

## 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

May 5, 2015

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

#### I. ROLL CALL

#### II. CLOSED SESSION

- A. Board of Directors went into closed session at approximately 5:35 p.m. Steve Esselman convened the closed session to address two items:
- (1) Appointment, Employment, Performance Evaluation or Dismissal of Regional Center Employee (California Welfare and Institutions Code Section 4663(a)(3)); and
  - (2) Pending Litigation (California Welfare and Institutions Code Section 4663 (a)(5)) – Significant Exposure to Litigation against the Regional Center (California Welfare and Institutions Code Section 4664(b))

#### III. RECOVENE OPEN SESSION/REPORT ON CLOSED SESSION

- A. Reconvene from closed session at 6:45 p.m. with no actionable items.

#### IV. CONSENT AGENDA

- A. Regular Meeting of the Board of Directors Agenda dated May 5, 2015. **Motion** to approve agenda without changes. **Seconded/Carried**
- B. Minutes of the Regular Meeting of the Board of Directors held April 7, 2015 – Board Member request to remove item from Consent Agenda and moved to Action and Discussion Item.

## V. PUBLIC COMMENT

- A. **Dale Davis** – Commented that the minutes do not reflect his actual statements. He stated they were wrong and very poorly written and would like to see them done more professionally.
- B. **Grace Huerta** - Announced that Exception Family Center is having a Prom Night. Grace Huerta will be sending out a flyer soon. The Exceptional Family Center has received concerns from Spanish speaking families stating that they are not receiving certain documents. Grace has been recommending that the families visit the website. Grace asked that KRC find a way to post information in Spanish on the website. Families are also informing EFC that the IPPs are not being translated. Grace offered EFC as a source to aid in translation although they do not get paid for it. Grace is doing her best to inform the Spanish speaking families about the DDS management report. The Spanish speaking families are very thankful to the prior management team that they took note and did something and that is why Celebracion de Familias was organized and formed.
- C. **Pam Woodruff** – Pam stated that Gary Ray, KRC Board Attorney, reported to the board that when an individual requests that comments be reflected in the minutes they are to be preserved in the minutes. At the last board meeting Pam asked that her comments be recorded in the minutes, however, they are not fully recorded. She states that this is distortion by omission. Data that Pam presented for a second time was once again omitted from the minutes. Please let the minutes reflect the following: We understand that comments cannot be word for word, but when key comments, key points are deleted and/or changed, there is distortion and censorship. The intentions of the speaker are not accurately portrayed. This is not acceptable. Per the KRC report for FY 2012-2013, \$31,828 was spent on attorney fees. In FY 2013-2014, KRC spent \$86,120.79 on attorney fees. This represents a 158% increase in attorney fees. If the \$82,085.99 in attorney for Chang, Ruthenburg and Long, an ERISA law firm which provided legal consultation for KRC is included, KRC spent \$168, 206.78 in attorney fees for FY 2013-2014. This represents a 428% increase in attorney fees. Pam indicated that she knows there are ethical people on the Board who value accountability and transparency and is appealing to the KRC Board to request a full accounting of all legal services/bills paid by KRC for 2013-2015. This would include legal fees for the ERISA attorney and all other attorneys.
- D. **Delia Serrano** – Delia states that for almost a year, SEIU has been unsuccessful in its attempts to work with CEO, Duane Law. Delia states that Duane has criticized union members and staff. Delia alleges that the CEO does not confer in good faith when changes are made that impact the staff. As a result, SEIU has filed the third unfair labor practice against Kern Regional Center with the National Labor Board.
- E. **Dian Schneider** –H.E.A.R.T.S. Connection is sponsoring a Lanterman Act training that is being put on by Voice on the 18<sup>th</sup>. There is a Blaze game Saturday, May 9<sup>th</sup> and a Bunko night on May the 16<sup>th</sup>. See Dian Schneider for information.

- F. **Lynn Coleman** – Says Kern Regional has funding for disabled clients but believes the funding is being used for other things that are not relevant to the clients. Lynn said people should consider filing complaints if they haven't already. She feels African Americans are not being treated fair. She states they are not given as much care and resources as others.
- G. **Lorie Stewart** – Lorie provided website links to different resources for the community. Lorie attended a conference called C.O.P.A.A., Council of Parent, Attorneys and Advocates, in San Diego, CA. Lorie was very impressed with the T.I.G.R.E.R. program, Training Individuals for Grass Root Education Reform, based out of East Los Angeles. It's a hands on self-advocacy program designed and taught by learning rights to foster the tools of family needs so they can be successful advocates for the special Ed system. Rodolfo told Lorie that if enough people in Bakersfield showed interest, they could consider starting the program here too. Another program, The Best Day Foundation, enables children and young adults with special needs to build confidence and self-esteem through adventure activities which stretch their limits, expand their true potential, reinforce their achievement and connect with their diverse populations in their community. The events are free and have sign ups available for June and July.

## VI. **ACTION AND DISCUSSION ITEMS – BOARD ACTIVITIES**

- A. Minutes of the Regular Meeting of the Board of Directors held April 7, 2015. **M/S/C** (Mensch; Lagrand) to approve minutes with changes as follow (presented by Lorie Stewart):
- a. Public Comment by Yadira Camorlinga: Yadira was concerned about the lack of honesty with the Board President and CEO and had reported that the President has given untruthful statements three times. Per Lorie, Yadira had said that she wanted it on the record.
  - b. Public Comment by Maria Salinas: Maria also requested that what she said be on the record. Wording to read: She drafted and provided a copy of a rebuttal of the letter that was sent to DDS and the board.
  - c. Pam Woodruffs comment to be added.
  - d. Public Comment by Dale Davis to reflect: Mr. Davis was told by a service coordinator that there is going to be a limit on the vendors providing the services.
  - e. Public Comment by Grace Huerta to reflect: Disparity in terms of services being provided to minorities consumers, especially people of color.
  - f. Kelly Reyes to be changed to Kelly Kulzer-Reyes.
- B. ARCA Client Advisory Committee Nomination – Matthew La Grand (*Action*)
- a. Matthew gave a speech stating he would ensure that all Regional Centers received funding for Purchase of Services and are flowing through California. He will make sure that the Lanterman Act provide services for people with special needs and will work with the ARCA client Advisory Committee members to keep funds flowing to all twenty-one regional centers. **M/S/C** - - (Shumaker; Stewart) to nominate Matthew Lagrand as the ARCA CAC Representative for the Kern Regional Center.

- C. Consideration of Appointment of Developmental Services Support Foundation Board of Directors (Action as Sole Member of DSSF) *(Action)*
  - a. Mr. Law informed the board on the bylaws and historic practices regarding the approval of nominations of Board of Trustees for DSSF. **M/S/C** to table agenda item until next Board Meeting.
  
- D. Replacement of Jon Gusman as Pension Trustee *(Action)*
  - a. Mr. Law provided information to the Community and the Board regarding the pension plan and the requests to be replaced as trustees on the pension plan. Mr. Law requested that Jon Gusman be removed as trustee pending his resignation. **M/S/C** - - (Stewart; Meyer) to table until further information is obtained from the ERISA attorney, Jon Gusman as well as input from DDS.
  
- E. Board Member Resignation *(Information)*
  - a. Steve Esselman read Susan Lara's letter of resignation.
  
- F. Comments by KRC Board Vice President *(Information)*
  - a. Steve Esselman read a letter to the community and DDS regarding the DDS Management Letter. Steve also spoke briefly about Susan Lara's volunteer work as a Board Member.
  
- G. Budget Update and Financial Report – KRC budget and financial Report pertaining to the delivery of developmental services. Audit/Finance Committee. Attachment 2 *(Information)*

**VII. REPORTS:**

- A. **Board President Report** (No Report)
- B. **Executive Committee Report** (No Report)
- C. **KRC CEO Report**
  - a. Duane gave a presentation regarding operations, expenditures and data relative to client services.
  - b. A member of the community suggested that the Board request the average cost for each type of placement.
  - c. A member of the community requested that the service coordinator that is being hired in Bishop be Spanish speaking.
- D. **Vendor Advisory Committee Report** (No Report)
- E. **Board Policy Review Task Force Committee Report** (No Report)
- F. **Legislative Report** (No Report)
- G. **People First Report** (No Report)

H. **State Council on Developmental Disabilities Reports**

- a. Joe Bowling – The state council is still looking for people to serve on the Self Determination Committee. Information can be found on the State Council website or by calling 559-222-2496. Interviews are being held May 6<sup>th</sup>. There are a few people representing Autism and the State Council would like to balance it out. The State council is still looking for comments on state plan. Items can be submitted on the State Council website.

I. **Affordable Housing Committee (ASPIRE)** (No Report)

J. **Client Services Report** (No Report)

K. **KRC Staff Report**

- a. Lori Blodorn – KRC currently has 6.5 openings. These are all back fill positions, not new positions. KRC is focusing on providing trainings for staff. Lori informed the Board and the Community of recent trainings that have taken place in Kern Regional Center and future trainings that KRC plans to have.
- b. Maria Salinas – Invited the board to meet with the Union members. Steve welcomed the invite and provided Maria his contact information.
- c. Tammie Inman – Requested updates on policies and procedures
- d. Jamie Bargaen – Advised the board that KRC needs help from the board to rectify the issues we are having with the police, the sheriffs, and Kern County Mental Health. Law enforcement refuses to come out when clients are acting out, being inappropriate, or our clients are involved in drug and criminal situations. Jamie requested access to the Kern County Mental Health MOU.

VIII. **ADJOURNMENT**

There being no other business, the meeting was adjourned at 8:45 p.m.