



EXECUTIVE COMMITTEE NOTICE/AGENDA

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PARTICIPANT CODE:	2982825

DATE: Tuesday, October 11, 2016

TIME: 11:00 a.m. – 3:00 p.m.

LOCATION: State Council on Developmental Disabilities
1507 21st Street #210
Sacramento, CA 95811

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 (916) 322-8481. Requests must be received by 5:00 pm on Sept 15, 2016

AGENDA

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1.	CALL TO ORDER	N. Yang
2.	ESTABLISH QUORUM	N. Yang
3.	WELCOME/INTRODUCTIONS	N. Yang
4.	PUBLIC COMMENTS <i>This item is for members of the public only to provide comments and/or present information to the Council on matters not on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first.</i>	
5.	APPROVAL OF SEPTEMBER 20, 2016 MINUTES	N. Yang 3
6.	REGIONAL CENTER CONFLICT OF INTEREST WAIVER REQUESTS	N. Bocanegra 6
	A. Tri-Counties Regional Center – Board Member Robyn Adkins	

7. **CLOSED SESSION – PERSONNEL**

A. Lopez

Pursuant to Government Code 11126 (a)(1), the Council will have a closed session to consider the evaluation of performance of a public employee.

8. **RECONVENE OPEN SESSION**

A. Lopez

Pursuant to Government Code Section 11126.3 (f), there will be an announcement of any action(s) taken during closed session.

9. **ADJOURNMENT**

N. Yang

**5. APPROVAL OF
SEPTEMBER 20, 2016
MINUTES**



DRAFT

Executive Committee Meeting Minutes
DATE: September 20, 2016

Attending Members

Jenny Yang
David Forderer
Janelle Lewis
Charles Nutt
Sandra Smith

Members Absent

April Lopez

Others Attending

Natalie Bocanegra
Michael Brett
Aaron Carruthers
Laura Larson
Mike McNulty
Sabrina Smith

1. CALL TO ORDER

Chairperson Jenny Yang (SA) called the meeting to order at 10:23 a.m.

2. ESTABLISH QUORUM

A quorum was established.

3. WELCOME/INTRODUCTIONS

Members and others introduced themselves as indicated.

4. PUBLIC COMMENTS

No public comments.

5. REGIONAL CENTER CONFLICT OF INTEREST WAIVER REQUESTS AND INTERM PROCESS

Natalie Bocanegra, Legal Counsel for SCDD, briefed the committee on the welfare and institution code in regards to the conflict of interest waivers based on the Department of Development Services (DDS) rules. She also went over procedures of determining a conflict of interest waiver along with the approval process between the Council and DDS.

Ms. Bocanegra mentioned that the Council received numerous conflict of interest waivers from the Far Northern Regional Center (FNRC). As a result of this, Executive Director Laura Larson from FNRC was asked to brief the committee. Executive Director Larson stated the following:

- FRNC asked providers to create businesses for FNRC clients.
- Explained the employment process
- FRNC did not realize they had to go through the waiver process until the DDS liaison to the board stated waivers were needed.

Committee then held a question and answer session with input from Executive Director Aaron Carruthers and Ms. Bocanegra.

Ms. Bocanegra briefed the committee on rules/statutes/regulations.

Requests were initially reviewed by State Council regional managers. Council staff requested that Executive Director Larson clarify the following requests:

- Jennifer Bowman
- Ronda Dever
- Michelle Phillips
- Colleen Ryberg

Council staff recommended that all these waivers be approved.

It was moved/seconded (Smith)(FA), (Nutt)(SA) and carried to approve all the conflict of interest waiver requests.

AYE: Yang (SA), Lewis (FA), Nutt (SA), Smith (FA)

NO: None

For more information on these waivers, please see the link below on pages 6-14 of the Executive Committee Packet which is located on the SCDD Website.

<http://www.scdd.ca.gov/res/docs/pdf/ExecutiveCommittee/2016/2016%20Executive%20Committee%20%20Packet%209%2020%2016%20FINAL.pdf>

6. CLOSED SESSION - PERSONNEL

Entered into closed session at 10:58 a.m.

7. RECONVENE OPEN SESSION

Session reconvened at 4:25 p.m.

The reportable action taken in closed session is to adopt the final draft of the Executive Director Evaluation.

8. ADJOURNMENT

Meeting at adjourned at 4:30 p.m.

6. REGIONAL CENTER CONFLICT OF INTEREST WAIVER REQUESTS

EXECUTIVE COMMITTEE AGENDA ITEM DETAIL SHEET

ISSUE: Regional Center Conflict of Interest (COI)

SUMMARY: The State Council on Developmental Disabilities (Council) is presented with a recommendation on the below conflict of interest resolution plan.

BACKGROUND: 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. (W&I Code 4626(l).) Under the Act, as amended by AB 1595, 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. (See W&I Code 4628.)

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.

FACTS - TCRC Board Member Robyn Adkins: Robyn Adkins is a member of the governing board of the Tri-Counties Regional Center (TCRC). Ms. Adkins' mother provides paid respite services for Ms. Adkins' son through Respite, Inc., a regional center provider.

Ms. Adkins has not been previously granted a conflict of interest waiver.

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 by self-referral.

DISCUSSION:

Conflict of Interest: DDS Regulation 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.
- (See 17 Cal. Code § 54520(a).)

With regard her mother's employment with Respite, Inc. Ms. Adkins identifies a conflict of interest under Regulation 54520(a)(10). Therefore, s/he submits a Conflict of Interest Resolution Plan for approval. (See Page 2 of attached "Tri-Counties Regional Center Conflict Resolution Plan.")

The staff recommendation is to approve Ms. Adkins waiver request since TCRC engages in a public board member recruitment process and the proposed plan mitigates the opportunity for a resulting conflict of interest.

COUNCIL STRATEGIC PLAN OBJECTIVE: None

PRIOR COUNCIL ACTIVITY: None

STAFF RECOMMENDATION: The staff recommendation is to approve Ms. Adkins waiver request.

ATTACHMENT: Adkins COI reporting statement and resolution plan.

PREPARED BY: Legal Counsel Natalie Bocanegra, September 23, 2016

Reset Form

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

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

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

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

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

A. INFORMATION OF REPORTING INDIVIDUAL

Name: Robyn Adkins Regional Center: Tri-Counties

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

Reporting Status: Annual New Appointment (date): _____
 Change of Status¹

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

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

Board member

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

- Governing Board Member
- Vendor Advisory on Board
- Executive Director
- Employee/Other

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

Robyn's mother (Joey's grandmother) provides paid respite for him through Respite, Inc.

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

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

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

N/A

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

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

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

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

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

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

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

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

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

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

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

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

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

B. ATTESTATION

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

Signature RA Adkins Date 7/8/16

INTERNAL USE ONLY

Date this Statement was received by Reviewer:

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

Signature of Designated Reviewer

Date Review Completed

ES [Signature]

7/19/16

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: **August 5, 2016**

Name of Board member: **Robyn Adkins**

Title: **TCADD Board President**

Potential conflict as stated by the Board member: **Robyn's son is served by TCRC and her mother provides paid respite services for her son via a TCRC Employer of Record vendor. The provider is Respite Inc., in San Luis Obispo. Respite Inc. is a vendor 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 Robyn's relationship with a vendor Employer of Record employee.

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

Robyn is the daughter to a TCRC vendor employee.

- (C) The roles and duties of each individual and/or entity, that gives rise to the present or potential conflict of interest.

Robyn holds the position of Board President and oversees all meeting functions and actions associated with the TCADD Board members. Robin also serves on various Board committees and votes on Board matters.

(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

Robyn understands and TCRC has made it clear that she is not to involve herself in any business dealings involving Respite Inc. Also, it is understood by the TCRC Executive Director, Omar Noorzad, that Robyn is not to be involved in any potential business dealings involving Respite Inc. Robyn understands she is to recuse herself from voting on any Board matters involving any decisions involving respite providers including decisions, voting, contract reviews, etc. of respite services.

Robyn is not involved in the individual selection of vendors who will work with TCRC. Robyn 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 her mother 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 Respite Inc.

(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 Robyn's actions are visible by the 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 Executive Director, Omar Noorzad, ensures that all confidential matters related to the status of Respite Inc. will not be discussed with Robyn. The 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.

DocuSigned by:
Robyn Adams 8/4/2016
3C518C7BA724425
Board member Date

DocuSigned by:
Omar Noorzad 8/3/2016
9E5538F04627427
Executive Director Date

DocuSigned by:
Mike Nagel 8/4/2016
BEF4477FA1D6412
Director of HR & OD Date

