



*Promoting Opportunities
Supporting Choices*

*Sponsors of
North Bay Regional Center
and other programs
for persons with developmental disabilities
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MEETING NOTICE

The next meeting of the Board of Directors is a regular business meeting scheduled as follows:

DATE: November 7, 2018

TIME: 5:00 – 7:00 p.m.

PLACE: Solano County Office of Education
5100 Business Center Dr., Fairfield, CA 94534
Blue Rock Springs Room

Map & Agenda Enclosed

Board Related Meetings:

- Vendor Advisory Committee November 13, 2018, 10:00 am – 12:00 pm at
 - North Bay Regional Center, Napa.
- Legislative Advisory Committee November 27, 2018, 10:00am – 11:30am at
 - North Bay Regional Center, Napa.

REMINDER: Notices are posted at www.nbrc.net. All meetings are made accessible to persons with disabilities and all members of the public are welcome to attend. Please contact Danielle Bernardo at (707) 256-1224 for further information or to request any disability-related modifications or accommodations.

**North Bay Developmental Disabilities Services, Inc.
Board of Directors' Regular Business Meeting
Wednesday, November 7, 2018, 5:00 p.m.
Solano County Office of Education
5100 Business Center Dr, Fairfield, CA 94534**

AGENDA

- I. CALL TO ORDER – Angel Hixson, President
- II. ROLL CALL AND INTRODUCTIONS – Rita Edmonds-Norris, Vice President and Secretary (5 min)
- III. CONSIDERATION OF MINUTES
Minutes of Regular Business Meeting of October 3, 2018 be approved as submitted. (Pgs. 1-8) (2 min) ACTION
- IV. GENERAL PUBLIC COMMENT – Sign-up sheet (2 minutes per person unless otherwise allowed by Board Chairperson). (10 min)
- V. FEATURE PRESENTATION – Courtney Singleton, Director, Community Services (30 min)
 - A. Sonoma Developmental Center Update INFO
 - B. Contracts over \$250,000 (Pgs. 9-12)
ACTION
 - a. New Leaf
 - b. CBEM
 - c. Transportation
 - d. Family Home Agencies
 - e. Supported Living Services
- VI. TREASURER'S REPORT – Rosemarie Pérez, Treasurer (10 min)
 - A. Treasurer's Report be approved as submitted (Pgs. 13-14) ACTION
 - B. E-Preliminary Contract (Pg. 15)
ACTION
- VII. COMMITTEE REPORTS
 - A. Executive Committee Update – Angel Hixson (20 min)
 - a. NBRC Revised By-Laws (Pgs. 16-40) INFO
 - b. New Vendor Advisory Committee Members (Pg. 41) INFO
 - c. Board Mentorship (Pg. 42) ACTION
 - d. 2019 Board Meeting Schedule (Pg. 43) ACTION
 - B. Vendor Advisory Committee Update – David Mauger, VAC Representative (Pgs. 44-50) (5 min) INFO
 - a. VAC Partnership Agreement – Kelley Hanson, PACE Solano and Elizabeth Clarey, Alchemia (Pgs. 51-56) (20 min) ACTION
 - C. Legislative Advisory Committee Update – Linda Plourde (Pgs. 57-61) (5 min) INFO
 - D. Client Advisory Committee – Franklin Phillips, Chairperson (5 min) INFO
- VIII. DIRECTOR'S REPORT
 - A. Gabriel Rogin, Executive Director (5 min) INFO
- IX. GOOD OF THE ORDER – any other Board business may be brought up at this time.
- X. GENERAL PUBLIC COMMENT (10 min)
- XI. CLOSED SESSION
Executive Director Evaluation Process
- XII. RETURN FROM CLOSED SESSION
- XIII. ADJOURNMENT

CLOSED SESSION – The governing board of a regional center may hold a closed meeting to discuss or consider one or more of the

following: (1) real estate negotiations, (2) the appointment, employment, evaluation of performance, or dismissal of a regional center employee, (3) employee salaries and benefits, (4) labor contract negotiations, (5) pending litigation -- W&I Code 4663(a).

NEXT MEETING ANNOUNCEMENT - The next Board of Directors meeting is a regular business meeting scheduled for Wednesday, December 5, 2018 at North Bay Regional Center, Napa, at 5:00pm.
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**North Bay Developmental Disabilities Services, Inc.
Board of Directors' Regular Business Meeting
October 3, 2018, 5:00 p.m.
Sonoma Developmental Center
15000 Arnold Drive, Eldridge CA 95431**

MINUTES

NBRC BOARD MEMBERS PRESENT: Angel Hixson, President
Franklin Phillips, Sonoma County Rita Edmonds-Norris, Vice President and Secretary
Jeremy Johnson, Solano County Sara Speck, Solano County
David Mauger, VAC Representative Rosemarie Pérez, Treasurer

NBRC BOARD MEMBERS ABSENT: Jose Ayala, Napa County Rhonda Foster, Sonoma County

STAFF PRESENT: Gabriel Rogin, Executive Director
Danielle Bernardo, Executive Assistant Alec Wiley, IT 2 Tech
Jonathan Padilla, COAST Supervisor Rick Burkett, Associate Director, IT
Alex Williams, COAST Assistant Supervisor Isabel Calder, Fiscal Department Manager
Beth DeWitt, Director, Client Services Nancy Kubota, Interim Chief Financial Officer
Thomas Maseda, Director, Administrative Services Efren Sanchez, Service Coordinator
January Crane, Federal Revenue Manager Tammy Jo McMahon, Intake Assessment Counselor
Chad Graham, Case Management Supervisor Deanna Mobley, Associate Director
Christin Niederberger, Senior Service Coordinator Deanna Heibel, Associate Director
Courtney Singleton, Director, Community Services Miranda Dodson, Client Services Assistant
Nayeli Hidalgo, Sr. Nurse Consultant Lindsay Franco, Diversity and Equity Specialist
Melissa Slama, Service Coordinator Anaid Carreno, Service Coordinator
Burleigh Termo, Service Coordinator

GUESTS PRESENT: Aleana Carreon, Executive Director, SDC
Roger Rhoten, Advocate for Michael Wilson JJ Fernandez, Executive Assistant and Public
Jeff Newton, RN, Teaching Living Concepts Information Officer, SDC
Kathleen Miller, Parent, Co-President, PHA Father Tom Chesterman, Parent, Vice President, PHA
Mike Toby, Parent Cindy Cahill, Parent, Justin Cahill Foundation & PHA
Charlotte Jones, Clinical Director, SDC Jean Levine, Becoming Independent

CALL TO ORDER – *Angel Hixson, President* called the meeting to order at 5:00 p.m. A quorum was present and the Board and audience introduced themselves.

CONSIDERATION OF MINUTES –

M/S/C (Phillips/Speck) Move that the minutes of September 5, 2018 and September 14, 2018 regular business board meetings be approved as submitted.

UNANIMOUS

GENERAL PUBLIC COMMENT –

Roger Rhoten, on behalf of Michael Wilson. Roger has been a friend of 79 year old Michael's for 45 years. They met at SDC and Michael has since then, been able to go out into the community. Michael has lived in Sonoma, in one home for over twenty years. He started to have medical issues that required him to be transferred to Petaluma Windsor Care. NBRC is trying to find placement for him and are having some difficulties. There is talks of him being moved far out of the area and Roger is recommending he stay in Sonoma with his network is. He feels that it would be detrimental to not be near the support that he has in the Sonoma County community. Roger is advocating on behalf of Michael to try and find him the right place for him to live.

- *Angel Hixson, President* thanked Roger for his time and for advocating for Michael. She said the information would be passed along to the appropriate person.

FEATURE PRESENTATION –

Sonoma Developmental Center Closure Process

A. Courtney Singleton, Interim Director, Community Services

Where North Bay Regional Center (NBRC) Started

- In December of 2015, NBRC had 93 individuals living at SDC that would move to Napa, Solano and Sonoma Counties.
- NBRC gathered information from Families, Developmental Center Teams, Department of Developmental Services and NBRC employees to develop a plan to safely move SDC clients into the community.
- Housing was the first priority.

Buy it Once Model –

- These homes are held in perpetuity for persons with developmental disabilities.
- The Housing Development Organization has purchased and rehabbed 26 homes.
- 12 in Solano County
- 17 in Sonoma County
- 29 total homes between Sonoma and Solano Counties
- Three of the homes were purchased and rehabbed by the provider.

Types of Homes –

- *Adult Residential Facility for Persons with Special Healthcare Needs (ARFPSHN)*
 - For most medically fragile
 - 5 individual bedrooms in each home for 5 people
 - 40 hours a week of a Registered Nurse at minimum
 - In home Physician visit every 60 days
 - 2 in Solano County and 7 in Sonoma County
 - *Specialized Residential Facility (SRF)*
 - For those with mild-moderate behaviors and medical needs
 - 4 individual bedrooms
 - 3:4 staff to client ratios
 - Lead staff of LVN, LPT, RBT, and Behavioral Medical Consultation is provided by a BCBA, PsyD, RN or whatever the needs are for the specific individual.
 - 9 in Solano County and 5 in Sonoma County
 - *Enhanced Behavioral Support Home (EBSH)*
 - Serve 4 individuals
 - Staff must be a LPT or RBT
 - Minimum of 6 hours behavior consultation per month, per individual
 - Individual staffing is based on the individuals own specific budget
 - 5 in Sonoma County and 1 in Solano County
- *Kathleen Miller, Co-President, PHA* asked how many open beds there are currently in the ARFPSHN's. Courtney stated she believes there are 4 open beds currently.

Day Programs Developed –

- 5 in Sonoma County and 3 in Solano County
- 1 of the 5 in Sonoma County had to start over because the site was damage by the fires. NBRC is still doing a site search.

How many people have moved and where did they move to?

- 77 (80%) people transitioned by NBRC
- 16 individuals remaining to move
- 35 went to ARFPSHN's, 28 to SRF's, and 11 to EBHS homes

Spiritual Care into the community – training to provide spiritual care is in process

There is currently a Federally Qualified Health Clinic in Santa Rosa - Dutton Campus

- Santa Rosa Community Health
- They provide; Medical, Dental, Neurology, Podiatry, Dental desensitization and Behavioral health.

Safety Net Services because SDC is closing

- Mobile Crisis team - CBEM
- 1 Community crisis home – open to 3 individuals
- 1 more coming online in Vacaville in December
- State will be opening 3 crisis homes in Northern California to expand Northern Star.
- Crisis Assessment Stabilization Training team is a mobile crisis team that NBRC is piloting with DDS

QUESTIONS:

- *Angel Hixson, President* asked if there are discussions to open up another clinic since the Santa Rosa clinic is open and greatly impacted.
- *Courtney Singleton, Interim Director of Community Services* stated there isn't right now. It was the Parent Hospital Association (PHA) that helped make that happen. The PHA wanted qualified medical services that specialized in those with developmental disabilities. NBRC wanted it to be an integrated model. It took a lot of push from the PHA.
- *Gabriel Rogin, Executive Director* noted there is a need for another clinic.
- *Father Chesterman* asked about the availability of sedation dentistry in Sonoma County.
- *Courtney Singleton, Interim Director of Community Services* let him know currently, there is no answer for that but there is a location in Vacaville and in Sacramento. Hospitals have to be the ones to provide the services, they cannot be done in the clinic.
- *Kathleen Miller, Co-President PHA* informed everyone of the Children's dentistry services provided in Windsor. Kathleen mentioned she feels that it is worth looking into.

B. Aleana Carreon, Executive Director, Sonoma Developmental Center

Aleana started at Sonoma Developmental Center in 1976, 42 years ago. She started as a Student Assistant, then worked as a level of care staff and has been promoted throughout the years. Aleana has a strong connection to SDC, not only because she's worked there for so long but because of her family history. Her Mother also worked at SDC and they attended the same psych tech program together in the Brick building. After her mother retired, she told Aleana she had an Aunt that lived at SDC. Aleana looked into her Aunt's history and found out she was born in 1888 and died in 1959 at 71, she was admitted in 1932 at 44 years of age. Growing up at SDC, Aleana helped people move into the community. She even wanted to open up her own home to be a part of that. Aleana said since the announcement of closure in May 2015, the models that have been developed have been wonderful. She noted it's sad to say goodbye to the residents as they leave. SDC gets regular reports on those that have transitioned. Aleana thanked NBRC, Courtney, Gabriel and Jonathan for their collaboration throughout the closure process. During the evacuation due to the fires, the residents evacuated to Dixon and NBRC supported them every day. She said it's been a pleasure working with North Bay during this process.

- *Rosemarie Pérez, Treasurer* thanked Aleana for taking care of her sister over the years. She said Aleana has maintained a personal connection with each of the residents at SDC. She wanted to acknowledge how hard she's worked through all of the difficult situations she has been through.

C. Kathleen Miller, Co-President, Parent Hospital Association/ Family Advocates United

Kathleen started by saying she isn't a fan of the closure because that means it's more of a "one size fits all now."

Pros

If the client has problems they will add staff in behavioral homes
Forever home concept
Clinic – PHA Physicians, helps bridge the medical piece

Cons

Dental – clients require anesthesia to get dental work done.
Respite

Kathleen Miller, Co-President, PHA asked the Board to write DDS and request the following;

- Open up the SDC clinic to all clients not just those from SDC.
- Would like to ask if the open ARFPSHN beds can be used as respite for the medically fragile population.
 - One of the behavior homes should be looked at as respite
- She would like others in the community to have access to a break, good medical care, and dental.

Kathleen hopes that PHA can continue. PHA/ Family Advocates United.

- ❖ October 31, 2018 – SDC's Last Halloween Parade at 10:30am
- ❖ November 3, 2018 – Hannah's Boy Center to mark the closure of SDC. Reach out to JJ Fernandez with SDC to register.

- *Angel Hixson, President* Let Kathleen know that The Board will discuss Kathleen's two requests and report back to her.

Other PHA Members –

Father Chesterman, Spiritual Care Update

There was miscommunication with the Chaplain working for the Regional Center and the date isn't confirmed yet.

Location is the Church of the Incarnation Episcopal Church

- Not a denominational service, will be more of a worship service.
- Services will be held in the Parrish hall, not the normal parish center due to how churches are set up for the DD population.
- The entrance is going to be near the parking lot on Cherry Street allowing easier access.
- Courtney Singleton will be sure the homes are notified.

Bruce Robinson, Parent of a 25 year old NBRC client, Naomi who is medically fragile, quadriplegic, does not speak, tube fed. Naomi is a lot to take care of and most of her care over the past year has been up to him and his wife. Naomi is very early defensive and doesn't swallow. It took four months for an available dentist to do a cleaning for Naomi. The Robinson family were required to fill out paperwork in Vallejo from far out in Sonoma County where they live. Two days later they had to drive out to Fairfield and stay at a hotel to be able to take Naomi to Kaiser the next morning. After 90 minutes of unsuccessful attempts, Kaiser said "Oh yea, maybe we should try to use gas instead of trying to find a vein in this poor little arm." He understands that the Regional Center is looking for alternatives to provide these services in the North Bay. Mr. Robinson asked if in the interim measure and a bridge to the time when a full viable service is accessible. Asked for all of NBRC's energy that can be mustered, be put into finding those services.

Mr. Robinson addressed Respite. The last 5 years, Naomi's older sister has lived in Europe. They understand Naomi wouldn't be able to fly out. They haven't been able to find respite to be able to visit their other daughter. Bruce said even just to be able to have a couple nights would be helpful. He said that a lot of parents are aging and are the primary source for some very complex young people. Anything that can be done on the short term would be tremendously helpful. Bruce noted the need for long term housing for this population is acute now and will be growing. With as much candor and urgency as he could muster, Bruce asked the Board to put every effort into the long term housing community for others outside of the SDC community. Bruce and his wife see no light at the end of the tunnel.

- *Angel Hixson, President* thanked Bruce for coming tonight. Angel noted that the Board understands and has the same fears for their loved ones. They know the need is real and the Board is doing everything they can to support clients as well.
- *Rita Edmonds-Norris, Vice President and Secretary* shared that she is in the same position with her 41 year old son and she empathizes with Bruce.

TREASURER'S REPORT – Rosemarie Pérez, Treasurer

Board Opportunity Fund Signers

(Page 16) These are funds available for services and needs that NBRC cannot provide.

Rosemarie brought a proposal to the Board. There will be times that checks are needed to be signed right away and Gabriel may be out of the office. Rosemarie proposed that they add a second signer to the Board Opportunity Fund, Thomas Maseda with Gabriel's approval.

M/S/C (Johnson/Phillips) Move to approve a second signer to the Board Opportunity Fund, Thomas Maseda with Gabriel's approval in his absence. UNANIMOUS

E-1 Contract

Rosemarie thanked Nancy Kubota, Interim Chief Financial Officer for "tutoring" her this month.

- The E-1 contract is between the Department of Developmental Services and North Bay Regional Center.
 - It allocates funding for the year. It is called E-1 because it is a 5 year cycle, and 1 because it is the first amendment. There was a preliminary in the beginning of the fiscal year and this is the actual contract. It must be approved by the Board and there will be additional amendments in the future.
- The E-1 provides total Operations and POS funding of \$226,000,000. Which is +\$11mil over prior year, D-1 contract. It also helps the cash flow. Once approved the agency will be able to ask for cash advances.
 - On page 18, there is a description in the notes section.
- The E-1 contract provides agency current year funding for operations, vendor payments, salary and benefits.
- At this time the agency is projecting a balanced operations budget, based off of the year to date numbers.
- The Board is being asked to approve \$49,586,417.
- NBRC grew by 185 net new consumers over the last 12 months. That increase is reflected in the allocation.
- NBRC will receive additional Community Placement Plan (CPP) funding, which was used to move clients out into the community. There will be more money that will be reflected in future amendments.
- The agency received some reduction in Sonoma CPP funding, as it was money used for the closure.
- Cash Flow – The agency is stable. Board is advised that the Agency did not have a line of credit impacted vendor not being paid timely. Looking to establish a line of credit so that doesn't happen in the future.
- *Angel Hixson, President* asked a question in regards to the line of credit. She asked if NBRC forecasts any issues with that.
- *Nancy Kubota, Interim Chief Financial Officer* noted that she has been in communication with the bank and that they are on track. As long as NBRC is timely with their CPA Audit, she doesn't anticipate any issues. NBRC will be able to confirm that by December or January, whether or not NBRC will get a line of credit.
- *Gabriel Rogin, Executive Director* noted that the agency is required to have a CPA Audit, and historically North Bay hasn't always been timely with that process. That is being turned around now and he feels the bank will see that and they don't anticipate any issues. He also noted that if they do experience issues, he will inform the Board.

M/S/C (Mauger/Speck) Move to approve the E-1 contract. UNANIMOUS

M/S/C (Edmonds-Norris/Phillips) Move that the Treasurer's Report be approved as submitted. UNANIMOUS

NBRC PERFORMANCE CONTRACT – January Crane, Federal Revenue Manager

January noted that the Performance Contract that was presented at the September Board meeting is in the Packet. The request was to address any public comment, clarifications or concerns. She received one comment from the public and addressed that. The request didn't align with the Performance Contract. It was a request for unmet needs for different types of services. She then asked for the Boards approval of the 2019 Performance Contract.

M/S/C (Pérez/Edmonds-Norris) Move that the Performance Contract for 2019 be approved as submitted. UNANIMOUS

COMMITTEE REPORTS – David Mauger, VAC Representative

A. Vendor Advisory Committee Update

- The VAC met on 9/11/18 and the meeting minutes can be found in the Board Packet for additional information.
- There were two applicants announced at the meeting to fill VAC vacancies.
 - Stacey Martinez, Associate Executive Director, ARC Solano
 - Jaimie Freymuth Thompson, Director of Program Services, North Bay Industries
- Isabel Calder, Fiscal Department Manager, reviewed audit requirements for Vendors and Contracts over \$500,000.
 - They will be amended so that submission dates comply with the law.
- January Crane presented the Performance Contract.

B. Legislative Committee Update

- David announced on behalf of Linda Plourde, the establishment of Legislative Committee
 - Legislative Committee is to serve as an advisor to the Board.
 - First meeting was on 9/17/18.
- Anyone is welcome to attend the Legislative Committee Meetings on the 4th Tuesday of each month
- Next meeting is October 23, 2018 at 10:00 am
- Linda Plourde will head the meeting and the minutes from these meetings will be included in future Board packets.
- David also noted that The Residential Committee met on 8/23/18 and the minutes are in Board packet as well.
- Rosemarie Pérez, *Treasurer* noted the Legislative Committee is for parents and vendors. The voice of the parents is needed in order to have a well-rounded committee.
- Angel Hixson, *President* agreed and noted it would be great for some of the parents that spoke tonight, to join as well.

DIRECTOR'S REPORT – Gabriel Rogin, Executive Director

Gabriel noted the following;

- Gabriel acknowledged the parents that spoke at the meeting and thanked them for addressing their priorities. He shares those priorities and he hears them loud and clear.
 - There is a shortage of respite and we need to do better.
 - Dental/ especially sedation dental; we know that families are waiting months on end and traveling great distances, and that's also not okay.
 - Long term housing
 - Gabriel noted the Board may choose to take position on some of these items but he wanted to make it known that NBRC is not waiting. North Bay staff is actively working on these issues. NBRC doesn't always have the authority to make these things happen right away but they are working collaboratively to think of innovative ways to get these efforts started.
- Gabriel also acknowledged the Sonoma Developmental Center staff. Within the seven months Gabriel has been with North Bay, and working on the closure, it has been collaborative, supportive and has felt like a team effort, including with DDS.

- He noted this process can be a model for how we work in the future
 - Collaboratively to meet the end goal of quality outcomes for the people we are serving.
- The Parent Hospital Association (PHA) was instrumental in getting the FQHC started. Without their efforts, a lot of the positive things that are happening now, wouldn't be happening. He hopes the PHA can continue. He believes there is value in families getting together and sharing their experiences. It is a great opportunity for families to work collaboratively. Their voices are louder together.
- Self-determination is moving forward and the Department of Developmental Services notified families on October 1st that were chosen for the pilot phase.
 - NBRC has 66 individuals that were selected.
 - North Bay will be supporting them as they go through the orientation process to get more information on what self-determination is and if it is a good fit for them.
 - DDS and the Regional Center are still working out the details with how that model will work. It probably won't start until early 2019.
- DDS Exit interview for Fiscal and Compliance Contract, was very positive.
 - 36 out of 39 areas were without exception.
 - The 3 that did have exceptions, NBRC is working with the Department to clean up.
 - Gabriel complimented the Regional Center staff for their hard work. Their hard work really paid off and the recognition from DDS felt good.
- Early Start had an Audit at the same time, also with positive results.
- North Bay is working very hard to get and keep their house in order.
- Beth DeWitt, Director of Client Services is taking steps to comply with audit requirements.
 - Beth is working on streamlining workloads for Service Coordinator staff. We cannot always decrease caseloads as much as we'd want to, but we are not waiting. We are looking at opportunities to decrease workload and maximize the time spent with individuals.
- North Bay is still recruiting for the CFO position. Gabriel noted, Nancy has done a wonderful job in the interim and that North Bay has been lucky to have her.
 - CFO interviews are in October.
 - Currently have strong candidates and are still accepting applications.
- Gabriel thanked the Board for a successful and productive Board Retreat last month.
- Gabriel noted he and Angel will be attending ARCA Strategic Planning Retreat in San Diego in a few weeks and that they will report ARCA's priorities back to Board.
- *Angel Hixson, President and Rita Edmonds-Norris, Vice President and Secretary* noted it was the best Board Retreat they've had in 5 years. *Franklin Phillips, Sonoma County* agreed. It was cost effective (hosted at the Regional Center) and it was very productive.

GOOD OF THE ORDER –

- *Franklin Phillips, Sonoma County* shared the following details regarding the Client Advisory Committee;
 - First meeting will be November 7, 2018 1:00 pm – 3:00 pm at the Napa Office.

GENERAL PUBLIC COMMENT –

Mike Toby, parent of a 22 year old Autistic child noted the following; His son has been a Regional Center client for 20 years. The school systems have done majority of the work, with minimal Regional Center support. Mr. Toby said he knows the Board is aware of the upcoming generation that hasn't been accounted for, but he wanted to reiterate the need for housing. Mr. Toby said the housing and Day Programs that has been developed only serve SDC clients. Mr. Toby's son is waiting for a Day Program to become available. The Toby family looked for housing 2 years ago, and there was no housing

available. Adult Foster Care in Modesto was the only available option from NBRC. He noted there is a new generation coming up that capacity has not been built for. The Regional Centers focus primarily has been the closing of the Developmental Center, but we can't lose sight and continue to expand and build our capacity for the next generation of children coming up. Mr. Toby noted he personally knows of one child in the schooling system that is looking at out of state residential placement because there is nothing in the state of California. He's also heard of at least three more people in the Santa Rosa area, dealing with the same situation. If the SDC clients today have transitioned into their forever home, the next generation doesn't have a home unless we continue to build. Mr. Toby urged the Board to continue to move forward and to continue to build housing. He said "they" need them just as much as SDC clients did.

- *Angel Hixson, President* noted the Board appreciates Mr. Toby for coming to them with his issues, and let the other parents in the room that they should continue to come forward because they are all right, the Regional Center needs to continue to plan.

ADJOURNMENT –

Angel Hixson, President adjourned the Regular Business Meeting at 6:35pm and the Board of Directors moved into a Closed Session Meeting.

CLOSED SESSION –

Discussion - Executive Director Performance Evaluation Process

RETURN TO OPEN SESSION –

No Action was taken during the Closed Session.

Angel Hixson, President adjourned the Closed Session Meeting at 7:09 pm.

Date submitted to NBRC Board for review

11/7/18

Date approved by NBRC Board Executive Committee (if applicable)

N/A

Date approved by NBRC Board

The following contracts have been reviewed by Courtney Singleton, Interim Director Community Services and Gabriel Rogin, Executive Director, both of whom recommend approval by the NBRC Board of Directors.

Purpose of Contract	Consumers Served (if applicable)	Contractor Name and Vendor# (if applicable)	Term of Contract	Rate of Reimbursement
Money Management	1100	New Leaf-PN1016	11/1/18-10/31/20	\$718,344 Annually not to exceed
Crisis Intervention	105	CBEM-PN0913	08/01/18-07/31/21	\$3026.53 monthly per individual \$181,591.80 Annually not to exceed
Transportation	51	Gateway Transportation-HN0368	Month to Month	\$405,107 Annually
Transportation	183	Becoming Independent-H08222	Month to Month	\$1,121,264 Annually
Transportation	103	Dungarvin, LLC-P20895	Month to Month	\$806,796 Annually
Transportation	70	Milestones of Development-H13460	Month to Month	\$565,490 Annually
Transportation	215	Pace Solano-H13225	Month to Month	\$1,126,524 Annually
Transportation	175	United Cerebral Palsy-HN0286	Month to Month	\$1,122,459 Annually
Transportation	26	MV Transit-NB-ZN0159	04/1/18-6/30/20	\$410,548 Annually
Transportation	65	North Bay Transit Group, Inc.-PN1022	Month to Month	\$933,162 Annually
Transportation	188	NSRT Enterprises-ZN0090	Month to Month	\$3,171,348 Annually
Transportation	58	Transmetro Inc-North Bay-HN0433	08/01/17-06/30/19	\$827,400 Annually
Family Home Agency	28	Enriching Lives – HN0386	06/01/17-05/31/19	\$1,084,188.89 Actual FY 2017-18 Estimated projection payment to exceed \$250,000
Family Home Agency	56	California Mentor-HN036	07/01/18-05/31/19	\$2,616,797.64 Actual FY 2017-18 Estimated projected payment to exceed \$250,000

Supported Living Service		A BRIGHT FUTURE SLS - PN0911	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 3,222,179.22 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		ALDEA SUPPORTED LIVING P20320	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 1,045,683.65 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		ATLAS COMMUNITY SVCS PN1043	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 457,167.78 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		BAYBERRY INC. P20287	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 2,959,916.88 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		BECOMING IND SUPP LVG P20294	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 3,070,322.15 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		COMMUNITY CONNECTIONS P21003	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 3,754,251.83 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		CONNECTIONS FOR LIFE PN0227	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 3,200,655.85 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		HELPING HAND PN0914	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 1,562,780.59 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		INCLUSION SERVICES, LLC PN1014	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 2,583,772.45 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		JACUI' FOUNDATION INC PN0660	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 474,470.05 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		LIBERTY ILS INC - PN0713	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 336,307.88 Actual FY 2017-18 Estimated projected payment to exceed \$250,000

Supported Living Service		LIFEHOUSE, INC - PN1008	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 2,488,789.05 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		LIGHTHOUSE LIVING SVCS PN0795	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 993,079.79 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		LYNN AND DARLA SLS - PN0641	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 3,078,514.83 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		NEW BEGINNINGS PN0471	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 3,187,627.64 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		NEW HORIZONS SLS, LLC PN1021	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 720,760.15 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		OAKS OF HEBRON SLS P20286	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 964,464.27 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		OMELAGAH, INC PN1023	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 1,311,877.50 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		ON MY OWN INDEPENDENT PN0929	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 1,401,049.95 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		SEASONS SUPPORTED LVG PN0979	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 755,005.36 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		SPECIAL CARE SUPPORTED PN1065	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 1,310,596.93 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		STRATEGIES TO EMPOWER PN1067	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 1,109,377.85 Actual FY 2017-18 Estimated projected payment to exceed \$250,000

Supported Living Service		TAILORED LIVING CHOICES PN0473	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 3,411,850.23 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		WELLNESS SUPPORTED LVG PN0519	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 502,272.63 Actual FY 2017-18 Estimated projected payment to exceed \$250,000
Supported Living Service		WOOD SUPPORTED LIVING PN0981	03/01/17-2/28/18 3/1/18-12/31/18 01/01/19-12/31/19	\$ 1,013,139.01 Actual FY 2017-18 Estimated projected payment to exceed \$250,000

North Bay Regional Center Board Opportunity Fund November Board Meeting 11/7/18

NBRC's Board Opportunity Fund money market account decreased by \$5,000.00. The decrease was due to a transfer from the money market fund to the Board Opportunity Fund checking account. The money market balance at the end of September 2018 was \$33,438.72. Earned bank interest for the money market account came to \$.93

The board checking account ended the month of September 2018 with a balance of \$6,152.08, an increase from last month. The increase is due to \$930.99 in payments issued to support clients and family members, and a \$5,000 transfer from the Board Opportunity Fund Money Market Account.

North Bay Regional Center
CFO Board Report
As of September 30, 2018

25%
3 months

		%		Total YTD
Purchase of Services (POS)	YTD Actual	Total	Forecast*	Actual + Forecast
Supported Living Services	\$ 13,429,805	25%		\$ 13,429,805
Community Care Facilities	13,930,137	26%		13,930,137
Day Programs	8,105,900	15%		8,105,900
Behavioral Services	7,541,523	14%		7,541,523
Transportation	3,043,467	6%		3,043,467
Medical Services	312,214	1%		312,214
Respite	1,192,275	2%		1,192,275
Other	5,276,766	10%		5,276,766
Total NON-CPP POS services	\$ 52,832,087	99%	\$ -	\$ 52,832,087
Community Placement Plan (CPP)	703,641	1%		703,641
TOTAL POS AND CPP EXPENSES	\$ 53,535,728	100%	\$ -	\$ 53,535,728

Operations Expense (OPS)					
Personnel	\$ 3,668,000	58.08%	\$ 10,831,043	\$ 14,499,043	
Benefits	1,732,822	27.44%	2,253,881	3,986,703	
Facilities/Insurance	521,090	8.25%	1,567,249	2,088,339	
Equipment	155,272	2.46%	237,666	392,938	
General Office	23,285	0.37%	116,636	139,921	
Communications	9,233	0.15%	163,836	173,069	
Mileage	54,780	0.87%	322,467	377,247	
Legal	26,298	0.42%	196,616	222,914	
Consultants	108,213	1.71%	165,420	273,633	
Bank Fee and Interest Expense	1,722	0.03%	6,618	8,340	
MHSA Grants	23,072	0.37%	199,459	222,531	
Grants	35,644	0.56%	280,816	316,460	
Other Expenses	4,458	0.07%	38,873	43,331	
Revenue	(48,541)	-0.77%	(141,971)	(190,512)	
Total Non-CPP Operations Expense	\$ 6,315,348	100%	\$ 16,238,609	\$ 22,553,957	
Community Placement Plan (CPP)**	-		-	-	
Total OPS & CPP Expenses	\$ 6,315,348	100%	\$ 16,238,609	\$ 22,553,957	

		Remaining Allocation
E-1 -POS ALLOCATION	\$ 194,547,422	\$ 141,011,694
E-1 Non-Cpp OPERATIONS ALLOCATION	\$ 21,384,889	
E-1 CPP OPERATIONS ALLOCATION	\$ 1,169,068	
E-1 TOTAL OPERATIONS ALLOCATION	\$ 22,553,957	\$ 16,238,609

* Forecast for PURCHASE OF SERVICES will be reported upon the completion of the "Projected Expenditures of Purchase of Services" (PEP) report in December 2018.

** CPP operations expenses are currently reflected in the YTD totals in operations. Staff will reclassify these expenses every calendar quarter.

Date submitted to NBRC Board for review _____ 11/7/18 _____

Date approved by NBRC Board Executive Committee (if applicable) _____

Date approved by NBRC Board _____

Operations ☒ _____

Purchase of Service ☒ _____

The following contracts have been reviewed by Nancy Kubota, Interim CFO and Gabriel Rogin, Executive Director, both of whom recommend approval by the NBRC Board of Directors.

Purpose of Contract	Consumers Served (if applicable)	Contractor Name and Vendor# (if applicable)	Term of Contract	Rate of Reimbursement	NOTES:
State of California Department of Developmental Services Contract with NBRC. “E” preliminary contract	N/A	Department of Developmental Services and North Bay Developmental Disabilities Services Inc. dba North Bay Regional Center	7/1/14-6/30/21. E series contract is effective 7/1/18	\$17,000,243 Ops Allocation \$159,977,631 POS allocation TOTAL “E” Preliminary Contract is: \$176,977,874	This contract represents the “E” series preliminary contract between DDS and NBRC for fiscal year 2018- 19. Note- Contract amendment was received on 5/25/18 and signed on 6/6/18 but was not approved by Board. TOTAL CONTRACT AMOUNT is \$176,977,874.

~~TWELFTH ELEVENTH~~ **RESTATEMENT OF BYLAWS OF
NORTH BAY DEVELOPMENTAL DISABILITIES SERVICES, INC.**

A California Nonprofit, Public Benefit Corporation

ARTICLE I

Name

The name of this Corporation is NORTH BAY DEVELOPMENTAL DISABILITIES SERVICES, INC ("Corporation"). This Corporation may do business as North Bay Regional Center or under such other fictitious name as deemed necessary from time to time.

ARTICLE II

Offices and Meetings

Section 2.1 Principal Office

The principal office for the transaction of the business of the Corporation ("principal executive office") shall be located in the County of Napa, the County of Solano or the County of Sonoma, in the State of California. The Board of Directors may change the principal executive office from one location to another within these counties. As of the date of execution of this ~~First~~ Twelfth Restatement of Bylaws, the principal executive office is located at 610 Airpark Road, Executive Court, Suite A, Napa, California 94558 ~~-6267~~. Any change of this location shall be noted by the Secretary, on these Bylaws opposite this Section 2.1, or this Section 2.1 may be amended to state the new location.

Section 2.2 Other Offices

The Board of Directors may at any time establish branch or subordinate offices at any place or places at which the Corporation is qualified to do business, whether within or outside the State of California. As of the date of execution of this First Restatement of Bylaws, the Corporation maintains a second office 2351 Mendocino Avenue, Santa Rosa, California 95403-3114.

Section 2.3 Place of Meetings

Any meeting of Directors or Committees held pursuant to any provision of these Bylaws shall be held at any place within the State of California designated by the Board of Directors. In the absence of any such designation, all meetings shall be held at the principal executive office of the Corporation. However, no meeting, conference or other Board function shall be conducted in any facility that prohibits the admittance of any person, or persons, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, gender identification, ~~or~~ disability or any other legally protected

classification. Further, all Board meetings shall be held in facilities which are accessible to persons with physical disabilities.

ARTICLE III

Purposes and Limitations

Section 3.1 General Purposes

The specific and primary purposes for which this Corporation is formed are to develop, obtain resources for and administer programs for persons with developmental disabilities and for the families of such persons, exclusively for charitable purposes, including but not limited to programs of prevention, developmental services, public information and education, research and manpower and resource development and evaluation.

Section 3.2 Philosophy

Individuals with developmental disabilities should have the same opportunities that are available to all citizens, regardless of age, sex or degree of handicap. Accordingly, it is the philosophy of this Corporation that its efforts promote normalization, individualization, least restrictive alternatives and recognition of the dignity of risk for persons with developmental disabilities and their families.

Section 3.3 Goals

In addition to the overall goals outlined in this Article III, this Corporation's goals also include those stated in its Performance Contract, in accordance with the requirements of Welfare and Institutions Code section 4629 and the Corporation's current contract with the Department of Developmental Services ("DDS").

Section 3.4 Solicitation and Contributions

The Corporation may, in accordance with applicable laws, solicit and receive contributions and donations from the general public for charitable purposes, expressly including, but not limited to, the specific and primary purposes for which this Corporation is formed, as more specifically described at Section 3.1. Such solicitation shall be in accordance with the requirements of the Supervision of Trustees and Fundraisers for Charitable Purposes Act, also known as the California Nonprofit Integrity Act of 2004, set forth at California Government Code section 12580 and following, to the extent that it may be applicable to the Corporation, from time to time.

Section 3.5 Limitations

The general purposes for which this Corporation is formed are to operate exclusively for

charitable purposes.

Section 3.6 Dedication of Assets

This Corporation's assets are irrevocably dedicated to public benefit/charitable purposes. No part of the net earnings, properties, or assets of the corporation, on dissolution or otherwise, shall inure to the benefit of any private person or individual, or to any director or officer of the Corporation. On liquidation or dissolution, all properties and assets remaining after payment, or provision for payment, of all debts and liabilities of the Corporation shall be distributed to a nonprofit fund, foundation, or corporation that is organized and operated exclusively for charitable purposes and that has established its exempt status under Internal Revenue Code section 501(c)(3).

Section 3.7 Construction and Definitions

Unless the Lanterman Developmental Disabilities Services Act (the "Lanterman Act" at Welfare and Institutions Code section 4500 and following) or the context require otherwise, the general provisions, rules of construction, and definitions of the California Nonprofit Corporation Law shall govern the construction of these Bylaws. Without limiting the generality of the preceding sentence, the masculine gender includes the feminine and neuter, the singular includes the plural, the plural includes the singular, and the term "person" includes both a legal entity and a natural person.

ARTICLE IV

Membership

Section 4.1 Members

The Corporation shall have no members.

Section 4.2 References to Action by Members

Any action which would otherwise require approval by the members shall require only approval of the Board of Directors. All rights which would otherwise vest in members shall vest in the Directors.

ARTICLE V

Board of Directors

Section 5.1 Composition

(a) The number of Directors of the Corporation shall be at least ten (10) but not more than thirteen (~~13~~) Directors until changed by amendment to these Bylaws. The exact number of Directors shall be fixed, from time to time, within these limits, by resolution adopted by the Board of Directors. Any reduction in the authorized number of Directors shall not result in any Director being removed before his or her term of office expires. The goal of the Board of Directors shall be to have Nine or twelve of the Directors ~~shall~~ include at least two (2) equal numbers of representatives each from Napa, Solano and Sonoma Counties. (A “representative” is defined for this section as a resident of such county, or an immediate family member of a consumer, who residing in such county.) One Director shall be a member of the Vendor Advisory Committee, who shall conform to the provisions of Welfare and Institutions Code section 4622, as outlined below.

(b) The Board of Directors shall make every effort to conform to criteria set forth in Welfare and Institutions Code section 4622, including the following criteria:

(1) The Board of Directors shall be composed of individuals who have demonstrated interest in, or knowledge of, developmental disabilities.

(2) The Board of Directors shall include persons with legal, management, public relations and developmental disability program skills.

(3) The Board of Directors shall include representatives of the various categories of disability to be served by the Corporation.

(4) The Board of Directors shall reflect the geographic ~~—socio-economic, cultural~~ and ethnic characteristics of the area to be served by the Corporation.

(5) A minimum of fifty percent (50%) of the members of the Board of Directors shall be persons with developmental disabilities or their parents or legal guardians.

(6) No less than 25 percent (25%) of the members of the governing board shall be persons with developmental disabilities.

(7) The Regional Center shall provide necessary training and support to all members of the Board of Directors to facilitate their understanding and participation, including issues relating to linguistic and cultural competency.

(8) Board members should be willing to devote an average of five (~~5~~) hours per month to the Corporation.

(9) The Board of Directors shall conform to such other membership criteria as are required by law.

(c) The person designated by the Service Provider Advisory Committee in accordance with the provisions of Welfare & Institutions Code section 4622, subd. (i) to serve as a member of

the Board of Directors shall be one of the members of the Board of Directors. However, such person shall not do any of the following:

- (1) Serve as an Officer of the Board of Directors;
- (2) Vote on any fiscal matter affecting the purchase of services from any regional center provider (as used herein, the term "fiscal matter" includes, but is not limited to, setting purchase of service priorities, transferring funds to the purchase of service budget, and establishing policies and procedures with respect to services); or
- (3) Vote on any issue other than those described in paragraph (2) hereinabove in which the member has a "financial interest" as defined in Section 87103 of the California Government Code.

Furthermore, such person shall provide the Board of Directors with a list of any and all of his or her "financial interests" as such interests are described in Section 87103 of the California Government Code.

(d) By August 15 of each year, the Board of Directors shall provide DDS with documentation demonstrating that the composition of the Board is in accordance with the requirements of this Section 5.1. [W&I § 4622.5.]

Section 5.2 Qualifications

(a) No person shall serve as a Director for more than seven (7) years within ~~each any~~ eight-year period.

(b) No Director shall:

(1) Be an employee of the State Department of Developmental Services or any state or local agency which provides services to a client of the Corporation if employed in a capacity which includes administrative or policy making responsibility, or responsibility for the regulation of the Corporation.

(2) Be an employee or a member of the State Council on Developmental Disabilities ("State Council") or an Area Board on Developmental Disabilities ("Area Board").

(3) Except as otherwise provided for the one member of the Board of Directors selected by the Service Provider Advisory Committee as described in Section 8.4(d)(4) hereof, be an employee or member of the governing board of any entity from which the Corporation purchases client services.

(4) Have a "financial interest", as defined in Section 87103 of the California Government Code, in the Corporation's operations, except as a consumer of its services.

(5) Otherwise be a person barred from serving on the Board of Directors by law

or government regulation.

(6) Violate the other Conflict of Interest Provisions in Title 17 of the California Code of Regulations.

(c) As required by law, the Lanterman Act, or government regulation (Title 17 of the California Code of Regulations), each member of the Board of Directors shall file annually with the Board of Directors a completed Conflict of Interest Reporting Statement, statement on the form provided by DDS, declaring, under penalty of perjury, that such Director has neither a conflict of interest nor a potential conflict of interest as defined by said law or government regulation, except that the member of the Board of Directors designated by the Service Provider Advisory Committee as described in Section 8.4(d)(4) hereof shall also file annually the list of "financial interests" and be subject to the voting restrictions described in Section 5.1(c) of these Bylaws.

Section 5.3 Freedom from Liability

Except as provided in Corporations Code Section 5233, relating to self-dealing transactions,

~~No~~ no Director of this Corporation shall be personally liable for the debts, liabilities, or obligations of the Corporation.

Section 5.4 Terms of Office

(a) A Director may serve a maximum of two two-year terms and one three-year term of office, except that: (1) a Director who has already served six years in any seven-year period shall only be appointed for one additional year; and (2) the term of office of the Director designated by the Service Provider Advisory Committee as described in Section 8.4(d) hereof may be sooner terminated pursuant to the provisions of Section 8.4(d)(4) hereof. ~~Half of the seats shall be designated for re-election in odd-numbered years and half of the seats shall be designated for re-election in even-numbered years.~~ Elections shall be held ~~bi-annually~~ at the July meeting of Directors and as otherwise needed to fill vacancies. If there is an odd number of Directors at any time, the odd seat shall be designated for re-election ~~in either an odd or an even-numbered year~~, for a one or two-year term, at the discretion of the Board, as deemed necessary to maintain continuity and orderly transition. ~~Similarly, if more or less than half of the Directors are subject to re-election in any year, the Board has discretion to change the designation of Board seats from odd to even or even to odd or to designate one or more seats for re-election after one year, in order to maintain continuity.~~

(b) The term of office of a Director elected to fill a vacancy on the Board of Directors caused by death, resignation or removal shall coincide with that of the Director whose office the new Director has been elected to fill.

(c) The term of office of any Director elected by the Board of Directors shall begin immediately upon such Director's election.

(d) Upon completion of seven years of service, a Director may serve for one year as a "Board Mentor" to new Directors, but only upon approval of the full Board. Such Board Mentor shall have no voting privileges, but may serve on Board committees in an advisory capacity, with full Board approval. The role of Mentor is to provide instruction and insight to new members.

Section 5.5 Election

For all offices other than the Service Provider Advisory Committee directorship provided for in Section 8.4(d) hereof, Directors shall be elected at the annual meeting of the Board of Directors of the Corporation or as necessary to fill vacancies. Nominations shall be received for each seat on the Board of Directors for which a Director is to be elected in accordance with the provisions of Section 8.4(c) of these Bylaws. A plurality of the votes cast for such seat shall elect the Director to fill that seat. In the event that more than one person is nominated for a given seat on the Board of Directors, balloting for that seat shall be by secret ballot. Vacancies shall be filled prior to the annual meeting as appropriate to maintain the geographic representation required by these Bylaws.

Section 5.6 Powers

Subject to the provisions imposed by law, by the Articles of Incorporation or by these Bylaws, the activities and affairs of the Corporation shall be conducted by and all corporate powers shall be exercised by or under the direction of the Board of Directors. Without limiting the foregoing, the Board of Directors shall have, among other things, the power:

(a) To carry out the purposes of the Corporation as expressed in its Articles of Incorporation and in these Bylaws.

(b) To establish the policies of the Corporation.

(c) To adopt rules and regulations, consistent with law, the Articles of Incorporation and these Bylaws, for the guidance of and the management of the affairs of the Corporation.

(d) To appoint and remove the President, Vice President, Secretary, Treasurer, Executive Director or any other Officer of the Corporation and, except as otherwise provided in these Bylaws, to prescribe the duties and to fix the compensation of the Executive Director.

(e) To establish, in addition to the standing committees hereinafter provided for, such committees as the Board of Directors may deem necessary or desirable, and to fix the duties and powers of said other committees.

(f) To do, perform and transact all other business and acts which this Corporation by the laws of the State of California is permitted to do, transact and perform.

Section 5.7 Duties

The Directors shall:

(a) Perform any and all duties imposed on them collectively or individually by law, by the Articles of Incorporation of the Corporation and by these Bylaws.

(b) Cause to be kept open to inspection of any person entitled thereto and making proper demand therefor, among other things, a book of minutes of all meetings of the Board of Directors and of the duly authorized committees of the Board of Directors, and adequate and correct books of account of the properties and business transactions of the Corporation, all in the form prescribed by law and showing the details required by law. The Board of Directors shall designate by resolution where such records shall be kept; and in the absence of any such designation, such records shall be kept at the principal executive office of the Corporation.

(c) Meet at such times and places as required by these Bylaws.

(d) Within 120 days after the end of the Corporation's fiscal year, cause to be prepared and delivered to each Director an annual report containing the following information, in appropriate detail, for the fiscal year:

(1) The assets and liabilities, including the trust funds of the Corporation as of the end of the fiscal year, with a separate listing for the Social Security Supplemental Custodian Account.

(2) The principal changes in assets and liabilities, including trust funds.

(3) The revenue or receipts of the Corporation, both unrestricted and restricted to particular purposes.

(4) The expenses or disbursements of the Corporation for both general and restricted purposes.

(5) Any information required by Section 5.7(e) of these Bylaws.

The annual report shall be accompanied by any report on it of independent accountants.

(e) As a part of the annual report referred to in Section 5.7(d), above, the Corporation shall annually furnish to each Director a statement briefly describing any indemnification or advances aggregating more than ten thousand dollars (\$10,000) paid during the fiscal year to any Officer or Director of the Corporation as authorized by Section 10.1 of these Bylaws.

Section 5.8 Limitation

A person who is a Director of the Corporation shall not solicit services from the Corporation through any procedure or means which would not be available to such person were he or she not a Director, and the Corporation shall not, in providing services, give preferential treatment to any person by reason of the fact that such person is a Director, or a relative or acquaintance of a Director of the Corporation.

Section 5.9 Compensation

The President, the Vice President, the Secretary, the Treasurer, and all of the Directors of the Corporation shall serve without compensation for any services rendered by them to the Corporation as such Officer or Director. However, the immediately preceding sentence of the within Section 5.9 shall not operate to preclude any corporate Officer or Director from receiving reimbursement from the Corporation for reasonable expenses incurred by such Officer or Director in his or her capacity as an Officer or Director, in accordance with the Corporation's Travel Expense Reimbursement Policy. There shall be no compensation for non-business related travel companions. Neither shall there be loans to Directors or Officers, except as might be permitted by Article X of these Bylaws.

Section 5.10 Meetings

(a) Regular Meetings

The Board of Directors shall hold regular, scheduled meetings at least quarterly. The regular meeting which shall be designated the annual meeting shall be held during the month of June (or within forty-five (45) days thereafter as provided below). The President shall have the right to select the date in June for such annual meeting, or to postpone any annual meeting to a date not more than forty-five (45) days from June 30 of any year, by giving written notice to the Secretary of the date selected for such meeting not less than thirty (30) days before the date initially selected for such meeting.

(b) Special Meetings

Special meetings of the Board of Directors may be called at any time by the President, or if the President be absent or be unable to act or refuse to act, then by the Vice President, or by any five (5) Directors, which call shall be in writing, and filed with the Secretary of the Corporation.

(c) Notice

(1) Notice of each regular and special meeting of the Board of Directors shall be given by the Secretary to each Director not less than seven (7) days prior to the date of such meeting. Such notice shall include the date, time and location of, and a specific agenda for the meeting. No item shall be added to the agenda subsequent to the provision of this notice except emergency situations, described in subparagraph (e), below, or items brought before the Board at meetings by members of the public.

(2) Notice of any meeting need not be given to any member of the Board of Directors who signs a waiver of notice or a written consent to holding the meeting, or an approval of the minutes thereof, whether before or after the meeting, or who attends the meeting without protesting the lack of notice thereof prior to such meeting or at its commencement. All such written waivers, consents and approvals shall be filed with the Secretary or made a part of the minutes of the meeting.

(d) Notice Pursuant to Written Request

Notice of meetings of the Board of Directors and of any Committee of the Board of Directors which exercises authority delegated to it by the Board of Directors shall be provided to any person who requests such notice in writing. The agenda shall identify all substantive topic areas to be discussed. Such notice shall be mailed at least seven (7) days in advance of each meeting.

(e) Emergency Meetings; Emergency Situations

The notice requirements contained in subparagraph (c)(1), above, shall not preclude the Board of Directors from taking action on any urgent request made by the California Department of Developmental Services, not related to purchase of service reductions, for which the Board makes a specific finding that notice could not have been provided at least seven (7) days before the meeting. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of regional center services, an emergency meeting may be called without complying with the advance notice requirement outlined above in subparagraph (c). "Emergency situation" means any activity which severely impairs public health, safety, or both as determined by a majority of the members of the Board of Directors. In these situations, advance notice shall be provided if practicable. In addition, the Area Board shall be notified by telephone of each emergency meeting. The minutes of an emergency meeting, including a description of any actions taken at the meeting, shall be mailed immediately to those persons who

request notice of meetings in writing.

(f) Conduct of Meetings

Meetings of Directors shall be presided over by the President of the Corporation, or in his or her absence by the Vice President or, in his or her absence, by a Director chosen by a majority of the Directors present. The Secretary of the Corporation shall act as Secretary of the Board of Directors. In the absence of the Secretary, the presiding Officer shall appoint a person to act as Secretary for the meeting.

(g) Quorum

A quorum of the Board of Directors shall consist of six (6) Directors, or, if there are fewer than thirteen (13) Directors currently serving, fifty percent (50%) of the current directors. Every action taken or decision made by a majority of the directors present at a duly held meeting at which a quorum is present shall be an act of the Board, subject to the more stringent provisions of the California Nonprofit Public Benefit Corporation Law, including, without limitation, those provisions relating to (a) creation of and appointments to committees of the Board, which requires a majority of the directors then in office (Corporations Code section 5212), and (b) indemnification of directors, which requires a majority vote of a quorum consisting of directors who are not party to the action (Corporations Code section 5238, subdivision (e) and (c) approval of contracts or transactions in which a director has a material financial interest (Corporations Code section 5233). A meeting at which a quorum is initially present may continue after one or more Directors have departed, but a majority of a quorum must approve any proposal before their vote will be the action of the Board.

(h) Open Meetings

All meetings of the Board of Directors shall be open and public, and all persons shall be permitted to attend any meeting, except as otherwise provided in this Subsection (g) or in Section 5.10(h) or in the Welfare and Institutions Code. Board meetings shall be open and public in accordance with all of the following provisions:

(1) A copy of Article 3 of Chapter 5 of Division 4.5 of the Welfare and Institutions Code shall be provided to every new member of the Board of Directors upon his or her assumption of Board membership.

(2) For purposes of this Section 5.10, Board meetings shall include meetings conducted by any committee of the Board of Directors which exercises authority delegated to it by the Board of Directors. However, Board meetings shall not be deemed to include Board retreats

planned solely for educational purposes.

(3) At each Board meeting, time shall be allowed for public input ~~both before a matter is called on all properly noticed agenda items prior to board action on that item, in accordance with requirements of Welfare and Institutions Code sections 4660-4669. for a vote and at any time designated by the Board of Directors to allow public input on matters not on the agenda.~~

(4) Any person attending an open and public meeting of the Board of Directors shall have the right to record the proceedings on a tape recorder, video recorder, or other sound, visual or written transcription recording device, in the absence of a reasonable finding by the Board of Directors that such recording constitutes, or would constitute, a disruption of the proceedings.

(i) Closed Meetings

(i) The Board of Directors may hold a closed meeting to discuss or consider one or more of the following:

- (1) Real estate negotiations.
- (2) The appointment, employment, evaluation of performance, or dismissal of a Regional Center employee.
- (3) Employee salaries and benefits.
- (4) Labor contract negotiations.
- (5) Pending litigation.

(ii) Any matter specifically dealing with a particular Regional Center client must be conducted in a closed session, except where it is requested that the issue be discussed publicly by the client, the client's conservator, or the parent or guardian, where the client is a minor. Minutes of closed sessions shall be kept by the designated Officer or employee of the Regional Center, but these minutes shall not be considered public records. Prior to and directly after holding any closed session, the Board shall state the specific reason or reasons for the closed session. In the closed session, the Board may consider only those matters covered in its statement of reason or reasons for the meeting.

(iii) The Board of Directors may hold a closed session regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the Regional Center in litigation. Litigation shall be considered pending when any of the following circumstances exist:

- (1) Any adjudicatory proceeding to which the Regional Center is a party has been initiated formally.
- (2) A point has been reached where, based upon existing facts and

circumstances and the advice of legal counsel, it is determined that there is a significant exposure to litigation against the Regional Center.

(3) Based upon existing facts and circumstances, the Regional Center has decided to initiate or is deciding whether to initiate litigation.

(iv) Prior to holding a closed session pursuant to subdivision (iii) of this Subsection (i), the Regional Center Governing Board shall state publicly to which portion of said subdivision (iii) it is pursuant, i.e., which kind of pending litigation will be discussed.

(j) Materials Distributed

Agendas and other writings or materials distributed prior to or during a Board meeting for discussion or action at the meeting, shall be considered public records, except those materials distributed during and directly related to a closed session authorized under Subsection (i) of this Section 5.10. Writings which are distributed prior to commencement of a Board meeting shall be made available for public inspection upon request prior to commencement of the meeting. Writings which are distributed during a Board meeting shall be made available for public inspection at the time of their discussion at the meeting. A reasonable fee may be charged for a copy of the public record distributed pursuant to this subsection.

(k) Violation of Open Meeting Requirements

Any action taken by the Board in violation of Subsections (d) and (h) through (j) of this Section 5.10, is null and void.

(l) Inapplicability of Subsection (d) and Subsections (h) through (j) to Non-Regional Center Affairs

The provisions set forth in Subsections (d) and (h) through (j) of this Section 5.10 shall not apply to the corporate affairs of the Board of Directors which have no relationship to the role and responsibility of the Regional Center, set forth in Chapter 5 of Division 4.5 of the Lanterman Act.

(m) Participation in Meetings by Telephone or Other Telecommunications Equipment

A Board Director may participate in a meeting of the Board of Directors by conference telephone, video screen communication, or other communications equipment. Participation in a meeting under this Subdivision (m) shall constitute presence in person at the meeting if both of the following apply:

(1) Each member participating in the meeting can communicate concurrently with all of the other members.

(2) Each member is provided the means of participating in all matters before the

Board, including the capacity to propose, or to interpose an objection to, a specific action to be taken by the Corporation.

(n) Robert's Rules of Order

Meetings are generally to be conducted with appropriate parliamentary procedure, which the Board may choose to be as provided in the latest edition of Robert's Rules of Order.

Section 5.11 Removal of Directors

(a) Any Director may be removed as a Director with or without cause at any time by resolution duly adopted by the Directors of the Corporation, provided that the following two conditions are satisfied:

(1) Notice of intention to offer a resolution for such removal is given to each Director of the Corporation not less than fifteen (15) days prior to the date of adoption of such resolution; and

(2) At least sixty-six and two-thirds percent (66 2/3 %) of the full number of persons who at the time are Directors of the Corporation vote in favor of such removal.

(b) If any Director of the Corporation be absent for three (3) consecutive meetings of the Board of Directors or three (3) consecutive meetings of any Standing Committee of the Corporation of which such Director is a member, such Director may, by vote of a majority of the full number of persons who at the time are directors of the Corporation, be removed from office as a Director at the conclusion of the meeting of the Directors of the Corporation next succeeding such three (3) consecutive absences. Notice of such three (3) consecutive absences and of the immediately preceding sentence of these Bylaws shall be included by the Secretary in the notice of the meeting of the Directors of the Corporation next succeeding such three (3) consecutive absences.

(c) Whenever a Director is removed, the Secretary shall give written notice of such removal to such Director.

Section 5.12 Vacancies

(a) Occurrence

Vacancies in the Board of Directors shall exist (1) on the death, resignation, or removal of any Director; (2) whenever the size of the Board of Directors is increased; (3) on failure of the Directors to elect the full number of Directors authorized; and (4) upon the declaration by resolution of the Board of Directors of a vacancy in the office of a Director who has been declared of unsound mind by a final order of any court, convicted of a felony or been found by final order of any court to have breached a duty arising under Article 3, Chapter 7, Part 2 of Division 2 of the

California Corporations Code (Sections 5230 through 5239). For purposes of this subsection (a), if a Director has been declared of unsound mind by a final order of any court, convicted of a felony or been found by final order of any court to have breached a duty arising under said Article 3 of the California Corporations Code and the Board of Directors does not declare a vacancy in the office of a Director within thirty (30) days after such order of court becomes final, then any Director may file a complaint with the superior court of the proper county to remove such Director from office.

(b) Filling Vacancies

Vacancies caused by the death or resignation of a Director or Directors, or by removal as provided in these Bylaws, or by an amendment increasing the size of the Board of Directors authorized, shall be filled by a vote of a majority of the Directors then in office, except that a vacancy in the Directorship held by the member of the Service Provider Advisory Committee pursuant to Section 8.4(d)(4) hereof shall be filled by election of a new designated member by said Committee. The person filling a vacancy pursuant to this subparagraph (b) shall hold office as a Director until the expiration of the term of office of the Director whose vacancy he or she is elected to fill, or, if the office is created by amendment increasing the size of the Board of Directors, until the expiration of the term designated for such office.

(c) Reduction of Number

A reduction in the size of the Board of Directors shall not remove any Director prior to the expiration of his or her term of office.

Section 5.14 Good Faith, Standard of Care, Reliance on Information from Others

(a) Good Faith Requirement

A Director shall perform the duties of a Director, including duties as a member of any committee of the board upon which the Director may serve, in good faith, in a manner that Director believes to be in the best interests of the Corporation and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

(b) Justified Reliance on Others

In performing the duties of a Director, a Director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by:

(1) One or more officers or employees of the Corporation whom the Director believes to be reliable and competent in the matters presented;

(2) Counsel, independent accountants or other persons as to matters which the Director believes to be within that person's professional or expert competence; or

(3) A committee upon which the Director does not serve that is composed exclusively of Directors or any combination of Directors and persons described in paragraph (1), above, or persons described in paragraph (2), above, as to matters within the committee's designated authority, which committee the Director believes to merit confidence, so long as, in any case, the Director acts in good faith, after reasonable inquiry when the need therefor is indicated by the circumstances and without knowledge that would cause that reliance to be unwarranted.

(c) Freedom from Liability

Except as provided in Corporations Code Section 5233, relating to self-dealing transactions, a person who performs the duties of a Director in accordance with subdivisions (a) and (b), above, shall have no liability based upon any alleged failure to discharge the person's obligations as a Director.

Field Code Changed

ARTICLE VI.

Officers

Section 6.1 Number and Titles

The Officers of the Corporation shall be a President, a Vice President, a Secretary and a Treasurer.

Section 6.2 Qualifications, Election, Term of Office, and Vacancies

(a) Officers of the Corporation shall be elected by the Board at its July meeting as specified in Section 5.10(a) hereof. The term of office of each elected Officer shall begin immediately upon his/her election. In all cases, Officers shall be elected from among any of the Directors then serving other than the Director selected by the Service Provider Advisory Committee pursuant to Section 8.4(d)(4) hereof. Each Officer shall serve for a two-year term or until: (1) his or her successor is elected, (2) his or her resignation, (3) his or her removal at the pleasure of the Board of Directors, (4) the expiration of his or her term as a Director, or (5) his or her death, whichever occurs first. No person shall serve more than two (2) full consecutive terms in the same office. Vacancies among the Officers shall be filled by the Board of Directors.

(b) A list of nominees for Officers shall be provided by the Nominating Committee at a regular meeting of the Board of Directors prior to such annual meeting. Opportunity for additional nominations by any Directors shall be provided immediately prior to balloting.

Section 6.3 Duties of the President

The President shall preside at all meetings of the Board of Directors and at all meetings of the Executive Committee; shall execute all agreements with the Department of Developmental Disabilities and the State of California governmental agencies for funding of the Corporation and all leases of real property; shall, with the approval of the Board of Directors, appoint the chairpersons of all committees, except the Executive Committee, the Nominating Committee and the Service Provider Advisory Committee; shall be a member, ex officio with vote, of all Standing Committees other than the Service Provider Advisory Committee (except that the President may designate the First or the Second Vice President, in place of the President, to be a member, ex officio with vote, of any such Standing Committee other than the Service Provider Advisory Committee); and shall perform such other duties as may be required of him or her by these Bylaws or may be required of him or her from time to time by the Board of Directors.

Section 6.4 Duties of Vice President

The First Vice President shall perform all duties and exercise all powers of the President when the President is absent or is otherwise unable to act. The First Vice President shall perform such other duties as may be required from time to time by the Board of Directors.

Section 6.5 Duties of Secretary

The Secretary shall cause minutes of all meetings of the Board of Directors to be kept, shall be the custodian of the corporate records (which shall be kept in the Principal Office of the Corporation), shall cause all notices which are required by law or by these Bylaws to be given, and, generally, shall perform all duties incident to the office of Secretary and such other duties as may be required of him or her by law, by the Articles of Incorporation, by these Bylaws or from time to time by the Board of Directors.

Section 6.6 Duties of Treasurer

The Treasurer shall make provision for the care and custody of all funds of the Corporation, shall make provision for the deposit of such funds as required and designated by the Board of Directors, shall make provision for the maintenance of adequate accounts of the properties and business transactions of the Corporation, shall render reports and financial statements to the Directors as required by the Board of Directors and these Bylaws, and shall in general perform all duties incident to the office of Treasurer and such other duties as may be required by law, by the Articles of Incorporation, or by these Bylaws, or which may be assigned to him or her from time to time by the Board of Directors. All or part of the above duties may be delegated to the Executive Director or to such other staff as may be designated by the Executive Director.

ARTICLE VII.

Executive Management

(a) Executive Director

(1) The Executive Director shall act in the capacity of the Chief Executive Officer of the Corporation and as such shall have the authority and responsibility for the day-to-day management and administration of the affairs, employees and resources of the Corporation.

(2) The Executive Director shall, subject to the policies of the Corporation, employ, supervise, manage, control and discharge the employees of the Corporation.

(3) The Executive Director shall advise and counsel the Board of Directors in matters of policy and shall act as a representative for the Corporation at community, state and national meetings.

(4) The Executive Director shall sign all contracts binding the Corporation except those relating to real property and those relating to agreements with the Department of Developmental Disabilities and the State of California ~~any state agency~~ for funding of the Corporation.

(5) The performance of the Executive Director shall be reviewed annually by the Board of Directors.

(6) The Board of Directors shall review and approve the compensation of the Executive Director, including all benefits, to assure that it is just and reasonable. This review and approval shall occur upon the hiring of the Executive Director and whenever the term of his or her employment, if any, is renewed or extended, and whenever the Executive Director's compensation is modified. Separate review and approval shall not be required if a modification of compensation extends to substantially all employees.

ARTICLE VIII.

Committees

Section 8.1 Appointment of the Chairperson

The chairperson of each committee, with the exception of the Executive Committee, the Nominating Committee and the Service Provider Advisory Committee, shall be appointed by the President. The chairperson of each Standing Committee other than the Service Provider Advisory Committee shall be selected from among the members of the Board of Directors. The chairperson of the Service Provider Advisory Committee shall be selected as provided in Section 8.4(d)(4) of

these Bylaws.

Section 8.2 Committee Membership

Each committee shall have at least two Directors. Committee membership shall be established by a simple majority of Directors present at a Board Meeting. Except as otherwise provided in these Bylaws, members of the committees are not required to be Directors of the Corporation. However, no committee can take action or be authorized to take action on behalf of the Board of Directors unless all of its members are members of the Board of Directors.

Section 8.3 Minutes

Each committee shall cause minutes of its proceedings to be kept and promptly furnish copies of said minutes to the Secretary of the Board of Directors.

The following Standing Committees are hereby established:

Section 8.4 Standing Committees

(a) Executive Committee

(1) The Executive Committee shall be comprised only of the President, the Vice President, the Secretary, the Treasurer. The Executive Committee shall exercise the full powers of the Board of Directors between regular Board meetings, except for:

(i) The power to adopt, amend or repeal the Articles of Incorporation or these Bylaws;

(ii) The power to act contrary to policies established by or prior actions of the Board of Directors;

(iii) The power to fill vacancies on the Board of Directors or on the Executive Committee;

(iv) The power to approve expense reimbursement ~~for~~ compensation of Directors for serving on any committee;

(v) The power to appoint committees of the Board of Directors or the members thereof;

(vi) The power to expend (or authorize the expenditure of) corporate funds to support a nominee for Director after there are more people nominated for Director than can be elected;

(vii) The power to approve any self-dealing transaction; and

(viii) The power to appoint or remove the Executive Director.

The President shall be the chairperson of the Executive Committee.

(2) All actions taken by the Executive Committee shall be reported at the next

meeting of the Board of Directors.

(3) Meetings of the Executive Committee shall be held at the call of the President or any two (2) members of said Committee. Notice of the meeting shall be given to each member of the Executive Committee either orally or in writing, by means of telephone, telegraph, personal visit or mail, not less than seven (7) days before the time at which the meeting is scheduled to take place, unless notice is waived by such member in writing. Such written notice shall also be sent to anyone who requests notice of Executive Committee meetings in writing.

(c) Nominating Committee

(1) The Nominating Committee shall be comprised of the President or Vice President or another Board Officer and two (2) other persons selected by the Board of Directors from among its members or advisors. The Nominating Committee shall select its own Chairperson.

(2) The Nominating Committee has the responsibility to seek out and recommend qualified candidates for presentation and election as Directors and Officers of the Corporation and, pursuant to subsection (d) of this Section 8.4, as members of the Service Provider Advisory Committee.

(3) The Nominating Committee shall meet periodically throughout the year to assure that the Board of Directors will have continuity of experienced leadership.

(4) The Nominating Committee shall recommend Directors and Officers in sufficient numbers to fill vacancies, both at the end of terms of office and caused by resignation, incapacity, death or removal.

(5) The Nominating Committee shall prepare its slate of recommended candidates for election as directors and its slate of recommended candidates for election as Officers before each annual meeting of the Board of Directors. Both such slates, for informational purposes, shall be presented at a regular meeting of the Board of Directors held before the date of the annual meeting of said Board and shall be filed with the Secretary not later than fifteen (15) days before the date of such annual meeting of the Board. The slate of recommended candidates for membership on the Service Provider Advisory Committee (whether for initial membership or to fill vacancies on said Committee), shall be presented to the Board of Directors at such time as the Board shall designate, and in the absence of such designation, shall be presented at a regular meeting of the Board of Directors held before appointments to said Committee are to be made.

(d) Service Provider Advisory Committee

(1) The Corporation shall have a Service Provider Advisory Committee. The Service Provider Advisory Committee shall provide advice, guidance, recommendations and

technical assistance to the Board of Directors in order to assist the Corporation in carrying out the Corporation's mandated functions. The Service Provider Advisory Committee shall be comprised of a total of ten (10) representatives of the providers from which the Corporation purchases consumer services (herein "service providers"), who shall be selected from among the various categories of service providers.

(2) The members of the Service Provider Advisory Committee shall be elected as such by the Board of Directors and shall each serve for a two (2) year term. Vacancies on said Committee caused by death, resignation or removal shall be filled by the Board of Directors for the balance of the term of the Committee member who died, resigned, or was removed. Each member of the Service Provider Advisory Committee shall be either an employee of, a member of the governing board of, a partner in, or a proprietor of, a service provider.

(3) The Nominating Committee shall present to the Board of Directors a slate of candidates to fill vacancies in the membership of the Service Provider Advisory Committee. The Nominating Committee shall take into consideration the composition which, according to subparagraph (1) of this Section 8.4(d), the Service Provider Advisory Committee is intended to have.

(4) The Service Provider Advisory Committee shall designate, from among its members, by majority vote, its own representative to sit on the Board of Directors. The representative so designated as a Director shall also be the chairperson of the Service Provider Advisory Committee. Such representative shall serve as a Director and as chairperson of said Committee for a two (2) year term or until the occurrence of one of the following events, whichever occurs first: (a) his or her successor is elected, (b) his or her resignation, (c) his or her removal at the pleasure of said Committee, or (d) the expiration of his or her term as a committee member. A vacancy in the position of chairperson caused by death, resignation or removal shall be filled by said Committee for the balance of the unexpired term of the chairperson who died, resigned, or was removed.

(5) The Service Provider Advisory Committee shall meet quarterly or at such other intervals as may be designated.

Section 8.5 Other Committees

Other Committees may be appointed and authorized with such responsibilities and authority as, and for such terms as, the Board of Directors may specify, so long as all members of any Committee taking action on behalf of the Board of Directors are elected by a majority of the Board of Directors from among sitting Board members.

Section 8.6 Limitation on Authority

Except as expressly delegated to any particular committee by these Bylaws or by resolution of the Board of Directors, no Committee shall have any authority to take any action, make any expenditure or incur any liability in the name of or on behalf of the Corporation. Further, no Committee may be delegated authority which would otherwise be exercised by the Board of Directors unless all of the members of the Committee are also members of the Board of Directors, or unless all of the actions proposed by such Committee are ratified by the Board of Directors prior to their execution. The Executive Committee is the only Committee with the right to bind the Board by its vote, and that only to the extent that the Board has delegated that right to it. The Service Provider Advisory Committee has the right to select its chairperson, who will be a member of the Board of Directors, pursuant to Welfare and Institutions Code section 4622, subdivision (i). Other than the Executive Committee, no committee can bind the Board in any way. They can only vote to make recommendations to the Board of Directors.

ARTICLE IX.

Miscellaneous Provisions

Section 9.1 Fiscal Year

The fiscal year of the Corporation shall commence on July 1 and end on the next succeeding June 30.

Section 9.2 Execution of Checks and Other Documents

All checks, drafts or other orders for payment of money, notes or other evidence of indebtedness, issued in the name of, or payable to, the Corporation, shall be signed or endorsed by such person or persons, and in such manner as shall be determined, from time to time, by resolution of the Board of Directors. The name of the persons so designated shall be set forth in a Exhibit attached to these By-laws and may be changed by the Board from time to time. The Board of Directors, except as in these Bylaws or otherwise provided may authorize any Officer or Officers, agent or agents to enter into any contracts or execute any instruments in the name of the Corporation. Such authority may be general or confined to specific instances. Unless so authorized by the Board of Directors or by these Bylaws, no Officer, agent or employee of the Corporation shall have any power or authority to bind the Corporation by any contract or engagement, or to pledge its credits, or to render it liable for any purpose or to any amount.

Section 9.3 Parliamentary Procedure

~~It shall be the general intent of the Board to proceed under Parliamentary procedures, and the Board may choose to follow~~The the rules contained in *Roberts Rules of Order* (latest revision) ~~shall govern the Corporation~~ in all cases to which they are applicable and in which they are not inconsistent with law or with the Articles of Incorporation, Bylaws or special rules of order of the Corporation.

Section 9.4 Seal

The Corporation shall have a seal consisting of a circle having on its "North Bay Developmental Disabilities Services, Inc."

Section 9.5 Service of Notice and Waiver of Notice

Whenever any notice is required by these Bylaws to be given, personal service is not meant unless expressly so stated; and any notice so required shall be deemed to have been sufficient if given by email, posting on the Web Site, or by deposit of the same in a post office box in a sealed postpaid wrapper with first class postage thereon prepaid, addressed to the person entitled thereto at his or her post office address last known to the Secretary of the Corporation. Such notice shall be deemed to have been given on the day of such sending, posting or mailing. Any notice required by these Bylaws to be given may be waived as provided by Section 5.10(c) hereof.

Section 9.6 Severability

If any provision of these Bylaws is determined by a court of competent jurisdiction or otherwise to be illegal or invalid, these Bylaws shall be interpreted as though such illegal or invalid provision was never made a part of these Bylaws.

ARTICLE X.

Indemnification

Section 10.1 Right of Indemnity

To the fullest extent permitted by law, this Corporation shall indemnify its Directors, Officers, employees, and other persons described in Section 5238, subdivision (a) of the California Corporations Code, including persons formerly occupying any such position, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by them in connection with any "proceeding," as that term is used in that Section, and including an action by or in the right of the Corporation, by reason of the fact that the person is or was a person described in that section. "Expenses," as used in this bylaw, shall have the same meaning as in section 5238,

subdivision (a) of the California Corporations Code.

Section 10.2 Approval of Indemnity

On written request to the Board of Directors by any person seeking indemnification under Section 5238, subdivision (b) or Section 5238, subdivision (c) of the California Corporations Code, the Board shall promptly determine under Section 5238, subdivision (e) of the California Corporations Code whether the applicable standard of conduct set forth in Section 5238, subdivision (b) or Section 5238, subdivision (c) has been met and, if so, the Board shall authorize indemnification.

Section 10.3 Advancement of Expenses

To the fullest extent permitted by law and except as otherwise determined by the Board of Directors in a specific instance, expenses incurred by a person seeking indemnification under Section 10.1 and 10.2 of these Bylaws in defending any proceeding covered by those Sections shall be advanced by the Corporation before final disposition of the proceeding, on receipt by the Corporation of an undertaking by or on behalf of that person that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by the Corporation for those expenses.

Section 10.4 Purchase of Insurance

The Corporation shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its Officers, Directors, employees, and other agents, against any liability asserted against or incurred by any Officer, Director, employee, or agent in such capacity or arising out of the Officer's, Director's, employee's, or agent's status as such. Such coverage shall include, but not be limited to indemnity for fiduciaries of any Corporation employee benefit plan or plans. Purchase of such coverage shall be limited to that which is reasonably prudent in light of the Corporation's budget considerations, as reviewed from time to time.

ARTICLE XI.

Amendment of Bylaws

These Bylaws or any of them may be replaced or amended or new or additional Bylaws may be adopted by the Board of Directors provided that both of the following two conditions have been complied with:

- (a) Notice of the proposed change has been given to each of the Directors at least ten (10) days before the adoption of such change; and
- (b) At least a majority of the Directors then in office vote in favor of such change.

CERTIFICATE OF SECRETARY

The undersigned, being the Secretary of the Corporation, hereby certifies:

1. That I am the duly elected and acting Secretary of the NORTH BAY DEVELOPMENTAL DISABILITIES SERVICES, INC., a California Nonprofit Public Benefit Corporation, and

2. That the attached ~~Twelfth~~ ~~Eleventh~~ Restatement of the Bylaws, consisting of twenty-four (24) pages, was duly adopted by the Board of Directors of said Corporation on ~~February 5, 2014~~, ~~2018~~, and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and have affixed the seal of this Corporation hereto this ~~5th~~ day of ~~March~~, ~~2018~~.

[SEAL]

SECRETARY

VAC Member Candidate: Stacey Martinez

Stacey Martinez is Associate Director of the Arc Solano, where she has worked since 2014. At the Arc Solano, Stacey oversees two adult day programs and an independent living skills service, providing over 100 service contacts each day. Stacey brings over 20 years' experience in disability support and has extensive knowledge in the management, coordination, and provision of respite services.

A strong believer in the power of community, Stacey is a member of 100 Women Who Care About Solano County and a 2017 graduate of Leadership Vallejo, where she worked through the Vallejo Chamber of Commerce to deepen the relationship between business, nonprofits, and human services. Stacey holds an AA in Liberal Arts from Diablo Valley College, a BA in English with emphasis in Art History from Sonoma State University, and a Master in Non-Profit Administration from the University of San Francisco.

Stacey lives in Vallejo with her husband, Alejandro, 4-year-old daughter, Sofia, and their cat, Footloose. Of all her roles, the example she sets for Sofia is the most important. Stacey says, "My goal in life is for her to be a good, kind person who will make this world a better place."

VAC Member Candidate: Jamie Freymuth Thompson

Jamie Freymuth Thompson is Director of Program Services for North Bay Industries (NBI), a Sonoma County-based organization that supports employment, training, and housing for over 200 people with intellectual and developmental disabilities in Sonoma, San Mateo, Marin, Monterey, Contra Costa, and Santa Clara Counties. At NBI, Jamie is responsible for the implementation of new programs and job development and oversees all licensing and accreditation processes for the organization. She brings over 12 years statewide experience in disability services, a considerable leadership resume, and extensive understanding of the food services industry, all of which are assets in her position at NBI.

Jamie is particularly interested in legislative advocacy in support of people with intellectual and developmental disabilities and the services that support them. A member of the California Disability Services Association, she frequently meets with local, state, and national representatives to discuss the needs of the people she serves and the benefits of employment and community engagement. Jamie holds a BA in Cultural Anthropology and a BS in Environmental Studies and Resource Management from the University of California Santa Barbara and is pursuing a teaching credential with the goal of developing effective skill building curriculum for adult students with disabilities.

Jamie lives in Santa Rosa with her husband (and college sweetheart) William and her young daughters, Camilla and Naomi, who share the same birthday, one year apart. When asked what gets her to work in the morning, Jamie says, "I love working for an organization that is helping others and working for change."

Section 5.4 Terms of Office

(a) A Director may serve a maximum of two two-year terms and one three-year term of office, except that: (1) a Director who has already served six years in any seven-year period shall only be appointed for one additional year; and (2) the term of office of the Director designated by the Service Provider Advisory Committee as described in Section 8.4(d) hereof may be sooner terminated pursuant to the provisions of Section 8.4(d)(4) hereof. Elections shall be held at the July meeting of Directors and as otherwise needed to fill vacancies. If there is an odd number of Directors at any time, the odd seat shall be designated for re-election, for a one or two-year term, at the discretion of the Board, as deemed necessary to maintain continuity and orderly transition.

(b) The term of office of a Director elected to fill a vacancy on the Board of Directors caused by death, resignation or removal shall coincide with that of the Director whose office the new Director has been elected to fill.

(c) The term of office of any Director elected by the Board of Directors shall begin immediately upon such Director's election.

(d) Upon completion of seven years of service, a Director may serve for one year as a “Board Mentor” to new Directors, but only upon approval of the full Board. Such Board Mentor shall have no voting privileges, but may serve on Board committees in an advisory capacity, with full Board approval. The role of Mentor is to provide instruction and insight to new members.

Board Meeting Locations 2019

New time: 6:00 pm – 8:00 pm

January 2	Regular Business Meeting	No Meeting
February 6	Regular Business Meeting	NBRC Santa Rosa Office
March 6	Regular Business Meeting	Solano County Office of Education
April 3	Regular Business Meeting	NBRC Napa Office
May 1	Regular Business Meeting	NBRC Santa Rosa Office
June 5	Annual Board Meeting	NBRC Napa Office
July 3	Regular Business Meeting	NBRC Santa Rosa Office
August 7*	Regular Business Meeting	No Meeting / Board all day Retreat
September 4	Regular Business Meeting	Solano County Office of Education
October 2	Regular Business Meeting	NBRC Santa Rosa Office
November 6	Regular Business Meeting	Solano County Office of Education
December 4	Regular Business Meeting	NBRC Napa Office

*Board Retreat in August



Vendor Advisory Committee Report to the NBRC Board of Directors November 7th, 2018

Submitted by: David Mauger

The Vendor Advisory Committee met on October 9th, 2018, at North Bay Regional Center, Napa.

This presentation will cover the highlights of the meeting. For more information, please refer to your board packet.

The NBRC Board of Directors will review the nominations of **Stacey Martinez** and **Jamie Freymuth Thompson** as Vendor Advisory Committee voting members.

Christina Hess, Project Manager for the Solano County Adult Education Consortium, shared the Consortium's mission statement and their interest in supporting adult students having disabilities. The Consortium is a coalition of adult schools, county office of education, community college, and other partners in Solano County that offer opportunities to learn basic skills and get certificates to transition to a career or post-secondary education. The Solano Adult Education Consortium's mission is to help adults in the region to prepare for careers and academic advancement. Programs include career training, high school completion, English as a second language, academic and career counseling, citizenship preparation, pre-apprenticeship training, and programs for adults with disabilities.

The Consortium received a grant to expand access to these services across communities served. They are interested in collaborating with service providers to meet the needs of people with intellectual and developmental disabilities. People attending the Vendor Advisory Meeting shared suggestions for collaboration and class offerings including life skills training and work readiness.

VAC member Michelle Ramirez reported the Children's Developmental Services Agency (CDSA) held their annual meeting during September. A prevailing topic was the Center for Medicare-Medicaid Services (CMS)/ Home and Community-Based Services (HCBS) and cyber-security. CDSA and the Lanterman Coalition are campaigning for an 8% funding increase, hopefully, supported by the recent and comprehensive Department of Development Services vendor survey.

Mary Eble, Executive Director, North Bay Housing Coalition, reported on the Lanterman Housing Alliance meeting held last week. They released the statewide strategic framework comprising three major recommendations about data, enhancing statewide local partnerships, and leveraging existing intellectual and developmental disabilities services to create more housing resources. There was also training about the ABLE Act.

The ABLE Act amends Section 529 of the Internal Revenue Service Code of 1986 to create tax-advantaged savings accounts for individuals with disabilities. They can use these tax-advantaged savings accounts to cover qualified disability expenses such as, but not limited to, education, housing, and transportation.

Ali Tabatabai reported the National Association of Organizational Representative Payees met in Washington, DC to discuss the future of the representative payee program and how it affects people with Intellectual and developmental disabilities. Topics included processing and payment delays, the aging population, the exponential increase in the need for payees, and the difficulty of face-to-face interviews. There is a great need for modernization of the Information Technology infrastructure at the Social Security Administration. Congressional staff attended this meeting. Following this meeting, the House Ways and Means Committee met to discuss this same issue. The Social Security Administration is eliminating the need for families to complete the annual accounting report and has more stringent requirements and oversight for agencies who are the payee. Individuals who receive SSI are now eligible for more cash benefits through CalFresh.

Meeting Minutes

NBRC Vendor Advisory Committee
North Bay Regional Center, Napa

October 9, 2018



I. Introductions and Acceptance of Minutes																																																																	
<p><input checked="" type="checkbox"/> Call to Order Holly Pagel, VAC Co-Chair, called the meeting to order at 10:05 am</p> <p><input checked="" type="checkbox"/> quorum met</p> <p><input checked="" type="checkbox"/> previous meeting minutes M/S/C: Karen/Michelle/unan.</p>	<p><u>VAC Co-Chairs</u> <input checked="" type="checkbox"/> Holly Pagel, Connections for Life (VAC Facilitator) <input checked="" type="checkbox"/> David Mauger, C. House (VAC Board Representative)</p> <p><u>VAC Membership</u> <input checked="" type="checkbox"/> Elizabeth Clary, Alchemia <input checked="" type="checkbox"/> Kelley Hanson, PACE Solano <input checked="" type="checkbox"/> Mike Lisenko, UCP of the North Bay <input checked="" type="checkbox"/> Karen Lustig, Aldea Supported Living Services <input type="checkbox"/> Linda Plourde, Bayberry, Inc. <input checked="" type="checkbox"/> Andrea Mendoza, REI/CHD <input checked="" type="checkbox"/> Michelle Ramirez, On My Own <input checked="" type="checkbox"/> Ali Tabatabai, New Leaf</p> <p><u>NBRC Staff</u> <table border="0"> <tr> <td>Isabel Calder</td><td>Fiscal Manager</td></tr> <tr> <td>January Crane</td><td>Department Mgr.</td></tr> <tr> <td>Beth DeWitt</td><td>Director Client Svcs.</td></tr> <tr> <td>Teresa Dominguez</td><td>SIR Coord.</td></tr> <tr> <td>Joanne Giardello</td><td>CMS</td></tr> <tr> <td>Ashley McConnell</td><td>Fed. Rev. Supervisor</td></tr> <tr> <td>Maura McDonough</td><td>QA Supervisor</td></tr> <tr> <td>Ellisa Reiff</td><td>CMS</td></tr> <tr> <td>Gabriel Rogin</td><td>Executive Director</td></tr> <tr> <td>Courtney Singleton</td><td>Int. Dir. Comm. Svcs.</td></tr> <tr> <td>Sara Stamps</td><td>SIR Coord.</td></tr> </table> </p> <p><u>Service Provider Representatives</u> <table border="0"> <tr> <td>Nicholas Aguilar</td><td>Premier Healthcare Services</td></tr> <tr> <td>Dawn Baker</td><td>Blackwell Homes, Inc.</td></tr> <tr> <td>George Bleasdale</td><td>New Horizons SLS</td></tr> <tr> <td>Adria Carson</td><td>On My Own</td></tr> <tr> <td>Girle Carvelho</td><td>New Horizons SLS</td></tr> <tr> <td>Michelle Condit</td><td>Lifefhouse</td></tr> <tr> <td>James Cox</td><td>Becoming Independent</td></tr> <tr> <td>Debbi Davis</td><td>Special Care SLS</td></tr> <tr> <td>Mary Eble</td><td>North Bay Housing Coalition</td></tr> <tr> <td>Renee Fannin</td><td>Lynn and Darla SLS</td></tr> <tr> <td>Jamie Freymuth</td><td>North Bay Industries</td></tr> <tr> <td>Lupe Garcia</td><td>Sonia Corina Inc.</td></tr> <tr> <td>Hillary Herbst</td><td>R & D Transportation</td></tr> <tr> <td>Joe Hernandez</td><td>Premier Healthcare Services</td></tr> <tr> <td>Doug Hillyard</td><td>A Bright Future</td></tr> <tr> <td>Marie Marchese</td><td>R & D Transportation</td></tr> <tr> <td>Jessica Merritt</td><td>Lighthouse Living Services</td></tr> <tr> <td>Terri Rowland</td><td>Milestones</td></tr> <tr> <td>Tricia Sitton</td><td>Oaks of Hebron</td></tr> <tr> <td>Rachel Spratford</td><td>PRIDE Industries</td></tr> <tr> <td>Johanna Wilson</td><td>Enriching Lives</td></tr> </table> </p>	Isabel Calder	Fiscal Manager	January Crane	Department Mgr.	Beth DeWitt	Director Client Svcs.	Teresa Dominguez	SIR Coord.	Joanne Giardello	CMS	Ashley McConnell	Fed. Rev. Supervisor	Maura McDonough	QA Supervisor	Ellisa Reiff	CMS	Gabriel Rogin	Executive Director	Courtney Singleton	Int. Dir. Comm. Svcs.	Sara Stamps	SIR Coord.	Nicholas Aguilar	Premier Healthcare Services	Dawn Baker	Blackwell Homes, Inc.	George Bleasdale	New Horizons SLS	Adria Carson	On My Own	Girle Carvelho	New Horizons SLS	Michelle Condit	Lifefhouse	James Cox	Becoming Independent	Debbi Davis	Special Care SLS	Mary Eble	North Bay Housing Coalition	Renee Fannin	Lynn and Darla SLS	Jamie Freymuth	North Bay Industries	Lupe Garcia	Sonia Corina Inc.	Hillary Herbst	R & D Transportation	Joe Hernandez	Premier Healthcare Services	Doug Hillyard	A Bright Future	Marie Marchese	R & D Transportation	Jessica Merritt	Lighthouse Living Services	Terri Rowland	Milestones	Tricia Sitton	Oaks of Hebron	Rachel Spratford	PRIDE Industries	Johanna Wilson	Enriching Lives
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II. Agenda changes/Additions/Trainings	
	<p>VAC Nominees: The NBRC Board of Directors will review and vote on the nominations of Stacey Martinez and Jamie Freymuth Thompson as voting members of the Vendor Advisory Committee at their November meeting.</p> <p>Solano Adult Education: Christina Hess, Project Manager for the Solano County Adult Education Consortium (SAEC), shared the Consortium's mission and its interest in supporting adult students with disabilities. The Consortium is "a coalition of adult schools, county office of education, community college, and other community partners in Solano County that gives adults opportunities to learn basic skills and obtain certificates to successfully transition into a career or postsecondary education. The mission of the Solano Adult Education Consortium is to help adults (18 and older) in the region prepare for careers and academic advancement." Programs provided include career training for adults, high school completion, English as a second language, academic and career counseling, citizenship preparation, pre-apprenticeship training, and programs for adults with disabilities.</p> <p>The Consortium has received a grant to expand access to education across the communities it serves. It is interested in collaborating with disability service providers to meet the needs of people with intellectual and developmental disabilities. The group shared some suggestions for collaboration and class offerings, including life skills training and work readiness, with the possibility that some classes could be generalized to serve students across the adult school. The need for well-trained independent and supported living staff was also identified.</p> <p>The Consortium will continue to gather feedback and will be in touch with Holly Pagel.</p> <p>State Council on Developmental Disabilities: Tobias Weare is interested in visiting programs and would appreciate invitations. Tobias was also invited by service providers in attendance to reach out to programs he is interested in visiting.</p>
III. Group Reports	Summary
	<p>Napa-Solano Vendor Group:</p> <ul style="list-style-type: none"> • The Napa-Solano Vendor Group did not meet. • Holly Pagel requested the Napa-Solano Group share its meeting schedule with the VAC <p>Sonoma Vendor Group:</p> <ul style="list-style-type: none"> • Next meeting is October 24 at 10:30 at North Bay Industries. • The Sonoma Vendor Group is putting together its annual legislative breakfast in March or April 2019. NBRC and the NBRC Legislative Committee may be a partner in this. • Holly Pagel requested the Sonoma Group share its meeting schedule with the VAC <p>Housing Update</p> <ul style="list-style-type: none"> • Mary Eble, Executive Director of the North Bay Housing Coalition, reported on the Lanterman Housing Alliance meeting last week. The statewide strategic framework has been released. There were 3 major recommendations regarding data, enhancing statewide local partnerships, and leveraging existing I/DD services to create more housing resources. Jim Frazier attended the meeting and pledged his support. There was also training about the ABLE Act.

Trade Associations:

- **CDSA:** Michelle Ramirez reported that CDSA's annual meeting took place 9/24-9/27 in Anaheim. CMS/HCBS compliance and cyber-security were key topics. CDSA and the Lanterman Coalition are campaigning for an 8% funding increase. Information from the Burns & Associates survey will be publicized in spring. Assemblymember Jim Frazier has developed a Select Committee on Developmental Services. The last meeting took place in Fresno on October 6. Changes to the WCIRB code will be open for public comment soon.
- **National Association of Organizational Representative Payees (NAORP):** Ali Tabatabai reported that NAORP recently met in Washington, DC to discuss the future of the representative payee program and how it affects people with I/DD. Topics included processing and payment delays, the aging population, the exponential increase in the need for payees, and the difficulty of face-to-face interviews. There is a great need for modernization of the IT infrastructure at SSA. Congressional staff were in attendance. Two weeks later, the House Ways and Means Committee met to discuss the same issue. SSA is eliminating the need for families to complete the individual accounting report at the end of each year and has more stringent requirements and oversight for agencies who are payee. Individuals who receive SSI are now eligible for an additional cash benefit through CalFresh.

Board Report:

- David Mauger reported on the Board of Directors meeting. There are significant changes to the Board meeting structure, including public comments at the beginning and end and structuring the comments using visual card prompts. Audience questions will now be offered at the end of each presentation, rather than throughout.
- The board meeting took place at Sonoma Developmental Center (SDC), which is slated to close 12/31/18. The meeting was well-attended, including SDC Executive Director Aleana Carreon, many staff, and numerous family members. SDC staff expressed their concern over past community placement failures. Staff gave feedback that the community placements that have been developed are superior to the options presented in the past.
- Both SDC staff and families focused on unmet needs in the community. One parent described in painful detail her efforts to obtain dental care for her daughter. Another parent described a lack of local resources.
- People in attendance requested NBRC look at crisis homes as possible respite homes.
- One parent commented that an adult child living at home had similar needs to individuals leaving SDC.
- The Board of Directors Legislative Committee will serve as an advisory to the NBRC board. It will be headed by Linda Plourde. The next meeting will take place 10/23 at 10 am at NBRC's Napa office and is open to all. Meetings are scheduled for 10am on the 4th Tuesday of each month.

NBRC Report:

- Gabriel Rogin commented on the challenges with gaps in service for people served by NBRC and the importance of housing. NBRC will continue to work to identify and address gaps in service.
- The ARCA strategic planning retreat is later this month.
- NBRC's role in preparing for the SDC closure is on target. 16 NBRC participants remain at SDC, awaiting finalization of housing and other supports.
- Self-determination notifications have gone out. 66 participants were identified from NBRC. Final selections will happen at the end of the year, with implementation in early 2019.

- NBRC completed its annual fiscal and contract compliance audit with DDS and did very well.
- NBRC's CFO search is ongoing. Interviews will take place at the end of the month.
- As an addition to the rate survey that went out this summer, there are surveys for specialized therapeutic services and consumer and family services.
- The next NBRC board meeting agenda (11/7) will have on it the partnership agreement between VAC and NBRC
- The first Client Advisory Committee meeting will take place 11/7 from 1-3pm. Fliers will go out shortly.

Services and Vendor Relations:

- Beth DeWitt reported that she attended today's ILS/SLS workgroup.
- Beth provided an overview of changes to some Quality Assurance processes. The Living Arrangements Committee (LAC) has been discontinued due to the conclusion that it took decision-making away from the Planning Team. NBRC is looking at Day Arrangement Committee (DAC) as well.
- Maura McDonough reported that Hope Beale has left NBRC and now works at DDS. Seneca St. James is also at DDS.
- Maura announced the upcoming Napa County Mayors' Networking Breakfast, presented by the Napa Valley Committee on Disabilities - October 12, 8:30am at the Chardonnay Golf Club.
- Dungarvin is offering 2 DSP trainings this month. They are free of charge.
 - 10/27 - Supported Informed Decision Making in Lafayette
 - 10/28 RP - Creating a Culture of Direct Services Competency

SIRs:

- January Crane distributed a handout re: SIRs. She will forward the handout to Holly for distribution to the VAC mailing list.
- In addition to the reporting required by DDS, NBRC tracks and requires an SIR for a few other types of incidents (listed on the handout).
- January announced that the SIR training calendar on website
- The most recent ILS/SLS contracts reference some requirements that are more applicable to licensed and FHA-model residential settings. NBRC will evaluate these as it prepares new ILS/SLS contracts. Isabel requested service providers send feedback/recommendations on this issue directly to her.
- January will follow up with Case Management Supervisors to ensure Service Coordinators are familiar with criteria for reporting SIRs. Some service providers experience unexpected requests to submit SIRs when incidents are not reportable under DDS and NBRC criteria.

SLS

- Isabel Calder announced that ILS/SLS contracts will come up for renewal at the end of 2018.

Supported Living Services Workgroup:

- Holly Pagel reported that the ILS/SLS workgroup has absorbed the functions of the small SLS advisory committee and is working to identify an alternate time to meet.

Residential Services Workgroup:

- After the last VAC, David Mauger and Marie Marchese from R&D Transportation met to discuss transportation challenges identified by residential service providers. Marie will meet with the workgroup next week.

	Housing Survey <ul style="list-style-type: none"> Isabel Calder announced that a housing survey was distributed and is due by the end of the month. The survey was sent based on current authorizations.
IV. Community Concerns/Clarifications/Presentations	
	<i>There were no identified concerns.</i>
V. NBRC Policies and Procedures	
	CPA Independent Audits/Financial Reviews <ul style="list-style-type: none"> Isabel Calder encouraged service providers to discuss any questions regarding this requirement with her.
VI. New Business	
	<i>There was no new business.</i>
VII. Announcements	Summary
	<ul style="list-style-type: none"> Elizabeth Clary encouraged service providers to look into Proposition 6 on the November Ballot. A “yes” vote repeals SB1, which takes significant funds away from road repair and public transportation. Transit is very important to many of the people NBRC serves, their families, and their service networks. A “no” vote preserves this funding. The VAC congratulated Holly Pagel on her upcoming wedding.
Adjourn	
	The meeting concluded at 11:25 am.

Minutes submitted by: Elizabeth Clary



Partnership Agreement between North Bay Regional Center and North Bay Regional Center Vendor Advisory Committee

As partners in promoting opportunities and supporting choices for people who have intellectual and developmental disabilities, North Bay Regional Center (NBRC) and NBRC vendors, represented by the NBRC Vendor Advisory Committee, agree to the following:

1. We will recognize our role as advocates for people with intellectual and developmental disabilities, honoring the choices, rights, and ideas of those we serve and promoting inclusivity.
2. We will acknowledge that we all play important roles in the lives of the people we serve and that everyone's time is valuable.
3. We will communicate in a manner that is timely, respectful, and direct in an effort to foster trust, acknowledge shared accountability, and maintain positive and productive working relationships. In general, reciprocal communication will take place within two business days.
4. We will demonstrate professionalism in our interactions with people with disabilities and within the NBRC community at large.
5. We will assume good intentions in interactions between and among NBRC and the vendor community.
6. We will foster an environment that honors the reputations of North Bay Regional Center and vendors and provides a safe process to voice ideas and concerns without fear of repercussions or retaliation.
7. We will access appropriate channels and chains of command, if necessary, to address the needs of persons served, as well as to discuss any communication or service-related challenges.
8. We will celebrate accomplishments and honors within the disability field and in the larger communities we serve.
9. We will promote a collaborative approach that supports transparency and emphasizes education, maximizing the experience of the people we serve and minimizing bureaucracy.

NBRC-VAC Partnership Agreement



Overview

- Background on the Vendor Advisory Committee as established in the Welfare & Institutions Code
- Explanation of the workings of the Vendor Advisory Committee at NBRC
- VAC voting members
- Presentation of the NBRC-VAC Partnership Agreement

Role of the Provider Advisory Committee

- Established by §4622(i) of the California Welfare and Institutions Code:

The governing board shall appoint an advisory committee composed of a wide variety of persons representing the various categories of providers from which the regional center purchases services. The advisory committee shall provide advice, guidance, recommendations, and technical assistance to the regional center board in order to assist the regional center in carrying out its mandated functions. The advisory committee shall designate one of its members to serve as a member of the regional center board.

About the NBRC VAC

- 12-member voting body
- Committee of the NBRC Board of Directors
- Appointed by the NBRC Board of Directors
- Represents over 3,000 NBRC service providers in Napa, Solano, and Sonoma Counties
- Organized by categories of service and county
 - Living arrangements
 - Skill development
 - Support services
 - Member at large
- 3-year term (2 consecutive terms permitted)
- Meets monthly on the 2nd Tuesday

NBRC VAC Voting Members

SOLANO COUNTY	NAPA COUNTY	SONOMA COUNTY
<ul style="list-style-type: none"> • Holly Pagel, VAC Chair <ul style="list-style-type: none"> • Connections for Life • Living Arrangements • David Mauger, Board Rep. <ul style="list-style-type: none"> • C. House • Member at Large • Kelley Hanson <ul style="list-style-type: none"> • Pace Solano • Skill Development • VACANT <ul style="list-style-type: none"> • Support Services 	<ul style="list-style-type: none"> • Mike Lisenko <ul style="list-style-type: none"> • UCP of the North Bay • Skill Development • Karen Lustig <ul style="list-style-type: none"> • Aldea • Living Arrangements • Michelle Ramirez <ul style="list-style-type: none"> • On My Own • Member at Large • Ali Tabatabai <ul style="list-style-type: none"> • New Leaf Solutions • Support Services 	<ul style="list-style-type: none"> • Elizabeth Clary <ul style="list-style-type: none"> • Alchemia • Member at Large • Andrea Mendoza <ul style="list-style-type: none"> • Redwood Empire Industries • Skill Development • Linda Plourde <ul style="list-style-type: none"> • Bayberry, Inc. • Living Arrangements • VACANT <ul style="list-style-type: none"> • Support Services

Why a Partnership Agreement?

- NBRC and service providers (vendors) are partners in supporting people who have intellectual and developmental disabilities
- Our communities and the people we serve take note of how we view “the system”
- NBRC and the VAC voting members are committed to encouraging a positive working relationship between NBRC and service providers
- We are better collectively than separately

Partnership Agreement: Steps



1. Advocacy

We will recognize our role as advocates for people with intellectual and developmental disabilities, honoring the choices, rights, and ideas of those we serve and promoting inclusivity.

2. Contribution

We will acknowledge that we all play important roles in the lives of the people we serve and that everyone's time is valuable.

3. Communication

We will communicate in a manner that is timely, respectful, and direct in an effort to foster trust, acknowledge shared accountability, and maintain positive and productive working relationships. In general, reciprocal communication will take place within two business days.

4. Professionalism

We will demonstrate professionalism in our interactions with people with disabilities and within the NBRC community at large.

5. Intent

We will assume good intentions in interactions between and among NBRC and the vendor community.

6. Reputation

We will foster an environment that honors the reputations of North Bay Regional Center and vendors and provides a safe process to voice ideas and concerns without fear of repercussions or retaliation.

7. Chain of Command

We will access appropriate channels and chains of command, if necessary, to address the needs of persons served, as well as to discuss and resolve any communication or service-related challenges.

8. Celebration

We will celebrate accomplishments and honors within the disability field and in the larger communities we serve.

9. Collaboration

We will promote a collaborative approach that maximizes the experience of the people we mutually serve and minimizes bureaucracy.

Partnership Matters

- Better relationships
- Clearer communication
- More connected services
- More accountability and transparency
- Better support to those NBRC serves



North Bay
Regional Center



Legislative Advisory Committee
Report to the NBDDS Board of Directors
November 7, 2018
Submitted by Linda Plourde

The Legislative Advisory Committee met on Tuesday October 23, 2018. Future meetings will be held on the fourth Tuesday of each month, 10 a.m. at NBRC Napa Offices.

The Board of Directors approved the establishment of a Legislative Advisory Committee at the Board Meeting on September 5, 2018. The following is the approved purpose and mission of the committee:

- Proposed Purpose: To advise the NBRC Board of Directors regarding legislative priorities, events and other issues relevant to NBRC.
- Membership: Must include at least two NBRC Board Members.
- Authority: The Board may grant the committee specific authority, but only if all committee members are elected by a majority of the Board.
- Potential Functions:
 - Monitor and review pending policy and legislation. Make recommendations to the Board as appropriate.
 - Conduct legislative outreach in coordination with the Board.
 - Organize and implement legislative event such as Town Hall Meetings, Legislative Breakfasts, etc. with approval from the Board, and in coordination with community partners.
 - Coordinate with other legislative groups and committees, (i.e. ARCA's legislative committee, etc.)
 - Other activities, as directed by the NBRC Board of Directors (i.e. research on specific policy initiatives).

The committee reviewed the status of legislative bills, potential action in favor or in opposition of each bill, outcomes and priorities. Those addressed include the following:

Federal legislation affecting States:
Electronic Visit Verification

- [Section 12006\(a\) of the 21st Century Cures Act](#) mandates that states implement EVV for all Medicaid personal care services (PCS) and home health services (HHCS) that require an in-home visit by a provider.
- **States must require EVV use for all Medicaid-funded PCS by January 1, 2020 and HHCS by January 1, 2023. Otherwise, the state is subject to incremental FMAP reductions up to 1%**

unless the state has both made a “good faith effort” to comply and has encountered “unavoidable delays.”

- The **FMAP** is the “Federal Medicaid matching rate for medical assistance furnished under the state plan. It will be reduced by up to 1% each year if the state is not in compliance beginning January 1, 2020.
- **EVV Systems Must Verify:**
 - a) **Type** of service performed;
 - b) **Individual receiving** the service;
 - c) **Date** of the service;
 - d) **Location** of service delivery;
 - e) **Individual providing** the service;
 - f) **Time** the service begins and ends.

There is a National Stakeholder Call scheduled for November 7, 2018 from 1-3 p.m. ET (10 a.m. to noon PT) to discuss the challenges that confront providers given the new EVV requirements from uncovered costs, confusion regarding implementation in states, lack of provider and client input. The dial in number for this call is 1(800) 837-1935, Conference ID 33979177.

Information on EVV can be found at [medicaid.gov](https://www.medicaid.gov) or using this link:

<https://www.medicaid.gov/medicaid/hcbs/guidance/electronic-visit-verification/index.html>.

Money Follows the Person

- The Money Follows the Person (MFP) Rebalancing Demonstration Grant helps states rebalance their Medicaid long-term care systems. Over 75,151 people with chronic conditions and disabilities have transitioned from institutions back into the community through MFP programs as of December 2016. The Affordable Care Act of 2010 strengthened and expanded the MFP program allowing more states to apply. There are currently forty-three states and the District of Columbia participating in the demonstration.

MFP Program Goals

- Increase the use of home and community-based services (HCBS) and reduce the use of institutionally-based services
- Eliminate barriers in state law, state Medicaid plans, and state budgets that restrict the use of Medicaid funds to let people get long-term care in the settings of their choice
- Strengthen the ability of Medicaid programs to provide HCBS to people who choose to transition out of institutions
- Put procedures in place to provide quality assurance and improvement of HCBS
- Approval to extend this legislation is likely, deciding between a 1 or 5 year extension.

Standard Occupational Classification (SOC)

- Currently there is no classification for those who provide direct care to people with intellectual and developmental disabilities. Direct Support Professionals and Personal Attendants are not recognized by the Department of Labor. Twenty- Nine legislators have signed a letter sponsoring a bill that would approve a standard occupational classification for these positions. Our very own Congressman John Garamendi is one of the 29 who have signed on. A SOC would be cost neutral so is likely to be approved, will allow for gathering data on wages, staff turnover, etc. This information will be useful when each state considers whether they need to increase rates for services.

DSP for a Day

- We discussed participating in a national event where legislators would be invited to shadow Direct Support Professionals to learn about the essential work they do to support people with I/DD. This event is scheduled for August 2019.

California Legislative Priorities

- Half Day Billing/ Uniform Holiday Schedule: Although this has been litigated and won by The Arc of CA, it was overturned by a higher court stating that The Arc did not have standing to bring this forward.
- Local Minimum Wage: This continues to be a significant problem for providers of service in locales where minimum wage is higher than the state wage. It is the position of the Governor and DDS that the state is not responsible to cover the higher wages of various counties and cities. The Health and Safety Waiver process with DDS has been used to ask for reimbursement for the higher wages. Some Waiver requests have gone unanswered for more than a year. Recently, some providers have received notice that although their request was submitted more than a year ago, the department will not reimburse the provider retroactively. In addition, the reimbursement covers until the end of 2018 and a new request must be submitted for consideration January 2019. This places the burden of cost on the provider of service.
- Housing and increased funding are issues of serious concern. The committee will delve into these topics further at the next meeting. ARCA and providers of service are requesting a one- time increase of 8% until the state can review the results of the Burns and Associates Rate Study, March 2019.

- Worker's Compensation Insurance Review Board (WCIRB):
Proposed Amendments to the WCIRB classifications were denied.
The classification changes with increased rates will not be implemented.

As the committee further develops, we will present legislative priorities and potential action to be taken to the Board of Directors for input and approvals as needed.

Next meeting is Tuesday, November 27, 2018 at NBRC Napa Offices.



Federal Revenue Department Board Report for Quarter 1, July- Aug - Sept 2018

The Federal Revenue Department consists of the HCBS/Medicaid Waiver program, 1915(i) State Plan Amendment (SPA) program, Self Determination Program (SDP), Nursing Home Reform (NHR), Audit preparation for all DDS and CPA Audits, CMS Setting Rules/HCBS Compliance, and Agency trainings re: all federally related programs and supports

- **HCBS Medicaid Waiver and 1915(i) SPA programs:**

Medicaid Waiver: Annual targets have not been established by DDS for several quarters; instructions are to continue to add clients monthly. At this time, NBRC is assuring that more clients are added to the Waiver than terminated to demonstrate continual additions to the Waiver. Not adding monthly can result in the withholding of federal funds in our Operations budget and less POS (purchase of service) reimbursement.

1915 (i) SPA:

The 1915(i) SPA will allow California to receive federal funding for POS services for individuals who may not qualify for Medicaid Waiver, but does not provide funds for operational expenditures.

Status: 74.4% of all active clients eligible for Federal Financial Participation (FFP) are enrolled in one or the other programs; 4161 individuals enrolled in the Medicaid Waiver program (54.2%) and 1554 individuals enrolled in the 1915(i)SPA program (20.2%).

- **Audits:**

HCBS Audit

DDS and Department of Health Care Services (DHCS) completed the biannual HCBS Medicaid Waiver audit in May 2017 at NBRC; next one is scheduled for May 2019.

Status: As of 2/8/18, the responses to May 2017 audit findings have been accepted and final draft posted to the NBRC website.

Independent/CPA Audit

The CPA/Independent Audit will be scheduled in the fall of 2018 to review 2017. The Federal Revenue team will assist in gathering client charts and information requested by the auditors.

- **Training:** Department Manager and Federal Revenue staff provided New Employee and unit trainings for Service Coordinators in the 1st quarter of the 18/19 fiscal year, to include:
 - Overview of all Federal Programs
 - Title 19/Targeted Case Management (TCM) notes and documentation requirements
 - Client Development and Evaluation Reports (CDER) requirements and instructions

- **DDS/NBRC updates:**

CMS HCBS Settings Rule

Status: A second round of HCBS Provider Funding Concept Proposals have been approved by DDS and 7 of NBRC's vendors were chosen to receive this funding. NBRC was able to get into contract with all seven. Federal Revenue staff are working with this group of vendors on budget monitoring, billing requirements, and overseeing milestones that meet the Proposal objectives.

At this time, the first round of eight agencies either are on target or are receiving technical assistance from NBRC to stay in compliance.

Self Determination Program

The NBRC Self Determination Advisory Committee met once in quarter 1, with more Committee meetings scheduled for August, October and December 2018. New members have been voted in and have continued to participate with providing suggestions for implementation at NBRC.

Status: DDS has identified the initial 66 clients chosen for enrollment into the Self Determination Program. These participants have been notified via mail by DDS and NBRC is additionally notifying Spanish speaking clients via translated letter.

DDS has completed the training modules of the components of the SDP for identified RC staff and have announced their projected timeline for DDS implementation. This information can be located on the NBRC and DDS websites. DDS has created a portal on their website where families and clients can check to see if their name have been submitted.

SDP overview was provided to case management staff in August 2018.

Nursing Home Reform:

DDS continues to capture additional FFP by requesting LTC facilities to provide Pre Admission Screening and Resident Reviews (PAS/RRs) to be sent to DDS upon discharges, not just upon admission. The additional workload of processing these Level II PASRRs has not been significant and is absorbed by the Federal Revenue unit.

- **NBRC Agency Support:** The Federal Revenue Department consists of a Department Manager, Supervisor, 2.5 FTE Internal Quality Monitors and 2 FTE Client Services Assistants who continue to provide trainings and support to service coordinators and supervisors in order to assist with compliance requirements and Federal regulations. The Federal Revenue Department will do so by:
 - Providing support with ongoing Medicaid Waiver enrollment
 - Providing support with ongoing 1915(i) State Plan Amendment (SPA) enrollment
 - Track the Client Development Evaluation Report (CDER) for timely completion
 - Provide ongoing support to staff during all audits
 - Outreach and trainings regarding the Self Determination Program option for both NBRC staff and community partners
 - Outreach and trainings regarding the CMS HCBS Final Settings Rule to vendors in collaboration with the Quality Assurance team

Prepared by January Crane, MPA

AGE RANGE	NUMBER	% TO TOTAL	GENDER	NUMBER	% TO TOTAL	RESIDENCE TYPE	NUMBER	% TO TOTAL
0 - 2	1,378	14.5 %	MALES	6,035	63.9 %	OWN HOME	6,845	72.4 %
3 - 17	2,776	29.3 %	FEMALES	3,409	36.0 %	ILS	616	6.5 %
18 - 40	3,354	35.5 %				SLS	647	6.8 %
41 - 60	1,268	13.4 %				DC	30	.3 %
61 - 80	636	6.7 %				SNF	53	.5 %
						ICF	225	2.3 %
80 & OLDER	32	.3 %				CCF	774	8.1 %
						FOSTER CARE	175	1.8 %
						OTHER	79	.8 %
TOTAL:	9,444	100.0 %	TOTAL:	9,444	100.0 %	TOTAL:	9,444	100.0 %

ETHNICITY	NUMBER	% TO TOTAL	DISABILITY	NUMBER	% TO TOTAL CONSUMERS	COUNTY	NUMBER	% TO TOTAL
MIXED	699	7.4 %	AUTISM	2,376	25.1 %	28. NAPA	1,186	12.5 %
ASIAN	232	2.4 %	EPILEPSY	1,085	11.4 %	48. SOLANO	3,988	42.2 %
BLACK	859	9.0 %	CEREBRAL PALSY	920	9.7 %	49. SONOMA	4,124	43.6 %
FILIPINO	345	3.6 %	MENTAL RETARDATION	4,825	51.0 %			.0 %
NATIVE AMERICAN	35	.3 %	OTHER	995	10.5 %			.0 %
POLYNESIAN		.0 %						.0 %
SPANISH/LATIN	2,322	24.5 %	CONSUMERS MAY HAVE MULTIPLE DIAGNOSES					.0 %
WHITE	4,429	46.8 %						.0 %
OTHER	164	1.7 %						.0 %
UNKNOWN	359	3.8 %						.0 %
						OTHER	146	1.5 %
TOTAL:	9,444	100.0 %				TOTAL:	9,444	100.0 %

PRIMARY LANGUAGE	NUMBER	% TO TOTAL	Status	Count	% TO TOTAL
SIGN LANGUAGE	22	.2 %	0	519	5.4
ENGLISH	7,737	81.9 %	P		
SPANISH	1,543	16.3 %	1	1,121	
OTHER LATIN LANG.	1	.0 %	2	7,774	
CANTONESE CHINESE	6	.0 %	3		
MADARIN CHINESE	4	.0 %	8	30	
JAPANESE	2	.0 %			
VIETNAMESE	17	.1 %			
KOREAN	3	.0 %			
LAOTIAN	5	.0 %			
CAMBODIAN	3	.0 %			
OTHER ASIAN LANG.	4	.0 %			
RUSSIAN	2	.0 %			
ALL OTHER LANG.	95	1.0 %			
TOTAL	9,444	100.0 %	TOTAL	9,444	100.0



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FAIR HEARING & MEDIATION UPDATE
OCTOBER 1 – OCTOBER 31, 2018

Eligibility (17-31)	<u>Reason for Appeal:</u> Claimant appeals denial of eligibility. <u>Ruling:</u> Fair Hearing request denied in part.
Eligibility (17-35)	<u>Reason for Appeal:</u> Claimant appeals denial of eligibility. <u>Ruling:</u> Fair Hearing request pending.
Eligibility (18-13)	<u>Reason for Appeal:</u> Claimant appeals denial of eligibility. <u>Ruling:</u> Fair Hearing request withdrawn and resolved.
Eligibility (18-15)	<u>Reason for Appeal:</u> Claimant appeals denial of eligibility. <u>Ruling:</u> Fair Hearing request withdrawn and resolved.
Eligibility (18-16)	<u>Reason for Appeal:</u> Claimant appeals denial of eligibility. <u>Ruling:</u> Fair Hearing request withdrawn.

Consumer Advocate Report October 1st – October 31st, 2018

The three self-advocacy groups in Solano County were put on hold due to personal issues. They will start back up in November. My apologies to the groups.

I attended the Legal Meeting, Clinical, and met with individuals regarding issues.

The Client Advisory Committee will meet on meet on November 7th from 1:00 PM – 3:00 PM at North Bay Regional Center, in the Board Room.

I continue to assist Service Coordinators with their cases and I am still the DDS Conservator designee. This is confidential information which I cannot report on.

Submitted by,
Randy Kitch
Consumer Advocate