

**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  
November 5, 2013**

**I. CALL TO ORDER:**

- A. Self Introduction:**
- B. Approval of Agenda:**
- C. Approval of Minutes of October 1, 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**
  - **None**  
*Checklists and contracts attached.*
- C. Board Policy Task Force**

**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. MOTION TO GO INTO CLOSED SESSION:

VI. CLOSED SESSION:

VII. MOTION TO GO OUT OF CLOSED SESSION:

VIII. MOTION TO GO INTO OPEN SESSION:

VIII. RESULTS OF CLOSED SESSION:

IX. Adjournment by 7:30 p.m.



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Ashlee O'Brien, Interim Secretary

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**MINUTES**  
**October 1, 2013**

**PRESENT:** Susan Lara, President  
Matthew LaGrand  
Frank Meyer  
David Marcus  
Quanah Mason  
Carol Sackey  
Lorie Stewart  
Ashlee O'Brien  
Steve Esselman

**ABSENT:** Veronica Quezada (excused), Iman Killebrew (excused), Emily Greenwood (excused)

- I. CALL TO ORDER:** The meeting was called to order at approximately 5:38 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, Darla Benson, Virginia Gantong, Enriqueta Luria, Elva Darrett, Mitzi Villalon, Jill Green, Jeffrey Popkin, Laura Popkin, Grace Cruz, Vicki Slater, Rodney Slater, Jose Hernandez, Darla Benson, Laura Magana, Misty Varner, Richard Sikes, Rhonda Glenn, Ken Manda, Susan Graham, Linda Landry, Luz Marina Knight, Barry, Grace Huerta, Marlene Donahue, Ivory Carroll, Mario Espinoza, Eric Greenwood, Joe Bowling, and KRC Staff: Jon Gusman, Maria Solano, Duane Law, Cherylle Mallinson, Susan Hernandez, Dana Hutchison, Fredine Opheim, Tammie Inman, Juan Vieyra and Blanca Gamboa.
- B. Approval of Agenda:** M/s/c--- (Esselman/Meyer) to approve the agenda with the following addition: on page one item II. D. Officer Nomination for Board Secretary. (8-0-0)

- C. **Approval of Minutes of September 3, 2013 as Attachment I: M/s/c---** (Meyer/Marcus) to approve the minutes as written. (8-0-0).
- D. **Public Comment:** Dale Davis commented and thanked the Board for answering questions during the last Board meeting. He continued to read a prepared statement which indicated that he was saddened by Ramona's resignation due to the Conflict of Interest reporting and he expressed interest in joining the Board of Directors. He handed his prepared statement to Susan Lara, who thanked him for his interest and stated that the Nominating Committee would review. David Marcus commented that League of Dreams is currently having their Basketball season and they have 170 athletes with 190 volunteers. He also discussed the Buddy Walk that will be held on October 26, 2013 starting at 11:00AM. Susan Lara gave a statement about David Marcus and how his term would end effective 10/1/2013. Susan thanked him for his years of service to the Board of Directors and David was presented a plaque on behalf of the Board and Kern Regional Center. Marlene Donahue read a statement from several parents and presented a petition for release of records based on the Freedom of Information Act. The petition requests records concerning various items involving, the hiring process of the CEO position at Kern Regional Center and information regarding the termination of ex-employees. Marlene presented the petition to Susan Lara who thanked Marlene for her comment and stated the Board would send the petition for legal counsel. Fredine Opheim commented that she believes the Board is doing a good job and thanked them for their work.

## II. **ACTION AND DISCUSSION ITEMS - BOARD ACTIVITIES:**

- A. **ARCA Report** - There was nothing to report.
- B. **Review of Contracts Audit/Finance Committee** -
  - o None

*Checklists and contracts attached.*
- C. **DSSF Articles of Incorporation and Bylaws Review** - Susan Lara commented that the Executive Committee met to review the revised DSSF Bylaws and Articles of Incorporation. After a thorough review, the Executive Committee would like to recommend to the Board to adopt the amended Bylaws and Articles of Incorporation. **M/s/c---** (Meyer/Stewart) to accept the amended DSSF Articles of Incorporation and Bylaws. (7-0-1).
- D. **Officer Nomination for Board Secretary** - Susan Lara reported that the Nominating Committee did not meet to address the vacancy of Board Secretary. Susan stated that since the Board is looking to appeal the resignation of Ramona and they are hopeful she will rejoin the Board. They are recommending that Ashlee O'Brien steps in as Interim Board Secretary. **M/s/c---** (Meyer/Marcus) to accept the recommendation of the Nominating Committee to appoint Ashlee O'Brien as Interim Board Secretary. (8-0-0).

### III. ACTION AND DISCUSSION ITEMS - KRC ACTIVITIES:

- A. **Budget Update and Financial Report** - Jon Gusman Reported that in late August, DDS released the E-1 contract amendment, which allocated around 96% operation funds and 97% purchase of service funds statewide to regional centers. The total E-1 allocation for operations statewide was \$105.2 million, bringing to date a fiscal year total allocated of \$519.4 million. There are \$21 million of operating funds left to be distributed in the system, of which \$19 million are for specific purposes while \$2 million remain for unspecified purposes. The total E-1 allocation for purchase of service funds statewide to regional centers was \$561 million, bringing to date a fiscal year total allocated of \$3.48 billion. There are \$125 million remaining funds to be distributed at a future date. The total E-1 allocation for KRC operations was around \$3 million, bringing to date a fiscal year total allocated of around \$15.12 million. The total E-1 allocation for KRC purchase of service was around \$31.9 million, bringing to date a fiscal year total allocated of around \$123 million.

In addition to the E-1, DDS approved KRC's Community Placement Plan for fiscal year 13-14 in the amount of around \$721 thousand in operations funds and around \$907 thousand in purchase of service funds. For cash flow, DDS communicated to Regional Centers intentions to pay claims thru December of 2013. Thereafter, cash flow needs will be closely monitored and communicated for the remainder of the fiscal year. Since the last board meeting, the state was billed \$11.06 million for August services. The current bank balance is \$5.7 million.

For fiscal year 12-13 KRC received the D-6 contract amendment in October. Statewide, DDS released \$52 million in purchase of service funds bringing down the statewide deficit from (\$99) million to (\$47) million. KRC received \$3.7 million purchase of service funds bringing down the purchase of service deficit from (\$6) million to (\$2.3) million. For fiscal year 11-12 DDS released the C-11 contract amendment in September. KRC received \$81 thousand in purchase of service funds to cover any future late bills. The statewide totals have not been released.

A parent commented that he did not understand the details regarding the budget and indicated that he was unhappy about KRC billing him monthly for services. Questions from various parents followed regarding ABA services. A parent specifically asked and wanted to know what percentage of monies is being spent on copayments for ABA services. Also, there was a question about the possibility of KRC providing a breakdown of the entire budget. Duane and Jon explained that to provide a breakdown it would be extremely long. Vicki Smith stated that other regional centers do provide a basic illustration of the budget but not necessarily a breakdown. Duane and Jon indicated KRC would explore this. Duane also explained in detail how services work and how they are implemented based on what the legislature tells us we can or cannot do. Duane also discussed in detail how ABA services work and recent changes in legislation that affect this service. Parents asked various questions expressing concerns and Duane invited everyone to meet with him to discuss their specific issues.

- 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 the Board recently had a training on Saturday, September 28, 2013. The training included a detailed presentation on the Kern Regional Center system and pathways. Susan reported that it was informative for the Board to see how the entire regional center system works and they will continue to have trainings. Susan also discussed the negativity being spread via social media and stressed that the Board is here for the clients and that the Board is here to serve them, she believes KRC is in good hands. Susan also commented that KRC is having another Family Forum which will be held on Wednesday, October 16, 2013 at 5:30PM in the same Malibu Conference Room. She also stated that the Board is welcome to any feedback from the public regarding Family Forums and how they can improve. Discussions followed regarding how to get the word out about these family forums. After discussion, Susan commented that they will also be traveling to Inyo and Mono counties to host a family forum out there.
  - b) Legislative Report - Duane Law reported that the Governor has various bills on his desk waiting for his signature. He discussed the ones that pertain to the regional center system which included SB486 Self-Determination among others. Discussions followed about the bills.
  - c) People First of Kern County Report - Richard Rodriguez had nothing to report.
  - 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 was not present to report but Susan reported that Iman gave her an update for the Board meeting. Susan read Iman's statement which stated that the previous VAC meeting was mainly about Iman's experience as part of the Board of Directors and how the Board is being effective and being more involved in KRC issues. The KRC Picnic was held and they had 400+ people attend. MYN will not be having a football game this year which is usually held in September/October. Susan reported that Iman would like to invite everyone to become a part of the Steering Committee for MYN. They meet the 2<sup>nd</sup> Wednesday of every month at H.E.A.R.T.S. Connection at 10:00AM. VAC is also having their Annual Get Acquainted Vendor Luncheon on November 8, 2013. For information please contact Lynn Clark at KRC. Tickets are \$30/person for \$200 for a table of eight. Also, the Uniformed Holiday schedule has been developed and it will be the same as last year.
  - f) Executive Committee Report - Susan Lara reported that the Executive Committee met last week on September 24<sup>th</sup> and they were given a detailed description of each department within KRC. Susan thanked John MacFarland from the HR department and reported his observations of this department. John suggested that two positions are needed to handle HR and it would be a more effective workflow if electronic systems were implemented. Cherylle Mallinson gave a report on Community Services, Medicaid Waiver and Fair Hearings and she reported that there is a shortage of staff in every department as well as a lack of current policies and procedures. Susan Hernandez gave a report on Client Services and she reported that caseloads are too high. There have also

been many changes in regulations since 2009. Susan Hernandez reported that staff could benefit from more training. Jon Gusman reported on Accounting/IT and Facilities. Jon reported that there is a shortage of staff in Accounting and they are working with antiquated systems. IT has made several upgrades included phones and servers and currently they are working on updating computers. Jon also reported that there needs to be various items fixed at KRC in regards to buildings like parking light fixtures, etc. Susan also reported that the executive committee reviewed and approved a policy regarding zero tolerance on child and elder abuse and neglect. 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. Discussion started regarding Client Services and the concern of how much time staff actually spends with clients and families. It was asked if KRC could possibly provide a report of this.

- g) Foundation Report - Eric Greenwood reported that the Foundation has changed their co-sponsor.
- h) Foster Grandparent Progress Report - Susan Hernandez reported that Melissa Searson is the coordinator of the program and currently they have 24 volunteers that started in July of 2013. Susan Hernandez reported that they will have more positions available during mid year and currently they have 19 individuals on the waiting list. She also reported that they implemented new policies and procedures this year.
- i) Affordable Housing Committee (ASPIRE) - Grace Huerta had nothing to report but Beth Himelhoch reported that they have a partnership with various agencies in Bishop. They submitted a grant request for construction of affordable housing units. Beth was happy to report that they were in fact awarded the \$1 million grant and two developers have agreed to help with the project. This project will give them 19 available units for individuals with developmental disabilities.
- j) Client Services Report - Susan Hernandez reported that KRC has hired four new Service Coordinators that began August 12<sup>th</sup>. Two were backfilled positions and two were new hires. KRC is also in the process of hiring two more Service Coordinators to fill vacancies left in Bishop and Ridgecrest.
- k) KRC Staff Report - Duane Law reported that KRC has posted the Human Resources Director position internally and it will be posted externally by the end of this week. Duane explained that the HR Director will not be part of senior management but will report to the Executive Director. KRC will also hire a HR Generalist to assist the HR Director. KRC is also looking to hire additional Service Coordinators.
- l) Board Comments - Matthew LaGrand commented that in the middle of next month he will be traveling to Sacramento to participate in the Consumer Advisory committee meeting. He wants to continue being a part of this committee to be part of People First also. Lorie Stewart commented in regards to ABA services, she feels that if it is in the IPP, KRC should pay for it at least until the IPP comes up for renewal. Duane commented to Lorie that is open to this possibility and that KRC will work with families to transition. Steve Esselman commented that he felt the training was very informative and they went through the entire KRC system. He appreciated the presentation.
- m) CEO Comments - Duane Law commented that he values the presence of everyone and the community during the Board meetings but KRC does have an obligation and mandate to follow the law. He stated he understands everyone's concerns regarding

various items. He discussed his experience over the last 18 months and he also went on to discuss the 2011 Audit and findings. He reported that DDS gave the regional center nine findings that totaled up to about \$5 million dollars because of monies that should not have been paid because they don't comply with Title 17 requirements. KRC appealed all of the nine findings and four are still standing. Duane explained in detail what KRC has to do to pay these funds back to DDS and how it affects KRC Operational dollars. He gave detailed examples of how KRC has spent POS monies which was a finding during our audit and also how KRC has used operation dollars to pay POS expenses in the past which resulted in Vicki Smith from Area Board 12 clarifying that regional centers can in fact use operations monies to pay for POS expenses. Duane indicated that this is true but if KRC continues this, it takes away from hiring more staff and supplying staff with the effective tools they need to do their work effectively. He went on to state that KRC has major issues and they are working to remedy these issues as they put our contract we have with DDS in jeopardy. Duane referred everyone to read about what happened at Inland Regional Center and commented that personnel matters are a great concern that he and the Board do not take lightly and they are horrible issues but they must be dealt with.

Duane also discussed KRC services and recent events. He stated he understands the public is concerned about changes in services but he also stressed the fact that KRC really drives no benefit from denying services but KRC must comply with the law. He invited anyone who would like to meet with him to do so.

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

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Susan Lara, KRC Board President



## ACTION LOG

October 1, 2013

1. **M/s/c---** (Esselman/Meyer) to approve the agenda with the following addition: on page one item II. D. Officer Nomination for Board Secretary. (8-0-0).
2. **M/s/c---** (Meyer/Marcus) to approve the minutes as written. (8-0-0).
3. **M/s/c---** (Meyer/Stewart) to accept the amended DSSF Articles of Incorporation and Bylaws. (7-0-1).
4. **M/s/c---** (Meyer/Marcus) to accept the recommendation of the Nominating Committee to appoint Ashlee O'Brien as Interim Board Secretary. (8-0-0).
5. **M/s/c---** (Marcus/LaGrand) to adjourn the regular meeting at 8:15 p.m. (8-0-0).