



NOTICE/AGENDA

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
EXECUTIVE COMMITTEE MEETING
POSTED AT: www.scdd.ca.gov**

This is a teleconference and zoom meeting only. There is no physical location being made available to the public. Per [EXECUTIVE ORDER N-29-20](#), teleconferencing restrictions are waived during the COVID-19 pandemic. Therefore, committee members are not required to list their remote locations and members of the public may participate telephonically or by Zoom from any location. Accessible formats of all agenda and materials can be found online at www.scdd.ca.gov.

JOIN ZOOM MEETING: <http://bit.ly/ExecCmteApr2021>

MEETING ID: **929 9067 8950**

OR

JOIN BY TELECONFERENCE: (VOICE ONLY)

CALL IN NUMBER: **(888) 475-4499**

MEETING ID: **929 9067 8950** and **passcode 936355**

DATE: April 13, 2021

TIME: 10:30 AM – 2:30 PM

COMMITTEE CHAIR: **Lee Bycel**

Item 1. CALL TO ORDER

Item 2. ESTABLISH QUORUM

Item 3. WELCOME AND INTRODUCTIONS

Item 4. PUBLIC COMMENTS

This item is for members of the public only to provide comments and/or present information to the Committee on matters not on the agenda. Each person will be afforded up to three minutes to speak.

Item 5. SCDD STAFF SPOTLIGHT: LEA PARK-KIM, COMMUNICATIONS OFFICER	Page 4
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Item 6. APPROVAL OF FEBRUARY 2021 MINUTES <i>All</i>	 Page 5
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Item 7. SPONSORSHIP REQUEST: DISABILITY VOICES UNITED <i>Douglas Sale, Deputy Director of Administration</i>	 Page 11
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Item 8. CONFLICT OF INTEREST WAIVER REQUESTS <i>Brian Weisel, SCDD Attorney</i> A. North Bay Regional Center – Derek Hearhtower (new request) B. Redwood Coast Regional Center – William Lewis (new request) C. San Diego Regional Center – Laura Oakes (renewal request)	 Page 20
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Item 9. COUNCIL MEETING STANDARDS & GOALS <i>All</i>	Page 47
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LUNCH BREAK

Item 10. EXECUTIVE DIRECTOR REPORT <i>Aaron Carruthers, Executive Director</i>	Page 48
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Item 11. SCDD BUDGET UPDATE <i>Douglas Sale, Deputy Director of Administration</i> A. Current Expenditures B. One-Time Funding Recommendations	Page 49
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Item 12. ADJOURNMENT AND NEXT MEETING DATE The next meeting of the Executive Committee will be on June 24, 2021.	
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Accessibility:

Pursuant to Government Code Sections 11123.1 and 11125(f) and Executive Order N-29-20 (this Executive Order can be found by clicking the link on page one of the agenda or typing <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf> into your web browser), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Charlotte Endres at (916) 263-8184 or charlotte.endres@scdd.ca.gov. Please provide at least 3 business days prior to the meeting to allow adequate time to respond to all requests.

All times indicated and the order of business are approximate and subject to change.

APRIL 13, 2021

**AGENDA ITEM 5
INFORMATION ITEM**

**EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

SCDD Staff Member Spotlight: Lea Park-Kim

The Executive Committee would like to recognize a member of the SCDD staff team on a regular basis. This will provide Committee members with an opportunity to learn more about SCDD's staff, their roles throughout the organization and some of their personal interests or aspirations. This month's Spotlight will feature a short presentation from Communications Manager Lea Park-Kim.

APRIL 13, 2021

AGENDA ITEM 6
ACTION ITEM

EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Approval of February 2021 Minutes

Minutes from the February 23, 2021 Executive Committee meeting are included in the packet for review. Committee members will vote on whether to approve the minutes.

Attachment

February 2021 Executive Committee meeting minutes

Action Recommended

Approve the February 2021 Minutes.



DRAFT

Executive Committee Meeting Minutes February 23, 2021

Members Attending

Lee Bycel, Chair
Jeana Eriksen
Julie Austin
Kara Ponton
Kilolo Brodie
Kim Rothschild
Maria Marquez
Wesley Witherspoon

Members Absent

N/A

Others Attending

Aaron Carruthers
Beth Hurn
Charlotte Endres
Lynn Cach
Mary Agnes Nolan
Robin Maitino-Erben
Sandra Aldana

1. CALL TO ORDER

Executive Committee Chair Lee Bycel called the meeting to order at 10:35 A.M.

2. ESTABLISH QUORUM

A quorum was established.

3. WELCOME/INTRODUCTIONS

Members and others in attendance introduced themselves. Committee Chair Lee Bycel requested that everyone share their core values as part of a new and ongoing discussion in Executive Committee meetings this year. Below is a list of committee members and the values they shared:

Lee Bycel – respect

Jeana Eriksen – courage, determination and advocacy for people with I/DD

Legend:

SA = Self-Advocate
FA = Family Advocate

N/A = not available
DNP = Did Not Participate

Page 1

Julie Austin – servant leadership, achievement and treating others how I'd like to be treated
Kara Ponton – family, determination and equal rights for people with DD
Kilolo Brodie – selflessness and collectivity
Kim Rothschild – integrity, compassion and empathy with understanding
Maria Marquez – empathy, strength in numbers and helping others
Wesley Witherspoon – patience, understanding and being realistic

Additionally, staff and public attendees shared their values of community, interdependence, mutual respect, team contribution, authenticity, patience, happiness, family, passion for advocacy, hard work and dedication.

4. PUBLIC COMMENTS

Councilmember Sandra Aldana was in attendance and suggested that the Council review its policies and procedures. She proposed considering Council governance issues, including identifying needs of Councilmembers and how committee membership is chosen, when amending any procedures and reviewing bylaws. Staff attorney Brian Weisel has begun reviewing current Bylaws and Council policies. More updates on this topic will be available at a later date.

5. APPROVAL OF THE OCTOBER 2020 MEETING MINUTES

Action 1

It was moved/seconded (Witherspoon [S.A.]/Eriksen [S.A.]) and carried to approve the October 2020 meeting minutes. (Unanimously accepted by consent)

6. COMMITTEE CHAIR UPDATES

Committee members addressed how their respective committees will function this year and what the Executive Committee can do to support their goals. Members described their goals and challenges and provided brief updates on their Committees' plans for the year.

Wesley Witherspoon, Employment First Committee Chair, reported that Deputy Director Tania Morawiec has taken over for Cindy Smith in supporting the EFC. The Committee's goals include completing the 2020 EFC Annual Report, updating the employment data dashboard and beginning the work of identifying emerging best practices within the Competitive Integrated Employment (CIE) service delivery system.

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Kim Rothschild, Administrative Committee Chair, reported that the Administrative Committee's goals are to provide oversight and guidance, ensure a fiscally sound budget and advise on any policy and procedure updates.

Kara Ponton, Membership Committee Chair, reported that the Membership Committee will meet later this spring. Their biggest goal is to collaborate with SCDD staff to bring more Councilmembers on board so that the Council will have no vacancies.

Maria Marquez, Co-Chair of the Statewide Self-Determination Advisory Committee (SSDAC), reported that the SSDAC met in February. One major goal of this Committee is to increase enrollment in the Self-Determination Program (SDP) before June 7th, 2021. Marquez noted that many people are opting out of the SDP and we need to find out why. Other goals include educating more people on what services could be available to them, providing more trainings for Regional Center staff and getting Regional Centers to fund more SSDAC meetings throughout the year. June 2021 is the projected start date for SDP enrollment to become open to everyone.

Jeana Eriksen, Chair of the Self-Advocates Advisory Committee (SAAC), reported that the Committee's goals are to review the Council's bylaws, communicate better with staff, and increase efficiency of committee functioning.

Kilolo Brodie, State Plan Committee (SPC) Chair, reported that the SPC's goals are to work on collectivity, to better understand how the State Plan ties into the other arms of the Council, and to focus attention on the racial and ethnic components of our advocacy work as a responsibility of the Council. Brodie noted that this can have a beneficial ripple effect for many other disenfranchised groups.

Julie Austin, Chair of the Legislative and Public Policy Committee (LPPC), reported that the 2021 Policy Priorities and Policy Platform will drive the Committee's work this year. The LPPC is currently developing the 2021 Legislative package to present at the March Council meeting with details on recommended bills to watch, support or sponsor.

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7. ITACC TRAINING

Angela Castillo-Epps, technical assistance specialist from NACDD's Information and Technical Assistance Center (ITACC), joined the meeting to provide leadership training and refresher information for Committee members. She reviewed member roles and responsibilities, shared tips on Chair leadership and highlighted training resources available on the ITACC website. Ms. Castillo-Epps identified the qualities of a leader (be respectful, positive and focused, stay accountable and committed to the Council's vision and mission) and the actions of a leader (communicating well, being an active listener, being prepared for meetings and encouraging collaboration, staying on task and supporting meaningful participation from members). Additionally, she addressed the responsibility of being on the Council in three categories: Duty of Care, Duty of Loyalty and Duty of Obedience. Ms. Castillo-Epps emphasized the theme of making decisions with the Council's best interests at heart. Chairs are ultimately responsible for managing the Council and leading its organizational oversight. Committee members received copies of all training materials provided in their packets (also available on the Council's website at https://scdd.ca.gov/executive_committee/).

8. EXECUTIVE DIRECTOR REPORT

Executive Director Aaron Carruthers provided Committee members with a report on recent Council activities and priorities. Notably, the Governor's Office and the Department of Public Health announced that people with I/DD and other disabilities would be eligible to receive the COVID-19 vaccine beginning on March 15th. This is the result of passionate advocacy work done over the last several months by the State Council and many other community groups and partners statewide.

In addition to recent accomplishments with vaccine access, SCDD recently partnered with the American Red Cross to distribute emergency Go-Kits and promote wildfire safety awareness. This partnership was very successful. SCDD then applied for a grant from the California Community Foundation and was awarded more Go-Kits to go along with our emergency preparedness training. This initiative will continue throughout the coming months.

9. SCDD BUDGET UPDATE

Deputy Director Douglas Sale presented SCDD's recent budget updates. The Administrative Committee met in the morning prior to the Executive Committee and provided input on the proposed budget. The Committee

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then recommended that the draft budget be moved to the Executive Committee. Director Sale discussed the combined first and second quarter expenditures for the current fiscal year (2020-2021) as well as the draft budget for the upcoming fiscal year (2021-2022). SCDD has had a significant reduction in the travel budget this year and the current staff vacancy rate is at 13% as of December 31st, 2020. At halfway through the current fiscal year, the budget still has 65% of allotted funds remaining, meaning that SCDD is operating at about 15% below budget so far this year. This can be mostly attributed to the COVID-19 travel restrictions and the fact that we are not currently using funds to hold in-person Council meetings (hotel room costs, meeting space, audio/visual equipment rentals and other fees). This budget also takes into consideration the 9.2% staff salary reduction, even though there was an increased cost for employee health benefit contributions. Overall, operating expenses and equipment are seeing the most significant savings. More information and budget updates will be provided at the next Executive Committee meeting.

10. OUT OF STATE TRAVEL POLICY UPDATES

Deputy Director Sale informed the Committee that two additional states were added to the State of California's restricted travel list.

Action 2

It was moved/seconded (Witherspoon [S.A.]/Marquez [S.A.]) and carried to approve the updated Out of State Travel Policy. (Unanimously accepted by consent)

11. ADJOURNMENT AND NEXT MEETING DATE

The next Executive Committee meeting will be held on April 13, 2021.
Meeting adjourned at 2:00 P.M.

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APRIL 13, 2021

AGENDA ITEM 7
ACTION ITEM

**EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

Sponsorship Request

Deputy Director of Administration Doug Sale will present a Sponsorship Request from Disability Voices United (DVU). DVU is requesting funding for language interpretation and translation of materials for their upcoming virtual statewide Self-Determination conference. Members will vote on whether to approve the request for Sponsorship.

Attachments

Chart of Sponsorships Awarded for Fiscal Year 20/21
DVU Application Package

Action Recommended

Approve the Sponsorship request from Disability Voices United.

Name:	Event Date:	Amount Requested:	Amount Awarded:	Amount Invoiced:	Remaining Funds	2020/21
Special Needs Resource Foundation of San Diego	8/12/20	\$1,000	\$1,000	\$1,000	\$24,000	
Illumination Institute	1/19/21	\$1,500	\$1,500	\$1,500	\$22,500	
Totals:		\$2,500	\$2,500	\$2,500	\$22,500	

COUNCIL AGENDA ITEM DETAIL SHEET

ISSUE: Disability Voices United (DVU)

AMOUNT: \$1,500.00

BACKGROUND: The California State Council on Developmental Disabilities (SCDD) supports events that promote self-advocacy, leadership and education, thereby enabling people with developmental disabilities and their family members to expand their knowledge and skills.

ANALYSIS/DISCUSSION: Disability Voices United is hosting a virtual statewide conference on the Self-Determination Program, entitled All In for Self-Determination! A Statewide Virtual Conference on the Self-Determination Program. The Self-Determination Program is completely about the ability of self-advocates and family members to have control, choice, and flexibility over the supports and services they receive.

The conference will take place on an innovative platform that gives conference attendees the ability to network with other participants as well as virtually visit all of the “booths” in the Expo. The Expo will include independent facilitators, service providers, and advocates who can help individuals get started in their self-determination journey.

The conference will include keynote speeches by key leaders in California, panels of self-determination experts, and numerous breakout sessions for beginner, intermediate, and advanced self-determined individuals and their supporters.

There will be over 100 presenters at the conference. They expect at least 25% of speakers will be self-advocates, with a guarantee of at least one self-advocate on every panel. All of DVU’s programs lead with self-advocates and families.

The SCDD funds would be used to help pay for language interpreters and translation of conference materials so that all members can fully participate in the event.

COUNCIL STRATEGIC PLAN GOAL/OBJECTIVE: Objective 1.1- The Council will increase knowledge about self-determination and person-centered planning by monitoring, supporting, and actively engaging in the implementation of the Self-Determination Program.

PRIOR COUNCIL ACTIVITY: Since the beginning of FY 2020-21 the Council has awarded \$2,500 in funds for sponsorship requests. The Council allocates \$25,000 per fiscal year for sponsorships. The fiscal year began July 1, 2020.

STAFF RECOMMENDATION: Approve Disability Voices United's request for sponsorship.

ATTACHMENTS(S): Disability Voices United's request for sponsorship.

PREPARED: Kristie Allensworth March 18, 2021



Judy Mark, President
530-JOIN-DVU
judymark@dvunited.org
www.disabilityvoicesunited.org

February 18, 2021

State Council on Developmental Disabilities
3831 North Freeway Blvd. #125
Sacramento, CA 95834

Dear State Council,

Disability Voices United is hosting a virtual statewide conference on the Self-Determination Program and are writing to respectfully request support in the amount of \$1,500 from the State Council. Please see our answers to your questions below:

- a. The name, date, location and description of your event/conference

All In for Self-Determination! A Statewide Virtual Conference on the Self-Determination Program

April 16-18, 2021, 9:30 am – 2 pm

As we near the rollout of the Self-Determination Program for all eligible individuals served by regional centers, Disability Voices United is hosting a conference so that we can learn together and prepare. Attendees will include self-advocates, family members, independent facilitators, FMSs, regional center staff, service providers, advocates, and anyone else interested in the Self-Determination Program.

The conference will include keynote speeches by key leaders in California, panels of self-determination experts, and numerous breakout sessions for beginner, intermediate, and advanced self-determined individuals and their supporters.

The conference will take place on an innovative platform that gives conference attendees the ability to network with other participants as well as virtually visit all of the “booths” in our Expo. Our Expo will include FMSs, independent facilitators, service providers, and advocates who can help individuals get started in their self-

determination journey.

All attendees will receive by mail a copy of the updated *Thinking Outside the Box* self-determination manual and a conference T-shirt.

- b. How this event/conference will increase the ability of consumers and family members to exercise control, choice and flexibility in the services and supports they receive, including a description of the specific way SCDD's funding would be utilized

The Self-Determination Program is completely about the ability of self-advocates and family members to have control, choice, and flexibility over the supports and services they receive. The SCDD funds would be used to help pay for language interpreters and translation of conference materials so that all members can fully participate in the event. We are currently committed to providing simultaneous interpretation in Spanish, Korean, Japanese, Chinese, and Korean.

- c. How many presenters or panelists will participate in the event and what number of the presenters or panelists will be consumers?

There will be over 100 presenters at the conference. While the program has not been finalized yet, we expect at least 25% of speakers will be self-advocates, with a guarantee of at least one self-advocate on every panel. All of DVU's programs lead with self-advocates and families.

- d. The number and type of expected attendees (i.e. teachers, providers, administrators, etc.), including how many of those attendees are expected to be consumers and family members

We expect about 1,000 people to attend the virtual conference. These people include self-determination participants and people hoping to go into the SDP when it opens in June, family members of current and future participants, service providers, regional center staff, State Council staff, DRC staff, and other advocates, DDS officials, and others. We anticipate that more than 70% will be self-advocates and family members.

- e. How you will you conduct outreach to increase consumer and family involvement in the conference?

We have a very large mailing list of over 6,000 individuals, who are mostly self-advocates and family members. We also are promoting the conference through the regional center self-determination local advisory committees and regional center staff. In addition, we are placing announcements about the conference on the SCDD self-determination Facebook group as well as our own and others' Facebook pages and on Twitter.

- f. A complete and total budget – **See attached**

- g. A list of other SCDD sponsorships and grants you have previously requested and/or received

2017 - Disability Voices United received support (\$999) for a series of town halls on Medicaid cuts that were co-sponsored by SCDD

2017 and 2019 – DVU applied for program grants from SCDD but didn't receive funding.

2019 – DVU received \$1,500 funding for our self-determination conference.

- h. A letter of recommendation from a consumer and/or family organization that supports your efforts to improve consumer and family self-advocacy. – **See attached**

- i. During the event, provide acknowledgement that consumer and family participation in the event is made possible, in part, with funding from the California State Council on Developmental Disabilities.

We will list SCDD and your logo on the list of our sponsors. This will include showing the logo on the screen during the conference.

Please let me know if you need any additional information or have any questions. You can reach me at 310-621-2045 or at judymark@dvunited.org. Thank you for your consideration.

Sincerely,



Judy Mark
President

**All In for Self-Determination! Conference
Budget**

Estimated Expenses based on 1,000 attendees

Socio Platform	\$19,000
Staffing	\$19,000
Simultaneous Interpretation in five languages	\$ 9,000
Materials translation	\$ 2,000
Printing of materials	\$18,400
Shipping of materials	\$ 4,000
TOTAL EXPENSES	\$71,400

Estimated Income based on 700 paid participants

Sponsorships from other organizations (including GT Independence, DRC, ARCC FMS, Tierra del Sol, so far)	\$30,000
SCDD sponsorship	\$ 1,500
Paid self-advocates and family members (500 @ \$50 each)	\$25,000
Paid professionals (200 @ \$75 each)	\$15,000
TOTAL INCOME	\$71,500



February 20, 2021

California State Council on Developmental Disabilities
3831 N. Freeway Boulevard, Suite 125
Sacramento, CA 95834

Dear State Council,

The Integrated Community Collaborative (ICC) is writing to support the request for funding from the State Council on Developmental Disabilities to pay for Spanish and other language interpretation and translation for Disability Voices United's upcoming self-determination conference.

The ICC is a community-based organization of parents and consumers designed to promote equity, equality and eradicate purchase of services disparities for individuals with I/DD. We are eager to help make the implementation of the Self-Determination Program successful for all communities and are participating in numerous outreach and training efforts to support this important program.

This conference is critical for many participants and families to understand how to make the most out of self-determination. But for many of the families we work with, they would not be able to access the conference if no translations are provided. Since Latinos are already significantly underserved and face major disparities, we need to make sure that they have the same information as English speakers.

Thank you very much for your consideration and let me know if you have any questions.

Respectfully,

Elizabeth Barrios Gomez
Co-Founder - Director,
Mobile: (310) 871-5080

www.integratedcommunitycollaborative.org
(424) 261-7454 – 501(C)(3) EIN: 83-2802825

APRIL 13, 2021

AGENDA ITEM 8
ACTION ITEM

**EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

Conflict of Interest Waiver Requests

Staff attorney Brian Weisel will present Conflict of Interest waiver requests from the following regional center board members:

- A. North Bay Regional Center – Derek Hearhtower (new request)
- B. Redwood Coast Regional Center – William Lewis (new request)
- C. San Diego Regional Center – Laura Oakes

Committee members will vote on whether to approve these requests.

Attachments

Staff analysis details and Conflict of Interest mitigation plans for Regional Center Board Members Hearhtower, Lewis and Oakes

Action Recommended

Approve the Conflict of Interest waiver requests.

COUNCIL AGENDA ITEM DETAIL SHEET

ISSUE: Regional Center Conflict of Interest (COI)

BACKGROUND: Codified in Welfare and Institutions (W&I) Code sections 4500 et seq., the Lanterman Act requires regional centers to submit conflict of interest statements and proposed resolution plans to the Department of Developmental Services (DDS) and the Council.¹ The Director of DDS may waive conflict of interest requirements of a contracting agency (i.e., a regional center) with approval of the State Council.²

The Council is being presented with information reviewed under the existing SCDD criteria and process approved by the Council. This approach provides for staff analysis of regional center conflict of interest issues.

Derek Hearhtower, Governing Board Member, North Bay Regional Center: Derek Hearhtower is a member of the Board of Directors of the North Bay Regional Center (NBRC). Mr. Hearhtower is also a Direct Support Professional at Dungarvin, which is a day program for people with developmental disabilities, and a NBRC vendor. Mr. Hearhtower is submitting a plain to mitigate the potential conflict of interest.

This is Mr. Hearhtower's initial Conflict of Interest approval request, as an incoming Board member of NBRC.

DISCUSSION:

Conflict of Interest: Department of Developmental Services (DDS) Regulation³ 54520 provides in part that a conflict of interest exists when the board member, or a family member of a regional center board member, holds any of the below positions for a provider:

- (1) a governing board member;
- (2) a board committee member;
- (3) a director;
- (4) an officer;
- (5) an owner;

¹ Welf. & Inst. Code § 4626, subd. (l).

² Welf. & Inst. Code § 4628.

³ DDS' current regulations are published at California Code of Regulations, title 17, § 50201 et seq.

- (6) a partner;
- (7) a shareholder;
- (8) a trustee;
- (9) an agent;
- (10) an employee;**
- (11) a contractor;
- (12) a consultant;
- (13) a person who holds any position of management; or
- (14) a person who has decision or policy making authority.

Mr. Hearhtower's conflict of interest arises because he is employed at Dungarvin, a vendor of NBRC.⁴ To address the conflict, Mr. Hearhtower submitted the following Conflict of Interest Resolution Plan (Plan):

1. As a Board member, Mr. Hearhtower will not make any recommendations, participate in any discussion or vote on any vendor contract with NBRC regarding Dungarvin;
2. NBRC's governing Board and management staff will be informed of this Plan of Action, and will be informed of the need to ensure that Mr. Hearhtower does not participate in any discussion, or vote on any issue related to Dungarvin;
3. NBRC's Executive Committee has been informed of, and approved, this Plan of Action;
4. NBRC's Board shall be responsible for ensuring that the above plan and limitations are applied and monitored.

Mr. Hearhtower's membership on the NBRC Board of Directors appears to help NBRC meet the composition requirements set forth in W&I Code sections 4622(c) and (e), and the proposed COI Resolution Plan mitigates concerns over a conflict of interest that could result based upon his employment with a NBRC vendor. Accordingly, the staff recommendation is to approve Mr. Hearhtower's waiver request.

PRIOR COUNCIL ACTIVITY: None

⁴ Cal. Code Regs., title 17, § 54520(a).

STAFF RECOMMENDATION: Approve Mr. Hearhtower's waiver request provided he does not participate in any decision that impacts Dungarvin as a vendor of NBRC.

ATTACHMENT: Mr. Hearhtower's COI reporting statement and resolution plan.

PREPARED BY: Legal Counsel Brian Weisel, March 9, 2021.



North Bay Regional Center

610 Airpark Rd, Napa, CA 94558
Phone: (707) 256-1100 • TTY (707) 252-0213

www.nbrc.net

2351 Mendocino Ave, Santa Rosa, CA 95403
Phone: (707) 569-2000 • TTY (707) 525-1239

Maxine Milam
Department of Developmental Services
1600 9th Street
Sacramento, CA 94244-2020

Via Email: Maxine.milam@dds.ca.gov

Re: Mitigation Plan for Derek Hearhtower

Dear Ms. Milam,

Per Title 17 § 54534. Conflict Resolution Plan Review Procedures, NBRC is submitting a mitigation plan for Derek Hearhtower, a client who serves as a member of our Board of Directors. We have reviewed Mr. Hearhtower's situation and believe a mitigation plan is appropriate. The mitigation plan attached is similar to another NBRC Client Board Member. We believe the mitigation efforts outlined below will satisfy the requirements for a waiver.

If you should have any questions, please feel free to contact me.

Sincerely,

Jennifer L. Crick, SPHR, PHRca, SHRM-SCP
Acting Director of Administrative Services
North Bay Regional Center
707.227.9731

Nancy Bargmann, Director
Department of Developmental Services
1600 9th Street
Sacramento, CA 94244.2020

RE: Request for Waiver for Potential Conflict of Interest for Derek Hearhtower

Dear Ms. Bargmann:

Pursuant to Section 54523 of Title 17, California Code of Regulations, this letter serves as a request by North Bay Regional Center for a waiver of a potential conflict of interest for our Board Member Derek Hearhtower.

Enclosed please find the following:

1. A copy of Mr. Hearhtower's Conflict of Interest Disclosure Statement;
2. A Disclosure Conflict of Interest, Request for Waiver and Plan of Action.

The limitations proposed by North Bay Regional Center are set forth in the attached plan of action and no other limitations are proposed.

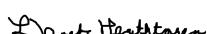
This Waiver packet is also being served upon the North Bay Regional Office and State Council as required by Title 17.

Thank you for your consideration of Waiver Request. We look forward to hearing from you.

Sincerely,



Gabriel Rogin
Executive Director



Derek Hearhtower
Director, NBRC Board of Directors

Cc: Executive Office
NBRC Board of Directors

Law Concerning Governing Board Member Conflict of Interest

The prohibition against a Regional Center governing board member having a conflict of interest is derived from Welfare and Institutions Code section 462(a). The conflict of interest definition is set forth in more detail in the California Code of Regulations, Title 17.

Title 17 section 54520(a) “A conflict of interest exists when a regional center governing board member ... or a family member of such a person is any of the following for a business entity, entity, or provider as defined in section 54505 of these regulations, except to the extent such position is permitted by Welfare and Institutions Code sections 4622 and 4626.” (Emphasis added)

Welfare and Institutions (“W&I) Code section 4622(e) “A minimum of 50 percent of the members of the governing board shall be persons with developmental disabilities or their parents or legal guardians. No less than 25 percent of the board shall be persons with developmental disabilities.”

Section 54520 concludes: “(b) No regional center governing board member who has a conflict of interest shall continue to serve as a board member in violation of these provisions unless the board member has eliminated the conflict of interest or obtained a waiver pursuant to these regulations.” (Emphasis added)

Disclosure of Conflict of Interest for Mr. Derek Hearhtower

Potential or Actual Conflict of Interest

Derek Hearhtower was elected to the North Bay Regional Center Board by the Board of Directors in October 2020. His welcomed membership on the Board helps North Bay Regional Center to meet the requirements of W&I Code section 4622(c) which provides an exception to the requirements of Title 17, section 54520(a).

Mr. Hearhtower is a consumer of North Bay Regional Center who is employed by Dungarvin, a vendor of the Regional Center. Mr. Hearhtower is a Direct Support Professional at Dungarvin, a day program for individuals with developmental disabilities.

Request for Waiver of Conflict of Interest

This information is being provided to the Department along with a proposed Waiver should the Department determine that Mr. Hearhtower has a conflict of interest as defined in the W&I Code and Title 17.

For the reasons that follow, pursuant to Title 17, section 54523, North Bay Regional Center requests a Waiver of any potential or actual conflict of interest given that:

- a) Mr. Hearhtower was elected by the Board of Directors;
- b) Mr. Hearhtower fulfills North Bay Regional Center’s compliance requirements under W&I section 4622(c) and (e);
- c) Mr. Hearhtower’s employer is a vendor of North Bay Regional Center; and
- d) Mr. Hearhtower does not have any financial interest in, or decision-making authority related to, Dungarvin.

Proposed Plan of Action

North Bay Regional Center's suggested plan of action for resolving this "conflict of interest" is as follows:

1. As a governing North Bay Regional Center Board Member, Mr. Hearhtower will not participate in any discussion, or vote on any matter, involving Dungarvin.
2. North Bay Regional Center's governing board and management staff will be informed of this Plan of Action, and will be informed of the need to ensure that Mr. Hearhtower does not participate in any discussion, or vote on any issue relating to Dungarvin.
3. The Executive Committee of the North Bay Regional Center Board has been informed of, and has approved, the submission of this proposed Plan of Action for Waiver of Conflict of Interest.
4. North Bay Regional Center's Board of Directors itself will be responsible for ensuring that the above plan and limitations are applied and monitored.
5. This request for Waiver packet is also being served on the North Bay Regional Office and the State Council as required by Title 17, section 54523.

**CONFLICT OF INTEREST REPORTING STATEMENT
DS 6016 (Rev. 08/2013)**

The duties and responsibilities of your position with the regional center require you to file this Conflict of Interest Reporting Statement. The purpose of this statement is to assist you, the regional center and the Department of Developmental Services (DDS) to identify any relationships, positions or circumstances involving you which may create a conflict of interest between your regional center duties and obligations, and any other financial interests and/or relationships that you may have. In order to be comprehensive, this reporting statement requires you to provide information with respect to your financial interests.

A “conflict of interest” generally exists if you have one or more personal, business, or financial interests, or relationships that would cause a reasonable person with knowledge of the relevant facts to question your impartiality with respect to your regional center duties. The specific circumstances and relationships which create a conflict of interest are set forth in the California Code of Regulations, title 17, sections 54500 through 54530. You should review these provisions to understand the specific financial interests and relationships that can create a conflict of interest.

Please answer the following questions to the best of your knowledge. If you find a question requires further explanation and/or there is not enough space to thoroughly answer the question, please attach as many additional sheets as necessary, and refer to the question number next to your answer. If the regional center identifies a conflict involving you, it will be required to prepare a conflict resolution plan. Some relevant definitions have been provided in the footnotes to assist you in responding to this statement.

You are required to file this Reporting Statement within 30 days of beginning your employment with the regional center or from the date that you are appointed to the regional center board or advisory committee board. You are then required to file an annual Reporting Statement by August 1st of every year while you remain employed with the regional center or while you are a member of the regional center board or advisory committee board. You must also file a Reporting Statement within 30 days of any change in your status that could result in a conflict of interest. Circumstances that can constitute a change in your status that can require you to file an updated Reporting Statement are described below in footnote one.

A. INFORMATION OF REPORTING INDIVIDUAL

Name: Derek HearhtowerRegional Center: North Bay

Regional Center Position/Title:

- Governing Board Member Executive Director
 Vendor Advisory Committee sitting on Board Employee
 Contractor Agent Consultant

Reporting Status:

- Annual New Appointment (date): 10/01/2020
 Change of Status¹

If a change in status, date and circumstance of change in status:

1. Please list your job title and describe your job duties at the regional center.
Board Member, attends board and committee meetings

¹ Change of status includes a previously unreported activity that should have been reported, change in the circumstance of a previously reported activity, change in financial interest, familial relationship, legal commitment, change in regional center position or duties, change in regional center, or change to outside position or duties. See California Code of Regulations, title 17, sections 54531(d) and 54532(d).

<input checked="" type="checkbox"/> Governing Board Member
<input type="checkbox"/> Vendor Advisory on Board
<input type="checkbox"/> Executive Director
<input type="checkbox"/> Employee/Other

2. Do you or a family member² work for any entity or organization that is a regional center provider or contractor? yes no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers. If the provider or contractor is a state or local governmental entity, provide the specific name of the state or local governmental entity and describe your job duties at the state or local governmental entity.
At Dungarvin I am a Direct Support Professional. It is a day program for people with developmental disabilities and a North Bay Regional Center vendor.
3. Do you or a family member own or hold a position³ in an entity or organization that is a regional center provider or contractor? yes no -- If yes, provide the name of the entity or organization, describe what services it provides for the regional center or regional center consumers, and describe your or your family member's financial interest.
At Dungarvin I am a Direct Support Professional. It is a day program for people with developmental disabilities and a North Bay Regional Center vendor.
4. Are you a regional center advisory committee board member? yes no -- If yes, are you a member of the governing board or owner or employee of an entity or organization that provides services to the regional center or regional center consumers? yes no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers.
5. If you are a regional center advisory committee board member and answered yes to all the questions in Question 4 above, do any of the following apply to you: (a) are you an officer of the regional center board; (b) do you vote on purchasing services from a regional center provider; or (c) do you vote on matters where you might have a financial interest? yes no -- If yes, please explain.

² Family member includes your spouse, domestic partner, parents, stepparents, grandparents, siblings, stepsiblings, children, stepchildren, grandchildren, parent-in-laws, brother-in-laws, sister-in-laws, son-in-laws and daughter-in-laws. See California Code of Regulations, title 17, sections 54505(f).

³ For purposes of this question, hold a position generally means that you or a family member is a director, officer, owner, partner, employee, or shareholder of an entity or organization that is a regional center provider or contractor. For a specific description of positions that create a conflict of interest in a regional center provider or contractor see the California Code of Regulations, title 17, sections 54520 and 54526.

<input checked="" type="checkbox"/>	Governing Board Member
<input type="checkbox"/>	Vendor Advisory on Board
<input type="checkbox"/>	Executive Director
<input type="checkbox"/>	Employee/Other

6. Do any of the decisions you make when performing your job duties with the regional center have the potential to financially benefit you or a family member⁴? [Note: Governing board members do not have to answer "yes" to this question if the financial benefit would be available to regional center consumers or their families generally].
- yes no -- If yes, please explain.

7. Are you responsible for negotiating, making,⁵ executing or approving contracts on behalf of the regional center? yes no -- If yes, please explain.

Yes, for contracts over \$250,000.

8. Do you have a financial interest in any contract⁶ with the regional center? yes no -- If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? yes no -- If yes, please explain.

9. Do any of your family members have a financial interest in any contract with the regional center? yes no
 If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? yes no
 If yes, please explain.

⁴ Generally, a decision can financially benefit you or a family member if the decision can either directly or indirectly cause you or a family member to receive a financial gain or avoid a financial loss. For a specific description of the types of decisions that can result in a financial benefit to you or a family member see the California Code of Regulations, title 17, sections 54522 and 54527.

⁵ California Code of Regulations, title 17, sections 54523(b)(2) and 54528(b)(2) describes the types of conduct which constitute involvement in the making of a contract.

⁶ For purposes of questions 8 and 9, a financial interest in a contract generally means any direct or indirect interest in a contract that can cause you or a family member to receive any sort of financial gain or avoid any sort of financial loss irrespective of the dollar amount. California Code of Regulations, title 17, sections 54523 and 54528 define when financial interests in a contract will occur.

- | |
|--|
| <input checked="" type="checkbox"/> Governing Board Member |
| <input type="checkbox"/> Vendor Advisory on Board |
| <input type="checkbox"/> Executive Director |
| <input type="checkbox"/> Employee/Other |

10. Do you evaluate employment applications or contract bids that are submitted by your family member(s)?
 yes no -- If yes, please explain.

11. Your job duties require you to act in the best interests of the regional center and regional center consumers. Do you have any circumstances or other financial interests not already discussed above that would prevent you from acting in the best interests of the regional center or its consumers? yes no -- If yes, please explain.

B. ATTESTATION

I Derek Hearhtower (print name) HEREBY CONFIRM that I have read and understand the regional center's Conflict of Interest Policy and that my responses to the questions in this Conflict of Interest Reporting Statement are complete, true, and correct to the best of my information and belief. I agree that if I become aware of any information that might indicate that this statement is not accurate or that I have not complied with the regional center's Conflict of Interest Policy or the applicable conflict of interest laws, I will notify the regional center's designated individual immediately. I understand that knowingly providing false information on this Conflict of Interest Reporting Statement shall subject me to a civil penalty in an amount up to fifty thousand dollars (\$50,000) pursuant to Welfare and Institutions Code section 4626.

Signature Derek Hearhtower Date 10/14/2020

INTERNAL USE ONLY

Date this Statement was received by Reviewer:

The reporting individual does does not have a present potential conflict of interest

Signature of Designated Reviewer 

Date Review Completed

10/16/2020

If you clicked "Yes" to any item above, you must click the checkbox below this message.



COUNCIL AGENDA ITEM DETAIL SHEET

ISSUE: Regional Center Conflict of Interest (COI)

BACKGROUND: Codified in Welfare and Institutions (W&I) Code sections 4500 et seq., the Lanterman Act requires regional centers to submit conflict of interest statements and proposed resolution plans to the Department of Developmental Services (DDS) and the Council.¹ The Director of DDS may waive conflict of interest requirements of a contracting agency (i.e., a regional center) with approval of the State Council.²

The Council is being presented with information reviewed under the existing SCDD criteria and process approved by the Council. This approach provides for staff analysis of regional center conflict of interest issues.

William Lewis, Board Member, Redwood Coast Regional Center:

William Lewis is a new member of the Board of Directors of Redwood Coast Regional Center (RCRC). Mr. Lewis's sister, Veronica Lewis, is employed by RCRC's Eureka office serving children and transition aged adults in Humboldt County. RCRC advises that Veronica is not a member of management and has no organizational decision or policy making authority in any of the positions she holds with RCRC or its vendors.

RCRC utilizes a public board member recruitment process. Please note - Mr. Lewis is not a regional center advisory committee board member, Mr. Lewis initially made an error on his waiver form and corrected and initialed the correction.

This is the first time the Council has reviewed a Conflict Waiver for Mr. Lewis, as this is his initial appointment.

DISCUSSION:

Conflict of Interest: Department of Developmental Services (DDS) Regulation³ 54520 provides in part that a conflict of interest exists when the

¹ Welf. & Inst. Code § 4626, subd. (l).

² Welf. & Inst. Code § 4628.

³ DDS' current regulations are published at California Code of Regulations, title 17, § 50201 et seq.

board member, or a family member of a regional center board member, holds any of the below positions for a provider:

- (1) a governing board member;
- (2) a board committee member;
- (3) a director;
- (4) an officer;
- (5) an owner;
- (6) a partner;
- (7) a shareholder;
- (8) a trustee;
- (9) an agent;
- (10) an employee;
- (11) a contractor;
- (12) a consultant;
- (13) a person who holds any position of management; or
- (14) a person who has decision or policy making authority.

Mr. Lewis's conflict of interest arises because he has a family member who is employed by RCRC.⁴ To address the conflict, Mr. Lewis and RCRC submitted the following Conflict of Interest Resolution Plan (Plan):

1. As a member of RCRC's Board of Directors, Mr. Lewis shall have no role or involvement with any matter that might affect RCRC employees directly, including but not limited to: Participation in any discussions, recommendations, or decisions about employee salaries, promotions, or benefits;
2. Mr. Lewis will fully disclose the existence and nature of the conflict to the RCRC's Board and have it noted in the official Board records;
3. Mr. Lewis will abstain from voting on any matter pertaining to RCRC employee salaries, promotions or benefits which could impact his sister's benefits;
4. Mr. Lewis will not use his position as a Board member of RCRC to exert influence on decision-making regarding RCRC's employees, salaries, positions, or benefits.

⁴ Cal. Code Regs., title 17, § 54520(a)(10).

5. Should matters related to RCRC employees, salaries, positions or benefits arise during any Board of Trustees' meetings (Board or Committee meetings), Mr. Lewis will refrain from participating in the discussion;
6. Given the specific set of circumstances, RCRC Board President and other Board members are responsible for ensuring Mr. Lewis complies with Welfare & Institutions Code, section 4622 (k)(2); and
7. RCRC's Board President and Board members are responsible for ensuring that the plan and its safeguards are applied and monitored.

The proposed Plan appears to mitigate concerns over a conflict of interest that could result based upon the positions Mr. Lewis's sister holds with RCRC. This appears to be sufficient to alleviate and potential Council concerns.

STAFF RECOMMENDATION: Approve Mr. Lewis's waiver request.

ATTACHMENT: Mr. Lewis's COI reporting statement and Plan.

PREPARED BY: Legal Counsel Brian Weisel, March 30, 2021.



Redwood Coast Regional Center

Respecting Choice in the Redwood Community

March 15, 2021

Melissa Robinson
Primary Regional Center Liaison
Department of Developmental Services
Office of Community Operations
1600 9th Street, Room 340, MS 3-12
Sacramento, CA 95814

RE: Request for Waiver of COI/Plan of Resolution for William Lewis

Dear Melissa,

This is a Request for Waiver of Conflict of Interest/Plan of Resolution for a newly seated Redwood Coast Developmental Services Corporation Board member Mr. William Lewis as a potential conflict does exist as Mr. Lewis's sister, Veronica Lewis is employed by Redwood Coast Regional Center as a Service Coordinator in Redwood Coast Regional Center's (RCRC) Eureka office serving children and transition aged adults in Humboldt County.

RCRC is requesting this waiver and it is hoped that this plan will eliminate any conflict of interest.

1. As a member of RCRC's Board of Directors, Mr. Lewis shall have no role or involvement with any matter that might affect RCRC employees directly, including but not limited to:
 - Participation in any discussions, recommendations, or decisions about employee salaries, promotions, or benefits;
2. Mr. Lewis will fully disclose the existence and nature of the conflict to the RCRC's Board and have it noted in the official Board records;
3. Mr. Lewis will abstain from voting on any matter pertaining to RCRC employee salaries, promotions or benefits which could impact his sister's benefits;
4. Mr. Lewis will not use his position as a Board member of RCRC to exert influence on decision-making regarding RCRC's employees, salaries, positions, or benefits.
5. Should matters related to RCRC employees, salaries, positions or benefits arise during any Board of Trustees' meetings (Board or Committee meetings), Mr. Lewis will refrain from participating in the discussion;
6. Given the specific set of circumstances, RCRC Board President and other Board members are responsible for ensuring Mr. Lewis complies with Welfare & Institutions Code, section 4622 (k)(2); and



Redwood Coast Regional Center

Respecting Choice in the Redwood Community

7. RCRC's Board President and Board members are responsible for ensuring that the plan and its safeguards are applied and monitored.

Redwood Coast Regional Center respectfully requests DDS's approval of these safeguards and our noted Plan of Resolution.

Thank you for your kind consideration.



Tamera Leighton, President
RCDSC Board of Directors



William Lewis
RCDSC Board of Directors



Kim Orsi, Executive Assistant
Redwood Coast Regional Center

TL/ko
cc: RCDSC Board of Directors
SCDD – B. Weisel
K. Smalley, PhD, Executive Director-RCRC

Reset Form

CONFLICT OF INTEREST REPORTING STATEMENT
DS 6016 (Rev. 08/2013)

The duties and responsibilities of your position with the regional center require you to file this Conflict of Interest Reporting Statement. The purpose of this statement is to assist you, the regional center and the Department of Developmental Services (DDS) to identify any relationships, positions or circumstances involving you which may create a conflict of interest between your regional center duties and obligations, and any other financial interests and/or relationships that you may have. In order to be comprehensive, this reporting statement requires you to provide information with respect to your financial interests.

A “conflict of interest” generally exists if you have one or more personal, business, or financial interests, or relationships that would cause a reasonable person with knowledge of the relevant facts to question your impartiality with respect to your regional center duties. The specific circumstances and relationships which create a conflict of interest are set forth in the California Code of Regulations, title 17, sections 54500 through 54530. You should review these provisions to understand the specific financial interests and relationships that can create a conflict of interest.

Please answer the following questions to the best of your knowledge. If you find a question requires further explanation and/or there is not enough space to thoroughly answer the question, please attach as many additional sheets as necessary, and refer to the question number next to your answer. If the regional center identifies a conflict involving you, it will be required to prepare a conflict resolution plan. Some relevant definitions have been provided in the footnotes to assist you in responding to this statement.

You are required to file this Reporting Statement within 30 days of beginning your employment with the regional center or from the date that you are appointed to the regional center board or advisory committee board. You are then required to file an annual Reporting Statement by August 1st of every year while you remain employed with the regional center or while you are a member of the regional center board or advisory committee board. You must also file a Reporting Statement within 30 days of any change in your status that could result in a conflict of interest. Circumstances that can constitute a change in your status that can require you to file an updated Reporting Statement are described below in footnote one.

A. INFORMATION OF REPORTING INDIVIDUAL

Name: Will Lewis Regional Center: RCRC Bureka

Regional Center Position/Title: Governing Board Member Executive Director
 Vendor Advisory Committee sitting on Board Employee
 Contractor Agent Consultant

Reporting Status: Annual New Appointment (date): 3/10/21
 Change of Status¹

If a change in status, date and circumstance of change in status:

1. Please list your job title and describe your job duties at the regional center.

Client, Consumer of Services
WL

¹ Change of status includes a previously unreported activity that should have been reported, change in the circumstance of a previously reported activity, change in financial interest, familial relationship, legal commitment, change in regional center position or duties, change in regional center, or change to outside position or duties. See California Code of Regulations, title 17, sections 54531(d) and 54532(d).

- | |
|--|
| <input checked="" type="checkbox"/> Governing Board Member |
| <input type="checkbox"/> Vendor Advisory on Board |
| <input type="checkbox"/> Executive Director |
| <input type="checkbox"/> Employee/Other |

2. Do you or a family member² work for any entity or organization that is a regional center provider or contractor? yes no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers. If the provider or contractor is a state or local governmental entity, provide the specific name of the state or local governmental entity and describe your job duties at the state or local governmental entity.

Sister Service Coordinator
RCRC Eureka

3. Do you or a family member own or hold a position³ in an entity or organization that is a regional center provider or contractor? yes no -- If yes, provide the name of the entity or organization, describe what services it provides for the regional center or regional center consumers, and describe your or your family member's financial interest.

4. Are you a regional center advisory committee board member? yes no *w* -- If yes, are you a member of the governing board or owner or employee of an entity or organization that provides services to the regional center or regional center consumers? yes no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers.

5. If you are a regional center advisory committee board member and answered yes to all the questions in Question 4 above, do any of the following apply to you: (a) are you an officer of the regional center board; (b) do you vote on purchasing services from a regional center provider; or (c) do you vote on matters where you might have a financial interest? yes no -- If yes, please explain.

W

² Family member includes your spouse, domestic partner, parents, stepparents, grandparents, siblings, stepsiblings, children, stepchildren, grandchildren, parent-in-laws, brother-in-laws, sister-in-laws, son-in-laws and daughter-in-laws. See California Code of Regulations, title 17, sections 54505(f).

³ For purposes of this question, hold a position generally means that you or a family member is a director, officer, owner, partner, employee, or shareholder of an entity or organization that is a regional center provider or contractor. For a specific description of positions that create a conflict of interest in a regional center provider or contractor see the California Code of Regulations, title 17, sections 54520 and 54526.

<input checked="" type="checkbox"/> Governing Board Member
<input type="checkbox"/> Vendor Advisory on Board
<input type="checkbox"/> Executive Director
<input type="checkbox"/> Employee/Other

6. Do any of the decisions you make when performing your job duties with the regional center have the potential to financially benefit you or a family member⁴? [Note: Governing board members do not have to answer "yes" to this question if the financial benefit would be available to regional center consumers or their families generally].

yes no -- If yes, please explain.

7. Are you responsible for negotiating, making,⁵ executing or approving contracts on behalf of the regional center? yes no -- If yes, please explain.

Board members review/approve Service Provider contracts over the amount of \$250,000 per statute.

8. Do you have a financial interest in any contract⁶ with the regional center? yes no -- If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? yes no -- If yes, please explain.

9. Do any of your family members have a financial interest in any contract with the regional center? yes no
If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? yes no
If yes, please explain.

⁴ Generally, a decision can financially benefit you or a family member if the decision can either directly or indirectly cause you or a family member to receive a financial gain or avoid a financial loss. For a specific description of the types of decisions that can result in a financial benefit to you or a family member see the California Code of Regulations, title 17, sections 54522 and 54527.

⁵ California Code of Regulations, title 17, sections 54523(b)(2) and 54528(b)(2) describes the types of conduct which constitute involvement in the making of a contract.

⁶ For purposes of questions 8 and 9, a financial interest in a contract generally means any direct or indirect interest in a contract that can cause you or a family member to receive any sort of financial gain or avoid any sort of financial loss irrespective of the dollar amount. California Code of Regulations, title 17, sections 54523 and 54528 define when financial interests in a contract will occur.

- | |
|--|
| <input checked="" type="checkbox"/> Governing Board Member |
| <input type="checkbox"/> Vendor Advisory on Board |
| <input type="checkbox"/> Executive Director |
| <input type="checkbox"/> Employee/Other |

10. Do you evaluate employment applications or contract bids that are submitted by your family member(s)?

yes no -- If yes, please explain.

11. Your job duties require you to act in the best interests of the regional center and regional center consumers. Do you have any circumstances or other financial interests not already discussed above that would prevent you from acting in the best interests of the regional center or its consumers? yes no -- If yes, please explain.

B. ATTESTATION

I Will Lewis (print name) HEREBY CONFIRM that I have read and understand the regional center's Conflict of Interest Policy and that my responses to the questions in this Conflict of Interest Reporting Statement are complete, true, and correct to the best of my information and belief. I agree that if I become aware of any information that might indicate that this statement is not accurate or that I have not complied with the regional center's Conflict of Interest Policy or the applicable conflict of interest laws, I will notify the regional center's designated individual immediately. I understand that knowingly providing false information on this Conflict of Interest Reporting Statement shall subject me to a civil penalty in an amount up to fifty thousand dollars (\$50,000) pursuant to Welfare and Institutions Code section 4626.

Signature

Date

3/11/21

INTERNAL USE ONLY

Date this Statement was received by Reviewer:

The reporting individual does does not have a present potential conflict of interest

Signature of Designated Reviewer

John R. Lewis, Exec. Asst.

Date Review Completed

3-15-2021

COUNCIL AGENDA ITEM DETAIL SHEET

ISSUE: Regional Center Conflict of Interest (COI)

BACKGROUND: Codified in Welfare and Institutions (W&I) Code sections 4500 et seq., the Lanterman Act requires regional centers to submit conflict of interest statements and proposed resolution plans to the Department of Developmental Services (DDS) and the Council.¹ The Director of DDS may waive conflict of interest requirements of a contracting agency (i.e., a regional center) with approval of the State Council.²

The Council is being presented with information reviewed under the existing SCDD criteria and process approved by the Council. This approach provides for staff analysis of regional center conflict of interest issues.

Laura Oakes, Board Member, San Diego Regional Center: Laura Oakes is a member of the Board of Directors of San Diego-Imperial Counties Developmental Services, Inc., which does business as San Diego Regional Center (SDRC). Ms. Oakes' sister, Rosario Oakes, is employed by: Step Into Success Independent and Supported Living Services; YMCA Respite Services; St. Madeline Sophie's Center; and Tarleton Street Home, an adult residential facility operated by Manni Quidiana. Rosario Oakes provides direct care and support to SDRC consumers in all of her positions for those SDRC vendors. Ms. Oakes has another sister, Deborah Worthen, who is employed by YMCA Respite Services, where she provides direct care and support to SDRC consumers. SDRC advises that neither sister is a member of management and has no organizational decision or policy making authority in any of the positions they hold with SDRC vendors.

SDRC utilizes a public board member recruitment process. In the fourth calendar quarter each year, recruitment activities begin to fill any board vacancies scheduled for the upcoming January. The board holds its Annual Organization Meeting in the beginning part of January to elect new board members.

The Council previously approved a waiver submitted by Ms. Oakes at its May 2019 meeting.

¹ Welf. & Inst. Code § 4626, subd. (l).

² Welf. & Inst. Code § 4628.

DISCUSSION:

Conflict of Interest: Department of Developmental Services (DDS) Regulation³ 54520 provides in part that a conflict of interest exists when the board member, or a family member of a regional center board member, holds any of the below positions for a provider:

- (1) a governing board member;
- (2) a board committee member;
- (3) a director;
- (4) an officer;
- (5) an owner;
- (6) a partner;
- (7) a shareholder;
- (8) a trustee;
- (9) an agent;
- (10) an employee;
- (11) a contractor;
- (12) a consultant;
- (13) a person who holds any position of management; or
- (14) a person who has decision or policy making authority.

Ms. Oakes's conflict of interest arises because she has two sisters who are employed with SDRC vendors.⁴ To address the conflict, Ms. Oakes submitted the following Conflict of Interest Resolution Plan (Plan):

1. Shall not promote the services of Step Into Success Independent and Supported Living Services, YMCA Respite Services, St. Madeline Sophie's Center or Tarleton Street Home;
2. Shall not contact any employee of Step Into Success Independent and Supported Living Services, YMCA Respite Services, St. Madeline Sophie's Center or Tarleton Street Home as a representative of SDRC.
3. Shall not discuss the official business of the SDRC with her sisters, Rosario Oakes or Deborah Worthen.

³ DDS' current regulations are published at California Code of Regulations, title 17, § 50201 et seq.

⁴ Cal. Code Regs., title 17, § 54520(a)(10).

4. Shall not have access to the vendor files of Step Into Success Independent and Supported Living Services, YMCA Respite Services, St. Madeline Sophie's Center or Tarleton Street Home;
5. Shall not participate in the making of any contract for any contract for any service provider including any preliminary discussions, development, negotiations, compromise, reasoning, planning, drawing of plans and specifications, solicitation for bids, approval and execution.
6. Shall not participate in any discussion of the board of directors regarding Step Into Success Independent and Supported Living Services, YMCA Respite Services, St. Madeline Sophie's Center or Tarleton Street Home;
7. Shall not participate in the formulation of any policies that could affect service providers.
8. Shall not cast her vote, during board and committee meetings upon any matter or contract concerning the financial interest of any service provider.
9. Shall abstain from all votes, during board and committee meetings, of the board of directors to approve contracts or recommend approval with service providers.
10. Shall not use her position to influence any SDRC decision Step Into Success Independent and Supported Living Services, YMCA Respite Services, St. Madeline Sophie's Center or Tarleton Street Home;
11. Shall discharge her responsibilities as a member of the board of directors with integrity and fidelity, and will not place herself in a position where her private, personal interests will conflict with her official SDRC duties.
12. In addition to Laura Oakes, SDRC Board of Directors Chair David Hadacek and SDRC Executive Director Carlos Flores will be responsible for ensuring that the actions in this Plan are taken, applied, followed and monitored.

The proposed Plan appears to mitigate concerns over a conflict of interest that could result based upon the positions Ms. Oakes' sisters hold with SDRC vendors. The prior Plan submitted by Ms. Oakes that was approved

by the Council contained similar provisions to address the potential conflicts.

STAFF RECOMMENDATION: Approve Ms. Oakes's waiver request.

ATTACHMENT: Ms. Oakes's COI reporting statement and Plan.

PREPARED BY: Legal Counsel Brian Weisel, March 29, 2021.



San Diego-Imperial Counties Developmental Services, Inc.

4355 Ruffin Road, San Diego, California 92123 • (858) 576-2996 • www.sdrc.org

March 19, 2021

Aaron Curruthers, Executive Director
State Council on Developmental Disabilities
3831 North Freeway Blvd., #125
Sacramento, CA 95834

MaryEllen Stives, Regional Manager
State Council on Developmental Disabilities San Diego Imperial Office
8880 Rio San Diego Drive, Suite 250 san Diego, CA 92108-1634

RE: Conflict Resolution Plan Approval

Dear Mr. Carruthers and Ms. Stives:

I write to request an approval of a Conflict Resolution Plan for an additional year.

Nature of the Conflict

Laura Oakes is a member of the Board of Directors of the San Diego-Imperial Counties Developmental Services, Inc. (SDICDSI), dba San Diego Regional Center (SDRC). Ms. Oakes has a sister who works for service providers.

Rosario Oakes, her sister, is employed by the St. Madeleine's Sophie Center. The St. Madeleine's Sophie Center provides day program services for persons with developmental disabilities and is a vendor of the SDRC. Ms. Rosario Oakes is also employed by Step Into Success to provide independent and supported living services for persons with developmental disabilities. Step Into Success is a vendor of the SDRC. Ms. Rosario Oakes is also employed by the YMCA of San Diego to provide respite services for families. The YMCA is vendedored by the SDRC. Rosario Oakes provides direct care and support to clients in these positions. She is not a member of management and has no organizational decision or policymaking authority in any of her positions.

The following actions will mitigate and manage the conflict of interest:

Ms. Laura Oakes shall not promote the services of the St. Madeleine's Sophie Center, Step Into Success, and the YMCA.

Ms. Oakes shall not contact any employee of the St. Madeleine's Sophie Center, Step Into Success, and the YMCA as a representative of the SDICDSI or the SDRC.

Ms. Oakes shall not discuss the official business of the SDICDSI and SDRC with her sister.

Ms. Oakes shall not have access to the vendor files of the St. Madeleine's Sophie Center, Step Into Success, and the YMCA.

Ms. Oakes shall not participate in the making of any contract for any service provider including any act involving preliminary discussions, development, negotiations, compromise, reasoning, planning, drawing of plans and specifications, solicitation for bids, approval, and execution.

Ms. Oakes shall not participate in any discussions of the Board of Directors regarding the St. Madeleine's Sophie Center, Step into Success, and the YMCA.

Ms. Oakes shall not participate in the formulation of any policies that could affect service providers.

Ms. Oakes shall not cast her vote, during Board and Committee meetings, upon any matter or contract concerning the financial interest of any service provider.

Ms. Oakes shall abstain from all votes, during Board and Committee meetings, to approve contracts or recommend approval with service providers.

Ms. Oakes shall not use her position to influence any SDICDSI or SDRC decision regarding the St. Madeleine's Sophie Center, Step Into Success, and the YMCA.

Ms. Oakes shall discharge her responsibilities as a member of the Board of Directors with integrity and fidelity, and will not place herself in a position where her private, personal interests will conflict with her official SDICDSI or SDRC duties.

The following persons will be responsible for ensuring that the actions in this Conflict Resolution Plan will be taken, applied, followed, and monitored:

Laura Oakes, Member, Board of Directors
Shirley Nakawatase, Chair, Board of Directors
Carlos Flores, Executive Director

I appreciate your consideration of my request. Please contact me if you any questions.

Sincerely,



Carlos Flores
Executive Director

c: SDICDSI Board of Directors

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APRIL 13, 2021

**AGENDA ITEM 9
INFORMATION ITEM**

**EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

Council Meeting Standards and Goals

At the February 23rd Executive Committee meeting, members received chairperson training from our national organization. This training included important information on chairperson responsibilities and broke down Councilmember responsibilities into three categories: 1) Duty of Care; 2) Duty of Loyalty; and 3) Duty of Obedience.

The goal of this agenda item is to build off of that training by identifying standards and best practices across Council and Committee meetings that promote robust and respectful debate, while ensuring that agenda items be acted upon in a timely and Council mission-focused fashion. Committee members will have the opportunity for group discussion and collaboration on this topic.

APRIL 13, 2021

**AGENDA ITEM 10
INFORMATION ITEM**

**EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

Executive Director Report

Executive Director Aaron Carruthers will provide Committee members with a report regarding recent Council activities and upcoming goals.

Attachments

None

APRIL 13, 2021

**AGENDA ITEM 11
INFORMATION ITEM**

**EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

SCDD Budget Update

Deputy Director of Administration Douglas Sale will provide Committee members with an update on the Council's budget. Members will review information regarding the current SCDD budget and discuss options for the Council's unallocated funds. Deputy Director Sale will review the budget details for consideration.

Attachments:

- 1 – Budget Cover Page
- 2 – February Budget Projections
- 3 – Fiscal Year 2020-2021 Council Budget
- 4 – Fiscal Year 2021-2022 Council Budget
- 5 – Fiscal Year 2021-2022 Description of Line Item Changes (Increases and Decreases)



SFY 20/21 Budget Update Cover Page

The package before the Committee includes the following items:

1. The budget expenditures through February 2021 (March data not yet available). We will provide the full 3rd Quarter report at the next meeting. As a reminder, on May 12, 2020, the Council approved the SFY 2020/21 BSG budget.
2. The SFY 2021/22 Operating Budget for consideration by the full Council.

BSG Highlights

Personal Services

- We are 1.6% under budget and expect to finish the year under budget.
- Vacancy rate is 15% with 3 of 7 vacancies in the process of being filled.

Operating Expense and Equipment (OE&E)

- We are 19.3% under budget and expected to finish the year well under budget.
- In-State Travel is extremely minimal due to the pandemic.
- Information Technology shows overspent because of Fi\$Cal charge code changes. This was discussed at the 3/23 Council Meeting.

Community Development Program Grants (Cycle Grants)

- Staff is researching the (\$150,393) negative expenditure with Accounting.

Unallocated Funds

- These reallocation funds are projected to be unspent.

Year End Projection

- We are currently 7.2% under budget (\$540,000) and expect to finish the year well under budget.

QA Highlights

- Personal Services are on track to be fully charged for the year.
- OE&E is significantly under charged but this is expected to normalize as the contracted interviewers are paid for the surveys they completed.

CRA/VAS Highlights

- Personal Services are on track to be under charged due to the closure of Sonoma and Fairview Developmental Centers.
- OE&E is on track to be under charged for the year also due to the closure of Sonoma and Fairview Developmental Centers.



State Council on Developmental Disabilities

Based on State Fiscal Year

July 1 through June 30

Updated 3/24/21

Council Report for FY 20-21

Expenditure through February-21

FEDERAL GRANT (BSG)	BSG	Annual	Monthly	Year-To-Date	Balance	Positions
		Grant Award	Expenditure	Expenditure		
	Personal Services & Benefits	\$ 5,513,000	\$ 408,644	\$ 3,283,964	\$ 2,229,036	# Positions 46
	Operating Expenses	\$ 1,757,100	\$ 77,579	\$ 680,457	\$ 1,076,643	# Vacancies 7
	Program Development Grants	\$ 240,000	\$ 9,382	\$ -150,393	\$ 390,393	
	Unallocated Funds	\$ 369,774	\$ -	\$ -	\$ 369,774	
	Total	\$ 7,510,100	\$ -	\$ 3,814,028	\$ 3,696,072	Vacancy % 15%

QUALITY ASSESSMENT (QA)	QA	Annual	Monthly	Year-To-Date	Balance	Positions
		Grant Award	Expenditure	Expenditure		
	Personal Services & Benefits	\$ 2,060,000	\$ 138,046	\$ 1,207,058	\$ 852,942	# Positions 18
	Operating Expenses	\$ 1,538,000	\$ 67,106	\$ 270,672	\$ 1,267,328	# Vacancies 3
	Total	\$ 3,598,000	\$ 205,152	\$ 1,477,730	\$ 2,120,270	Vacancy % 17%

Client's Rights Advocates/Voluntary	CRA/VAS	Annual	Monthly	Year-To-Date	Balance	Positions
		Budget	Expenditure	Expenditure		
	Personal Services & Benefits	\$ 1,368,000	\$ 94,053	\$ 752,683	\$ 615,317	# Positions 12
	Operating Expenses	\$ 472,000	\$ 19,674	\$ 133,148	\$ 338,852	# Vacancies 3
	Total	\$ 1,840,000	\$ 113,727	\$ 885,831	\$ 954,169	Vacancy % 25%

Total	
# Positions	76
# Vacancies	13
Vacancy %	17%



State Council on Developmental Disabilities
Council Report for FY 20-21

February-21

FEDERAL GRANT (BSG)	Budgeted Base	Current Month Expenditure	YTD Expenditure	Remaining Balance	Remaining Percentage
PERSONAL SERVICES (PS & PB)					
Salaries & Wages w/ Benefits	5,513,000	408,644	3,283,964	2,229,036	40.4%
OPERATING EXPENSE (OE&E)					
General Expense (Meeting/Conf)	75,000	986	27,223	47,777	63.7%
Printing	45,000	-	8,850	36,150	80.3%
Communications	100,000	1,115	23,847	76,153	76.2%
Postage	20,000	206	4,082	15,918	79.6%
Travel-in-State :	335,000	1,583	25,522	309,478	92.4%
Out-of-State Travel	20,000	-	(10)	20,010	100.1%
Training (Tuition and Registration)	25,000	6,700	10,879	14,121	56.5%
Facilities Operations (Rent)	600,000	49,545	342,580	257,420	42.9%
Facilities Plng/Maint. & Utilities	6,000	959	3,786	2,214	36.9%
Interdepartmental Services	411,000	304	51,342	359,658	87.5%
External Contract Services	75,000	47	11,271	63,729	85.0%
Information Technology (Computer, Software)	15,000	20,885	184,349	(169,349)	-1129.0%
SWCAP	25,000	-	-	25,000	100.0%
Other Items/ Client Services	5,000	(4,850)	(13,363)	18,363	367.3%
Subtotal OE&E	1,757,000	486,124	680,457	1,076,642	61.3%
PROGRAM DEVELOPMENT GRANTS	240,000	9,382	(150,393)	390,393	162.7%
UNALLOCATED FUNDS	369,774	-	-	369,774	100.0%
TOTAL	7,510,000	495,506	3,814,028	3,696,071	49.2%

Quality Assessment (QA)	Budgeted Base	Current Month Expenditure	YTD Expenditure	Remaining Balance	Remaining Percentage
PERSONAL SERVICES (PS & PB)					
Salaries & Wages w/ Benefits	2,060,000	138,046	1,207,058	852,942	41.4%
OPERATING EXPENSE (OE&E)					
General Expense (Meeting/Conf)	21,000	-	7,569	13,431	64.0%
Printing	45,000	-	6,289	38,711	86.0%
Communications	30,000	78	12,000	18,000	60.0%
Postage	23,000	-	3,420	19,580	85.1%
Travel-in-State :	40,000	157	1,030	38,970	97.4%
Training (Tuition and Registration)	3,000	-	-	3,000	100.0%
Facilities Operations (Rent)	255,000	27,610	163,240	91,760	36.0%
Facilities Plng/Maint. & Utilities	2,000	466	2,737	(737)	-36.9%
Interdepartmental Services	174,000	-	17,032	156,968	90.2%
External Contract Services	1,000	-	1,693	(693)	-69.3%
Data Processing (Software, Supplies & Misc.)	15,000	8,070	14,813	187	1.2%
Other Items/ Client Services	929,000	30,725	40,849	888,151	95.6%
Subtotal OE&E	1,538,000	67,106	270,672	1,267,328	82.4%
TOTAL	3,598,000	205,152	1,477,730	2,120,270	58.9%

Clients' Rights Advocates/Volunteer Advocacy Services (CRA/VAS)	Budgeted Base	Current Month Expenditure	YTD Expenditure	Remaining Balance	Remaining Percentage
PERSONAL SERVICES (PS & PB)					
Salaries & Wages w/ Benefits	1,368,000	94,053	752,683	615,317	45.0%
OPERATING EXPENSE (OE&E)					
General Expense (Meeting/Conf)	75,000	-	1,147	73,853	98.5%
Printing	9,000	-	2,244	6,756	75.1%
Communications	25,000	-	4,614	20,386	81.5%
Postage	14,000	-	289	13,711	97.9%
Travel-in-State :	64,000	-	1,831	62,169	97.1%
Training (Tuition and Registration)	1,000	-	-	1,000	100.0%
Facilities Operations (Rent)	24,000	5,280	36,166	(12,166)	-50.7%
Interdepartmental Services	134,000	-	3,354	130,646	97.5%
External Contract Services	17,000	-	-	17,000	100.0%
Data Processing (Software, Supplies & Misc.)	18,000	5,423	8,559	9,441	52.4%
Other Items/ Client Services	91,000	8,971	61,266	29,734	32.7%
Subtotal OE&E	472,000	19,674	133,148	352,530	74.7%
TOTAL	1,840,000	113,727	885,831	954,169	51.9%

State Council on Developmental Disabilities
State Council Budgeted Base
Fiscal Year 2020/21 Budget

Categories	Basic State Grant (BSG)	Client's Rights Advocates/ Volunteer Advocacy	Quality Assessment	TOTAL
	Federal Grant	State Reimbursement	State Reimbursement	
<u>1. Personal Services</u>				
Net Salaries & Wages	\$3,569,000	\$927,000	\$1,393,000	\$5,889,000
Temporary Help / Honorarium	\$87,000	\$0	\$0	\$87,000
Worker's Compensation	\$55,000	\$5,000	\$5,000	\$65,000
Staff Benefits	\$1,802,000	\$436,000	\$661,000	\$2,917,000
Total Personal Services	<u>\$5,513,000</u>	<u>\$1,368,000</u>	<u>\$2,060,000</u>	<u>\$8,941,000</u>
<u>2. Operating Expense and Equipment</u>				
General Expense	\$75,000	\$75,000	\$21,000	\$171,000
Printing	\$45,000	\$9,000	\$45,000	\$99,000
Communications	\$100,000	\$25,000	\$30,000	\$155,000
Postage	\$20,000	\$14,000	\$23,000	\$57,000
Travel In-State	\$335,000	\$64,000	\$40,000	\$439,000
Travel Out-of-State	\$20,000	\$0	\$0	\$20,000
Training (Tuition & Registration)	\$25,000	\$15,000	\$3,000	\$43,000
Facilities Operations (Rent)	\$600,000	\$24,000	\$255,000	\$879,000
Utilities	\$6,000	\$0	\$2,000	\$8,000
Interdepartmental Services	\$411,000	\$134,000	\$174,000	\$719,000
External Contract Services	\$75,000	\$3,000	\$1,000	\$79,000
Data Processing (Software, licenses, etc.)	\$15,000	\$18,000	\$15,000	\$48,000
Statewide Cost Allocation Plan (SWCAP)	\$25,000	\$0	\$0	\$25,000
Other Items of Expense	<u>\$5,000</u>	<u>\$91,000</u>	<u>\$929,000</u>	<u>\$1,025,000</u>
Total Operating Expense and Equipment	<u>\$1,757,000</u>	<u>\$472,000</u>	<u>\$1,538,000</u>	<u>\$3,767,000</u>
3. Community Program Development Grants	<u>\$240,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$240,000</u>
4. Total Council Budget (1 + 2 + 3)	<u>\$7,510,000</u>	<u>\$1,840,000</u>	<u>\$3,598,000</u>	<u>\$12,948,000</u>
5. Total <i>Estimated*</i> Basic State Grant Award	<u>\$7,521,523</u>			
6. Reallotment Award Received 8/10/2020 - Unallocated	<u>\$369,774</u>			
7. Total <i>Estimated</i> BSG Award + Reallotment Award	<u>\$7,891,297</u>			
8. Difference between Total Council Budget and <i>Estimated</i> Basic State Grant Award + Reallotment Award	<u>\$381,297</u>			
9. Prior Year's Unexpended Balance as of December 31, 2020	<u>\$941,000</u>			

* FFY 20 amount. Still waiting for final FFY 21 allotment from ACL.

State Council on Developmental Disabilities
State Council Budgeted Base
State Fiscal Year 2021-22 Budget

Categories	Basic State Grant (BSG)	Client's Rights Advocates/ Volunteer Advocacy	Quality Assessment	TOTAL
	Federal Grant	State Reimbursement	State Reimbursement	
<u>1. Personal Services</u>				
Net Salaries & Wages	\$3,748,000	\$927,000	\$1,393,000	\$6,068,000
Temporary Help / Honorarium	\$87,000	\$0	\$0	\$87,000
Worker's Compensation	\$55,000	\$5,000	\$3,000	\$63,000
Staff Benefits	\$1,938,000	\$436,000	\$664,000	\$3,038,000
Less 5% Salary Savings From Vacancies	<u>(\$291,000)</u>			
Total Personal Services	<u>\$5,537,000</u>	<u>\$1,368,000</u>	<u>\$2,060,000</u>	<u>\$9,256,000</u>
<u>2. Operating Expense and Equipment</u>				
General Expense	\$75,000	\$5,000	\$45,000	\$125,000
Printing	\$45,000	\$9,000	\$50,000	\$104,000
Communications	\$100,000	\$10,000	\$30,000	\$140,000
Postage	\$20,000	\$1,000	\$46,000	\$67,000
Travel In-State	\$300,000	\$32,000	\$70,000	\$402,000
Travel Out-of-State	\$20,000	\$0	\$0	\$20,000
Training (Tuition & Registration)	\$35,000	\$15,000	\$6,000	\$46,000
Facilities Operations (Rent)	\$600,000	\$24,000	\$268,000	\$892,000
Utilities	\$6,000	\$0	\$2,000	\$8,000
Interdepartmental Services	\$225,000	\$134,000	\$174,000	\$533,000
External Contract Services	\$250,000	\$3,000	\$200,000	\$453,000
Information Technology	\$465,000	\$45,000	\$60,000	\$570,000
Statewide Cost Allocation Plan (SWCAP)	\$25,000	\$0	\$0	\$25,000
Other Items of Expense	\$5,000	<u>\$91,000</u>	<u>\$0</u>	<u>\$96,000</u>
Less Previously Approved One-Time Projects	<u>(\$325,000)</u>			
Total Operating Expense and Equipment	<u>\$1,846,000</u>	<u>\$369,000</u>	<u>\$951,000</u>	<u>\$3,156,000</u>
3. Community Grants	<u>\$260,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$260,000</u>
4. Total Council Budget (1 + 2 + 3)	<u>\$7,643,000</u>	<u>\$1,737,000</u>	<u>\$3,011,000</u>	<u>\$12,391,000</u>
5. Total Basic State Grant Award	<u>\$7,708,000</u>			
6. Difference between Total Council Budget and Basic State Grant Award	<u>\$65,000</u>			
7. Cash Reserve	<u>\$1,750,000</u>			
8. Estimated Unexpended Funds Available for the Council to Spend	<u>\$445,000</u>			

FFY 2021 BSG Award received 2/23/2021.

State Council on Developmental Disabilities
Draft Fiscal Year 2021/22 BSG Budget
Description of Line Item Changes

The draft State Fiscal Year (SFY) 2021/22 BSG budget would increase \$414,000 from \$7,510,000 to \$7,924,000. This document describes the proposed changes to specific line items in the preliminary SFY 2021/22 budget from the SFY 2020/21 budget.

Net Salaries and Wages

This line item is projected to increase \$235,000 from \$3,513,000 to \$3,748,000. This includes the Basic State Grant (BSG) share of the proposed termination of the 9.23% Personal Leave Program to all employees on July 1, 2021 and 5% merit salary adjustments for staff not at the top salary step.

Temporary Help/Honorarium

This line item is projected to remain unchanged from the previous year and covers honoraria payments to Council members.

Staff Benefits

This line item is projected to increase \$136,000 from \$1,802,000 to \$1,938,000 due to a collectively bargained increase of \$3,120 per employee per year for employer paid healthcare premiums and contributions to retiree health care benefits.

General Expense

This line item is projected to remain unchanged from the previous year and includes:

- NACDD and other association dues and subscriptions
- Office Equipment and Furniture purchase and repair
- Meeting rooms and audio/visual services for in-person Council & committee meetings

Printing

This line item is projected to remain unchanged from the previous year and includes:

- Copier maintenance in all offices
- Pamphlets, brochures, business cards, etc.
- Copy paper

Communications

This line item is projected to remain unchanged from the previous year and includes:

- \$60,000 annual legislation, policy and communications budget to implement a comprehensive statewide communications plan
- Land line and mobile telephones devices and usage, Zoom licenses, overnight delivery services (FedEx)

Postage

This line item is projected to remain unchanged from the previous year and includes:

- Postage meter rental, repair and supplies
- Postage permits, stamps, etc.

Travel In-State

This line item is projected to decrease \$30,000 from the previous year to \$300,000 due to a permanent reduction in post-pandemic travel for Council/committee members and SCDD staff by

utilizing videoconference technology for meetings and dissemination of trainings and other State Plan activities. Travel includes:

- Commercial airfare
- Train fare
- Overnight lodging
- Meals
- Private car mileage and Enterprise rental car charges
- Public transit, taxi, Uber, Lyft, shuttle, etc.

Travel Out of State

This line item is projected to remain unchanged from the previous year and includes Governor-approved out-of-state trips for required meetings with the Administration on Community Living, NACDD and other DD Act partners as required as part of our Basic Support Grant.

Training

This line item is projected to increase \$10,000 from the previous year to \$35,000 and includes:

- Tuition and registration for all required and job-related skills development and leadership development training to rank and file and managerial staff
- Contract with CalHR and external trainers for staff training and development

Facilities Operations

This line item is projected to remain unchanged from the previous year and includes:

- Rents/leases for SCDD offices
- DGS planning and lease management services
- Janitorial services
- Security/alarm services

Utilities

This line item is projected to remain unchanged from the previous year and includes electricity, gas, water, sewer and garbage disposal for SCDD offices where utilities are not included in the rent/lease.

Interdepartmental Services

This line item is projected to decrease \$186,000 from the previous year to \$225,000 due to the redirection of IT expenditures to the Information Technology line item and includes:

- \$175,000 annual contract with the Department of Social Services for administrative support services
- Contracts with other state agencies for their services (State Treasurer, State Controller, Attorney General, CalHR, etc.)
- Audit charges for SCDD audits by control agencies (State Auditor, State Personnel Board, Department of General Services, Department of Finance, etc.)

External Contract Services

This line item is projected to increase \$175,000 from the previous year to \$250,000 to fund the following one-time IT projects previously approved by the Council:

- \$25,000 Website redesign project approved March 2019
- \$75,000 Online training portal project approved July 2020
- \$75,000 Regional Center service codes portal project approved July 2020

This line item also includes:

- Interpreting, translation, and captioning services

- Personal services and consultant services contracts (meeting facilitators, presenters, etc.)

Information Technology

This line item is projected to increase \$450,000 from the previous year to \$465,000 due to changes in expense coding of CDT data line charges from Interdepartmental Services to this line item and includes:

- \$115,000 annual CDT website hosting and data line charges for all SCDD offices
- \$50,000 purchase of computers, monitors, printers, copiers, etc. per the 5-year equipment refresh schedule
- \$100,000 annual license for the Qualtrics data management product
- \$50,000 annual software purchase and renewal (Windows Operating System, Office 365, Adobe, etc.)
- \$150,000 One-time firewall and switch project for the regional offices

SWCAP

This line item represents SCDD's share of state administrative overhead and is statutorily capped at \$25,000.

Other Items of Expense

This line item is projected to remain unchanged from the previous year and represents expenses that do not fall under any of the above categories.

Community Program Development Grants

This line item is projected at \$260,000 for statewide grants.

APRIL 13, 2021

**AGENDA ITEM 11
INFORMATION ITEM**

**EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

Next Meeting Date and Adjournment

The next meeting of the Executive Committee will be on June 24, 2021.