

Minutes of the November 8, 2010
Inland Counties Regional Center, Inc.,
Board of Trustee Meeting

Members Present: George Arzoo; Dr. Drew Cutler; Alma Derritt; Esther Farmer; Darlene Fischer; Gregory Harrison; LaVesta Locklin; Robert McGuire; Veda Murry; Steve Ogilvie; Christian Pike

Members Absent: Richard Chinnock, M.D.; William McGuern; Martha Ramirez;

Management Staff Present: Carol Fitzgibbons; Margie Henderson; John Hunt; Lavinia Johnson; Dr. Eliana Lois

Recording Secretary: Aneta Giltner

Guests Present: Melody Amaral, The Wylie Center; William Ames, Southwestern Transportation; Adeline and Nelson Austin, Austin Small Family Home; Steve Beckett, Brunick, McElhaney & Beckett; Angel and Maria Blaya; Judy Enright, Enright & Ocheltree, LLP; Dr. Jose Fuentes, Interact Programs; Melody and Danny Gilbert; Carrie Gilbreth and Diane Martin, Westbound Communications; Sharon Gillory; Rebecca Helgesen, Dennis Mattsen and Mark Antenucci, Independent Options; Therese Kragness, IBP; Shirley Moye, Moye Facility; Allan Smith, DDS; Vicki Smith, Area Board 12; Anthony Stallworth, Peppermint Ridge; Colleen Sullivan, Union Bank; Adie Walker, Ranch;

Staff Present: Jana Anderson; Jamilly Tardy-Anderson; Mary Joseph-Bacon; Paula Forthun-Baldwin; Robert Britton; Sabrina Caballero; John Carville, Joel Casillas; Bev Ching; Jennifer Cummings; Carmelita De La Cruz; Barbara Diaz; Felipe Garcia; Susan Gomez; Gina Gregory; Jessica Guzman; Patti Harrold; Leonard Haynes; Debra Mannon; Shirley Martin; Don Meza; Barbara Nguyen; Ismael Ocampo; Mary Pounders; Bea Regalado; Sandra Ruiz; Merissa Steuwer; Russell Thompson; Vince Toms; Kevin Urtz; Pat Voss; Sylvia Wackerman; Millee Martin-Walton; Howard Widick; Kathi Wild; Ken Willits

President Locklin called the meeting to order at 7:03 p.m. Board, staff and guests introduced themselves.

Motion to accept the September 13, 2010 Minutes as presented; M/S/C Derritt/Arzoo

STAFF REPORTS: Ms. Fitzgibbons reported the following: 1) Currently there are 24,829 active consumers [391 new consumers were added since January 1, 2010]; 2) The budget passed after being overdue 111 days. It includes a 1.25% rate reduction for the Department of Developmental Services (DDS), Regional Centers and providers of service retroactive to July 1. Trailer Bill language is under review for specific rate reduction guidelines; 3) IRC's hiring freeze was lifted, July 1. To date 20 new employees joined IRC which will balance caseloads for better service to the consumers.

New staff orientation is in progress and another class will begin on December 2;
4) One consumer purchased and moved into their own home and another consumer is waiting for escrow to close. Funds for purchase come from their special needs trusts;
5) The Board's Executive Committee met with Terri Delgadillo, DDS Director, and Mark Hutchinson, DDS Chief Deputy Director, regarding the Joint Committees of the Assembly/Senate on Human Services hearing on outcomes of the Bureau of State audits that was held last week and DDS, ARCA and IRC testified as one panel.

PUBLIC INPUT:

1. Maria Blaya: Ms. Blaya asked why a new program opened close to her home, and she has vacancies. She asked about a report provided at the September Board meeting regarding the purchase of homes for disabled individuals and felt this would be a conflict of interest. President Locklin clarified for Ms. Blaya that the report was from the Master Trust and the money used to purchase the home came from the consumer's special needs trust.

2. Greg Damewood. Mr. Damewood said the September minutes misquoted his input. He would like to see the written IRC policy related to when individuals at the consumer's planning meetings sign IPPs. In residential facility, he suggested posting basic rules regarding P&I funds to include what types of items P&I covers, and what the facility is responsible to pay and what the consumer should pay. In regards to the Whistleblower Policy he hopes folks can advise Area Board 12 as an additional system if they feel they are being penalized.

3. Anthony Stallworth: Mr. Stallworth said the minutes should be changed to reflect a staff person and not a consumer. He said in regards to letter he received on Trailer Bill ABX4, that Peppermint Ridge does not have any facility with 16 or more beds. He said at a vendor meeting last month, the Wellness Grant for 07/08 was discussed and he thought it was great Vicki Smith wrote it. He reported the following that 1) he asked Ms. Wackerman who chose the direct support trainer for the grant; 2) what process was done in selecting the trainer; 3) "everything" should be put through a competitive bid process; 4) that Jack Hinchman was the new vendor representative, and had some concerns with that; and, 5) too much favoritism is being demonstrated.

Ms. Locklin said Ms. Fitzgibbons and staff will be responding to each individual's public input. She asked Mr. Britton to speak to Ms. Blaya about the Master Trust.

AREA BOARD 12: Ms. Smith said the grant Mr. Stallworth spoke about was awarded for Wellness in Riverside in order to reduce the number of psychiatric placements. She thanked Mr. Hunt for providing a financial statement that was more transparent from the past verbal reports presented at the meeting. Area Board is still looking at appeals/hearings compliance issues and working with Disabilities Rights of California. Area Board has been receiving a lot of calls from folks who say they are not receiving

intake packets and are falling through the crack. Area Board is pleased with the change that the IRC representation will rotate with Program Managers assigned to the geographic area where the Area Board meeting is held will be attending. She expressed appreciation for IRC management in providing assistance to the California People First group. In regards to the Whistleblower Policy she asked if the Board would consider applying the policy retroactively to cover folks who testified at the hearing that prompted the Bureau of State Audit report.

EXECUTIVE COMMITTEE: Ms. Locklin said the Executive Committee and Ms. Fitzgibbons had a meeting with Terri Delgadillo and Mark Hutchinson from DDS at Lanterman Developmental Center. DDS met with them to provide support to IRC and to discuss contract, operational and communication issues. DDS wanted to insure under the Whistleblower Policy that everyone has access to multiple points of access including Board members. Discussion covered other topics from the Bureau of State Audits report: 1) Southwestern Transportation; 2) furniture that was given away during move to Waterman (IRC does have receipts for this furniture); 3) DDS was informed that Catherine Bennage, Legal Affairs, was leaving and IRC would selecting a replacement; and, 4) any Conflict of Interest with the California Housing Foundation was resolved as IRC's Board no longer approves the CHF board members and all mention of IRC has been removed from the CHF's Bylaws.

CONSUMER ADVISORY COMMITTEE (CAC): Mr. Widick reported the following: 1) The Think, Plan and Do trainings have been very successful; 2) Latest CAC meeting discussed the importance of voting in the elections; 3) Next CAC meeting is November 15 and new officers will be voted on; and, 4) Consumer Holiday Ball is scheduled for December 11 at IRC.

VENDOR ADVISORY COMMITTEE (VAC): Mr. McGuire reported the following from the November 1st VAC meeting: 1) Spend down of consumer P&I funds continues to cause problems for care providers due to short notice received from IRC; 2) Concern was expressed on the process used and appointment of VAC members; some feel their service segment are not well represented. (The VAC's Executive Committee met with Ms. Fitzgibbons to discuss this one opening and officers for upcoming year); 3) 1.25% rate reduction retroactive to July 1 and if there were ideas on how to make the payback less painless; 4) Other reports included Day Programs – Ms. Goodsell shared that a day program forum was held to learn about the updates to the Request for Proposals. Transportation issues are being worked on. Mr. Hinchman attended several meetings with IRC staff and Level 4 care providers on access to the San Bernardino Crisis Call Team. They also met with Desert Oasis and are hopeful that a Crisis Call Team can be established in the Lower Desert as well. The next VAC meeting was noticed for February 21 which is a holiday. The meeting will be moved to either February 14 or 28.

Mr. McGuire met with the VAC's Executive Committee on the following:

1. Recommended slate of officers for VAC: Motion to approve the following officers for the VAC: Donita Remington, Chair; Ruth Goodsell, Co-Chair; and Bob McGuire as Secretary; M/S/C
2. Bylaws were reviewed and three changes are being recommended:
 - a. Page 1 under "Membership" a statement was added that each member will have one vote on the Committee.
 - b. Page 2 under "Meetings" instead of quarterly meetings it will be changed to read that meetings will be held the third Monday of every other month (in the month Inland Regional Center's Board of Trustees does not meet). It was noted that this schedule will start in February 2011.
 - c. Page 3 under Meetings: A statement was added that a simple majority (51%) of the members is a quorum.

Motion to accept the changes to the VAC Bylaws as presented; M/S/C McGuire/Arzoo

Mr. McGuire reported that other Bylaws changes will be forthcoming.

MASTER TRUST: Mr. Britton gave his report and indicated there are 250 trusts with pooled funds of \$30 million. There are several pending new trusts and closing trusts.

ANOTHER WAY: Ms. Gomez shared a power point on the Health Faire held in conjunction with the San Bernardino Housing Authority and nine other county agencies, plus 54 vendors and over 500 attendees. The Another Way held its second annual retreat at the Annenberg House in Santa Monica. Alma Derritt, Bob McGuire, Margie Henderson and John Hunt attended the retreat. The upcoming holiday events are the Navidad El En Barrio Food Drive at which 1,500 baskets will be presented to needy families. The 12th Annual Toy Drive with the California Highway Patrol, the San Bernardino Sherriff's Department and IRC select the names of consumers and their siblings for gifts to be purchased.

COMMUNITY INFORMATION AND TRAINING UNIT (CITU): Ms. Harrold presented the following CITU accomplishments: 1) Think/Plan/Do services has trained 901 consumers; all planned for and by the consumer advocates. 2) A fashion demo was held with 30 consumers attending; 3) Over 12,000 community members were reached through 60 different outreach events; 4) 1,900 families participated in discounted Disneyland tickets; 5) The Ameri-Corps members, consumers of IRC, will be graduating on December 16 after each giving 900 hours of volunteer work with seniors in Intermediate Care Facilities; and, 6) Several IRC consumers participated in decorating ornaments and are hopeful that the Governor will select theirs for the Capitol's Christmas Tree; and, 7) Continues building up the ListServ and now has about 1,980 individuals signed up to receive notices via e-mail;

LEGISLATIVE: Ms. Cummings reported that ARCA supported 64 bills with 2 they sponsored and 21 being chaptered.

FINANCIAL: Mr. Hunt presented the financial report through October, 2010, IRC's first quarter. As part of budget there is a 1.25% cut in addition to the current 3% cut from 2009-10. The California Disabilities Services Association (CDSA) and 11 others filed a suit to obtain a restraining order on DDS and regional centers to not make the 1.25% retroactive to July 1. Mr. Hunt indicated that IRC will move forth with the July 1 retroactive date as soon as DDS gives direction. Payment for October forward will be at the reduced rate. Other information is in the Trailer Bill that will be reported.

PERFORMANCE CONTRACT: Ms. Forthun-Baldwin used a power point presentation on the Performance Contract to show the information collected. It was recommended that the report show how IRC compares with other regional centers. Ms. Baldwin stated that DDS provides those comparisons in various areas and will use that information in the future and post on the website.

Motion to approve the Resolution on the Performance Contract without change; M/S/C Derritt/Harrison

WHISTLEBLOWER POLICY: Ms. Fitzgibbons reviewed the updated Whistleblower Policy which is in compliance with the contract language from DDS. She noted the following: 1) Under #3 the access was increased for people to use for reporting; 2) Under #4 it requires the Audit Committee of the Board to investigate and resolve complaints and allegations; and 3) The Code of Ethics referred to in #4 is a one page statement that Board and staff established several years ago. Other suggestions were made; same terminology be used in #2 and #6; termination of employment; annual review of policy and distribute to employees and community; and post both DDS and IRC's Whistleblower Policy on the website and the intranet. It was further clarified that this policy is primarily for IRC staff and that there are other procedures that apply to the community at large. An IRC employee can report to someone in IRC and/or may elect to file with the Director of DDS. Confidentiality is important to the reporter – but if done anonymously the individual reporting may not be informed of the decision/conclusion. Ms. Fitzgibbons reminded the Board that the policy needs to be posted no later than December. It was suggested that staff make revisions to the draft and a telephonic Board meeting will be held on November 15 at 11:00 a.m. to go over the changes and obtain approval of IRC's Whistleblower Policy.

POLICY ON RATE SETTING: Ms. Fitzgibbons said this new policy basically acknowledges IRC has the responsibility to set rates and work within the parameters of Welfare and Institutions Codes and Title 17 Regulations. She said the law requires that regional centers maintain documentation on the process used and how a rate is determined and granted for any negotiated rate. Discussion included rate setting should be done by DDS and there was a wrong word used "parameters" not "perimeters".

Motion to approve the Policy on Rate Setting with the change of "perimeters" to "parameters"; M/S/C McGuire/Derritt

At the January meeting action will be required on two policies, Policy on Requests for Proposals and Policy on Start Up Funds.

President Locklin stated that the Board of Trustees would go into Executive Session for the purpose of discussing real estate in accordance with W&I Code Section 4663(a)(1) and to discuss litigation in accordance with W&I Code Section 4663(a)(5).

Board reconvened. Motion to approve Resolution that authorizes Judy Enright, serving as IRC's attorney to act on behalf of IRC and sign the "Tolling Agreement" with Disability Rights California; M/S/C Murry/Derritt

Discussion was held on the order of business at Board meetings and methods to move through the agenda more quickly. President Locklin asked for suggestions to be sent to officers for review at the next Executive Committee meeting.

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Alma Derritt
Secretary

LaVesta Locklin
President