



## EXECUTIVE COMMITTEE NOTICE/AGENDA

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<b>PARTICIPANT CODE:</b>	<b>2982825</b>

**DATE:** Tuesday, October 29, 2015

**TIME:** 10:00 a.m. – 1:00 p.m.

**LOCATION:** State Council on Developmental Disabilities  
1507 21<sup>st</sup> Street, Suite 210  
Sacramento, CA 95811

### **TELECONFERENCE LOCATION(S):**

2118 University Park Drive  
Sacramento, CA 95825  
Please Call for Access

*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 Robin Maitino at (916) 322-8481 or email [robin.maitino@scdd.ca.gov](mailto:robin.maitino@scdd.ca.gov). Requests must be received by 5:00 pm on August 17, 2015*

## AGENDA

### Page

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|----|--|---------|
| 1. | <b>CALL TO ORDER</b>   | N. Yang |
| 2. | <b>ESTABLISH QUORUM</b>  | N. Yang |
| 3. | <b>WELCOME/INTRODUCTIONS</b>   | N. Yang |
| 4. | <b>PUBLIC COMMENTS</b><br><i>This item is for members of the public only to provide comments and/or present information to the Council on matters <b>not</b> on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first.</i> |         |

5.	<b>APPROVAL OF THE AUGUST 20<sup>TH</sup> AND APRIL 14<sup>TH</sup> (CORRECTED) MEETING MINUTES</b>	N. Yang	3
6.	<b>AIDD/MTARS UPDATE</b>	A. Carruthers	9
7.	<b>ESTABLISH DECEMBER COUNCIL AGENDA AND REVIEW 2016 COUNCIL PLANNING CALENDAR</b>	A. Lopez/All	
8.	<b>REGIONAL ADVISORY COMMITTEE POLICY RECOMMENDATION</b>	A. Carruthers	12
9.	<b>CONFLICT OF INTEREST WAIVER (COI) CODE AMENDMENT</b>	N. Bocanegra	13
10.	<b>COI WAIVER REQUEST AND INTERIM PROCESS</b>	N. Bocanegra	18
	i. Far Northern Regional Center: Board Member Michelle Phillips		
	ii. Inland Regional Center: Board Member Sheela Stark		
11.	<b>2016 COUNCIL MEETING AND EXECUTIVE COMMITTEE MEETING DATES</b>	R. Maitino	
12.	<b>EXECUTIVE DIRECTOR EVALUATION</b>	N. Bocanegra	39
13.	<b>CLOSED SESSION – PERSONNEL</b>	Bocanegra/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.		
14.	<b>RECONVENE OPEN SESSION</b>	Bocanegra/Lopez	
	Pursuant to Government Code Section 11126.3 (f), there will be an announcement of any action(s) taken during closed session.		
15.	<b>ADJOURNMENT</b>	N. Yang	

**DRAFT**

**Executive Committee Meeting Minutes  
August 20, 2015**

**Attending Members**

April Lopez (FA)  
Kecia Weller (SA)  
Nancy Clyde (SA)  
Ning Yang (SA)  
Sandra Smith (FA)

**Members Absent**

David Forderer (SA)  
Janelle Lewis (FA)

**Others Attending**

Aaron Carruthers  
Natalie Bocanegra  
Robin Maitino  
Sandra Aldana  
Sonya Bingaman

**1. Call to Order**

Chairperson Ning Yang (SA) called the meeting to order at 1:18 p.m. and established a quorum.

**2. Welcome and Introductions**

Members and others introduced themselves.

**3. Public Comments**

There were no public comments.

**4. Approval of June 23 and 24, 2015 Meeting Minutes**

It was moved/seconded (Smith [FA]/Clyde [SA]) and carried to approve the June 23 and June 24, 2015 meeting minutes as presented.

(Unanimous: Lopez [FA], Weller [SA], Clyde [SA], Yang [SA], Smith [FA])

**5. AIDD/MTARS Update**

Executive Director Aaron Carruthers provided an update on the Council's compliance task progress, stating that 72% of the MTARS deliverables have been submitted and the Council is 67% in compliance. The September 1, 2015 deliverable is being prepared now and consists of one (1) item, the State Plan work plan. Director Carruthers will be submitting a detailed summary with the September submission in order to demonstrate evidence of progress since being put on high risk status in 2013.

6. **Budge Update**

Executive Director Carruthers provided an overview of the year-end monthly budget projections for fiscal year 2014-15 stating that the total-year balance amount will change as more expenditures come in. Prior year unspent funds of approximately \$1.1 million will be used to bridge the structural deficit leaving the Council with approximately \$800k of prior year funds.

Director Carruthers also provided an update on the Second Extraordinary Legislative Session stating that on August 18<sup>th</sup> he provided testimony to the Assembly at the Supporting and Enhancing California's Developmental Services Programs hearing and on August 19<sup>th</sup> he attended the hearing on Supporting and Enhancing California's Medi-Cal Program. Director Carruthers also attended and provided an update on the Managed Care Organization Tax Options and Issues Senate hearing on August 18<sup>th</sup>.

7. **Self-Determination Waiver**

Council staff Sonya Bingaman provided a detail sheet on the Self-Determination Program (SDP) Waiver application status stating that on August 7<sup>th</sup> new language was added describing how homes and settings where SDP participants will reside and receive services meet the requirements of the federal home and community-based settings rules that became effective in March 2014. As a result, DDS is required to repost for 30 days. Due to this 30-day time constraint, the Committee took the below action to ensure Council input by the September 7, 2015 deadline.

It was moved/seconded (Lopez [FA]/Smith [FA]) and carried that each individual Executive Committee member send input to the Executive Director who will draft comments on the Self-Determination Waiver during the public comment period. (Unanimous: Lopez [FA], Weller [SA], Clyde [SA], Yang [SA], Smith [FA])

8. **Conflict of Inter Waiver Request (COI) and Interim Process**

Legal Counsel Natalie Bocanegra updated the Committee on the COI Waiver request interim process stating that SCDD staff is currently in communication with DDS on how to appropriately address issues with the current language in the regulations and the current waiver process. She

also noted that there may be a need for regulatory action and will provide additional information once Council staff have met with DDS.

The Committee directed staff to work with DDS on obtaining a timeline in order to address these concerns.

9. **Executive Director Evaluation**

Legal Counsel Natalie Bocanegra updated the Committee on Executive Director Evaluation. She reported that AIDD approves beginning the evaluation period July 2015, to coincide with the new Executive Director Carruthers's appointment. Therefore, the evaluation of the former Interim Executive Director is not necessary. Legal Counsel reported that at the July 15<sup>th</sup> Council meeting, the Council acted to direct the Executive Committee to work on the evaluation process with regard to performance standards and criteria. Legal Counsel pointed out that much of this work may already be completed since the current evaluation materials include a 360 degree evaluation covering multiple performance areas.

10. **Establish September Council Agenda**

The following items, if applicable will be included on the September Council agenda:

- Committee Reports
- Staff Reports
- AIDD Update
- Budget Update
- Sponsorship Requests
- Sonoma Developmental Center Closure
- Conflict of Interest Waiver Request

11. **Future Meeting Dates**

The remaining 2015 dates were scheduled as follows:

- October 13, 2015 from 10:00 to 1:00 p.m.
- December 8, 2015 from 10:00 to 1:00 p.m.

12. **Adjournment**

Chairperson Yang (SA) adjourned the meeting at 5:15 p.m.

## DRAFT

**Executive Committee Meeting Minutes  
April 14, 2015**

**Attending Members**

April Lopez (FA)  
David Forderer (SA)  
Ning Yang (SA)  
Sandra Smith (FA)

**Members Absent**

Kecia Weller (SA)  
Janelle Lewis  
Nancy Clyde (SA)

**Others Attending**

Aaron Carruthers  
Robin Maitino  
Mike Clark  
Natalie Bocanegra  
Wayne Glusker  
Sandra Aldana  
Gabriel Rogin

1. **Call to Order**

Chairperson Ning Yang (SA) called the meeting to order at 11:58 a.m. and established a quorum.

2. **Welcome and Introductions**

Members and others introduced themselves.

3. **Public Comments**

There were no public comments.

4. **Approval of February Meeting Minutes**

It was moved/seconded (Smith [FA]/Lopez [FA]) and carried to approve the February 24, 2015 Executive Committee minutes as presented. (AYES: Forderer, Lopez, Smith, and Yang.)

5. **AIDD Compliance Task Chart**

Chief Deputy Director Aaron Carruthers provided an update on the Council's compliance task progress. Chief Deputy Carruthers also reported that AIDD has agreed to allow SCDD to request funds 5 days prior to the end of each month to cover monthly expenditures. This achievement has resulted in positive cash flow of approximately \$2 million.

The AIDD call is currently scheduled for April 27, 2015.

6. **Regional Advisory Committee Policy Recommendation**


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Legend:  
FA = Family Advocate  
SA = Self-Advocate

7. **Regional Advisory Committee Discussion**

8. **Review Advocacy and Direct Individual Advocacy Services Paper**

9. **Budget Update**

Chief Deputy Director Carruthers provided an overview of two budget documents included in the packet. The first document outlined the Governor's proposed budget for fiscal year 2015-16. This document provided both a 3-year overview of expenditures and positions and a detailed account of each category. The second document detailed the monthly budget projections for fiscal year 2014-15 through December 2014. This document indicated a federal grant shortfall of \$495,327 if all vacancies were to be filled. This amount is down from the projected shortfall in October 2014 of \$606,372.

10. **Conflict of Interest Waiver (COI) Request and Policy Development**

11. **Sponsorship Policy**

12. **Executive Director Evaluation**

Legal Counsel Natalie Bocanegra presented the existing Executive Director Evaluation Tool to the Committee for consideration and approval.

It was moved/seconded (Lopez [FA]/Forderer [SA]) and carried to approve staff's recommendations including the recommended timeline laid forth on page 30 of the packet and assignment of the Personnel Officer to assist the Chair as the Evaluation Coordinator. (AYES: Forderer, Lopez, Smith, and Yang.)

13. **Closed Session – Personnel**

The Committee went into closed session.

14. **Reconvene Open Session**

The following five (5) actions were reported out in open session.

*Action 1*

The Executive Committee approved the revised Executive Director Search Brochure.

*Action 2*

The Executive Committee took action to require that each Executive Director candidate submit a state application (STD 678).

*Action 3*

The Executive Committee took action to require that each Executive Director candidate submit a statement of qualification not to exceed three (3) pages.

*Action 4*

The Executive Committee took action to designate the SCDD Personnel Officer as the point person to collect applications for the Executive Director position.

*Action 3*

The Executive Committee approved the revisions to the examination materials as it relates to the prior use of the "area boards."

15. **Adjournment**

Chairperson Yang adjourned the meeting at 2:50 p.m.

## AIDD/MTARS - Compliance Status- At a Glance – As of 10/1/15

CAP ITEM	Task Description	Date of Submission	Status
A-1	AB 1595, Bylaws	12/1/14	MET Compliance
A-2	Executive Director Job Description	7/1/15	MET Compliance
B-1	Bylaws	12/1/14	MET Compliance- additional clarification requested
B-2	Membership Committee meeting minutes & report to Council, list of organizations on distribution list, recruitment materials.	4/1/15	MET Compliance
C-1	Bylaws	12/1/14	MET Compliance
C-2	Demographic analysis of Governor's appointees to the Council	12/1/14	Compliance NOT MET – requires continuous monitoring
D-1	AB 1595, Bylaws	12/1/14	MET Compliance
D-2	Council roster showing membership and changes for 2015	12/1/14	MET Compliance
E-1	AB 1595, Bylaws	12/1/14	MET Compliance
E-2	Council roster showing membership and changes for 2015		
F-1	Bylaws, administrative procedure	12/1/14	MET Compliance
F-2	Membership Committee reports to Council	4/1/15	MET Compliance
G-1a.	Orientation binder, welcome letter	1/1/15	MET Compliance
G-1b.	Annual Councilmember training	4/1/15	MET Compliance
G-2	Welcome letter for agency reps	7/1/15	MET Compliance
G-3a.	Facilitation Policy	1/1/15	MET Compliance
G-3b.	SAAC packets and materials for 2015, evidence of facilitator attendance for 2015		
H-1a.	State Plan development process	10/1/15	MET Compliance
H-1b.	Documentation of public outreach, meetings, surveys, use of available data sources (NCI, ICI, CDER, etc). Copies of staff products submitted to committees and Council to support integration of data and public input. Various other documents showing committee work and council review and revisions of state		

<b>CAP ITEM</b>	<b>Task Description</b>	<b>Date of Submission</b>	<b>Status</b>
H-2	Documentation of public outreach, meetings, surveys, use of available data sources (NCI, ICI, CDER, etc). Copies of staff products submitted to committees and Council to support integration of data and public input. Various other documents showing committee work and council review and revisions of state plan.		
I-1	MOU	7/1/15	MET Compliance
I-2	MOU	7/1/15	MET Compliance
I-3	DSS Invoices	2/1/15	MET Compliance
I-4	DSS Invoices	2/1/15	MET Compliance
I-5	AB 1595, Bylaws	12/1/14	MET Compliance
I-6	Bylaws, Form 700, Gov't Codes 1090 and 87100	1/1/15	MET Compliance
I-7	Bylaws	12/1/14	MET Compliance- additional clarification requested
I-8	Breakdown of staff by funding source, training materials, staff orientation binder	7/1/15	MET Compliance
I-9	See A (Staff), H (Five Year State Plan), and M (Fiscal Requirement)		
J-1a.	State Plan work plan	9/1/15	MET Compliance
J-1b.	Evidence of periodic meetings and joint activities.	9/1/15	MET Compliance
J-2	Amended plan and supporting documentation.	4/1/15	MET Compliance
J-3	Approval of new state plan.		
J-4	PPR		
K-1	Documentation of TA received and products based on TA		
K-2	Evaluation plan		
K-3	PPR		
L-1	State accounting policies, budget development directives	7/1/15	MET Compliance
L-2	Month's expenditures by object code for entire budget	7/1/15	MET Compliance
M-1	State accounting policies, budget development directives	7/1/15	MET Compliance
M-2	AB 1595	12/1/14	MET Compliance

<b>CAP ITEM</b>	<b>Task Description</b>	<b>Date of Submission</b>	<b>Status</b>
M-3	Council reviews of monthly budget projections, Council votes on resource allocation, including cost-reductions	7/1/15	MET Compliance
N-1	Contract Manual	12/1/14	MET Compliance
N-2	RFP, Overview of RFP process, summary pages of selected vendor		
O-1	State Accounting policies	2/1/15	MET Compliance
O-2	DSA Annual Evaluation	7/1/15	MET Compliance

# Issue Advisory/Request Form

<b>RAC Contact:</b> Joyce McNair	<b>Regional Office:</b> 3. Sacramento	<input checked="" type="checkbox"/> <b>Action/Request</b> <input type="checkbox"/> <b>Question</b> <input type="checkbox"/> <b>Information</b>	<b>Submission Date:</b> 09/29/2015
<b>Relevant Goal Area:</b> 1. Self-Advocacy		<b>Funds Requested:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>Amount Requested:</b> \$ 1,000.00	
<b>Collaborators:</b> University Centers of Excellence DD <input type="checkbox"/> Disability Rights California <input type="checkbox"/> DDS <input type="checkbox"/>			
<b>Others (Please list):</b>			
<b>Attachments (Please describe):</b>			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Legislation:</b> <input type="checkbox"/> Assembly (AB) <input type="checkbox"/> Senate (SB)	<b>Bill Number:</b>	<b>Author:</b>	
<b>Narrative of Issue/Request/Question/Information or Description of Legislation:</b> A member of the Outreach Workgroup of the Self-Determination Advisory Committee in our area attended our RAC. She asked whether the State Council would consider funding some marketing materials to help spread the word about Self-Determination. She was thinking about custom buttons or rubber wrist bands or something like that. It might help to increase awareness of self-determination and encourage conversation about it. She is wondering if there is any source for funding for this kind of activity.			
<b>Recommended Outcome(s):</b>			
<b>Time-sensitive issue</b> <input checked="" type="checkbox"/> <b>Response needed by:</b>			
<b>Council/Staff Action:</b>			
<b>Area of Responsibility:</b> Executive Committee	<b>Personnel Routing:</b> Benita Baines	<b>Committee Routing:</b> Executive	

## EXECUTIVE COMMITTEE AGENDA ITEM DETAIL SHEET

### **ISSUE: AMENDMENT OF SCDD CONFLICT OF INTEREST CODE**

**BACKGROUND:** Under state law, SCDD has a conflict of interest code (COI code) that provides rules for certain employees and all Council members to follow. The COI code lists positions and assigns categories that tell what information a person has to report when he or she fills out the Statement of Economic Interests (Form 700). The Form 700 is a public document that alerts public officials and members of the public to the types of financial interests (e.g. assets) that may create conflicts of interests. SCDD is required to review its COI code every other year and report to the Fair Political Practices Commission (FPPC) whether the code needs to be amended. AB 1595 made changes relating to SCDD staff positions. These changes make it necessary to now amend the COI code.

**ANALYSIS/DISCUSSION:** AB 1595 resulted in the elimination and creation of certain SCDD positions. This requires the COI code to be amended. In addition, SCDD must review the categories that tell what information must be reported. Changes to Category 1 are proposed in order to follow the FPPC rules. The proposed language is meant to capture the reporting of financial interests (e.g. assets) that may give rise to a potential conflict of interest.

**COUNCIL STATE PLAN GOAL:** Goal 1: Self Advocacy (1.1) - Council will train, support and empower 1,450 self-advocates and continue to promote stability and expansion of the statewide self-advocacy network through financial and in-kind support. Compliance with the conflict of interest rules is required in order to serve on the Council.

**PRIOR COUNCIL ACTIVITY:** Approval of current COI code by the Council and FPPC in 2003. In September 2015, Administrative Committee reviewed the proposed language discussed above, made minor edits, and directed staff to present revisions to the Executive Committee prior to approval by the Council.

**RECOMMENDATION(S):** Staff recommends review of proposed amendments to disclosure categories.

**ATTACHMENTS(S):** SCDD current COI code; Category 1 proposed amendments.

**PREPARED:** Legal Counsel Natalie Bocanegra, October 8, 2015

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**  
**Conflict of Interest Code**

The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes.

The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the State Council on Developmental Disabilities.

Designated employees shall file statements of economic interests with the State Council on Developmental Disabilities. The Council shall make and retain a copy and forward the original of the following statements to FPPC:

- SCDD members including ex officio members.
- SCDD alternate members.
- SCDD Executive Director.

## APPENDIX A

### Designated Employees

### Applicable Disclosure Categories

Members, State Council on Developmental Disabilities, including ex officio members	1, 2
Alternate Members, State Council on Developmental Disabilities	1, 2
Members, Area Boards on Developmental Disabilities	1, 2
Executive Director, State Council on Developmental Disabilities	1, 2
Chief Deputy Director, State Council on Developmental Disabilities	1, 2
Deputy Directors, State Council on Developmental Disabilities	1, 2
Executive Directors of local Area Boards on Developmental Disabilities	1, 2
Staff Services Manager 1	1, 2
Staff Counsel	1, 2
Consultants *	<u>1, 2</u>

## DISCLOSURE CATEGORIES

### Category 1

A designated employee in this category must disclose business entities in which he or she has an investment or a business position and sources of income, including gifts, loans, and travel payments, if the business entities or sources of income, receive public funding and have as at least ten percent (10%) of their clientele, persons with developmental disabilities.

### Category 2

A designated employee in this category must disclose business entities in which he or she has an investment or a business position and sources of income, including gifts, loans, and travel payments, if the business entities or sources of income are of the type which within the previous two years contracted with the agency to provide equipment, leased space, materials, supplies or services, including consulting services, to or on behalf of the agency.

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(†)

\*With respect to Consultants, the Executive Director may, however, determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this Section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director will retain a copy of this determination and make it available for public inspection. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

Note: Authority: Government Code Section 87300-87302 and 87306

This is the last page of the conflict of interest code for the State Council on Developmental Disabilities.



**CERTIFICATION OF FPPC APPROVAL**

Pursuant to Government Code Section 87303, the conflict of interest code for the State Council on Developmental Disabilities was approved on June 13, 2003.

A handwritten signature in cursive script, appearing to read "Mark Krausse", written over a horizontal line.

Mark Krausse  
Executive Director  
Fair Political Practices Commission

Pursuant to Government Code Section 11346.2

Secretary of State Filing Date: 8/13/03

Effective: 9/13/03

CATEGORY 1 Proposed Amendments  
Including Administrative Committee Edits (9/1/15 Meeting)

Designated positions assigned to this category must report:

A designated employee in this category must disclose~~All investments, business positions and income, business entities in which he or she has an investment or a business position and sources of income,~~ including gifts, loans, and travel payments, or income from a nonprofit organization, if the ~~business entities or sources of income, receive public funding and have as at least ten percent (10%) of their clientele,~~ source offers, provides, purchases, or contracts for products or services concerning persons with developmental disabilities. Such services include but are not limited to consulting, representational, advocacy or direct services.

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## COUNCIL AGENDA ITEM DETAIL SHEET

**ISSUE:** Regional Center Conflict of Interest (COI)

**SUMMARY:** Amendments to the Lanterman Act made by AB 1595 resulted in redefining the Area Boards into Regional Advisory Committees, changing their appointment authority and scope. Under an interim process, 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(I).) 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.) Current DDS regulations address action by an Area Board in addition to action by the Council. The regulations also extend the Council's role to matters involving regional center employees and others. SCDD staff is currently discussing with DDS how to appropriately address these issues and requests for approval of proposed resolution plans.

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

**FACTS - FNRC Board Member Michelle Phillips:** Michelle Phillips is a member of the governing board of the Far Northern Regional Center (RNRC). Ms. Phillips is a regional center consumer and is employed by We Care A Lot, a provider of services to the regional center. In addition, Ms. Phillips' sister is the program manager for the Parent and Infant Program, also a FNRC-vendored service provider. Ms. Phillips was previously granted a conflict of interest waiver in 2012, 2013 and 2014 by Area Board 2 and the Council.

The catchment area of FNRC is predominantly rural, and it is difficult to recruit qualified members for the board. FNRC has a public member recruitment and appointment process which is subject to public review. Where there are County Coordinating Councils, the Councils make recommendation to the County Board of Supervisors who make the actual appointment. FNRC at-large positions are announced through the regional self-advocacy groups.

## **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).)

However, Welfare and Institutions Code Section 4626(c) states that a person with 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."

Assuming that Ms. Phillips receives employment services through FNRC, the exception of Section 4626(c) would apply to a conflict of interest arising from her own employment, as has been pointed out by FNRC.

With regard her sister's employment with Parent Infant Program, Ms. Phillips identifies a conflict of interest under Regulation 54520(a)(10). Therefore, she submits a Conflict of Interest Resolution Plan for approval. Specifically, she proposes to:

- Not make any recommendation, participate in any discussion or vote on any vendor contract with FNRC regarding family support services and/or parent infant services provided to consumers;
- Excuse herself from the room should the issue of family support services and/or parent infant services arise during a meeting;
- Not promote her employer, We Care A Lot, to FNRC staff or consumers;
- Not promote her sister's employer, Parent Infant Program, to FNRC staff or consumers;

**W&I Code Section 4622 Requirements:** In addition to the requirements of Regulation 54520, W&I Code Section 4622(k) says that 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.

Since FNRC purchases client services from We Care A Lot, Ms. Phillips conflict resolution plan must follow the rules of Section 4622.

After reviewing the submitted proposal and assuming that Ms. Phillips does not serve as an officer of the FNRC board, the staff

recommendation is to approve Ms. Phillip's waiver request since FNRC engages in a public board member recruitment process, described above, and the proposed plan mitigates the opportunity for a resulting conflict of interest.

**COUNCIL STRATEGIC PLAN OBJECTIVE:** None

**PRIOR COUNCIL ACTIVITY:** Ms. Phillips was previously granted a conflict of interest waiver in 2012, 2013 and 2014 by Area Board 2 and the Council.

**STAFF RECOMMENDATION:** Assuming that Ms. Phillips does not serve as an officer of the FNRC board and the Committee determines a 2015 approval is appropriate, the staff recommendation is to approve Ms. Phillips' waiver request.

**ATTACHMENT:** Phillips COI reporting statement and resolution plan.

**PREPARED BY:** Legal Counsel Natalie Bocanegra, October 19, 2015



# Far Northern Regional Center

Providing services and supports that allow persons with developmental disabilities to live productive and valued lives.

Laura Larson  
Executive Director

RECEIVED  
AUG 28 2015

August 26, 2015

State Council on Developmental Disabilities  
1507 21st Street, Suite 210  
Sacramento, CA 95811

Attention: Aaron Carruthers, Acting Executive Director

Re: Conflict of Interest, FNCC Board Member, Michelle Phillips

Dear Mr. Carruthers:

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

- Request for Waiver of Potential Conflict of Interest – FNCC Board member Michelle Phillips
- Proposed Conflict of Interest Resolution Plan – Board of Directors' member Michelle Phillips
- Conflict of Interest Report Statement

The originals have been sent to the Department of Developmental Services for review.

Thank you for your consideration in this matter.

Sincerely,

Cynthia Presidio  
Executive Assistant

Enclosures

cc: Allan Smith, Department of Developmental Services  
FNCC Executive Committee  
Michelle Phillips

[www.farnorthernrc.org](http://www.farnorthernrc.org)



# Far Northern Regional Center

Providing services and supports that allow persons with developmental disabilities to live productive and valued lives.

Laura Larson  
Executive Director

August 12, 2015

Allan Smith  
RC Ops Section  
1600 Ninth St. Rm 320 (MS 3-9)  
Sacramento, CA 95814

Re: Request for Waiver of Potential Conflict of Interest -  
FNCC Board Member Michelle Phillips

Dear Mr. Smith:

FNCC Board member, Michelle Phillips, in her annual Conflict of Interest Report Statement, has disclosed a potential conflict of interest under California Code of Regulations, Title 17, section 54500, *et seq.* She is requesting a conflict waiver.

We Care A Lot is an employment program, so they are exempt. Ms. Phillips' sister, Julie Daniels, is employed by Parent Infant Program, a vendor of FNRC providing

As a FNCC Board member, this appears to be a potential conflict of interest. As a result, Ms. Phillips has proposed a plan to avoid and/or mitigate any conflict. (See Proposed Conflict of Interest Resolution Plan, attached.)

The Board Chairperson, with support from the remaining Board members shall 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 17, Section 54533.

[www.farnorthernrc.org](http://www.farnorthernrc.org)

Allan Smith  
August 12, 2015  
Page 2

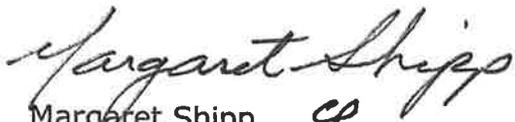
Please contact Executive Director Laura Larson if you have any questions concerning this matter.

Thank you for your assistance.

Sincerely,



Laura Larson  
Executive Director



Margaret Shipp *cp*  
Chairperson, FNCC Board of Directors

Enclosures: Conflict of Interest Reporting Statement – Michelle Phillips  
Proposed Conflict of Interest Resolution Plan – Michelle Phillips

cc: State Council  
FNCC Executive Committee  
Michelle Phillips



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

2. Do you or a family member<sup>2</sup> 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 entity, provide the specific name of the state or local entity and describe your job duties at the state or local entity.

I am a regional center consumer and am employed by We Care A Lot. We Care A Lot is a "provider of employment services" and falls within the exception provided in Welfare & Institutions Code section 4626(c).

My sister is the program manager for Parent Infant Program.

3. Do you or a family member own or hold a position<sup>3</sup> 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.

See #2, above.

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.

N/A

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

<sup>2</sup> Family member includes your spouse, domestic partner, parents, stepparents, grandparents, siblings, stepsiblings, children, stepchildren, grandchildren, and in-laws. See California Code of Regulations, title 17, sections 54505(f).

<sup>3</sup> 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 member<sup>4</sup>?  yes  no -- If yes, please explain.

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

I am a voting member of the Board of Directors pursuant to Welfare & Institutions Code section 4625.5 and related provisions.

8. Do you have a financial interest in any contract<sup>6</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

- Governing Board Member
- Vendor Advisory on Board
- Executive Director
- 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.

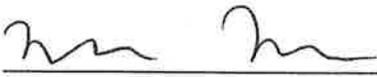
11. Your job duties require you to act in the best interests of the regional center and regional center consumers. Do you have any circumstances or other financial interests not already discussed above that would prevent you from acting in the best interests of the regional center or its consumers? 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

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**B. ATTESTATION**

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

Signature  Date 5/20/15

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**INTERNAL USE ONLY**

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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

 6/30/15

Michelle Phillips  
41 Rio Vista  
Red Bluff, CA 96080

August 12, 2015

Board of Directors and  
Laura Larson, 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 Michelle Phillips

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

I was appointed to Far Northern Regional Center’s Board of Directors on August 14,  
2012, as a Member-at-Large.

On May 20, 2015, I completed a Conflict of Interest Report Statement that  
disclosed 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 seek approval of a conflict waiver.

I am a regional center consumer and am employed by We Care A Lot. We Care A  
Lot is a “provider of employment services” and falls within the exception provided in  
Welfare & Institutions Code section 4626(c). Also, my sister is the Program  
manager for Parent Infant Program which is a service provider of Far Northern  
Regional Center. These two issues appear to be potential conflicts of interest.  
As a result, I propose the following plan to avoid and/or mitigate any conflict:

1. I do not currently, nor will I in the future, make any recommendation,  
participate in any discussion or vote on any vendor contract with FNRC  
regarding family support services and/or parent infant services provided to  
consumers;
2. Should the issue of family support services and/or parent infant services  
arise during the course of a FNRC Board of Directors’ meeting, I will excuse  
myself from the room;
3. I will not promote my employer, We Care A Lot, to FNRC staff or consumers;
4. I will not promote my sister’s employer, Parent Infant Program, to FNRC staff  
or consumers;

5. I will not discuss FNRC business, activities, or consumers with my employer or my sister or my sister's employer;
6. I will not access any files kept by FNRC relating to my employer's vendorization, or my sister's employer's vendorization, nor will I access any files relating to other providers of family support service and/or parent infant services;
7. I will not participate individually, or as part of a group, in the preparation, presentation formulation or approval of reports, plans, policies, analyses, opinions or recommendations pertaining to my employer, We Care A Lot or my sister's employer, Parent Infant Program, or to any other FNRC vendor of family services and/or parent infant services.

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

Thank you for your assistance,

A handwritten signature in black ink, appearing to be 'Michelle Phillips', written in a cursive style.

Michelle Phillips  
Member, FNRC Board of Directors



# INLAND REGIONAL CENTER

*Enhancing Lives*

...valuing independence, inclusion and empowerment

P. O. Box 19037, San Bernardino, CA 92423

Telephone: (909) 890-3000

Fax: (909) 890-3001

REC'D  
AUG 19 2015

August 11, 2015

Mr. Brian Winfield, Assistant Deputy Director  
Community Operations Division  
Department of Developmental Services  
1600 Ninth Street, Room 320 MS 3-9  
Sacramento, CA 95814

Dear Mr. Winfield:

The Board of Trustees of Inland Counties Regional Center, Inc. is requesting a waiver pursuant to Title 17, Section 54523 for Sheela Stark.

Ms. Stark is a well respected member of the community and a newly appointed member to IRC's Board of Trustees. A completed Conflict of Interest Reporting Statement and a proposed Conflict of Interest Resolution Plan is attached for your review and approval.

IRC is notifying the State Council on Developmental Disabilities and SCDD San Bernardino Office as well. If you have further questions or require further information, please contact me at (909) 890-3400.

Sincerely,

Denise Woolsey  
Board Secretary

DW:sg/IRC/08-11-15

Encl: Conflict of Interest Reporting Statement  
Conflict of Interest Resolution Plan

Copy: Aaron Carruthers, Executive Director, SCDD  
Vicki Smith, Manager, SCDD San Bernardino  
Allan Smith, DDS  
Sharon Jimenez, DDS  
Marybeth Feild, Board President, IRC  
Kevin Urtz, Interim Co-Executive Director, IRC



**CONFLICT OF INTEREST REPORTING STATEMENT**  
**DS 6016 (New 08/2012)**

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: Sheela Stark Regional Center: Inland Regional Center

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 Status<sup>1</sup>

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.

New member of Board of Trustees.

<sup>1</sup> Change of status includes reporting 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, 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 member<sup>2</sup> 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 entity, provide the specific name of the state or local entity and describe your job duties at the state or local entity.

My sister, Janet Ahmadzai, works for InRoads Creative Programs, Inc. as the preferred provider of Respite hours for my brother, Shaw Ahmadzai, a regional center client. She works part time only 40 hours per month.

3. Do you or a family member own or hold a position<sup>3</sup> 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.

N/A

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.

N/A

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

<sup>2</sup> Family member includes your spouse, domestic partner, parents, stepparents, grandparents, siblings, stepsiblings, children, stepchildren, grandchildren, and in-laws. See California Code of Regulations, title 17, sections 54505(f).

<sup>3</sup> 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 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 member<sup>4</sup>?  yes  no -- If yes, please explain.

*Possibly, but in a very remote way.*

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

*As a Board member we approve contracts over \$250K.*

8. Do you have a financial interest in any contract<sup>6</sup> 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.

*My sister works for InRoads.*

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.

*My sister works for InRoads.*

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

- Governing Board Member
- Vendor Advisory on Board
- Executive Director
- 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.

*I have a conflicts policy in place for my job and low bond work.*

**B. ATTESTATION**

Sheela Staek (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 *Sheela Staek* Date 07/20/15

**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*

INLAND REGIONAL CENTER  
CONFLICT OF INTEREST RESOLUTION PLAN

I, Sheela Stark, Board member for the Inland Counties Regional Center Board of Trustees. As Board of Trustee Member (job title) I hereby declare that:

- I. I have read and I understand the Conflict of Interest Standards Statement for Regional Center Board members.
- II. I have reviewed my current situation in relation to the Conflict of Interest Standards Statement for Regional Center Board member and have determined the following (Place a check mark next to the applicable lettered subparagraph below.)
  - a.  I have a conflict of interest, which currently exists.
  - b.  I have a potential conflict of interest based upon circumstances reasonably expected to occur in the future which may result in a conflict of interest.
- III. Please describe the complete nature of the conflict of interest or potential conflict of interest: \_\_\_\_\_  
**My sister works for In-Roads Creative Programs, Inc., as the respite provider for our brother who happens to be a consumer of Inland Regional Center.**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- IV. You may request a waiver of the conflict of interest or potential conflict of interest. If you do not request a waiver of your request for a waiver is denied, your employment with the regional center cannot continue unless the conflict of interest or potential conflict of interest is eliminated.
  - a. I do  /do not  request a waiver of the conflict of interest or potential conflict of interest described above.

- b. If a waiver was requested, suggest the following plan of action for resolution of the present or potential conflict of interest. Described in Section III, which plan of action includes limitations on me which will enable me to avoid actions involving the conflict of interest during the period my waiver my request is being reviewed pursuant to Section 54523 of Title 17 of the California Code of Regulations:

As a Board Member I participate in debates or voting on vendor contracts. I will recuse myself on all matters pertaining to In-Roads Creative Programs, Inc.

Subsequent statements must be submitted within one year of this filing, earlier if the conflict of interest status changes.

Board Member Signature:



Date:

7/31/15

**INTERNAL USE ONLY**

The reporting individual:  does  does not have  present  potential conflict of Interest

Signature of Executive Director:

Date Review Completed

The reporting individual:  does  does not have  present  potential conflict of Interest

Signature of Board President:

Date Review Completed

**EXECUTIVE COMMITTEE  
AGENDA ITEM DETAIL SHEET**

**ISSUE: EXECUTIVE DIRECTOR EVALUATION**

**BACKGROUND:** In accordance with the federal Developmental Disabilities Assistance and Bill of Rights Act (Federal DD Act), the California State Council on Developmental Disabilities (Council) is required to evaluate the performance of the Council's Executive Director on an annual basis.

To meet this requirement, the Council previously approved an evaluation tool to assess Executive Director performance. (See Minutes of March 16, 2011, Council Meeting.) In April 2015, the Executive Committee initiated evaluation of the then Interim Executive Director. This evaluation, which had been in progress, was suspended in May 2015 due to the Interim Executive Director's resignation. As approved by AIDD, the Council will evaluate instead the current Executive Director hired by the Council in July 2015.

**ANALYSIS/DISCUSSION:** The Executive Committee is presented with an updated timeline, based on the new evaluation period from July 15, 2015, through July 15, 2016. Clarifying edits are also provided to the Committee for review. In addition, the Committee has the opportunity to discuss in closed session specific performance areas addressed in the evaluation process with the incumbent Executive Director.

**COUNCIL STRATEGIC PLAN OBJECTIVE:** N/A; Developmental Disabilities Act

**PRIOR COUNCIL ACTIVITY:** 2011 Council approval of current evaluation process. On April 14, 2015, Executive Committee acted to: 1) direct that evaluation be initiated; 2) ratify utilization of Council's evaluation tool; 3) approve proposed timeline; and 4) assign the Council Personnel Officer to support Council Chair as Evaluation Coordinator.

**RECOMMENDATION(S):** Staff recommends that the Executive Committee approve an updated timeline to coincide with the evaluation period of July 15, 2015 through July 15, 2016, and clarifying edits.

**ATTACHMENTS(S):** Evaluation method summary and form templates.

**PREPARED:** Legal Counsel Natalie Bocanegra, October 13, 2015



# STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

## 20165 EXECUTIVE DIRECTOR EVALUATION

### *I. PROCESS*

The Developmental Disabilities Assistance and Bill of Rights Act of 2000 (federal DD act) requires that the Executive Director of the Council be evaluated on an annual basis.

The process for evaluating the Executive Director is:

1. The Chairperson of the Council oversees and manages the Executive Director Evaluation. He/she distributes the Performance Evaluation Form to Council members and Council staff.
2. Each Council member must complete the Performance Evaluation Form. Once completed, the form must be returned to the Chairperson.
3. Staff members will be sent Narrative Questions only. These must be returned to the Chairperson.
4. The Executive Director will complete the Performance Evaluation Form for herself/himself and discuss her/his self evaluation with the Chairperson.
5. Each Performance Evaluation Form is logged onto a worksheet and summarized by the Chairperson with the assistance of the Evaluation Coordinator.
6. A final summary report is produced by the Chairperson with the assistance of the Evaluation Coordinator. Legal Counsel will review materials to confirm compliance with the approved evaluation process.

- x. The Chairperson with the assistance of the Evaluation Coordinator will present the final summary report along with evaluation materials, statistical data and all other information to the Executive Committee during a closed session.
- 7. The Executive Director Evaluation will be on the May next possible Council Meeting agenda as a closed session item. Executive Committee will present the evaluation and their recommendation to the full Council during the closed session.
- 8. In open session, the Executive Director and Council then meet to discuss salary/bonus, etc., if applicable.
- 9. This information is then processed through the Council Personnel Department.

**II. INSTRUCTIONS**

Please use the rating levels: “**N/I**” (Needs Improvement) “**A**” (Meets Standards/Acceptable), or “**O**” (Exceeds Standards/Outstanding). If you do not know about a particular area, mark **Do Not Know**.

Rating Factor	Needs Improvement (N/I)	Meets Standards Acceptable (A)	Exceeds Standards Outstanding (O)
Work quantity	Executive Director does not produce enough work.	Executive Director produces the proper amount of work.	Executive Director produces a lot of work.
Work Quality	Executive Director does not have work skills.	Executive Director has the work skills and works accurately.	Executive Director’s work is always accurate and orderly and works with superior skill.

### III. EXECUTIVE DIRECTOR EVALUATION

<b>ASSISTANCE TO COUNCIL MEMBERS</b>	<b>Don't Know</b>	<b>Needs Improvement</b>	<b>Acceptable</b>	<b>Outstanding</b>
Assists the Council in scheduling, planning and preparing for Council and committee meetings.				
Assists the Council in the development of agency policy, organizational goals, objectives and budgets.				
Assists the Council in the development of policy decisions regarding issues that affect the rights and interests of persons with disabilities.				
Assists the Council in making sure that the Council follows all federal and state laws and regulations, including providing and interpreting information.				
Assists the Council in the development of the goals and objectives of the Council's 5 year state and strategic plan.				
Provides regular reports to the Council on the state and strategic plan and emerging issues and provides recommendations.				

<b>PERSONNEL</b>	<b>Don't Know</b>	<b>Needs Improvement</b>	<b>Acceptable</b>	<b>Outstanding</b>
Assures that staff are supervised and coordinated effectively in order to carry out all of the Council's goals and objectives.				
<b>BUDGET</b>				
Develops, implements and manages the Council approved budget.				
Ensures that budget is legal and uses acceptable accounting and fiscal management practices.				
Assures that the Council receives budget information.				
Makes contracts on behalf of the Council consistent with approved goals, objectives, plans and budget actions.				

<b>PUBLIC AND AGENCY LIAISON</b>	<b>Don't Know</b>	<b>Needs Improvement</b>	<b>Acceptable</b>	<b>Outstanding</b>
Maintains effective relationships between the Council, the federal Administration on Developmental Disabilities and State funding agencies.				
Maintains effective relationships and works with other advocacy organizations with similar goals and objectives.				
Maintains effective relationship and liaison with the National Association of Councils on Developmental Disabilities (NACDD).				
<b>ADAPTABILITY RATING</b>				
Able to assume a variety of roles and responsibilities related to the position and perform with required knowledge/skills.				
Able to respond well to changing job requirements and work conditions, including unanticipated/exceptional administrative and/or programmatic events.				

<b>EXPRESSION</b>	<b>Don't Know</b>	<b>Needs Improvement</b>	<b>Acceptable</b>	<b>Outstanding</b>
Able to clearly/concisely convey information (e.g., interpreting regulations, presenting reports, articulating needs/priorities, giving instructions) orally and in writing.				
Able to organize coherent presentations and effectively highlight/summarize key points and issues.				
<b>INTERPERSONAL RELATIONS</b>				
Demonstrates sensitivity and good judgment.				
Is helpful and friendly.				
Resolves conflicts in an objective manner.				

***IV. NARRATIVE QUESTIONS***

1. What impressed you the most about the Executive Director's performance this year?