

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
November 4, 2014

I. CALL TO ORDER:

- A. **Self Introduction:**
- B. **Approval of Agenda:**
- C. **Approval of Minutes of October 7, 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**
 - **Achieve Behavioral Associates, LLC. - PK6243**
 - **BARC – H09327 SC 896 – SLS**
 - **BARC – PK1834 SC 055 – Community Integration Training**
 - **DADD – H08900 SC 880**
 - **New Leaf LLC**
 - **CA Psychcare, INC. – PK6160**
 - **CA Psychcare, INC. – PK6151**

Contracts and checklist attached
- C. **Secured Form of Communication – Susan Lara**
- D. **Resignations – 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.

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

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

October 7, 2014

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

ABSENT: Emily Greenwood (excused), Richard Rodriguez (excused), Veronica Quezada (excused), Karen McCormick (excused), Carol Sackey and Shawn Kennemer

- 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, Nickole Mensch, Vanessa Frando, Susan Graham, Iman Killebrew, Richard Sikes, Mario Alvarez, Mitzi Villalon, Rhonda Glenn, Grace Huerta, Josephina Bowman, David Marcus and KRC Staff: Duane Law, Maria Solano, Cherylle Mallinson, Margaret Pyles, Maria Salinas, Blanca Gamboa, Juan Vieyra, Monica Damian-Fowler, Pam Woodruff, Eva Rocha, Cindy Martinez, Jenny Ainsworth, Cynthia Rodriguez, Gloria Tucker, Tammie Inman, Teresa Farmer and Sarah Swanlund.
 - B. **Approval of Agenda: M/s/c---** (Esselman/Meyer) to approve the agenda as written (9-0-0). Lorie Stewart was not present for this vote.
 - C. **Approval of Minutes of September 2, 2014 as Attachment I:** Susan Lara explained that the Board needed to have a short Closed Session to address an error in the minutes on section VIII. Results of Closed Session. **M/s/c---** (Shumaker/Brown) to go into closed session to address the error on the minutes. (9-0-0).

It was reported that the Board clarified the following statement and a correction to this statement needs to be made, on section VIII. Results of Closed Session: "The Board felt that Duane is doing a good job, has done a lot for KRC since he has been here and recommends it be approved upon executive committee reviewing with counsel." should be corrected as follows: "The Board felt that Duane is going a good job, has done a lot for KRC since he has been here and recommends it to be approved for five (5) years upon legal counsel review of the Lanterman Act Regulations." **M/s/c---** (Meyer/Romero) to approve the minutes with the above correction. (8-0-2) Lorie Stewart was present; Tracy Brown and Rosita Barron abstained due to not being present during this Closed Session.

- D. Public Comment:** David Marcus reported that he is in remission for the second time. He thanked everyone for their support, prayers and encouragement during his second battle with cancer. David also reported that he wrote a letter to the newspaper, he proceeded to read the letter. David commented that League of Dreams started their season and they have two more weeks of games. They are playing at the new gym out by Riverlakes. Josephina Bowman discussed in detail the issue surrounding consumers who are working being paid under the minimum wage, she discussed that she did a lot of research and this shouldn't be happening. Susan Lara commented that she would do research and would like to get back to her regarding this issue. Cindy Martinez commented that they are still working on Thanksgiving basket donations, so far they have collected about \$400.00. They are still accepting donations; Cindy explained that each basket costs about \$20.00. Josephina Bowman further commented about the issue she expressed early. She went in detail and discussed what she had found in her research. Grace Huerta explained she was pleased to see KRC put out a RFP for after school program. She asked if KRC had a timeline for implementation. Cherylle Mallinson explained that the interviews are complete and they are working on scoring, they are waiting on the results from the panel. Nickole Mensch commented and advocated for H.E.A.R.T.S. Connection. She explained how much this agency has helped her. Susan Lara commented that she shares her concerns and commented that she has also received a lot of help from H.E.A.R.T.S Connection as well. Susan Lara commented that her son Raymond, gave a speech to run for social chair man and he was selected by his peers for this position.

II. ACTION AND DISCUSSION ITEMS – BOARD ACTIVITIES:

- A. ARCA Report -.** Duane reported that they have not met, the next meeting will be held later this month and he should have a report during the November Board meeting.
- B. Burial Issues for Consumers -** Mr. Wesley Crawford was not in attendance to present, the Board requested that this item is tabled until Mr. Crawford reaches out to the Board again. The Board indicated that they have placed it on the agenda twice now and Mr. Crawford doesn't make it to the Board meetings to discuss the issue. **M/s/c---** (Esselman/Brown) to table this agenda item until Mr. Crawford reaches out to the Board again. (10-0-0).
- C. Review of Contracts: Audit/Finance Committee -** Susan Lara reported that the Audit Finance Committee met on September 23rd and reviewed the following:
- o Four SLS contracts were reviewed which serve KRC adult consumers the age

of 18 years and above, residing in their own residence. These vendors provide support and assistance as the consumers gain personal independence at home and facilitate active participation in the community. There has been some change in the boiler plate language which now requires all SLS vendors to acquire a DMV driver's license pull for each new employee. The committee did inquire if SLS providers require staff to have valid auto insurance, for those staff who will be driving KRC consumers in their private cars. Cherylle Mallinson was going to check into that issue. Otherwise the committee was comfortable moving these contracts to the Board for approval. All four of these SLS contracts are for 36 months through 6/30/2017. Each has a slightly different negotiated rate, with additional standard rates for subcodes PSOS (Protective Supervision) of \$14.87 per client/hour and IH15 (IHSS) for \$11.36 per client/hour. The contracts are in good standing with KRC and have met their 15% Administrative Cap. They also have submitted an engagement letter from their CPA firm. They are AIMS Consulting, Inc. PH4196, Great Advantage, Inc. PK4996, Libet Living Services, Inc. PK3260, Positive Purpose, LLC PK5885. **M/s/c---** (Brown/Meyer) to approve the following contracts for SLS services AIMS Consulting, Inc. PH4196, Great Advantage, Inc. PK4996, Libet Living Services, Inc. PK3260, Positive Purpose, LLC PK5885. (10-0-0).

- The committee reviewed a renewal contract for Positive Purpose PK6070 – People First Facilitator. They will be the facilitator that provides guidance and support to People First of Kern County to follow the People First Mission of helping to start, inform, and support local chapters so that all people with developmental disabilities are able to speak for themselves, know their rights and responsibilities, and are respected, valued members of the community. The contract is for 12 months through 6/30/2015 because there are so many changes that are on the horizon for this vendor/group (People First), it was decided to keep this contract at one year. This will also give the vendor time to finalize the 15% Administrative Cap cost statement with actual from the first year. Rate is a negotiated rate of \$5,087.83/month. Vendor has submitted a letter of engagement from their CPA firm. The committee is recommending this contract for Board approval. **M/s/c---** (Meyer/Shumaker) to approve the contract for Positive Purpose PK6070 – People First Facilitator. (10-0-0).
- The committee reviewed a new contract for New Leaf PK6216 – Money Management. This was a contract that was awarded from a RFP. New Leaf will provide money management, reporting and technical services for clients, without charge, who receive social security and Medi-Cal benefits. Bringing in this vendors service will free some of our Service Coordinators valuable time, but there is an issue that needs resolution, therefore the committee is recommending we table this contract until location of clients check pick up is resolved and located at New Leaf's office. **M/s/c---** (Brown/Esselman) to table this contract until a resolution to the issue surrounding the picking up of checks is resolved. (10-0-0).
- The committee reviewed SAILS Appletree PK4013 – Specialized Residential Facility because this is a change of location. This contract is changing from a three bedroom and three consumer facility to a four bedroom and four consumer facility which is why they have a new vendor # and contract. Vendor has met the 15% Administrative Cap Statement and insurance requirement and has submitted an independent audit for the year 2011. The vendor is in good standing with CCL, KRC did receive a complaint from a parent of a previous consumer who lived in the facility. The committee

reviewed in detail the Special Incident Report by KRC and the claim of abuse was not substantiated, so staff is still there. The timeline and response of the report of abuse was very quick and detailed by KRC and the facility was very cooperative with the incident investigation and reporting. The committee also reviewed the Corrective Action Plan by KRC. Corrective actions have been taken and after careful review, the committee recommended approving this contract. **M/s/c---** (Meyer/Shumaker) to approve the contract for SAILS Appletree PK4103 to reflect their change from a three bedroom facility to a four bedroom facility. (9-1-0) Lorie Stewart opposed the motion.

- D. Secured Form of Communication** – Susan Lara reported that the Board had a discussion in regards to this agenda item and it was decided that they would like to get legal counsel on this issue. Susan Lara reported that as of today, they are still waiting on the guidance from legal counsel and she hopes they will have something for the Board meeting in November.
- E. Articles of Incorporation** – Susan Lara commented that the Board should have received this information as part of their Board packets. It was also clarified that this was sent separately. Susan discussed and explained the changes to the Articles of Incorporation. Discussions about the change began and the Board asked if these change would make the Articles of Incorporation more defined. Duane explained that the changes are cleaning up some of the language used and it also clarified that everything KRC uses to operate is not ours, it is the States and in the event that we dissolve, everything would be given back to the system. **M/s/c---** (Meyer/Barron) to approve the revised Articles of Incorporation. (10-0-0).

III. ACTION AND DISCUSSION ITEMS – KRC ACTIVITIES:

- A. Budget Update and Financial Report** – Duane reported that DDS has been working with their new Director; Santi Rogers on assuring regional centers are fully funded for their budget. Duane reported that they have changed the way they are funding regional centers and this year we received most of our funding and we don't need to wait for additional funds throughout the year. Duane explained that we have to meet certain targets and depending on whether we meet them or not, we might have to give money back to the State at the end of the fiscal year. Duane explained since there has been no change in the budget since the last Board meeting, Jon had nothing to report and he gave him the night off.

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 had a training on Saturday, September 27, 2014 and only half of the Board attended. The training was very informative and they were given a presentation of the Regional Center system. They were also given a tour of a CPP Residential Facility which was also very informative. Susan commented that she is always looking for suggestions and some of the Board members would like to hold a training on Robert's Rules of Order. Susan also commented that she is gathering more suggestions and will work on developing another training.
- b) **Legislative Report** – Duane had nothing to report.
- c) **People First of Kern County Report** – No one was present to report.

- d) Area Board Reports – No one was present to report.
- e) Vendor Advisory Committee – Shawn Kenemer was not present but Iman Killebrew commented that they will be having the upcoming Vendor Luncheon at Hodel’s on Friday, November 7th. Iman asked if KRC if we could encourage Program Managers and Service Coordinators to attend as it is a great opportunity to get to know the vendors and become familiar with the services they provide. Duane explained that he had discussed this with all Program Managers during their meeting and it was agreed that for all new Service Coordinators, it will be mandatory for them to attend. Duane explained that KRC would send them as In-Service training and for the rest of the staff they will use Education Leave.
- f) Executive Committee Report – Susan Lara commented that the committee did not meet and they will be meeting in October.
- g) Foundation Report – No one was present to report.
- h) Foster Grandparent Progress Report – Sarah Swanlund commented that her office mate is the one that oversees the program and she reported that the program needs a Kern Regional Center Board member to sit on the programs Board of Directors. Susan asked the Board if anyone would be interested in sitting on their Board. The Board members requested more information about the program prior to deciding and it was requested that Maria followed up with Melissa for more details.
- 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 didn’t have anything to report.
- l) Board Comments – Matthew LaGrand commented that he has his bowling tournament which went well and he came in 2nd place. Steve Esselman commented that he took Matthew to lunch for his birthday and during this he learned that Matthew has a lot of respect for law enforcement and he thought it would be a great idea to get a Matthew the opportunity for a ride along. Steve commented that he was actually able to secure a tour of the police station and a ride along, Matthew also was able to take pictures with Chief Williamson, and Steve presented Matthew with a framed picture from that day. Tracy Brown commented that they will be having the Buddy Walk on October 25th from 11AM – 3PM registration starts at 11AM, it is a 1 mile walk and the fee to enter is \$20.00 and this fee includes a t-shirt.
- m) CEO Comments – Duane explained that union negotiations have started and the meetings have been going very well. Duane explained the negotiation process and what has been accepted by the union negotiation team. Duane explained that they are working in good faith to share proposals and negotiate. Duane explained that the management negotiation team engaged with legal counsel, Bob Stone, to assist in union negotiations. Duane explained that Bob was part of the initial union negotiations and he was actually the one to draft the first agreement and about 20 years ago the previous administration decided to negotiate without legal counsel. Duane also reported that they have worked through noneconomic proposals which they believe have been resolved and as they move towards the economic proposals, they will work on keeping the Board informed.

V. MOTION TO GO INTO CLOSED SESSION: Susan Lara reported that the Board had to address one issue to address in closed session. **M/s/c---** (LaGrand/Brown) to go into Closed Session. (10-0-0).

VI. CLOSED SESSION: Reader is referred to Item VIII. Results of Closed Session.

- VII. MOTION TO GO OUT OF CLOSED SESSION AND INTO OPEN SESSION: M/s/c--- (Esselman/Brown) to go out of Closed Session. (10-0-0).**
- VIII. RESULTS OF CLOSED SESSION: M/s/c--- (Brown/Shumaker) Motion to approve CEO employment contract starting Oct. 1, 2014 to June 30, 2019 to bring the contract in line with WIC 4640.6(K)(3). (9-1-0).**
- IX. ADJOURNMENT: M/s/c--- (Esselman/LaGrand) to adjourn the meeting at 7:46PM. (10-0-0).**

Lorie Stewart, KRC Board Secretary

ACTION LOG

October 7, 2014

1. **M/s/c---** (Esselman/Meyer) to approve the agenda as written (9-0-0). Lorie Stewart was not present for this vote.
2. **M/s/c---** (Shumaker/Brown) to go into closed session to address the error on the minutes. (9-0-0).
3. **M/s/c---** (Meyer/Romero) to approve the minutes with the above correction. (8-0-2) Lorie Stewart was present; Tracy Brown and Rosita Barron abstained due to not being present during this Closed Session.
4. **M/s/c---** (Esselman/Brown) to table this agenda item until Mr. Crawford reaches out the Board again. (10-0-0).
5. **M/s/c---** (Brown/Meyer) to approve the following contracts for SLS services AIMS Consulting, Inc. PH4196, Great Advantage, Inc. PK4996, Libet Living Services, Inc. PK3260, Positive Purpose, LLC PK5885. (10-0-0).
6. **M/s/c---** (Meyer/Shumaker) to approve the contract for Positive Purpose PK6070 – People First Facilitator. (10-0-0).
7. **M/s/c---** (Brown/Esselman) to table this contract until a resolution to the issue surrounding the picking up of checks is resolved. (10-0-0).
8. **M/s/c---** (Meyer/Barron) to approve the revised Articles of Incorporation. (10-0-0).
9. **M/s/c---** (LaGrand/Brown) to go into Closed Session. (10-0-0).
10. **M/s/c---** (Esselman/Brown) to go out of Closed Session. (10-0-0).
11. **M/s/c---** (Brown/Shumaker) Motion to approve CEO employment contract starting Oct. 1, 2014 to June 30, 2019 to bring the contract in line with WIC 4640.6(K)(3). (9-1-0).
12. **M/s/c---** (Esselman/LaGrand) to adjourn the meeting at 7:46PM. (10-0-0).