues. She also discussed Independent Living Support services which now can be purchased while the consumers are living at home with family as adults.
- e) Vendor Advisory Committee – Shawn Kennemer commented that the Vendor Luncheon is being held this Friday, November 7th at Hodel's and Nickole Renee Mensch is their guest speaker. Tracy Brown asked if this event is held during weekends and Shawn commented that it was not. Shawn also reported that they will be having a Keep the Lanterman Act Promise training on January 31st, 2015 which will be for vendors. They are also looking at having one for parents and consumers sometime in March. Shawn also commented that beginning January 2015 he will probably step down from the Board because of ongoing health issues. He explained that he is asking various vendors and would provide an update next year.
- f) Executive Committee Report – The Executive Committee did not meet so they had nothing to report.
- g) Foundation Report – No one was present to report.
- h) Foster Grandparent Progress Report – No one was present to report.

- i) Affordable Housing Committee (ASPIRE) – Beth didn't have any updates for ASPIRE.
- j) Client Services Report – Duane didn't have anything to report.
- k) KRC Staff Report – Margaret reported that KRC will be conducting Director of Client Services interviews and that KRC needs more staff.
- l) Board Comments – Matthew LaGrand commented that he will be taking a trip to Sacramento for the monthly DDS Consumer Advisory meeting. Jeremy Shumaker commented that it was brought to his attention that the September Board minutes were incorrectly written because it mentioned that no one had reach out to him from the current Pension Committee to serve in the new committee being formed.
- m) CEO Comments – Duane had nothing to comment.

V. **ADJOURNMENT:** There being no further business, the Board motioned to Adjourn.
M/s/c--- (Meyer/LaGrand) to adjourn the meeting at 8:45PM. (10-0-0).

Lorie Stewart, KRC Board Secretary

ACTION LOG

November 4, 2014

1. **M/s/c---** (Meyer/Brown) to approve the agenda with the addition of Item II D. Resignations. (12-0-1). Lorie Stewart abstained from casting her vote.
2. **M/s/c---** (Meyer/Brown) to approve the minutes as written. (10-0-2). Lorie Stewart and Shawn Kennemer abstained from casting their vote.
3. **M/s/c---** (Romero/Meyer) to approve the contract for Achieve Behavioral Associates, LLC. (10-0-1) Shawn Kennemer's business involvement as a KRC vendor has thus precluded him from casting the vote.
4. **M/s/c---** (Meyer/Stewart) to approve the contracts for BARC SLS and BARC Community Integration as written for three years. (9-0-2) Shawn Kennemer's business involvement as a KRC vendor has thus precluded him from casting the vote. Matthew LaGrand abstained from casting his vote.
5. **M/s/c---** (Stewart/Meyer) to approve the contract for DADD Transportation as written. (10-0-1). Shawn Kennemer's business involvement as a KRC vendor has thus precluded him from casting the vote.
6. **M/s/c---** (Stewart/Meyer) to approve the contract for New Leaf Supportive Services Money Management as written. (10-0-1). Shawn Kennemer's business involvement as a KRC vendor has thus precluded him from casting the vote.
7. **M/s/c---** (Meyer/Shumaker) to table both contracts for California Psychcare until vendor is ready to proceed with one of the options provided. (10-0-1). Shawn Kennemer's business involvement as a KRC vendor has thus precluded him from casting the vote.
8. **M/s/c---** (Meyer/LaGrand) to adjourn the meeting at 8:45PM. (10-0-0).