

**MINUTES OF THE May 14, 2012
Inland Counties Regional Center, Inc.
Board of Trustee Meeting**

MEMBERS PRESENT: Dr. Drew Cutler, President; Alma Derritt, Vice President; Darlene Fischer, Secretary; Patrick King, Treasurer; Peter Asten; Tom Cosand; Marybeth Feild; Carmela Garnica; Veda Murry; Christian Pike; Donita Remington; Leanette Loury Smith; Christina Benjamin

MEMBERS ABSENT: Gregory Harrison

MANAGEMENT STAFF PRESENT: Carol Fitzgibbons; Solon Escobar; Margie Henderson; Lavinia Johnson; Gustavo Rodriguez

RECORDING SECRETARY: Sandra Guzman

STAFF PRESENT: Cynthia Alexander; Dalila Balderas; John Carville; Sheilah Coble; Jennifer Cummings; Yazmin Deleon-Williams; Cheryl Frainee; Marilee Gribbon; Olivia Gutierrez; Patricia Harrold; Tamara Hathaway; Kevin Haynes; Leonard Haynes; Sharon Ingle; Pamela Hutt; Mary Joseph-Bacon; Debra Mannon; Shirley Martin; Millee Martin-Walton; Robert Mendes; Don Meza; Ismael Ocampo; Marylou Paras; Mary Pounders; Bea Regalado; Merissa Steuwer; Jamilly Tardy-Anderson; Russ Thompson; Vince Toms; Van Truong; Kevin Urtz; Faisal Zia; Michelle Lindholm; Evelyn De La Torre; Sonia Portney; Ken Willits; Marvin Franklin; Susan Gomez; Susan Lewis; Andrea Franklin; Paula Forthun-Baldwin; Steven Miller; Laura Miller; Diane Zapien; Miguel Angulo; Kathryn Davisson; Michelle Vasquez; Sylvia Williams; Terri Hundley; Ramona Barker; Evelyn Oostinga; Robert Britton; Deborah English; Norma Jones; Dene'e Lockridge; Judy Hugo; Larry Rardin; Cynthia Jefferson; Yvette Trevino; Carmen Porche; Susan Vaughn; Kia Story; Sue Martinez; Isaac Molen; Ana Godoy; Rudy Facio; Vera Postema; Cathy Lee; Marilyn Bennett; Ruth Stacy; Sheri Doswell; Krystal Spear; Kia Story

GUEST PRESENT: Candi Cissel, Parent; Denise Woolsey, Parent; Greg Damewood, Parent; Tina Beth, Facilitator; Amy Lee, Consumer; Philip Lee, Family Member; Dimpia Rodriguez, Parent; Chad Carlock, Family Member; Emily Stillion, Family Member; Linda Ferrell, Family Member; Kristie Burchit, Parent; Blanca Loria, Parent; Debbie Vance, Parent; James Vance, Consumer; Rebecca Miller; Scot Miller; Mark Miller; Angela Miller; Carlos Vellanoweth, SEIU; Tina Eyraud, VEW; David Danelsla, Public; Allan Smith, DDS; Letty Garcia, Public; Grace Vergara, SEIU; Cecil Archavara, SEIU; Vicki Smith, AB12; Susan Li, SEIU; Barry Solomon, Marca Small Family Home; Maurice and Therese Kragness, IBP, Inc.; Robert Chevez, Westbound Communications; Mark Polit, SEIU; Amar Bajwa, SEIU; Jefferson Kemper, SEIU; Frank Campbell, IMT; Isabel Bellino; Jack Padilla; Ernestine Brown; Melody Amaral, Wylie Center; Dr. Jose Fuentes, Interact Programs

Dr. Cutler called the meeting to order at 7:11p.m.

MINUTES: Motion made to accept minutes of April 9, 2012 Board of Trustee meeting as presented M/S/C: King/Cosand.

PUBLIC INPUT:

- 1) Ms. Loria, coordinator of the Spanish support group reported that she had attended last month's board meeting and wanted to thank the Board and Solon Escobar for listening to

their concerns. The support group will be returning to IRC. The support group also wanted to thank Felipe Garcia, Claudia Barajas and Ana Godoy for all their support.

- 2) Greg Damewood commented on the following: 1) costs that consumer's trust pay to be done separately or individually; 2) Using email, faxes or mail for current updates on services being paid by the schools; 3) Family Services Association and Wylie Center help support parents who have children with developmental disabilities; 4) Funds saved should be passed along to adult consumers since they are not visited enough; 5) Eviction Procedure stated in section 80068.5 applies to both Small Residential Facilities and Adult Residential Facilities. Eviction provisions stated in 81068.5 only applies to SRF and 85068.5 for ARFs. There are procedures for both 30 and 3 notice.
- 3) Laura Miller, IRC employee for 10 years stated that she was a bit fearful to stand and speak in front of the Board because of fear of retaliation and intimidation. Ms. Miller commented on the following: 1) Ms. Fitzgibbons previously reported to the Board that she was unaware of any complaints of intimidation when in fact many employees had shared their concerns with Ms. Fitzgibbons when she first came to the regional center. People stopped sharing because of fear. Inland has lost good employees and every time an employee leaves it leaves the rest of the employees with little hope. 2) According to the VAC minutes someone read a statement for Ms. Fitzgibbons stating that morale was down due to holding staff accountable. This is a false statement. Morale is down because of the hostile environment. 3) Ms. Miller stated that she had email the Board of Trustees in March and has not received a response. 4) Selection of Insurance Broker. Staffs were told that the rates had doubled but in fact they didn't. Someone that selected United Healthcare Plan receives \$1,500 more in benefits than someone that selected Kaiser. Some staffs do not have the option of choosing the cheaper plan.
- 4) Ken Willits, Controller for IRC. Has been employed at IRC for 9 years and is the grandparent to an IRC consumer. Mr. Willits reports he also is here tonight with the same hesitations and fear of retaliation. He stated he believes in Inland's mission and in the consumers it serves. Mr. Willits requested that IRC implements a Staff Advisory Committee. This kind of committee has been implemented by others and has proven to be successful. Mr. Willits encouraged the board to enforce and enable the Whistleblower Policy. Staff should be able to report without the fear of retaliation and employees should be able to raise questions without fear. Mr. Willits stated that having an accounting background he reads his paycheck carefully. He asked his supervisor a question regarding the way furlough time was being deducted from one's check. He has met with his supervisor, the HR manager and has spoken to a board member and has yet to receive an answer. This issue was brought up 9 months ago with no resolution. Mr. Willits stated that since he brought this issue up he has been singled out. He asked the board before voting on another furlough day to take a look out in the audience and see the families they are affecting.
- 5) Diane Zapien, has worked for IRC for 4 years. Ms. Zapien stated that when she read IRC's mission statement she felt this could be the place she would retire from, that is no longer true. There is a fear of retaliation. As Consumer Service Coordinators we help teach consumer and families how to advocate for themselves. Staffs do not feel respected and are afraid of losing their jobs. Staffs want the union and they want to secure their jobs.

- 6) Mark Polit, parent of a young man with developmental disabilities, parent advocate, coordinator of policies and International staff to SEIU. Mr. Polit submitted a letter to the Board. He stated that Inland's employees want to unionize and are seeking to organize with SEIU 721 as their representative. SEIU has worked on State budget and relationship with management issues. Every regional center employee strives to have a fruitful relationship with their management. Listening to the workers that stood up in front of the Board and Executive Director, all they are asking for is a better place to work. This takes a lot of guts and courage. They truly care about IRC and want to be part of the solution. Unionization is not about attacking the director; it is about making IRC a better place to work, offering a sense of security and protection while allowing them to speak up. The last several years in the DD system have been the darkest in our history. The state is struggling during this fiscal crisis. Mr. Polit asked that the Board and management team to allow the staff to be part of the solution and stay neutral without intimidation.
- 7) Amar Bajwa, retired Consumer Service Coordinator from NLARC, elected delegate for 63rd Assembly District to the Democratic Party and retired Board Member at SEIU 721. Mr. Bajwa was hired by NLARC in 1986 where they formed a union in 1995. While at NLARC, staff worked alongside Executive Director, George Stevens to resolve budget crisis and developed policies and procedures. SEIU has a strong Disabilities Council which includes regional center staff, clients, families and vendors. The council meets on a quarterly basis and holds conference calls monthly. Everyone is here to provide services to families under the Lanterman Act. In the 90's SEIU was successful in capping caseloads at 1:62. SEIU works closely with Terri Delagadillo and helped in the passing of SB946, the law that requires insurance companies to pay for Autism Spectrum.
- 8) Ernestine Brown, former IRC Program Manager for the Early Start. Ms. Brown stated when she interviewed 8 years ago she knew this was the job for her and it would be the place she would retire from. Unfortunately, she has discovered that this agency is not consumer focus any longer. Letters regarding employee's morale have gone out to the Board, DDS and Assembly Members. These letters are a cry for help. People are being intimidated. Ms. Brown stated she did not want to leave but when the agency no longer was consumer focus, she had no choice. Staffs have not had a raise since 2005, are taking a 2 hour cut per pay period and are still willing to take furlough days. Staff will do whatever it takes to get the job done. Some of the employees that have left the agency were pillars; some were asked and others have chosen to leave. When someone takes over a department, they should get to know the people before making changes. The reason you have the union here is because staff feel they don't have a voice. They walk around in fear. Ms. Brown stated she gave her 2 week notice but on Friday, April 30, the busiest time of the month, was asked to leave. She had to leave her colleague with a pile of paperwork. Ms. Brown is requesting a letter of apology since she was asked to leave and it appeared that she was terminated. As the Board, you need to figure out what is going on, change the morale and possibly give staff a raise. If you don't stand for something, you fail.
- 9) Barry Solomon, Vendor Representative for Level 2-3 homes. Mr. Solomon stated he could not believe what he was hearing. Prior to this Administration vendors had no voice and were afraid to speak up in fear of losing their license, referrals would stop or consumers would be pulled from their homes. Inland now has some really good people working here. Vendors have seen a major improvement with their interaction with the regional center. Regarding salary, not only have vendors not had an increase for years; vendors have been trying to survive with a 40% vacancy rate in addition to the 4.25% rate cut. Costs are up

and many vendors are struggling to make payroll. Having a union or not having a union does not make a difference. Consumers still need to be served and we all have a job to do.

Dr. Cutler thanked everyone for speaking tonight. He stated it is difficult for all sides. The Board hears and acknowledges staff's concerns and hopes people understands there is always more than one side to an issue. The Board has doubled the number of Board meetings and the Executive Committee continues to meet on a regular basis to provide direction and guidance for staff.

EXECUTIVE COMMITTEE REPORT: Dr. Cutler reported that the Executive Committee met to review the latest probation status report from DDS. Some items were completed, others are making progress and some will remain pending the appeal decision. Communications were held with the Department regarding IRC's probation status. DDS reports they are pleased with the progress being made but not too happy with the timelines. IRC's responses are due June 14. Overall IRC is making progress but will remain on probation for the time being. There was an emergency meeting to deal with IRC's current budget issues.

EXECUTIVE DIRECTOR'S REPORT: Ms. Fitzgibbons reported the following: 1) IRC currently has more than 26,000 active consumer. That is growth of 3.6% from previous year and is one of the main reasons POS budget has a deficit and staffing ratios are high. This year will be the second year IRC has ever ended in a deficit. 2) Mr. Rodriguez, Director of Financial Services and Mr. Escobar, Director of Community Services has gotten acquainted with many aspects of IRC and have accomplished a great deal in a short amount of time and have done some reorganization within their units. With the retirement of Dr. Lois, Ms. Johnson, Director of Children Services and Ms. Henderson, Director of Adult Services had to do some reorganization as well. A new Organization Chart will be made available to you in June. 3) DDS requested that this regional center add approximately 800 cases to the Medicaid Waiver Program. Program Managers took on the responsibility of reviewing the additional cases and did a fabulous job to complete the task. Congratulations to Ms. Henderson, the Medicaid Waiver team and most importantly to the program manager for doing the job that was required. 4) IRC received its first response regarding the Audit appeal and is preparing to go to the next level. 5) Governor's Budget for the upcoming fiscal year was released today as the May Revise. Governor Brown is projecting being 16 billion dollars short. The Governor's proposed increase in sales and income tax increase for those earning \$250,000 over will be on the November ballot. DDS has projected a 2.5% growth in population for this area next year; dollars appear flat. 6) IRC raises money through Another Way. Another Way applies for grants and uses that money to fund for services the regional center cannot purchase. The First 5 Dental Grant provided services to babies such as fluoride treatments and educational services to families, which has been very successful.

FINANCIAL REPORT: Mr. Rodriguez reported that in February IRC's financials showed a large deficit. As of March 31, 2012 the deficit is \$154,729. All staffs have taken two furlough days. With the effects of those two furlough days, financials show a \$75,000 surplus. Although there is currently a \$75,000 surplus in OPS, which is considered a thin reserve, there are a couple of months left until the end of the fiscal year. Question: When is the next scheduled furlough day? Answer: May 29. Question: Since there is a small surplus can the May 29 furlough day be canceled? Answer: Mr. Rodriguez stated that there was additional information that needed to be looked at before he could make that kind of recommendation. Question: What are the consequences of ending the year in a deficit? Answer: The Operations budget cannot end in a deficit. In the past, the Department has pulled revenue from centers that have a surplus and make the centers with a deficit whole. Mr. King stated that once Mr. Rodriguez reviews the additional information determines if the furlough day can be cancelled, staff should be informed right away. **Motion made to allow the Executive Director and the CFO to make the recommendation regarding the May 29 furlough day. M/S/C: Derritt/Pike**

Ms. Fitzgibbons requested authorization from the Board to draft a letter to the Department stating where IRC is at fiscally. **Motion made to allow Ms. Fitzgibbons to draft a letter to the Department. M/S/C: Asten/Cosand**

VENDOR ADVISORY COMMITTEE: Ms. Remington reported that the full minutes will be posted on IRC's website once they are approved. The VAC had their meeting on April 16. At the meeting vendors expressed their concerns about higher costs of doing business, unemployment insurance and concerns about the audit requirements. There is pending legislation to increase the vendor audit threshold from \$250,000. The committee is requesting that the Board send a letter of support on this pending legislation. Dr. Cutler asked Ms. Fitzgibbons to send a letter to the appropriate representatives in support of the pending legislation. The Board suggested to Ms. Remington she contact the CASACC group she is part of and ask them to contact their regional centers as well.

- 1) Approval of New VAC Members: The Membership Committee is recommending Mike Foster, Shella Care Management for the Respite Vendor Representative and Melody Amaral, The Wylie Center for the Infant/Children Vendor Representative. Ms. Amaral will assume the term of the previous representative. Ms. Remington is requesting approval of the two nominations. **Motion made to approve Mr. Foster and Ms. Amaral nomination to the Vendor Advisory Committee M/S/C Pike/Cosand.** Mr. King asked Ms. Remington for future candidates if she would provide a small bio of the candidate. Ms. Remington will be sure to obtain more information from the Membership Committee in the future.

CONSUMER ADVISORY COMMITTEE: Mr. Miller reported that IRC continues to celebrate its 40th anniversary. The CAC continues hard at work on establishing advocacy group in the local areas. Mr. Miller submitted a written report on activities the CAC is involved in.

NOMINATING COMMITTEE

- 1) PRESENTATION OF MEMBERSHIP: Ms. Derritt reported that the Nomination Committee met with Mr. Jack Padilla and would like to recommend Mr. Padilla to serve on the Board of Trustees. **Motion made to appoint Mr. Padilla to the Board of Trustees M/S/C King/Cosand.**
- 2) BOARD COMPOSITION: Ms. Fitzgibbons reported that in their Board packets was a letter from the Department stating that IRC's Board Composition may not be in compliance. The Hispanic and Asian communities appear not to be represented as well as Riverside County. The Board needs to have an equal or close to equal representation of both Riverside and San Bernardino Counties and be sensitive to ethnic groups. 51% of the Board needs to be "primary or secondary consumer" i.e., a consumer, parent or relative. Out of 21 regional centers 20 received the same letter. Centers need to work towards compliance as stated in the regional center's contract.

Ms. Fitzgibbons introduced Ms. Denise Woolsey, Ms. Candy Cissell and Mr. James Vance, guests at this evening's meeting.

- 3) SLATE OF OFFICERS FOR FY 2012-13: This will be presented at the June Board Meeting.

NEW BUSINESS:

- 1) FORMING A BUSINESS COMMITTEE: Mr. King would like to establish a Business Committee that would work with Mr. Rodriguez on business and financial matters. The committee should be of 5-7 members and consisting of two board members, an attorney, Mr. Rodriguez, Ms. Fitzgibbons and someone with a financial background. **Motion made to establish a Business Committee based on**

the instructions presented on the draft M/S/C Feild/Smith. Anyone interested in serving on this committee can email Mr. King or Mr. Rodriguez.

- 2) STEVE BECKETT, ATTORNEY AT LAW CHANGE: Ms. Fitzgibbons reported that Mr. Beckett has resigned from Brunick, McElhaney, Beckett & Kennedy and opened his own firm. Mr. Beckett has completed all the necessary paperwork and his service is in order. Ms. Fitzgibbons asked the Board for their consideration in appointing Mr. Beckett as IRC's Corporate Attorney. Mr. King was concerned that IRC would be working with one attorney instead of a firm. He also expressed his concern that IRC had not sought out proposals from other attorneys for the purpose of due diligence. Ms. Fitzgibbons stated that Mr. Beckett has been working with IRC on some sensitive matters and changing attorneys at this time would be quite challenging. **Motion made to continue to work with Mr. Becket with an annual discussion/review M/S/C Cosand/Pike, Mr. King opposed.**
- 3) PROCUREMENT POLICY: Ms. Fitzgibbons wanted to clarify the Procurement Policy in regards to the Board's requirements to review and approve contracts in the amount of \$250,000 and above. This requirement is only for contracts that commit the organization to actually spend \$250,000 and above. For example, a RFP to purchase a Community Placement Plan home, make renovation and provide educational training to staff in the amount of \$400,000. This is an example of a contract that needs to be approved by the Board. A Service Agreement does not guarantee a payment of a certain amount therefore would not need approval. The amount a vendor gets paid is determined by the referrals they receive from the center. This is the way DDS is interpreting the law. This procedure does apply to Operations contracts and agreements, as well.
- 4) APPROVAL OF MASTER TRUST INVESTMENT ADVISORY: Mr. Campbell stated that the Master Trust Committee decided to request bids for an Investment Advisor. Master Trust has had the same advisor for 10 years. This decision to take this action was solely for due diligence reasons. Eight proposals were received and reviewed. Four responders were invited to make presentations and after much deliberation, the committee decided to accept Clifford Swan's proposal. The committee is requesting the Board of Trustees to ratify this decision. **Motion made to follow the recommendation of the committee and accept Clifford Swan's proposal M/S/C Cosand/Asten.**
- 5) ANOTHER WAY GOLF TOURNAMENT: Ms. Gomez announced the Another Way's 14 Annual Golf Tournament is scheduled for May 19 at the Greg Norman PGA West. May 18 is the Mixer at La Quinta Resort and Spa. The money raised helps consumers and their families during difficult times. Another Way is operated by volunteers who have really good people that give from the heart. Ms. Gomez stated she has been an employee of the regional center for 17 years and it has been a privilege to work here but it saddens her to hear what is being said this evening. It takes a lot of courage for individuals to stand here and speak to the Board. Ms. Gomez urged the Board to please hear the pleas of the staff. Ms. Gomez also reported that Another Way was one out of four organizations in the State selected to have representatives from Mexico visit and learn about projects that they would like to duplicate in Mexico.

Dr. Cutler adjourned the meeting at 9:12 p.m. to go into Executive Session to discuss legal and personnel matters.

Respectfully Submitted,

Darlene Fischer
Secretary

Dr. Drew Cutler
President