NOTICE/AGENDA

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
EXECUTIVE COMMITTEE MEETING

This is a teleconference and zoom meeting only. There is no physical location being made available to the public per Government Code Section 11133. Therefore, 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

MEETING ID: 861 1941 7715
PASSCODE: 886433
JOIN BY TELECONFERENCE: (VOICE ONLY)
CALL IN NUMBER: (888)-475-4499 or (877)-853-5257
MEETING ID: 861 1941 7715

DATE: August 19, 2022
TIME: 10:30 AM – 3:00 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 to provide comments and/or present information to this body on matters not listed on the agenda. There will be up to 20 minutes allocated to hear from the public with each person allotted up to 3 minutes to comment.

Additionally, there will be up to 10 minutes allocated to hear from the public on each agenda item, with each person allotted up to 1 minute to comment.

Item 5. **APPROVAL OF JUNE 2022 MINUTES**

All

Item 6. **CONFLICT OF INTEREST WAIVER REQUESTS**

*Brian Weisel, Legal Counsel*

A. Jacqueline Armstrong, Board Member, Alta CA Regional Center
B. William Battles, Board Member, Far Northern Regional Center
C. Gordon Cardona, Board Member, Harbor Regional Center
D. Mariana Murillo, Board Member, Tri-Counties Regional Center
E. Norma Puga, Board Member, Tri-Counties Regional Center

Item 7. **SCDD BUDGET UPDATE**

*Aaron Carruthers, Executive Director and Ken DaRosa, Chief Deputy Director*

A. Recommendations for One Time Unexpended Funds for Staff Supports

Item 8. **EXECUTIVE DIRECTOR REPORT**

Aaron Carruthers, Executive Director

Item 9. **CYCLE 45 GRANTS**

*State Plan Committee (SPC) Chair, Kilolo Brodie and Rihanna Ahmad, State Plan & Self-Advocacy Manager*

Item 10. **ESTABLISH SLATE FOR NOMINATING COMMITTEE**

Aaron Carruthers, Executive Director

Item 11. **CLOSED SESSION: PERSONNEL**

Pursuant to Government Code Section 1126(a)(1), the Council will have a closed session to determine the evaluation of a public employee.

Item 12. **RECONVENE OPEN SESSION**

Pursuant to Government Code Section 11126.3 (f), there will be an announcement of any publicly reportable actions taken during closed session.
The next meeting of the Executive Committee will be on October 27.

Accessibility:
Pursuant to Government Code Sections 11123.1 and 11125(f), 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 Yaritza Sanchez at (916)-207-2856 or yaritza.sanchez@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.
AGENDA ITEM 4.
INFORMATION ITEM
EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Public Comment

This item is for members of the public to provide comments and/or present information to this body on matters not listed on the agenda. There will be up to 20 minutes allocated to hear from the public with each person allotted up to 3 minutes to comment.

Additionally, there will be up to 10 minutes allocated to hear from the public on each agenda item, with each person allotted up to 1 minute to comment.
AGENDA ITEM 5.
ACTION ITEM

EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Approval of June 2022 Minutes

The draft minutes from the June 21, 2022 Executive Committee meeting have been included in the packet for review. Committee members will vote on whether to approve the minutes.

Attachment
June 2022 Executive Committee Meeting Minutes

Action Recommended
Approve the June 2022 minutes.
DRAFT
Executive Committee Meeting Minutes
June 21, 2022

Members Attending
Lee Bycel, Chair (FA)
Nicole Adler (SA)
Kilolo Brodie (FA)
Harold Fujita (FA)
Kara Ponton (SA)
Wesley Witherspoon (SA)

Members Absent
Julie Austin (FA)
Maria Marquez (SA)

Others Attending
Rihana Ahmad
Aaron Carruthers
Ken DaRosa
Riana Hardin
Bridget Kolakosky
Robin Maitino-Erben
Tania Morawiec
Charles Nguyen
Yaritza Sanchez
Victoria Schlussler
Doug Sale
Brian Weisel

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.

4. PUBLIC COMMENTS
   There was no public comment on this item.

5. APPROVAL OF THE APRIL 2022 MEETING MINUTES
   Action 1
   It was moved/seconded (Witherspoon [S.A.]/Ponton [S.A.]) and carried to approve the April 2022 meeting minutes as presented. (Passed by roll call, see page one for list of members present.)
6. SPONSORSHIP REQUESTS
Chief Deputy Director Ken DaRosa presented three sponsorship requests for
the Committee’s consideration.

The first request for $1,200 was from the Special Needs Resource Foundation
of San Diego. If approved, the requested funding would be used to offset the
costs for the signage and advertising for their 5th Annual All-Inclusive Day of
Play and Resource Fair. They were awarded a sponsorship from SCDD in
2020 and 2021 for this event.

The second request for $1,500 was from the California Sibling Leadership
Network. If approved, the requested funding would be used to offset the costs
for the speakers of their National Siblings Day Celebration – Sibs in Media.

The third request for $1,200 was from the MIND (Medical Investigation of
Neurodevelopmental Disorders) Institute. If approved, the requested funding
would be used to offset the costs of translation for their virtual MIND Institute
on Neurodevelopmental Disabilities. They were awarded a sponsorship in the
amount of $999 from SCDD for their event in August 2021.

Action 2
It was moved/seconded (Ponton [S.A.]/Brodie [F.A.]) and carried to approve
the Special Needs Resource Foundation of San Diego, California Sibling
Leadership Network, and the MIND Institute sponsorship requests in the
amounts requested. (Passed by roll call, see page one for list of members
present.)

7. CONFLICT OF INTEREST WAIVER REQUESTS
Legal Counsel Brian Weisel presented five conflict of interest waiver requests
for the Committee’s consideration. There were two new requests (Nilo
Choudhry and Rocio Sigala) and three renewal requests (Ana Quiles, Shawna
Hall, and Jose Ayala). Detailed conflict of interest mitigation plans for each
individual’s request were provided in the meeting packet.

Action 3
It was moved/seconded (Brodie [F.A.]/Fujita [F.A.]) and carried to approve the
conflict of interest waiver requests from Ana Quiles (North Los Angeles County
Regional Center), Shawna Hall (Tri-Counties Regional Center), Jose Ayala
(North Bay Regional Center), Nilo Choudhry (Westside Regional Center) and
Rocio Sigala (North Los Angeles County Regional Center). (Passed by roll call,
8. **EMPLOYMENT FIRST COMMITTEE ANNUAL REPORT**

Committee members heard a presentation from Council Chair Wesley Witherspoon and Deputy Director of Regional Office Operations Tania Morawiec.

Chair Witherspoon and Deputy Director Morawiec explained the process for developing the 2021 Employment First Committee (EFC) report and shared highlights which largely focused on areas of achievement, progress, and areas needing more attention. Subjects of emphasis included the impact of COVID-19 on employment, employment data trends, policy changes impacting the implementation of competitive integrated employment (CIE), the CIE blueprint for change, legislative efforts in employment for 2020, and local, state and national implementation of the Employment First policy. The report also highlighted paid internships and added important resources to the appendix. Appendix additions include CIE blueprint resources, career research resources, social security work incentive resources, savings plan incentive resources, national resources, CCEPD best practices, SSI, SSDI, and Medi-Cal information and support resources. Additionally, Deputy Director Morawiec provided a more detailed description of the recommendations being put forth to the Legislature for Employment First in California. The full presentation can be accessed at [https://scdd.ca.gov/executive_committee/](https://scdd.ca.gov/executive_committee/). The final report is due to the Legislature by July 2022. Members engaged in a question-and-answer discussion with SCDD staff before voting to approve the report.

**Action 4**

It was moved/seconded (Fujita [F.A.]/Ponton [S.A.]) and carried to approve the 2021 Employment First Committee Annual Report pending the completion of the Executive Summary and COVID sections. (Passed by roll call, see page one for list of members present.)

9. **EXECUTIVE DIRECTOR EVALUATION PROCESS**

Executive Committee Chair Lee Bycel presented the recommended process and timeline for the 2022 Executive Director Evaluation.

Chair Bycel stated that the process had been streamlined and was proposing that, once adopted, the process and timeline be used annually. The process includes the Executive Director completing a self-evaluation report by July 1st, Councilmembers completing a survey based on the Executive Director Duty Statement, and a third-party to collect and tabulate the results. Currently, the
Health and Human Services Agency serves as the third party as one of its contributions as SCDD’s statutorily-named Designated State Agency. The third party will provide the Executive Committee Chair a summary of the Councilmembers’ survey responses, which the Executive Committee will use to discuss and make recommendations. The Executive Committee will then bring these recommendations to the Council for review and adoption.

Also, Chair Bycel addressed questions from Committee members regarding staff input, stating that civil servants have many mechanisms that address management concerns, including Whistleblower, Governor’s Office, Human Resources, SCDD Legal Counsel, Department of Fair Employment, etc. Chair Bycel also detailed the state and federal barriers to Councilmembers considering staff input as part of the evaluation. Therefore, there would not be a staff survey component in the evaluation. However, Chair Bycel underscored the importance of staff surveys to the Executive Director. He also described recent annual staff “climate surveys”, how they had been used to make operational changes, and previewed a version to be conducted independent of the evaluation.

**Action 5**

It was moved/seconded (Brodie [F.A.]/Witherspoon [S.A.]) and carried to adopt the standard ED Evaluation Process, Survey and Timeline. (Passed by roll call, see page one for list of members present.)

10. **SCDD BUDGET UPDATE**

Chair Bycel announced a change to the agenda order and moved the SCDD budget update to Item 10. Chief Deputy Director Ken DaRosa presented an update on the State Council’s budget within the current fiscal year (2021-2022). He reported that the State Council’s budget was in good standing. About 16% of the personal services budget and 35% of the operating expenses and equipment budget will be available for the remaining months of the fiscal year. Even with potential increases due to one-time payments from retiring employees, the budget will remain in good shape.

11. **EXECUTIVE DIRECTOR REPORT**

Executive Director Aaron Carruthers provided Committee members with a report on recent Council activities and priorities, which included an update on the cycle 45 grants, the legislative package, COVID tests/vaccines, outreach, and administrative items.
The Executive Director provided an update on the Cycle 45 grant process, reporting that SCDD did not receive any viable applications that met funding requirements. To solicit additional responses, staff will consolidate the 14 Requests for Proposals (RFP) descriptions and re-release them for statewide consideration, increasing the available funding amount to $260,000.

He then provided an update on the Council’s “Access and Inclusion” bill package. SB 1092 (Hurtado) and AB 1663 (Maienschein) will be heard on June 21st. The Legislature did not fund AB 2547 (Nazarian & Wicks) in the budget, so the coalition is considering trying again next year. Assembly Appropriations Committee held AB 2920 (Arambula) in their suspense file so this bill will not be moving forward this year.

Executive Director Carruthers also provided an update on SB 639. The SB 639 Workgroup submitted a budget request to the Legislature in April for $3 million to ensure the transition out of sub-minimum wage is successful. The Legislature did not fund any of the recommendations in the budget. However, the funding recommendations will be included with the final report to the Legislature in January.

Vaccine and Public Health Coordinator Tamica Foots-Rachal partnered with stakeholders to bring resources and vaccines to people that are still hesitant about getting vaccinated. About 3,000 people attended the vaccine clinics and 1,700 people were vaccinated. Staff member Foots-Rachal is also surveying the community to learn about the reasons behind the hesitation to get vaccinated. Through SCDD’s partnership with the Governor’s Office of Emergency Services, 354,000 COVID tests were ordered and distributed.

Also, the Executive Director discussed upcoming outreach opportunities that include: attending the 2022 National Association of Councils on Developmental Disabilities (NACDD) meeting in Washington DC with Council Chair Witherspoon, running for Vice President of the National Association, interview with KPFA to discuss California as a state model employer, meeting with San Diego Gas and Electric employees to teach about accessibility and what it means to be a person with disabilities in the workplace, and more.

Executive Director Carruthers continues to work with the Governor’s office on Council appointments and reappointments. In addition, he reported that SCDD is still working on recruitment of the Legislative Analyst, North State Regional Manager, and a Personnel Officer. He concluded his report by welcoming Anne De Medeiros as the new manager for the Sacramento Regional Office and
announced that Peter Mendoza was feeling much better and officially back to work.

12. **ADJOURNMENT AND NEXT MEETING DATE**
    The next Executive Committee meeting will be held on August 23, 2022. Meeting adjourned at 1:57 P.M.
AUGUST 19, 2022

AGENDA ITEM 6.
ACTION ITEM

EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Conflict of Interest Waiver Requests

Legal Counsel Brian Weisel will present conflict of interest waiver requests from the following members:

A. Jacqueline Armstrong, Board Member, Alta California Regional Center
B. William Battles, Board Member, Far Northern Regional Center
C. Gordon Cardona, Board Member, Harbor Regional Center
D. Mariana Murillo, Board Member, Tri-Counties Regional Center
E. Norma Puga, Board Member, Tri-Counties Regional Center

Committee members will vote on whether to approve these requests.

Attachment(s)
Staff analysis details and conflict of interest mitigation plans for Regional Center Board Members Jacqueline Armstrong, William Battles, Gordon Cardona, Mariana Murillo, and Norma Puga.

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. 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. 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.

Jacqueline Armstrong, Board Member, Alta California Regional Center: Jacqueline Armstrong is a governing board member of the Alta California Regional Center (ACRC) Board of Directors.

Information regarding the ACRC Board’s recruitment and appointment process is available at https://www.altaregional.org/board-directors

Ms. Armstrong has a potential conflict with her Board position at ACRC. Ms. Armstrong is an ACRC client. Ms. Armstrong also works 12 hours per week as an administrative assistant for Progressive Employment Concepts since March 2022. Progressive Employment Concepts is an entity from which ACRC purchases consumer services. Ms. Armstrong does not have any financial interest in or decision-making authority related to her employment by Progressive Employment Concepts. This is the first time this Conflict of Interest Waiver has been presented to the Council.

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1 Welf. & Inst. Code § 4626, subd. (l).
2 Welf. & Inst. Code § 4628.
DISCUSSION:

**Conflict of Interest**: Department of Developmental Services (DDS) Regulation\(^3\) 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. Armstrong’s conflict of interest arises because she is an employee of a vendor of ACRC. To address and mitigate the conflict, ACRC submitted the following Conflict of Interest Resolution Plan (Plan):

1. Ms. Armstrong will not participate in any discussion or vote on any matter involving Progressive Employment Concepts.

2. ACRC’s Board of Directors and ACRC’s Executive Management staff will be informed of this Conflict Resolution Plan and will be informed of the need to ensure that as a Board member, Ms. Armstrong does not participate in any discussion or vote on any matter relating to Progressive Employment Concepts.

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\(^3\) DDS’ current regulations are published at California Code of Regulations, title 17, § 50201 et seq.
3. Ms. Armstrong would disclose the existence and nature of the conflict of interest to ACRC’s Board and have it noted in the Board records.

4. ACRC’s Board President and members are responsible for ensuring Ms. Armstrong complies with Welfare and Institutions Code section 4622(k)(2).

5. ACRC’s Board President and 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 Ms. Armstrong’s position at Progressive Employment Concepts. Accordingly, staff recommends approval of Ms. Armstrong’s waiver request.

**STAFF RECOMMENDATION:** Approve Ms. Armstrong’s waiver request.

**ATTACHMENT:** Ms. Armstrong’s COI reporting statement and Plan.

**PREPARED BY:** Legal Counsel Brian Weisel – July 29, 2022.
May 26, 2022

Nancy Bargmann, Director
Department of Developmental Services
P.O. Box 944202
Sacramento, CA 94244-2020

Re: Request for Approval of Conflict Resolution Plan – Jacqueline Armstrong

Dear Ms. Bargmann,

This letter is to present a request by the Board of Directors of Alta California Regional Center (ACRC) and Lori Banales, ACRC’s Executive Director, pursuant to Section 54533 of Title 17, California Code of Regulations, for approval of its Conflict Resolution Plan regarding a potential conflict of interest for ACRC Board member Jacqueline Armstrong.

Enclosed please find the following as part of the request:

1. A copy of Ms. Armstrong’s Conflict of Interest Reporting Statement;

2. A Summary of Law and Regulation Relating to Governing Board Conflicts of Interest;

3. A Request for Approval of Proposed Conflict Resolution Plan; and


This Request and supporting documentation are also being served upon the Sacramento Regional Office of the State Council on Developmental Disabilities as required by Title 17.

Thank you for considering this request. We look forward to hearing from you soon in this regard.

Sincerely,

Lori Banales
Executive Director
Enclosures

cc: State Council on Developmental Disabilities
Summary of Law and Regulation
Relating to Governing Board Member Conflicts of Interest

Welfare and Institutions Code section 4626 sets forth the prohibition against Regional Center governing board members having a conflict of interest.

Welfare and Institutions Code section 4626(b)(3) provides: "(b) In order to prevent potential conflicts of interest, a member of a governing board or member of the program policy committee of a regional center shall not be any of the following: ... (3) Except as otherwise provided in subdivision (h) of Section 4622, an employee or member of the governing board of any entity from which the regional center purchases consumer services.

Welfare and Institutions Code section 4626(k) provides that "If a potential or present conflict of interest is identified for a regional center employee that cannot be eliminated, the regional center shall, within 30 days of receipt of the statement, submit to the department a copy of the conflict-of-interest statement and a plan that proposes mitigation measures, including timeframes and actions the regional center or the employee, or both, will take to mitigate the conflict of interest."

California Code of Regulations, Title 17, Section 50300, contains the Department’s conflict of interest code.

California Code of Regulations, Title 17, Section 54000, et seq., sets forth the standards and procedures regarding regional center conflicts of interest.

California Code of Regulations, Title 17, Section 54525, provides: "(a) The regional center governing board or executive director shall not allow the regional center to refer a consumer to any business entity, entity or provider in which a board member or executive director has a conflict of interest as set forth in these regulations, unless the board member or executive direction has eliminated the conflict of interest or obtained an approved Conflict Resolution Plan prior to the referral. (b) No regional center governing board member or executive director who has a conflict of interest shall continue to serve as a board member or executive director in violation of these provisions, unless the individual has eliminated the conflict of interest or obtained an approved Conflict Resolution Plan. This subdivision does not apply to the extent it is permitted by Welfare and Institutions Code sections 4622 and 4626.

California Code of Regulations, Title 17, Section 54533, describes the procedure for obtaining an approved Conflict Resolution Plan.
Request for Approval of Conflict Resolution Plan

ACRC respectfully requests the Department approve the enclosed Conflict Resolution Plan to allow Ms. Armstrong to continue in her role as a member of ACRC’s Board of Directors should the Department determine that Ms. Armstrong has a potential or present conflict of interest for the following reasons:

1. Ms. Armstrong is an ACRC client.

2. Ms. Armstrong was elected to ACRC’s Board of Directors on January 28, 2021.

3. Ms. Armstrong’s Board membership helps meet the requirements of W&I Code section 4622(c) and (e).

4. Ms. Armstrong works 12½ hours per week as an administrative assistant for Progressive Employment Concepts; she has been employed there since March 2, 2022. Progressive Employment Concepts is an entity from which ACRC purchases consumer services; and

5. Ms. Armstrong does not have any financial interest in or decision-making authority related to her employment by Progressive Employment Concepts.
Proposed Conflict Resolution Plan

ACRC’s proposal to resolve this potential or present conflict of interest is as follows:

1. As a governing ACRC Board member, Ms. Armstrong will not participate in any discussion or vote on any matter involving Progressive Employment Concepts.

2. ACRC’s Board of Directors and ACRC’s Executive Management staff will be informed of this Conflict Resolution Plan and will be informed of the need to ensure that as a Board member, Ms. Armstrong does not participate in any discussion or vote on any matter relating to Progressive Employment Concepts.

3. ACRC’s Board of Directors has been informed of and has approved the submission of this Proposed Conflict Resolution Plan.

4. ACRC’s Board of Directors will be responsible for ensuring that the provisions contained in this Conflict Resolution Plan are applied and monitored.

I have reviewed the above document and attest to its accuracy and truthfulness.

I will follow the plan as described.

Jacqueline Armstrong

5/26/2022
COUNCIL AGENDA ITEM DETAIL SHEET

ISSUE: Regional Center Conflict of Interest (COI) - RENEWAL

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. 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.

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 Battles, Board Member, Far Northern Regional Center:
William Battles is a member of the Board of Directors of the Far Northern Regional Center (FNRC). Mr. Battles is employed on a part time basis as a peer instructor for the We Care A Lot Foundation, a FNRC vendor that provides employment services to FNRC consumers. Mr. Battles works approximately 10 hours per week for We Care A Lot.

The FNRC Board of Directors has a public member recruitment and appointment process which is subject to public review and engagement. FNRC recruits perspective board members by advertising their recruitment efforts within the agency, with their community partners, and using public forums, i.e. community meetings/networks/county coordinating councils, websites and E-Blast notifications. Where there are County Coordinating Councils, the Councils make recommendations to the County Board of Supervisors who make the actual appointment. For Counties without a County Coordinating Council, final appointments are decided by the membership committee of the FNRC Board of Directors which completes the appointment process.

A previous waiver submitted by Mr. Battles was approved by the Council at its Executive Committee meeting in October 2020.

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1 Welf. & Inst. Code § 4626, subd. (l).
2 Welf. & Inst. Code § 4628.
DISCUSSION:

Conflict of Interest: Department of Developmental Services (DDS) Regulation 3 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.

Mr. Battles conflict of interest arises because he is employed on a part-time basis for a FNRC employment service provider. 4 To address the conflict, Mr. Battles submitted the following Conflict of Interest Resolution Plan (Plan):

1. Mr. Battles will not make any recommendation, participate in any decision or vote on any contract regarding We Care A Lot Foundation.
2. Should issues involving FNRC’s contract with We Care A Lot Foundation arise during the course of a FNRC Board meeting, Mr. Battles will excuse himself from the meeting room;
3. Mr. Battles will not access any files kept by FNRC relating to We Care A Lot Foundation;

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. Mr. Battles will not participate individually, or as part of a group, in the preparation, presentation, formulation, or approval or reports, plans, policies, analyses, opinions or recommendations pertaining to We Care A Lot Foundation.

**W&I Code Section 4622 Requirements:** In addition to the requirements of Regulation 54520, Welfare and Institutions Code Section 4622(k) says that a member of a board who is also an employee of a regional center provider shall not:

1. Serve as an officer of the board;

2. Vote on any fiscal matter affecting the purchase of services from any regional center provider;

3. Vote on any issue in which the member has a financial interest under Government Code Section 87103 and determined by the regional center board.

The proposed Plan appears to mitigate concerns over a conflict of interest that could result based upon Mr. Battles’ part-time employment with a FNRC employment service provider. The prior Plan submitted by Mr. Battles that was approved by the Council contained the same provisions to address the potential conflict. Furthermore, Welfare & Institutions Code section 4262(c) provides that a person with a developmental disability who receives employment services through a regional center provider shall not be precluded from serving on the regional center’s board based solely on receipt of employment services. Accordingly, the staff recommendation is to approve Mr. Battles’ waiver request.

**STAFF RECOMMENDATION:** Reapprove Mr. Battles’ waiver request on the condition that he also comply with the requirements of Welfare & Institutions Code § 4622(k).

**ATTACHMENT:** Mr. Battles’ COI reporting statement and Plan.

**PREPARED BY:** Brian Weisel – Legal Counsel, August 5, 2022.
July 28, 2022

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

Attention: Aaron Carruthers, Executive Director

Re: Conflict of Interest, FNCC Board Member, William Battles

Dear Mr. Carruthers:

Enclosed, please find the following documents regarding the potential Conflict of Interest of FNRC/FNCC Board Member, William Battles:

- Request for Waiver of Potential Conflict of Interest
- Proposed Conflict of Interest Resolution Plan
- Conflict of Interest Reporting Statement

These documents have been sent to the Department of Developmental Services for review.

Thank you for your consideration in this matter.

Sincerely,

Shelly Wickle
Executive Assistant

Enclosures

cc: Alma Janssen, Department of Developmental Services
    FNCC Executive Committee
    William Battles
June 24, 2022

James Ford  
Regional Center Operations Section  
Department of Developmental Services  
1600 Ninth Street, Room 320 (MS 3-9)  
Sacramento, CA 95814

Re: Request for Waiver of Potential Conflict of Interest -  
FNCC Board Member William Battles

Dear Mr. Ford:

FNCC Board member William Battles has disclosed a potential conflict of interest under California Code of Regulations, Title 7, sections 54500, et seq. He is requesting a conflict waiver.

Mr. Battles serves on the Board of Directors as a consumer representative for People First. In his annual Conflict of Interest Reporting Statement for 2021-22, he disclosed that he works approximately 25 hours per week for We Care A Lot Foundation. These hours are divided between the Abuse Prevention Program (10), RSAP (10) and the SAY Program (5).

Under Welfare and Institutions Code section 4626(c): "A person with a developmental disability who receives employment services through a regional center provider shall not be precluded from serving on the governing board of a regional center based solely upon receipt of these employment services. Aside from his employment with We Care A Lot, Mr. Battles has not disclosed any other potential conflict.

As a FNCC Board member, Mr. Battles has not had the opportunity or authority to approve any contract with We Care A Lot. However, in light of the potential conflict of interest raised by his employment, Mr. Battles has prepared a plan to avoid or mitigate an actual conflict of interest. (See proposed conflict resolution plan, attached).

The Board Chairperson, with support from the remaining Board members, will be responsible for ensuring that the conditions stated in the plan are applied.
This letter, with its attachments, serves as a Request for Waiver as prescribed by California Code of Regulations, Title 7, section 54533.

Please contact Executive Director Melissa Gruhler if you have any questions concerning this matter.

Thank you for your assistance.

Sincerely,

MELISSA GRUHLER
Executive Director

DEBORAH ANDERSON
Chairperson, FNCC Board of Directors

Encls: Conflict of Interest Reporting Statement - William Battles

Proposed Conflict of Interest Resolution Plan - William Battles

cc: State Council on Developmental Disabilities
FNCC Executive Committee
William Battles
June 24, 2022

Board of Directors and  
Melissa Gruhler, Executive Director  
Far Northern Regional Center  
P.O. Box 492418  
Redding, CA 96049-2418

Re: Proposed Conflict of Interest Resolution Plan  
Board of Directors Member William Battles

TO THE BOARD OF DIRECTORS AND EXECUTIVE DIRECTOR OF FAR NORTHERN REGIONAL CENTER:

I am a member of Far Northern Regional Center’s Board of Directors, a consumer representative for People First.

On May 20, 2022 I have completed my annual Conflict of interest Reporting Statement for 2022-23 disclosing a potential conflict of interest I may have as a member of the Board of Directors. The purpose of this letter is to propose a plan to resolve the potential conflict, and to ask for approval of a conflict waiver.

I work approximately 25 hours per week for We Care A Lot Foundation, a FNRC service provider. This includes 10 hours for the Abuse Prevention program, 10 hours for RSAP and 5 hours for the SAY program.

Welfare and Institutions Code section 4626(c) provides: "A person with a developmental disability who receives employment services through a regional center provider shall not be precluded from serving on the governing board of a regional center based solely upon receipt of these employment services."

Aside from my employment with We Care A Foundation, I do not have any other involvement that would present a possible conflict.

However, under the circumstances, there may be situations when a conflict of interest could come up. As a result, I have prepared a plan to avoid any actual conflict:

1. As a member of FNRC’s Board of Directors I will not make any recommendation, participate in any discussion or vote on any contract regarding We Care A Lot Foundation;
2. Should these issues arise during the course of a FNRC Board of Directors’ meeting, I will excuse myself from the room;
3. I will not access any files kept by FNRC relating to We Care A Lot Foundation;
4. I will not participate individually, or as part of a group, in the preparation, presentation, formulation or approval of plans, policies, analyses, or recommendations pertaining to We Care A Lot Foundation.

I believe that this plan will resolve or mitigate any potential conflict of interest.

Thank you for your assistance,

WILLIAM BATTLES
Member, FNRC Board of Directors
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. 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.

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.

Gordon Cardona, Board Member, Harbor Regional Center:
Gordon Cardona is a member of the Board of Directors of the Harbor Regional Center (HRC). Mr. Cardona is an individual with a disability who receives regional services. Mr. Cardona is also employed at David's Place LLC, a therapeutic community integration training program vended by HRC. Mr. Cardona's job title at David's Place is "Independent Living Skills Activities Coordinator Assistant".

This is the first time the Executive Committee has reviewed Mr. Cardona's proposed Conflict of Interest Waiver.

1 Welf. & Inst. Code § 4626, subd. (l).
2 Welf. & Inst. Code § 4628.
DISCUSSION:

**Conflict of Interest**: Department of Developmental Services (DDS) Regulation\(^3\) 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.

Mr. Cardona conflict of interest arises because he is employed at an HRC vendor.\(^4\) To address the conflict, Mr. Cardona submitted the following Conflict of Interest Resolution Plan (Plan), summarized below:

1. Mr. Cardona will not make any recommendation, participate in any decision or vote on any contract regarding David’s Place.
2. Should issues involving HRC’s contract with David’s Place arise during the course of a HRC Board meeting, Mr. Cardona will excuse himself from the meeting room;
3. Mr. Cardona will not access any files kept by HRC relating to David’s Place;

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\(^3\) 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. Mr. Cardona will not participate individually, or as part of a group, in the preparation, presentation, formulation, or approval or reports, plans, policies, analyses, opinions or recommendations pertaining to David’s Place.

5. The HRC Board of Trustees has been informed about this Plan of Action, and has been informed of the need to ensure that Mr. Cardona has no involvement in any action involving or affecting David's Place or any competitor service provider.

6. HRC has received approval from its Board of Trustees regarding this waiver.

**W&I Code Section 4622 Requirements:** In addition to the requirements of Regulation 54520, Welfare and Institutions Code Section 4622(k) says that a member of a board who is also an employee of a regional center provider shall not:

1. Serve as an officer of the board;
2. Vote on any fiscal matter affecting the purchase of services from any regional center provider;
3. Vote on any issue in which the member has a financial interest under Government Code Section 87103 and determined by the regional center board.

The proposed Plan appears to mitigate concerns over a conflict of interest that could result based upon Mr. Cardona’s employment with an HRC vendor. Accordingly, the staff recommendation is to approve Mr. Cardona’s waiver request.

**STAFF RECOMMENDATION:** Reapprove Mr. Cardona’s waiver request.

**ATTACHMENT:** Mr. Cardona’s COI reporting statement and Plan.

**PREPARED BY:** Brian Weisel – Legal Counsel, August 5, 2022.
I. **Law Governing Conflicts of Interest**

The prohibition against regional center governing board member conflicts of interest has its origin in section 4626 of the Welfare & Institutions Code, subsection (d), which provides: “The department shall ensure that no regional center employee or board member has a conflict of interest with an entity that receives regional center funding. . . .”

That general prohibition is explained in more detail in Title 17, section 54520, of the California Code of Regulations, entitled “Positions Creating Conflicts of Interests for Regional Center Governing Board Members and Executive Directors,” which provides, in pertinent part, as follows:

(a) A conflict of interest exists when a **regional center governing board member** . . . is any of the following for a business entity, entity, or provider as defined in section 54505 of these regulations . . .:

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 policymaking authority.

(Emphasis added.)

Title 17, section 54505, of the California Code of Regulations defines “Business Entity, Entity or Provider” to mean “any individual, business venture, or state or local government entity from whom or from which the regional center purchases, obtains or secures goods or services to conduct its operations. . . .”

Furthermore, Title 17, section 54533, subdivision (a), of the California Code of Regulations states:

(a) When a present or potential conflict of interest is identified for a regional center board member, . . . the present or potential conflict shall be either eliminated or
mitigated and managed through a Conflict Resolution Plan, or the individual shall resign his or his position with the regional center or regional center governing board.

II. Conflict of Gordon Cardona

Gordon Cardona, an individual who has a developmental disability and receives regional center services from Harbor Regional Center (hereinafter “HRC” or “the Regional Center”), was appointed as a member of the HRC Board of Trustees on March 15, 2022. HRC’s Executive Director, Patrick Ruppe, confirms that Mr. Cardona was a good selection for the Board of Trustees, and is expected to be a valued member of the Board of Trustees. Attached as Exhibit A is Mr. Cardona’s completed Conflict of Interest Reporting Statement.

Mr. Cardona is presently employed by David’s Place LLC (“David’s Place”), (Vendor #PH2208), a therapeutic community integration training program (Service Code #055), vendored by HRC. Mr. Cardona’s job title at David’s Place is “Independent Living Skills Activities Coordinator Assistant”.

The fact that Mr. Cardona is employed by David’s Place, a vendor of HRC, creates a direct conflict of interest for Mr. Cardona. This document constitutes a disclosure of this conflict, a Conflict Resolution Plan to eliminate any adverse consequences from this relationship, and a request for approval of the Conflict Resolution Plan by the State Council on Developmental Disabilities (“SCDD”) and the Department of Developmental Services (“DDS”).

III. Facts

The Plan proposed herein is designed to eliminate any adverse consequences from the conflict. To better understand how the Plan will eliminate any adverse consequences, this Plan will first provide the facts regarding Mr. Cardona’s duties and responsibilities as a Board member and Mr. Cardona’s work with David’s Place.

A. Mr. Cardona’s Duties as Board Member

As a Board Member, Mr. Cardona will regularly meet with other HRC Board members to create policy for the operation of the regional center. Policy is developed through recommendations from Board Committees and the Executive Director. Direct operation of HRC is delegated to the Executive Director, who is hired by the Board. HRC staff recommendations for policy initiation or modification either go to the Executive Director, who, in turn, refers them to the Board and/or an appropriate Board Committee, as necessary, or go directly to the Board and/or appropriate Board Committee, as necessary.

Mr. Cardona’s primary duties as a Board member are as follows:

1. Attendance at meetings of the Board of Trustees and the meetings of any Committee on which he may serve in the future. Board meetings are typically held at least quarterly, and are presently being held remotely via Zoom. Board and Committee meetings were held at the main HRC office, located at 21231 Hawthorne Blvd, Torrance, CA 90503, prior to the
start of the pandemic in March 2020. The Board is in the process of examining hybrid options for Board and Committee meetings.

2. Because regional center operations are funded by DDS, pursuant to HRC’s contract with DDS, each member of the Board of Trustees is required to identify any potential conflict of interest as set forth in Welfare and Institutions Code sections 4626 and 4627 and their implementing regulations.

3. A part of a Board member’s responsibility requires him or her to be an informed and active participant on the Board, voting on issues and approving regional center contracts of over $250,000. HRC does not have a direct contract with David’s Place for its community integration training program services; rather services are purchased by way of individual Purchase of Service (POS) authorizations.

Under the suggested Plan of Action, Mr. Cardona will remain in his Board position, but will be regulated so that he has no role or involvement with any matter that would impact David’s Place or any service provider which provides the same services as David’s Place.

B. Mr. Cardona’s Duties at David’s Place

Mr. Cardona’s job duties at David’s Place include, but are not limited to the following:

1. Develop groups and activities based on participants’ needs and abilities;
2. Organize community outings;
3. Co-facilitate therapeutic group activities; and
4. Assist leadership team in administrative, operational and marketing tasks.

Mr. Cardona receives payment for fulfilling these duties at David’s Place.

IV. Conflict Resolution Plan

HRC and its Executive Director, Patrick Ruppe, have concluded that Mr. Cardona will provide substantial value to the Board of HRC. After consideration of the totality of the circumstances and a careful review of the facts, the Executive Director believes it is in the best interests of HRC to create and implement a Conflict Resolution Plan to eliminate any adverse consequences from this relationship and to seek approval of this Plan by SCDD and DDS.

The first step in the Conflict Resolution Plan is to allow Mr. Cardona to remain in his position on the Board of Trustees, but to prohibit him from taking action that might impact David’s Place or other service providers offering the same services as David’s Place, which services include, but are not limited to, a therapeutic community integration training program. This will eliminate any instance in which Mr. Cardona would have to vote, or take action for or against David’s Place, and would eliminate any possible action by Mr. Cardona to make recommendations concerning David’s Place or to affect any of its competitors.

The second part of the Plan is to insulate Mr. Cardona from any action regarding David’s Place or any of its competitors. He would recuse himself from participation in any
decision or vote regarding the drafting, planning, or discussion of rules, policies, or restrictions that would impact David’s Place or its competitors. Any duties that potentially relate to David’s Place or its competitors, or generic policies applicable to such vendor/s, represent a small portion of the valuable duties Mr. Cardona performs on behalf of HRC, and these duties can be easily be delegated to other HRC Board members.

HRC and Mr. Cardona’s suggested Conflict Resolution Plan for this conflict of interest is as follows:

1. Mr. Cardona will take no action as a Board member (or as a member of any Committee on which he may serve in the future) on any matter that would impact David’s Place or any competitor service provider, and, specifically, he will recuse himself from any vote or decision on any matter that would impact David’s Place or any competitor service provider, unless the action, vote or decision would apply to all HRC service providers equally.

2. Mr. Cardona will not participate in the vote to approve any report, plan, opinion, recommendation or action regarding David’s Place or any competitor service provider or any actions creating policy or approaches that would impact David’s Place or any competitor service provider, unless the actions would apply to all HRC service providers equally.

3. Mr. Cardona will not participate in referrals or placement for David’s Place or any competitor service provider. For any client served by David’s Place or any competitor service provider, he will not participate in any review or discussion of any client’s service issues brought to the attention of the Board; rather, such tasks will be addressed by other Board Members or HRC employees.

4. Mr. Cardona will not participate in any decisions about Purchase of Service (POS) authorizations for David’s Place or any competitor service providers.

5. Mr. Cardona will not participate in the preparation, consideration, or any follow-up related to Special Incident Reports from or about David’s Place or any competitor service providers.

6. Mr. Cardona will not create or review any corrective action plan for David’s Place or any competitor service providers.

7. Mr. Cardona will not participate in any action or resolution of any complaint pertaining to David’s Place or any competitor service providers.

8. Mr. Cardona will take no part in discussions regarding negotiations, vendor appeals, hearings or mediations involving David’s Place or any competitor service providers.

9. Mr. Cardona will not access vendor files, either in electronic or hard copy form, which the regional center maintains about David’s Place or any competitor service provider.

10. Mr. Cardona shall not participate in in any discussions, recommendations or decisions regarding the development/approval of purchase of service (POS) policies or any other policies that may apply to David’s Place or any competitor service providers, unless the
discussions, recommendations or decisions would apply to all HRC service providers equally. Instead, these tasks will be the responsibility of the other Board Members.

11. Mr. Cardona will not be involved in the approval by HRC of any course of action involving David’s Place or any competitor service provider.

12. Mr. Cardona will refrain from promoting David’s Place to other Board members or HRC staff.

13. Mr. Cardona will not discuss HRC Board issues or share HRC Board discussions with management or staff at David’s Place.

14. The HRC Board of Trustees has been informed about this Plan of Action, and has been informed of the need to ensure that Mr. Cardona has no involvement in any action involving or affecting David’s Place or any competitor service provider.

15. HRC has received approval from its Board of Trustees regarding this waiver.

16. These restrictions only apply to David’s Place and policies impacting David’s Place and any competitor service providers. The bulk of Mr. Cardona’s Board duties will remain unchanged, unless the Board work would impact David’s Place or any competitor service provider, unless the work would apply to all HRC service providers equally. This amounts to a reassignment of a small portion of Mr. Cardona’s duties and will not reduce the value and productivity that Mr. Cardona is expected to provide to the HRC Board.

17. Finally, HRC will also ensure that David’s Place is informed of this Plan to ensure that there is no expectation that Mr. Cardona, in his role as Board member, can take part in action that impact David’s Place or any competitor service provider, unless the action would apply to all HRC service providers equally.

Furthermore, as part of Mr. Cardona’s on-boarding, Mr. Cardona will be trained on all aspects of Board governance and on his role as a Board member.

HRC’s Executive Director, Patrick Ruppe, and HRC’s Board President, Chris Patay, will be responsible for ensuring this Plan and its safeguards are applied and monitored.

V. Request Approval of Conflict Resolution Plan

For the reasons provided above, and in accordance with the Conflict Resolution Plan set forth above, HRC hereby requests that SCDD and DDS approve the Conflict Resolution Plan in this matter.

Respectfully submitted,

Gordon Cardona

Gordon Cardona, Board Member

Date

Apr. 19, 2022

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We approve of this Waiver Request for Gordon Cardona:

State Council on Developmental Disabilities

By: ________________________________ , SCDD

Date: ________________________________

We approve of this Waiver Request for Gordon Cardona:

Department of Developmental Services

By: ________________________________, DDS

Date: ________________________________
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.

Mariana Murillo, Board Member, Tri-Counties Regional Center:
Mariana Murillo is a family-advocate who was appointed as a member of the Board of Directors of Tri-Counties Regional Center (TCRC) in May of 2022. Ms. Murillo works for Alpha Resource Center of Santa Barbara, which receives funding through TCRC. Her job duties include linking up families to local services, including information, trainings, and workshops in Due Process/FAPE hearings, SSI benefits, IHSS and Peer-to-peer support.

TCRC has a public member recruitment and appointment process which is subject to public review and engagement. Candidates for the TCRC board may be recommended by organizations representing individuals with developmental disabilities and/or their family members, service providers, the general public or self-referral.

This is the first time Mariana Murillo has proposed a Conflict of Interest Waiver to the Executive Committee.

1 Welf. & Inst. Code § 4626, subd. (l).
2 Welf. & Inst. Code § 4628.
DISCUSSION:

**Conflict of Interest**: Department of Developmental Services (DDS) Regulation\(^3\) 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. Murillo’s conflict of interest arises because she is employed by an organization receiving TCRC funds to provide information and services to TCRC clients.\(^4\) To address the conflict, Ms. Murillo submitted the following Conflict of Interest Resolution Plan (Plan):

1. Ms. Murillo shall not involve herself in any business dealings with Alpha Resource Center.
2. Ms. Murillo shall recuse herself from voting on any Board matters involving decisions specifically involving Alpha Resource Center, including voting and contract reviews.
3. Ms. Murillo is not to allow any decisions she makes in the course of her duties as a Board member to be influenced by the fact that she is employed by Alpha Resource Center.

\(^3\) 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. If such an occasion did occur, Ms. Murillo understands she is to remove herself from any decision making involving Alpha Resource Center.

5. Ms. Murillo shall not participate either individually, or as part of a group, in the presentation, preparation, formulation or approval of reports, plans, policies, analyses, or opinions regarding Alpha Resource Center.

6. The TCRC Board President and Executive Director shall ensure that all confidential matters related to the status of Alpha Resource Center will not be discussed with Ms. Murillo and will be responsible for ensuring this Plan and its safeguards are applied and monitored.

It should be noted that unlike many of our conflict waiver requests, Ms. Murillo not only works for a vendor with TCRC, but provides information and services about other services related to TCRC through her employment. Regional office staff inquired further about this potential conflict, and HRC though its Executive Director noted that:

Alpha is a vendor of TCRC, but they also operate the SB County Family Resource Center for us and that's where Mariana and Norma [another COI waiver request] work. They're both parents. So, they're not the same as regular DSP's. Additionally, we've struggled for a decade to find Latinos to serve on the Board and DDS has imposed a lot of pressure on TCRC to correct this ASAP.

We don't have any other Board members who work for Alpha. They are both fully aware of the scope of work involved in being board members and have committed to being on the board and have stated on the COI resolution plan that they would recuse themselves from participating or voting in matters related to Alpha.

The proposed Plan appears to mitigate concerns over a conflict of interest that could result based upon Ms. Murillo’s employment with a TCRC vendor. Furthermore, Ms. Murillo’s membership on the HRC Board appears to help HRC meet the composition requirements set forth in W&I Code section 4622. Accordingly, staff recommends approval of this waiver request.
STAFF RECOMMENDATION: Approve Ms. Murillo’s waiver request.

ATTACHMENT: Ms. Murillo’s COI reporting statement and Plan.

PREPARED BY: Legal Counsel Brian Weisel – August 8, 2022.
Tri-Counties Regional Center
Conflict Resolution Plan

Objective: The proposed Conflict Resolution Plan shall be a written, detailed plan to eliminate, or mitigate and manage, the present or potential conflict of interest, along with any necessary supporting documents.

The following is the Conflict Resolution Plan for a Board member of Tri-Counties Regional Center (TCRC). TCRC’s responses to the regulatory components of the conflict resolution plan are in bold below. Any questions regarding this plan are to be directed to Michael Nagel, TCRC Director of Human Resources and Organizational Development, at 805-884-7217.

Date: June 9, 2022

Name of Board member: Mariana Murillo

Title: TCADD Board member

Potential conflict as stated by the Board member: Mariana currently serves on the TCADD Board. Mariana also currently works for a vendor of TCRC, Alpha Resource Center of Santa Barbara, who receives POS funding from TCRC.

The proposed Conflict Resolution Plan shall contain the following:

1. Describe the precise nature of the present or potential conflict of interest or activity and give a detailed description of the conflict:
   A. The type of interest creating the present or potential conflict; and

The potential conflict of interest is created by Mariana’s position on the TCADD Board and her employment relationship with a vendor of TCRC.

B. The identity and relationship between the individual(s) and/or entity(ies) involved; and

Mariana is the employee of a TCRC vendor.

C. The roles and duties of each individual and/or entity, that gives rise to the present or potential conflict of interest.
Mariana holds a TCADD Board position and holds a Child/and Family Advocate position to provide child and family advocacy services for Alpha Resource Center for over 21 years. As a Board member, Mariana votes on Board matters including contracts over $250k.

(2) State the action(s) that the regional center governing board, regional center and/or the individual(s) will take, including the necessary timeframes, to eliminate or mitigate and manage the present or potential conflict of interest. Actions to eliminate, or mitigate and manage, the present or potential conflict of interest, may include, but are not limited to, one or more of the following:

(A) Resignation of the individual(s) from the position or activity creating the conflict of interest

(B) Refraining from participation, or limiting the individual’s ability to act, in a particular matter or category of matters

(C) Change of assignment, duties, or position

(D) Divestiture of financial interests that give rise to the conflict of interest

(E) Terminating or refraining from relationships that give rise to conflicts of interest

Mariana understands and TCRC has made it clear, that she is not to involve herself in any business dealings involving Alpha Resource Center. Also, it is understood by the TCADD Board President, Mark Wolfe, and the TCRC Executive Director, Omar Noorzad, that Mariana is not to be involved in any potential business dealings involving Alpha Resource Center. Mariana understands she is to recuse herself from voting on any Board matters involving any decisions specifically involving Alpha Resource Center including voting, contract reviews, etc. of their services.

Mariana is not involved in the individual selection of vendors who will work with TCRC. Mariana understands she is not to allow any decisions she makes in the course of her duties as a Board member to be influenced by the fact that she is employed with a vendor of TCRC. If such an occasion did occur, she understands she is to remove herself from any decision making involving this vendor. She shall not participate either individually or as part of a group, in the presentation, preparation, formulation or approval of reports, plans, policies, analysis, or opinions regarding Alpha Resource Center.

(3) Provide a detailed explanation of how each of the proposed actions, will actually eliminate or mitigate and manage the present or potential conflict of interest.

The actions described above will eliminate or mitigate any present or potential conflict of interest as Mariana’s actions are visible by the TCADD Board President and TCRC Executive Director.

(4) Provide the name, position and duties of the individual(s) who will be responsible for ensuring that any actions, limitations, or restrictions, included in the Conflict Resolution Plan, if
approved by the Department, will be taken, applied, followed, and monitored. Explain any oversight and monitoring mechanism in enough detail to allow the Department to ascertain that the mechanism is sufficient to eliminate, or mitigate and manage, the present or potential conflict of interest.

The TCADD Board President and the TCRC Executive Director ensure that all confidential matters related to the status of Alpha Resource Center will not be discussed with Mariana. The TCADD Board President and TCRC Executive Director will be responsible for ensuring the plan and its safeguards are applied and monitored.

(5) A proposed Conflict Resolution Plan shall be signed by the individual(s) subject to the Conflict Resolution Plan, in addition to the person in the designated position or committee responsible for reviewing the Conflict of Interest Reporting Statement, and the person in the designated position or committee responsible for monitoring performance under the proposed Plan, if approved.
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. 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.

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.

Norma Puga, Board Member, Tri-Counties Regional Center: Norma Puga is a family-advocate who was appointed as a member of the Board of Directors of Tri-Counties Regional Center (TCRC) in May of 2022. Ms. Puga works for Alpha Resource Center of Santa Barbara, which receives funding through TCRC. Her job duties include linking up families to local services, including information, trainings, and workshops in Due Process/FAPE hearings, SSI benefits, IHSS and Peer-to-peer support.

TCRC has a public member recruitment and appointment process which is subject to public review and engagement. Candidates for the TCRC board may be recommended by organizations representing individuals with developmental disabilities and/or their family members, service providers, the general public or self-referral.

This is the first time Norma Puga has proposed a Conflict of Interest Waiver to the Executive Committee.

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1 Welf. & Inst. Code § 4626, subd. (l).
2 Welf. & Inst. Code § 4628.
DISCUSSION:

**Conflict of Interest:** Department of Developmental Services (DDS) Regulation\(^3\) 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. Puga’s conflict of interest arises because she is employed by an organization receiving TCRC funds to provide information and services to TCRC clients.\(^4\) To address the conflict, Ms. Puga submitted the following Conflict of Interest Resolution Plan (Plan):

1. Ms. Puga shall not involve herself in any business dealings with Alpha Resource Center.
2. Ms. Puga shall recuse herself from voting on any Board matters involving decisions specifically involving Alpha Resource Center, including voting and contract reviews.
3. Ms. Puga is not to allow any decisions she makes in the course of her duties as a Board member to be influenced by the fact that she is employed by Alpha Resource Center.

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\(^3\) 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. If such an occasion did occur, Ms. Puga understands she is to remove herself from any decision making involving Alpha Resource Center.

5. Ms. Puga shall not participate either individually, or as part of a group, in the presentation, preparation, formulation or approval of reports, plans, policies, analyses, or opinions regarding Alpha Resource Center.

6. The TCRC Board President and Executive Director shall ensure that all confidential matters related to the status of Alpha Resource Center will not be discussed with Ms. Puga and will be responsible for ensuring this Plan and its safeguards are applied and monitored.

It should be noted that unlike many of our conflict waiver requests, Ms. Puga not only works for a vendor with TCRC, but provides information and services about other services related to TCRC through her employment. Regional office staff inquired further about this potential conflict, and HRC though its Executive Director noted that:

Alpha is a vendor of TCRC, but they also operate the SB County Family Resource Center for us and that’s where Mariana [another COI waiver request] and Norma work. They’re both parents. So, they’re not the same as regular DSP’s. Additionally, we’ve struggled for a decade to find Latinos to serve on the Board and DDS has imposed a lot of pressure on TCRC to correct this ASAP.

We don’t have any other Board members who work for Alpha. They are both fully aware of the scope of work involved in being board members and have committed to being on the board and have stated on the COI resolution plan that they would recuse themselves from participating or voting in matters related to Alpha.

The proposed Plan appears to mitigate concerns over a conflict of interest that could result based upon Ms. Puga’s employment with a TCRC vendor. Furthermore, Ms. Puga’s membership on the HRC Board appears to help HRC meet the composition requirements set forth in W&I Code section 4622. Accordingly, staff recommends approval of this waiver request.
STAFF RECOMMENDATION: Approve Ms. Puga’s waiver request.

ATTACHMENT: Ms. Puga’s COI reporting statement and Plan.

PREPARED BY: Legal Counsel Brian Weisel – August 8, 2022.
Tri-Counties Regional Center
Conflict Resolution Plan

Objective: The proposed Conflict Resolution Plan shall be a written, detailed plan to eliminate, or mitigate and manage, the present or potential conflict of interest, along with any necessary supporting documents.

The following is the Conflict Resolution Plan for a Board member of Tri-Counties Regional Center (TCRC). TCRC’s responses to the regulatory components of the conflict resolution plan are in bold below. Any questions regarding this plan are to be directed to Michael Nagel, TCRC Director of Human Resources and Organizational Development, at 805-884-7217.

Date: June 9, 2022
Name of Board member: Norma Puga
Title: TCADD Board member

Potential conflict as stated by the Board member: Norma currently serves on the TCADD Board and is served by TCRC. Norma also currently works as a Resource Coordinator for a vendor of TCRC, Alpha Resource Center of Santa Barbara, who receives POS funding from TCRC.

The proposed Conflict Resolution Plan shall contain the following:

(1) Describe the precise nature of the present or potential conflict of interest or activity and give a detailed description of the conflict:
(A) The type of interest creating the present or potential conflict; and

The potential conflict of interest is created by Norma’s position on the TCADD Board and her employment relationship with a vendor of TCRC.

(B) The identity and relationship between the individual(s) and/or entity(ies) involved; and

Norma is the employee of a TCRC vendor.

(C) The roles and duties of each individual and/or entity, that gives rise to the present or potential conflict of interest.
Norma holds a TCADD Board position and holds a Resource Coordinator to provide child and family advocacy services to parents in the areas of training, assistance with IEPs, SSI, IHSS, etc. for Alpha Resource Center for over 20 years. As a Board member, Norma votes on Board matters including contracts over $250k.

(2) State the action(s) that the regional center governing board, regional center and/or the individual(s) will take, including the necessary timeframes, to eliminate or mitigate and manage the present or potential conflict of interest. Actions to eliminate, or mitigate and manage, the present or potential conflict of interest, may include, but are not limited to, one or more of the following:

(A) Resignation of the individual(s) from the position or activity creating the conflict of interest

(B) Refraining from participation, or limiting the individual’s ability to act, in a particular matter or category of matters

(C) Change of assignment, duties, or position

(D) Divestiture of financial interests that give rise to the conflict of interest

(E) Terminating or refraining from relationships that give rise to conflicts of interest

Norma understands and TCRC has made it clear, that she is not to involve herself in any business dealings involving Alpha Resource Center. Also, it is understood by the TCADD Board President, Mark Wolfe, and the TCRC Executive Director, Omar Noorzad, that Norma is not to be involved in any potential business dealings involving Alpha Resource Center. Norma understands she is to recuse herself from voting on any Board matters involving any decisions specifically involving Alpha Resource Center including voting, contract reviews, etc. of their services.

Norma is not involved in the individual selection of vendors who will work with TCRC. Norma understands she is not to allow any decisions she makes in the course of her duties as a Board member to be influenced by the fact that she is employed with a vendor of TCRC. If such an occasion did occur, she understands she is to remove herself from any decision making involving this vendor. She shall not participate either individually or as part of a group, in the presentation, preparation, formulation or approval of reports, plans, policies, analysis, or opinions regarding Alpha Resource Center.

(3) Provide a detailed explanation of how each of the proposed actions, will actually eliminate or mitigate and manage the present or potential conflict of interest.

The actions described above will eliminate or mitigate any present or potential conflict of interest as Norma’s actions are visible by the TCADD Board President and TCRC Executive Director.
(4) Provide the name, position and duties of the individual(s) who will be responsible for ensuring that any actions, limitations, or restrictions, included in the Conflict Resolution Plan, if approved by the Department, will be taken, applied, followed, and monitored. Explain any oversight and monitoring mechanism in enough detail to allow the Department to ascertain that the mechanism is sufficient to eliminate, or mitigate and manage, the present or potential conflict of interest.

The TCADD Board President and the TCRC Executive Director ensure that all confidential matters related to the status of Alpha Resource Center will not be discussed with Norma. The TCADD Board President and TCRC Executive Director will be responsible for ensuring the plan and its safeguards are applied and monitored.

(5) A proposed Conflict Resolution Plan shall be signed by the individual(s) subject to the Conflict Resolution Plan, in addition to the person in the designated position or committee responsible for reviewing the Conflict of Interest Reporting Statement, and the person in the designated position or committee responsible for monitoring performance under the proposed Plan, if approved.

[Signatures and dates]
AGENDA ITEM 7.
ACTION ITEM
EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

SCDD Budget Update

Chief Deputy Director Ken DaRosa will provide Committee members with an update on the Council’s Fiscal Year (FY) 2022-2023 budget. The FY 2021-2022 budget is still being closed and will be presented at the October 2022 Executive Committee meeting.

Also, at the February 2022 Executive Committee meeting, the Committee asked the Executive Director to return to the Committee in six months with recommendations on staff support and training needs. Executive Director Aaron Carruthers will present the results of a survey of staff needs and support and the estimated costs. SCDD currently has a one-time unexpended fund of $455,000. The Committee may consider funding staff supports from this fund.

Handout(s)
Budget Narratives
June Budget Projections
Line Item Summary
Fiscal Year 2022-2023 Budget Display
Summary of Staff Training and Support Needs with Cost Estimates

Action Recommended
Approve the recommendations for one-time unexpended funds for staff support.
SCDD Executive Director Aaron Carruthers will provide Committee members with an update on recent Council activities and upcoming goals.
AGENDA ITEM 9.
ACTION ITEM
EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Cycle 45 Grants

One of the many ways the Council carries out the work of its State Plan is by awarding program development grants, also known as Cycle Grants, to community-based organizations to research, develop and/or implement innovative programs and promising or best practices throughout California and its statewide, regional and local communities.

After releasing the Cycle 45 Request for (regional) Proposals (RFP), the Council received no submissions that fully met its funding requirements. In response, the Council developed four (4) project descriptions, which integrated the previous regional requests into new models, and released a second RFP for statewide consideration, while also increasing the available funding amount to $260,000.00.

SCDD received several proposals that met its requirements. Those have now been reviewed and scored. The Council’s State Plan Committee (SPC) Chair, Kilolo Brodie, and SCDD State Plan Manager Rihana Ahmad will present the SPC’s Cycle 45 funding recommendations for the Council’s consideration and final vote.

Attachment
Cycle 45 Project Descriptions and Scoring Sheet

Handout(s)
Cycle 45 Grant Summaries
Grant Presentation to Executive Committee

Action Recommended
Approve the State Plan Committee’s Cycle 45 Grant funding recommendations and direct the Executive Director to administer the contract process.
PROGRAM DEVELOPMENT GRANT (PDG) CYCLE 45
REQUEST FOR PROPOSALS

DUE: JULY 27, 2022

The Council has a total of $260,000 available to fund Cycle 45 projects in four (4) proposed areas: Education, Employment, Health and Safety, and Housing. The Council will consider all proposal submissions and choose one (1) or more that will not exceed the full $260,000 budgeted amount. The Council understands that the final list of approved projects may not address all four (4) of the targeted topic areas.

Early Identification/Intervention and Education
(Capacity-Building/Advocacy)

The State Council on Developmental Disabilities (SCDD) is invested in ensuring that all California families and individuals with intellectual/developmental disabilities (I/DD) have access to culturally competent disability-related, early identification/intervention, educational and generic, community-based supports and services.

The Council is seeking a grantee to build capacity in families and children at risk of developing/acquiring and/or with I/DD within underserved communities who are eligible for and/or receiving developmental disability-related and/or special education (within a least restrictive environment [LRE]/appropriate setting) services. SCDD recognizes that underserved communities may include Black/African American, Asian, LatinX, [etc.], low-income, inner city and deeply rural communities, individuals and/or families who are homeless, ‘high-need,’ in foster/licensed care, bilingual or non-English-speaking, and/or those from Native/Tribal communities.

SCDD is interested in funding a project that will:

1) Provide culturally competent curriculum (e.g., developmental milestones, early intervention, FAPE rights, Lanterman Act, eligibility, due process, advocacy
options, etc.), training, referrals, information/resources, advocacy and support to tribal families of children at risk of developing/acquiring and/or with I/DD eligible for/receiving special education and/or regional center services; and/or,

2) Provide a culturally competent, plain language, standardized checklist to assist families of at-risk infants/toddlers in communicating health/developmental concerns (e.g., developmental milestone delays, behavioral issues, vision/hearing deficits, etc.) to health practitioners.

Additionally, this project must:

1) Provide families with one-to-one technical assistance (TA) and modeling of effective strategies to develop and implement culturally competent, Individualized Education Plans (IEP), Individual Family Support/Program Support Plans (IFSP/IPP) for families/children (at risk of developing/acquiring and/or with I/DD) of underserved communities eligible for/receiving special education and/or regional center services; and,

2) Produce a report that identifies real/potential barriers, best/promising practices and effective strategies in assisting underserved families to obtain timely, regional center, early identification/intervention and special education services for eligible children with I/DD in appropriate setting(s).

The project will serve as a replicable model by developing and identifying innovative, promising and/or best practices.

The project grantee will:

✓ Have knowledge about and relevant experience with early identification/intervention and/or special education (as delivered in the LRE/appropriate setting), as well as generic and regional center eligibility, program and service rights

✓ Be committed to culturally competent early identification/intervention and/or special education and regional center delivery models

For more information and to download all forms for Cycle 45, please visit our website https://scdd.ca.gov/grantinformation/

Please email all grant-related questions to Kristie Allensworth: kristie.allensworth@scdd.ca.gov

This project is supported by federal funding through the Administration for Community Living (ACL). For more details, visit: Program Development Grants | SCDD (ca.gov)
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### Employment

*(Capacity Building/Advocacy)*

The State Council on Developmental Disabilities (SCDD) is invested in ensuring that all California job seekers with intellectual and/or developmental disabilities (I/DD) have an opportunity to access quality, individualized employment discovery, preparation, placement and support.

SCDD is seeking a grantee to increase the capacity of individuals with I/DD who are experiencing under-employment, unemployment and/or an economic/pandemic-related layoff to obtain Competitive Integrated Employment (CIE).

**SCDD is interested in funding a project that will:**

1) Develop/provide curriculum, resources, training, technical assistance and skill acquisition for individuals with I/DD who are underemployed, unemployed or have been laid off as a result of the pandemic and/or economic downturn; and/or,

2) Deliver discovery model preparation work, job development, and innovative/promising/best practices in job development; and/or,

3) Provide culturally competent, I/DD-related information and technical assistance/support for employers/trade associations/unions and other entities with which the job seeker will engage; and/or,
4) Provide connections and pathways for ongoing, post-placement employment supports

The project will serve as a replicable model by developing and identifying innovative, promising and/or best practices.

**The project grantee will:**

- Have demonstrated subject matter expertise in Competitive Integrated Employment (CIE) and Customized Employment (CE)
- Have demonstrated cultural competence in the field of intellectual/developmental disabilities in culturally/economically/ethnically/geographically/linguistically diverse, underserved populations

Priority will be given to projects that focus on diverse, underserved populations of individuals populations (e.g. Black/African American, Asian, LatinX, [etc.], low-income, bilingual or non-English-speaking, inner city and deeply rural populations, homeless or in licensed/foster care settings, and/or those from Native/Tribal communities) throughout California.

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Health and Safety
(Systems Change/Capacity-Building/Advocacy)

The State Council on Developmental Disabilities (SCDD) is invested in ensuring that all California families and individuals with intellectual/developmental disabilities (I/DD) engage safely and effectively with health and/or safety-related personnel within home, licensed, institutional and/or community-based environments. SCDD is seeking a grantee to reduce service barriers and ensure the health and/or safety of people with I/DD by facilitating improvements in communication and interactions between families/people with I/DD and first responders, healthcare professionals, mental health providers and/or correctional personnel.

SCDD is interested in funding a project that will:

1) Provide I/DD-related curriculum, resources, information, in-class training and technical assistance/support for public health/safety/emergency response professionals (to include - but not be limited to - law enforcement officers/correctional personnel, emergency/911 dispatchers, fire personnel, EMS/EMT/paramedic/transport responders, emergency room/medical professionals, mental health providers, etc.); and/or,
2) Provide culturally competent health and/or safety-related plain language curriculum, resources, training, referrals, technical assistance and support to individuals/families with I/DD to identify needs, communicate concerns, and effectively and safely respond to and ask/answer appropriate questions when interacting with emergency responders, correctional personnel and/or healthcare/mental health providers; and,

Additionally, the grantee will:

1) Produce a report that identifies real/potential barriers, innovative/promising/best practices, and effective strategies to assist individuals/families with I/DD in effective interactions with first responders, healthcare professionals, mental health providers and/or correctional personnel; and/or,

2) Produce a report that identifies real/potential barriers, innovative/promising/best practices, and effective strategies for health/safety personnel who are more culturally competent in identifying health/safety-related needs and interacting effectively with individuals/families with I/DD

The project will serve as a replicable model by developing and identifying innovative, promising and/or best practices.

The project grantee will:

✓ Have demonstrated subject matter expertise in one or more of the following fields: healthcare, mental health, law enforcement, public safety/emergency response and/or and related fields

✓ Have demonstrated cultural competence in the field of intellectual/developmental disabilities

✓ Have demonstrated cultural competence in working effectively with linguistically, culturally, economically and ethnically diverse communities/people.

Priority will be given to projects that engage underserved populations (e.g., Black/African American, Asian, LatinX, [etc.], low-income, inner city and deeply rural populations, bilingual or non-English-speaking, homeless or in licensed/foster care, and/or those from Native/Tribal communities) throughout the state.

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Housing
(Capacity-Building/Advocacy)

The State Council on Developmental Disabilities (SCDD) is invested in ensuring that families and individuals with intellectual/developmental disabilities (I/DD) have the resources and knowledge to advocate for and obtain affordable, safe, accessible housing in their communities and homes of their choosing.

The Council is seeking a grantee to build the capacity of families/individuals with I/DD to engage in housing-related advocacy efforts and to understand tenant and housing rights and subsidized housing programs, obtain ILS/SLS services, and explore a variety of housing options, including home ownership.

SCDD is interested in funding a project that will:

1) Develop/provide a plain language toolkit, curriculum, information/tips, resources/materials, etc. about housing and tenants’/renters’ rights (including maintenance, evictions, Fair Housing standards, etc.), subsidized housing programs, funding options, planned/available housing options, local/regional/state policy entities associated with housing issues, etc.; and/or,
2) Deliver a combination of guidance/technical assistance (TA) and multi-modal instruction/training about housing for individuals/families with I/DD throughout the lifespan; and/or

3) Provide information and support for families/individuals with I/DD to engage in housing-related public policy advocacy efforts.

The project will serve as a replicable model by developing and identifying innovative, promising and/or best practices.

The project grantee will:

✓ Have demonstrated subject matter expertise in housing policy, availability/trends, funding sources, statewide/regional housing entities, service/support options and other housing rights-related topics

✓ Have demonstrated cultural competence in the field of intellectual/developmental disabilities

✓ Have demonstrated cultural competence in working effectively with linguistically, culturally, economically and ethnically diverse communities/people.

Priority will be given to projects that focus on culturally, ethnically, economically and linguistically diverse, underserved populations (e.g., Black/African American, Asian, LatinX, [etc.], low-income, bilingual or non-English-speaking, inner city and/or deeply rural populations, homeless or in licensed/foster care settings, and/or those from Native/Tribal communities) in urban and/or rural settings throughout the state.

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Please email all grant-related questions to Kristie Allensworth: kristie.allensworth@scdd.ca.gov

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## Proposal Evaluation Scoring Sheet

Application No.:__________  Reviewer:_________________________________

<table>
<thead>
<tr>
<th>Item/Criteria</th>
<th>Points</th>
<th>Score</th>
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<tbody>
<tr>
<td><strong>Project Description:</strong> The proposal meets the intent and need(s) identified in the proposed project (e.g. the proposal thoroughly addresses the issue), and it applies research-based practices (e.g. best or promising practices) in the design and implementation</td>
<td>10</td>
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<td><strong>State Plan:</strong> The proposal meets or advances the State Plan’s Goal(s) and/or Objective(s), including activities in advocacy, systems change and/or capacity-building</td>
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<td><strong>Target population:</strong> The proposal clearly/appropriately identifies its target population(s)</td>
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<td><strong>Evaluation &amp; Reporting:</strong> The proposal provides a clear and sound evaluation plan (includes data collection, program assessment and outcome analysis) as part of its bi-monthly and final reporting process</td>
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<td><strong>Deliverable(s)/Output(s):</strong> The proposal describes specific deliverables (e.g. curriculum, materials, resources, etc.)</td>
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<td><strong>Methodology:</strong> The proposal clearly identifies its method(s) to achieve intended outcomes</td>
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<td><strong>Outcomes:</strong> The proposal’s outcomes are designed to clearly identify, measure and explain how it will meet the intent of the proposed project</td>
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<td><strong>Impact:</strong> The proposal is designed to impact and change lives in meaningful, significant, and/or sustainable ways (e.g. addresses an important need in community)</td>
<td>63</td>
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<td><strong>Diversity/Disparities:</strong> The proposal identifies how it will address/impact historically under-served and/or other under-represented, marginalized and (e.g. ethnically, racially, culturally, linguistically, economically, etc.) diverse communities</td>
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<td><strong>Budget:</strong> The proposed budget meets the requirements of the RFP, and is detailed and reasonable to accomplish all elements of the proposal</td>
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<td><strong>Knowledge &amp; Experience:</strong> The proposer has demonstrated experience, knowledge, and potential to accomplish all elements of the proposal</td>
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<td><strong>Innovation &amp; Creativity:</strong> The proposal identifies and applies innovative and promising practices in its design and implementation and builds on evidence based best practice(s)</td>
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**TOTAL SCORE:**

A maximum of 120 points may be awarded by each member of the review team.

Minimum Score A minimum score of seventy-five percent (75%) is required to be considered for an award of a grant contract.

Rounding of Scores: Decimal point scores shall be rounded up to the nearest whole number. (For example: 20.54 will become 21).

Tiebreaker: In the event of a tie, the Scoring Panel will break the tie by awarding the contract to the proposal with the highest score in the State Plan category. If scores in that category are the same, the tie will be broken by the highest score in the Methodology category. If those scores are the same, the tie will be broken by the highest score in the Administration category.
AGENDA ITEM 10.
ACTION ITEM

EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Establish Slate For Nominating Committee

Per Article VII, Section 2 of the Bylaws, election of officers shall occur once every two years and shall be held during the last meeting of the appropriate calendar year. Based on the recommended election timeline, the next step in the 2022-2023 Officer election process is to establish a slate of candidates to serve on a Nominating Committee. Therefore, the Executive Committee will nominate a slate of members to serve for one year. The Executive Committee’s nominees will be considered and appointed by the full Council at the September meeting.

The attached detail sheet provides further information on the election process.

Attachment
Detail Sheet

Action Recommended
Propose a slate of nominees for the Nominating Committee to be presented to the full Council at the September 2022 Council meeting. The Council will then elect members to serve on the Nominating Committee.
EXECUTIVE COMMITTEE AGENDA ITEM DETAIL SHEET

ISSUE: 2022 Officer Elections – Nominating Committee

SUMMARY: The Welfare and Institutions Code and the Council’s Bylaws provide the rules and process for electing Members to the positions of Chair and Vice Chair. The first steps of the process should begin no later than August, and the elected officers will begin their new terms in January. The process is detailed below.

BACKGROUND/DISCUSSION: Under W&I Code Section 4535(b), the Council is required to elect its Chairperson and Vice Chairperson by a majority vote. The Council must hold the election for its officers every two years during the last Council meeting of the particular election year. (Bylaws Article VII, Section 2.)

Recommendations for officers must be by nomination in the form of a slate of nominees reported from the Nominating Committee. However, nominations may also be received from the floor before the election but after the Nominating Committee’s report.

Self-advocate and family-advocate Members of the Council may serve in the Chair and Vice Chair positions. (See W&I Sections 4535(b) and 4521(b)(1).)

Those who may not serve in these officer positions are those members who represent a State of California agency or federal partner or who serve on the Council as the representative of “a nongovernmental agency or group concerned with the provision of services to persons with developmental disabilities.” These are the members listed in W&I Section 4521(b)(2). The Bylaws require the Council to follow the below process:

Setting Up the Nominating Committee

(1) Executive Committee Develops a Slate of Candidates for the Nominating Committee (August): The Executive Committee decides on a recommended slate of nominees for the Nominating Committee. (Article IX, Section 2(e)(2)[n].)
Council’s Election of Members to the Nominating Committee (September): At the September Council meeting, the Executive Committee presents the slate of nominees for the Nominating Committee to the Council. The Council then elects members to the Nominating Committee. (Bylaws Article IX, Section 2(e)(1)[n].)

Nominating Candidates for the Officer Positions

Nominating Committee’s Nominations (October): The Nominating Committee is responsible for nominating Council Members for the officer positions of Chair and Vice Chair. (Bylaws Article VII, Section 3.) Therefore, the Nominating Committee meets to decide on whom to nominate for these positions and develops a list of nominations.

ELECTING THE OFFICERS

Council’s Election of Officers (November): The Nominating Committee presents its nominations to the Council. As mentioned, nominations may be received from the floor before the election, but after the report of the Nominating Committee. (Article VII, Section 3.) The Council must elect its officers at the last meeting of the year from among the nominations. (Bylaws Article VII, Section 2.)

Installing the Officers

Beginning of New Terms (January): The Council Members elected to the Chair and Vice Chair positions each begin their term of office on January 1st.

RECOMMENDATION(S): Establish a recommended slate of nominees for the Nominating Committee.

ATTACHMENTS(S): None.

PREPARED: Committee Specialist Robin Maitino-Erben, August 5, 2022.
AUGUST 19, 2022

AGENDA ITEM 11.
ACTION ITEM

EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Closed Session: Personnel

Pursuant to Government Code Section 11126(a)(1), the Council will have a closed session to determine the evaluation of a public employee.
Reconvene Open Session

Pursuant to Government Code Section 11126.3 (f), there will be an announcement of any publicly reportable actions taken during closed session.
AUGUST 19, 2022
AGENDA ITEM 13.
INFORMATION ITEM
EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Adjournment and Next Meeting Date

The next meeting of the Executive Committee is scheduled for October 27, 2022.