



EXECUTIVE COMMITTEE
NOTICE/AGENDA

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PARTICIPANT CODE:	2982825

DATE: Tuesday, April 14, 2015

TIME: 11:30 a.m. – 2:30 p.m.

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

TELECONFERENCE LOCATION(S):

SCDD Silicon Valley-Monterey Office 2580 North First Street, Suite 240 San Jose, CA 95131	Hilton Sacramento Arden West <i>(ask front desk for location)</i> 2200 Harvard Street Sacramento, CA 95815
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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. Requests must be received by 5:00 pm on April 9, 2015

AGENDA

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|---------------------------------|---------|
| 1. CALL TO ORDER | N. Yang |
| 2. ESTABLISH QUORUM | N. Yang |
| 3. WELCOME/INTRODUCTIONS | N. Yang |

4. **PUBLIC COMMENTS**
*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.*
5. **APPROVAL OF FEBRUARY 24, 2015 MINUTES** N. Yang 3
6. **AIDD/MTARS UPDATE** A. Carruthers 8
7. **REGIONAL ADVISORY COMMITTEE POLICY RECOMMENDATIONS** A. Carruthers
8. **REGIONAL ADVISORY COMMITTEE DISCUSSION** M. Clark
9. **REVIEW ADVOCACY AND DIRECT INDIVIDUAL ADVOCACY SERVICES PAPER** M. Clark 11
10. **BUDGET UPDATE** A. Carruthers 14
11. **CONFLICT OF INTEREST WAIVER (COI) REQUEST AND POLICY DEVELOPMENT** N. Bocanegra 16
- i. RCEB – D. Ting
 - ii. IRC – Jack Padilla: Status Update
 - iii. NLACRC – M. Jovel : Status Update
 - iv. NLACRC – T. Wooley : Status Update
12. **SPONSORSHIP POLICY** A. Carruthers 17
13. **EXECUTIVE DIRECTOR EVALUATION** N. Bocanegra 21
14. **CLOSED SESSION – PERSONNEL** N. Bocanegra
Pursuant to Government Code 11126 (a)(1) the Council will have a closed session to consider the appointment and/or employment of a public employee.
15. **RECONVENE OPEN SESSION** N. Bocanegra
Pursuant to Government Code Section 11126.3 (f) there will be an announcement of any action(s) taken during closed session.
16. **ESTABLISH MARCH COUNCIL AGENDA** All
17. **ADJOURN** N. Yang

DRAFT

**Executive Committee Meeting Minutes
February 24, 2015**

Attending Members

April Lopez (FA)
David Forderer (SA)
Janelle Lewis
Nancy Clyde (SA)
Ning Yang (SA)
Sandra Smith (FA)

Members Absent

Kecia Weller (SA)

Others Attending

Aaron Carruthers
Robin Maitino
Mike Clark
Natalie Bocanegra
Bob Giovati
Marnie Clark
Dena Hernandez
Sonya Bingaman

1. **Call to Order**

Chairperson Ning Yang (SA) called the meeting to order at 11:37 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 October Meeting Minutes**

It was moved/seconded (Clyde [SA]/Smith [FA]) and carried to approve the December 16, 2014 Executive Committee minutes as presented. (AYES: Lopez, Lewis, Clyde, Smith, and Yang. ABSTENTIONS: Forderer)

5. **AIDD Compliance Task Chart**

Chief Deputy Director Aaron Carruthers provided an update on the Council's compliance task progress stating that with the February 1, 2015 submission completed, the Council has submitted 49% of its compliance tasks.

6. **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

Legend:
FA = Family Advocate
SA = Self-Advocate

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.

7. **Strategic Planning Update**

Nothing to report.

8. **DD System Sustainability**

Executive Director Michal Clark provided background on the action taken at the November 2014 meeting whereby the Council will work in collaboration with other agencies and groups to be a convener. Since then, Executive Director Clark has spoken with Steve Miller and other stakeholders. He noted that the landscape surrounding the Governor's January budget has been changed by the current court ordered hold on implementing some changes (such as mandated overtime, differences in hours, etc.) that were anticipated in the proposed budget.

Executive Director Clark went on to state that the recent departure of Molly Kennedy resulted in the absence of Councilmember input surrounding DD system sustainability. Therefore, he is requesting Councilmember volunteers. Councilmembers Sandra Smith (FA), Ning Yang (SA), David Forderer (SA), and Nancy Clyde (SA) all volunteered.

9. **Program Performance Report (PPR)**

Deputy Director Bob Giovati provided the Committee the opportunity to review and give input on the PPR before the submission deadline of March 2nd. Following the discussion on the draft PPR, the Committee took the following action:

It was moved/seconded (Lopez [FA]/Lewis) and carried to approve the PPR as written for submission on March 2, 2015. (Motion passed unanimously: Forderer, Lopez, Lewis, Clyde, Smith, and Yang.)

10. **Proportion of Budget Allocation by State Plan Goal**

On February 24th, the Administrative Committee met and evaluated the workload and resources needed for each of the 15 State Plan goal areas after the Council acted to consolidate the objectives from 32 to 15. Councilmember Sandra Smith then presented the proposed budget

Legend:
FA = Family Advocate
SA = Self-Advocate

distribution by State Plan goal to the Committee for consideration and action.

It was moved/seconded (Smith [FA]/Clyde [SA]) and carried to adopt the Administrative Committee's recommendation to approve the budget distribution by State Plan goal. (Motion passed unanimously: Forderer, Lopez, Lewis, Clyde, Smith, and Yang.)

11. **Sponsorship Requests**

Executive Director Clark presented the following three sponsorship requests for consideration and action by the Committee:

(1) Family Voices of California

Family Voices of California is requesting a \$999 sponsorship for the 2015 Annual Health Summit and Legislative Advocacy Day, to be held March 16-17, 2015 in Sacramento. This event provides the opportunity for families of children and youth with special health care needs to hear from state administration representatives, legislators, staff, and advocates about critical health policy issues that affect their children and communities.

After reviewing the materials, the Committee concluded that this event did not have people with intellectual/developmental disabilities as its primary focus and acted not to approve this request.

It was moved/seconded (Forderer [SA]/Clyde [SA]) and carried to not approve this request for sponsorship in the amount of \$999. (Motion passed unanimously: Forderer, Lopez, Lewis, Clyde, Smith, and Yang.)

(2) Choices Self-Advocacy Conference

CHOICES Institute is requesting a \$999 sponsorship to offer scholarships to Transition students with developmental disabilities to attend the annual CHOICES self-advocacy conference, so students may expand their knowledge and skills in advocating for themselves. The CHOICES conference is an event that highlights self-advocacy and the many ways people with disabilities can, or learn to, make choices for themselves.

It was moved/seconded (Lewis/Smith [FA]) and carried to approve this request for sponsorship in the amount of \$999. (Motion passed unanimously: Forderer, Lopez, Lewis, Clyde, Smith, and Yang.)

(3) Self-Advocacy Council (SAC) 6

SAC6 is requesting a \$999 sponsorship in order to assist the board members of SAC6 to attend the 20th Annual Statewide Self-Advocacy Conference, Celebrate Self-Advocacy. This conference will be held on May 1-2, 2015 in Sacramento, California. This conference provides a supportive environment for self-advocates to learn about health and wellness, independence and living options, micro-enterprises and jobs, people first and self-advocacy groups, regional and statewide networking, serving on boards and facilitation, transition and youth self-advocacy skills and transportation advocacy.

It was moved/seconded (Forderer [SA]/Clyde [SA]) and carried to approve this request for sponsorship in the amount of \$999. (Motion passed unanimously: Forderer, Lopez, Lewis, Clyde, Smith, and Yang.)

12. Conflict of Interest Waiver (COI) Request and Process Update

Legal Counsel Natalie Bocanegra presented the Inland Regional Center COI waiver request for Marybeth Feild and provided Committee members with background on the regulations governing the COI process. Following much discussion on the need for a process to guide staff, the Committee concluded that they would postpone taking action on the Inland COI waiver request until the March Council meeting.

It was moved/seconded (Lewis/Smith [FA]) and carried to direct staff to collect information to help determine what the Conflict of Interest (COI) process should be and gather perspectives and opinions from Council members and other interested parties. (Motion passed unanimously: Forderer, Lopez, Lewis, Clyde, Smith, and Yang.)

13. Approval of SSAN Presentations

At the January 22, 2015 Council meeting, SSAN Chair Cheryl Hewitt brought forth two presentations developed by SSAN members. Ms. Hewitt requested that the two presentations, one on Self-Determination and one on Employment First, be used throughout the

state as an education tool. Due to the loss of quorum in the room, this item was referred to the Executive Committee for consideration.

It was moved/seconded (Clyde [SA]/Forderer [SA]) and carried to approve the Self-Determination and Employment First presentations to be used throughout the state as an education tool. (Motion passed unanimously: Forderer, Lopez, Lewis, Clyde, Smith, and Yang.)

14. **Policy Questions Regarding the Regional Advisory Committees**

Assembly Bill 1595 redefined the area board offices as regional offices and the area boards as regional advisory committees. In doing this, headquarter and regional office staff a brought forth several policy questions. Chief Deputy Director Carruthers presented a draft Q&A document designed to provide answers to frequently asked questions. Following Chief Deputy Director Carruthers' presentation, the Committee took the below action to recommend approval to the full Council:

It was moved/seconded (Lopez [FA]/Clyde [SA]) and carried to recommend that the Council approve the Policy Questions Regarding Regional Advisory Committees as amended. (Motion passed unanimously: Forderer, Lopez, Lewis, Clyde, Smith, and Yang.)

15. **Regional Advisory Committee Selection Policies and Procedures**

Chief Deputy Director Carruthers presented the draft regional advisory committee selection policies and procedures for consideration by the Committee. Following discussion, the Committee took the below action to adopt the draft policy:

It was moved/seconded (Lewis/Lopez [FA]) and carried to adopt the Council's Policies and Procedures for appointing Regional Advisory Committee members as presented. (Motion passed unanimously: Forderer, Lopez, Lewis, Clyde, Smith, and Yang.)

16. **Closed Session – Personnel**

The Committee went into closed session.

17. **Reconvene Open Session**

No action was taken

18. **Adjournment**

Chairperson Yang adjourned the meeting at 2:35 p.m.

AIDD/MTARS - Compliance Status- At a Glance – As of 4/1/15

CAP ITEM	Task Description	Date of Submission	Status
A-1	AB 1595, Bylaws	12/1/14	MET Compliance
A-2	Executive Director Job Description	1/1/15	Compliance NOT MET- requires continuous monitoring.
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	PENDING AIDD REVIEW
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	PENDING AIDD REVIEW
G-1a.	Orientation binder, welcome letter	1/1/15	MET Compliance
G-1b.	Annual Councilmember training	4/1/15	PENDING AIDD REVIEW
G-2	Welcome letter for agency reps	2/1/15	PENDING AIDD REVIEW
G-3b.	SAAC packets and materials for 2015, evidence of facilitator attendance for 2015		
H-1a.	State Plan development process		
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		

CAP ITEM	Task Description	Date of Submission	Status
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		
I-2	MOU		
I-3	DSS Invoices	2/1/15	PENDING AIDD REVIEW
I-4	DSS Invoices	2/1/15	PENDING AIDD REVIEW
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		
I-9	See A (Staff), H (Five Year State Plan), and M (Fiscal Requirement)		
J-1a.	State Plan work plan		
J-1b.	Evidence of periodic meetings and joint activities.		
J-2	Amended plan and supporting documentation.		PENDING AIDD REVIEW
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	2/1/15	PENDING AIDD REVIEW
L-2	Month's expenditures by object code for entire budget	2/1/15	PENDING AIDD REVIEW
M-1	State accounting policies, budget development directives	2/1/15	PENDING AIDD REVIEW
M-2	AB 1595	12/1/14	MET Compliance

CAP ITEM	Task Description	Date of Submission	Status
M-3	Council reviews of monthly budget projections, Council votes on resource allocation, including cost-reductions		
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	PENDING AIDD REVIEW
O-2	DSA Annual Evaluation		



ADVOCACY and DIRECT INDIVIDUAL ADVOCACY SERVICES

Introduction

State Councils exist to provide advocacy, capacity building, and system change activities that contribute to a comprehensive system of supports and services that is centered around and directed by clients and families. This system is to include needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families. Councils are to promote self-determination, independence, productivity, integration, and inclusion in all facets of community life, through culturally competent programs. (Developmental Disabilities Assistance and Bill of Rights Act of 2000 [DD Act] Section 101[b], 101[b][1], and 101[b][1][B].)

The federally funded network serving people with intellectual and/or developmental disabilities (I/DD) and their families also benefits from the protection and advocacy systems, which protect the legal and human rights of individuals with developmental disabilities. (DD Act Section 101[b][2].) In California, Disability Rights California is the federal developmental disabilities network partner who is responsible for providing direct advocacy services and other legal supports and assistance to ensure that individuals with I/DD are able to exercise their rights to make choices, contribute to society and live independently. The federally funded network also benefits from the University Centers for Excellence in Developmental Disabilities Education, Research, and Service as well as from the Parent Training and Information Centers.

Given the focus on advocacy in the I/DD network, this paper clarifies advocacy activities that are and are not allowed to be provided by the State Council on Developmental Disabilities (Council). Such clarification may be issued as a departmental policy. The following addresses issues specific to the role and activities of the Council as authorized under the Developmental Disabilities Act. (Public Law 106-402).

Types of Advocacy

Advocacy involves promoting the interests or cause of someone or a group of people. An advocate is a person who argues for, recommends, or supports a cause or policy. Advocacy is also about helping people find their voice. (West Virginia University Center for Excellence in Developmental Disabilities.)

For the purposes of Council activities, there are two types of allowable advocacy: systemic advocacy and self-advocacy.

Systemic advocacy is about changing laws, rules, or agency practices that will improve outcomes for Californians with developmental disabilities and their families. The Council is directly responsible for systemic advocacy. In this capacity, the Council is responsible for conducting a comprehensive review and analysis of the state disability system, which informs the State Plan. This work assists individuals with I/DD by addressing barriers at the local, state, or national level. The focus can be changing laws or changing written or unwritten policies. Activities supporting systemic advocacy include outreach, training, barrier elimination, system design, system redesign, and informing policy makers.

Self-advocacy refers to an individual's ability to effectively communicate, convey, negotiate or assert his or her own interests, desires, needs, and rights. Self-advocacy means understanding one's strengths, needs, personal goals, legal rights, and legal responsibilities. It also means communicating these to others. Self-advocacy is speaking up for oneself. The Council facilitates and supports self-advocacy for people with I/DD and their families.

Facilitating and supporting family and self-advocacy focuses on empowering individuals to create change in their lives. The Council supports and facilitates self-advocacy by informing individuals of their rights, instructing individuals on how to make complaints, providing information about the correct organizations to help create change, and encouraging individuals and families to speak for themselves.

Direct Individual Advocacy Services

As stated above in the background section, State Councils engage in advocacy, capacity building, and systemic change activities that contribute to a coordinate, comprehensive system that includes needed community services and individualized supports. The Council does not provide these supports. The intent is for State Councils to impact the service delivery system, not become part of the delivery system. (Information and Technical Assistance Center for Councils on Developmental Disabilities.)

Speaking or acting on behalf of an individual or family to obtain or access services is a form of direct service and not an allowable activity for the State Council with federal funds. Some of these unallowable State Council activities include attending meetings for agency based supports and services (e.g. Regional Center, schools or school districts, Social Security, Department of Rehab) or making calls to these agencies on an individual's behalf.

The Council acknowledges that direct individual advocacy services are a critical need in the system. For example, parents need support when meeting with schools to discuss an individual education plan. Nationally, the perspective is that Parent Training and Information Centers (PTIC) are to provide this service. A review of the PTICs in California and assessing whether they meet the needs of families would be an allowable Council activity. Advocating for funding or better services is the role of the Council; providing these services is not.

State Council Advocacy Activities

There are many activities that are effective and consistent with the DD Act when working with individuals who are seeking advocacy support: information and referral, technical assistance, and training. These activities provide a benefit beyond helping individuals and families seeking advocacy supports. It leverages the strength of the California Council with its headquarters in Sacramento and regional offices throughout the state to provide an ongoing comprehensive review and analysis of the service system. Additionally, staff may conduct surveys to collect information on problems that are emerging within their regions, which helps identify statewide trends, and communicate their findings to the Council for action.

Staff typically does not need to personally attend direct service meetings to collect this type of information. The mere presence of staff at these meetings brings the State Council into the room, which can have the effect of direct individual advocacy services and make the Council a party to the action, also a direct service.

Conclusion

While this paper focuses on the division between advocacy activities that are allowed and not allowed, there is a large universe of advocacy activities that fulfill the State Council's purpose. Systemic advocacy marshals the Council's limited resources to serve the greatest number of people. Focusing on activities that impact the greatest number of individuals is a responsible and efficient way of changing the system of supports and services for people with I/DD and their families. With its headquarters and regional offices, the Council is structured to identify and change systemic issues at local, county, regional, and state levels.

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
 FY 2014-2015 PROJECTED SPENDING
 (BASED ON EXPENDITURES THROUGH FEBRUARY 2015)

Projected without vacancies

FUNDING SOURCE	ANNUAL BUDGET			SPENDING TO DATE			CURRENT BALANCE			PROJECTED YEAR-END BALANCE			
	Personal Svc.	OE&E	Total	Personal Svc.	OE&E	Total	Personal Svc.	OE&E	Total	Personal Svc.	OE&E	Total	% Remain
Grants & Contracts	\$5,131,546	\$1,247,454	\$6,809,000	\$3,002,299	\$894,233	\$3,896,532	\$2,129,247	\$353,221	\$2,912,468	\$534,233	(\$593,349)	(\$59,116)	-1%
BSG													
QA	\$1,616,399	\$850,124	\$2,466,523	\$1,036,057	\$308,396	\$1,344,453	\$580,342	\$541,728	\$1,122,070	\$47,257	\$381,801	\$429,058	17%
CRA/VAS	\$1,322,055	\$557,945	\$1,880,000	\$855,149	\$124,312	\$979,461	\$466,906	\$433,633	\$900,539	\$48,317	\$372,132	\$420,449	22%
TOTAL	\$8,070,000	\$2,655,523	\$11,155,523	\$4,893,505	\$1,326,941	\$6,220,447	\$3,176,495	\$1,328,582	\$4,935,076	\$629,807	\$160,583	\$790,390	7%

Projected with filled vacancies

FUNDING SOURCE	ANNUAL BUDGET			SPENDING TO DATE			CURRENT BALANCE			PROJECTED YEAR-END BALANCE			
	Personal Svc.	OE&E	Total	Personal Svc.	OE&E	Total	Personal Svc.	OE&E	Total	Personal Svc.	OE&E	Total	% Remain
Grants & Contracts	\$5,131,546	\$1,247,454	\$6,809,000	\$3,002,299	\$894,233	\$3,896,532	\$2,129,247	\$353,221	\$2,912,468	\$318,700	(\$593,349)	(\$274,649)	-4%
BSG													
QA	\$1,616,399	\$850,124	\$2,466,523	\$1,036,057	\$308,396	\$1,344,453	\$580,342	\$541,728	\$1,122,070	\$35,143	\$381,801	\$416,944	17%
CRA/VAS	\$1,322,055	\$557,945	\$1,880,000	\$855,149	\$124,312	\$979,461	\$466,906	\$433,633	\$900,539	\$18,262	\$372,132	\$390,394	21%
TOTAL	\$8,070,000	\$2,655,523	\$11,155,523	\$4,893,505	\$1,326,941	\$6,220,447	\$3,176,495	\$1,328,582	\$4,935,076	\$372,105	\$160,583	\$532,688	5%

NUMBER OF MONTHS REMAINING	
Current Month	Federal
February 2015	7

*Tables based on State Fiscal Year

**State Council On Developmental Disabilities
State Council Budgeted Base Details
Fiscal Year 2015-16**

	<u>BSG</u>	<u>CRA/VAS</u>	<u>QA</u>	<u>TOTAL</u>
1. Personal Services:				
Net Salaries & Wages	\$ 2,657,500	\$ 950,000	\$ 1,161,050	\$ 4,768,550
Temporary Help / Honorarium	\$ 66,500	\$ -	\$ -	\$ 66,500
Staff Benefits	\$ 2,541,000	\$ 464,360	\$ 567,521	\$ 3,572,881
Total Personnel Services	<u>\$ 5,265,000</u>	<u>\$ 1,414,360</u>	<u>\$ 1,728,571</u>	<u>\$ 8,407,931</u>
2. Operating Expense:				
General Expense	\$ 15,000	\$ 75,000	\$ 29,000	\$ 119,000
Printing	\$ 40,000	\$ 9,000	\$ 21,000	\$ 70,000
Communications	\$ 95,000	\$ 25,000	\$ 30,000	\$ 150,000
Postage	\$ 16,000	\$ 13,967	\$ 135,000	\$ 164,967
Travel-in-State :	\$ 108,000	\$ 64,000	\$ 50,000	\$ 222,000
Out-of-State Travel	\$ 10,000	\$ -	\$ -	\$ 10,000
Training (Tuition and Registration)	\$ 6,000	\$ 15,000	\$ 1,000	\$ 22,000
Facilities Operations (Rent)	\$ 585,000	\$ 23,780	\$ 211,000	\$ 819,780
Utilities	\$ 8,000	\$ -	\$ 2,000	\$ 10,000
Interdepartmental Services:	\$ 411,000	\$ 134,040	\$ 154,890	\$ 699,930
External Contract Services	\$ 435,000	\$ 3,000	\$ 12,000	\$ 450,000
Data Processing (Software, Supplies & Misc.)	\$ -	\$ 18,000	\$ -	\$ 18,000
SWCAP	\$ 25,000	\$ -	\$ -	\$ 25,000
Other Items of Expense	\$ -	\$ 177,158	\$ 204,234	\$ 381,392
Total Operating Expense	<u>\$ 1,754,000</u>	<u>\$ 557,945</u>	<u>\$ 850,124</u>	<u>\$ 3,162,069</u>
3. Total Council Budget (1 + 2)	<u>\$ 7,019,000</u>	<u>\$ 1,972,305</u>	<u>\$ 2,578,695</u>	<u>\$ 11,570,000</u>
4. Total Basic State Grant Award	<u>\$ 6,459,004</u>			

*Includes Council Member Honorarium and Travel Costs.



RECEIVED

MAR 10 2015

February 23, 2015

Bonnie Thurman
Community Services Division, Room 320
Department of Developmental Services
1600 9th Street
Sacramento, CA 95814

RE: Potential Conflict of Interest

Dear Ms. Thurman:

On behalf of Regional Center of the East Bay [RCEB], I am writing to request a waiver for a conflict of interest as identified by Ms. Darcy Ting. Ms. Ting is a member of our Board of Directors and it is our wish to have her continue in this role. Her expertise as a TV/Radio Public Affairs host and a leader in the Asian and Pacific Islander community is of great value to RCEB and its clients. Ms. Ting has expressed a potential conflict of interest as a result of her being a SLS vendor solely for her sister.

In an effort to eliminate any potential conflict, Ms. Ting will abstain from voting on issues at the Board meetings that relate in any way to Supported Living Services.

Copies of the request are being sent to the State Council on Developmental Disabilities and the Bay Area Office, State Council on Developmental Disabilities. **You should expect their written response to the waiver request within 20 calendar days of their receipt of the waiver request packet as outline in Section 54534 of Title 17.**

Thank you in advance for your prompt review of our request. If you require further information, please contact Terri Jones, Director of Human Resources at (510) 618-7702.

Sincerely,

Anne Struthers, President
RCEB Board of Directors

Cc: Mike Clark, Executive Director
State Council on Developmental Disabilities

Gabe Rogin, Executive Director
State Council on Developmental Disabilities, Bay Area Office

San Leandro (Main Office): 500 Davis Street Suite 100 San Leandro CA 94577 Tel: 510 618.6100 Fax: 510 678.4100

Concord: 2151 Salvio Street Suite 365 Concord CA 94520 Tel: 925 691.2300 Fax: 925 674.8001

Website: www.rceb.org

EXECUTIVE COMMITTEE AGENDA ITEM DETAIL SHEET

ISSUE: REVIEW OF STATE COUNCIL SPONSORSHIP POLICY

BACKGROUND: The Council has had a sponsorship policy for a number of years that carries out Goal 1 of the State Plan. The current policy states that an agency or organization may apply for Council sponsorships to support events that promote consumer and family self-advocacy.

The current policy was approved in June 2011. At that time, the Council determined that sponsorships should be limited to agencies and organizations and should not be given to individuals. This decision was based on less available funds and the reason that more consumers benefit by funding activities involving a number of persons rather than only one individual.

ANALYSIS/DISCUSSION: Given recent requests, the Council should clarify the rules regarding how a sponsored agency or organization can use sponsorship funds. The Council recently received a request to fund activities that may have qualified as lobbying activities under the state's lobbying rules, creating potential issues for the Council. In addition, the Council often receives requests related to conferences. However, the California Constitution prohibits the making of a "gift of public funds." Therefore, the Council should explain the rules regarding the use of sponsorship funds for travel and conference registration - - Council funds may pay for travel or conference registration fees of an individual who is not an employee, but there must be a public benefit and the individual must officially perform a service for the Council.

The proposed policy language ensures that state law is being followed and clarifies that awardees of Council sponsorship funds must use the funds for events that benefit as many self-advocates and their families as possible. Specifically, the amendments clarify that:

Decision Point 1: The Council seeks to provide funding to entities providing services or conference registration at no cost or at discounted rates to self-advocates and their families or provides other help.

Decision Point 2: The Council seeks to support events where self-advocates participate as panelists and presenters.

Decision Point 3: Any request must be submitted by an individual authorized to represent the agency or organization requesting funds who will be responsible for making sure the rules are followed; and

Decision Point 4: The Council will look at whether at least 30% of the expected attendees will be consumers, but this will not be a requirement for sponsorship.

Decision Points 5(a) to (e): Sponsorship funds may not be used for:

- (a) Lobbying activities;
- (b) Campaign activities;
- (c) Events with the sole purpose of fundraising (such as events without any educational component);
- (d) Overhead expenses of the agency/organization that are not related to the event ; and
- (e) Earmarked travel payments or conference registration payments for any particular individual(s) unless the individual(s) act officially on behalf of the Council and follow the State of California reimbursement rules.

COUNCIL STATE PLAN GOAL: Goal 1 - Individuals with developmental disabilities have the information, skills, opportunities and support to advocate for their rights and services and to achieve self-determination, independence, productivity, integration and inclusion in all facets of community life.

PRIOR COUNCIL ACTIVITY: Approval of current sponsorship policy in June 2011. Previous version of policy approved in 2009.

RECOMMENDATION(S): Staff recommends approval of the proposed amendments to the sponsorship policy.

ATTACHMENTS(S): Sponsorship Policy

PREPARED: Legal Counsel Natalie Bocanegra, April 2, 2015



SCDD SPONSORSHIP POLICIES AND PROCEDURES

The California State Council on Developmental Disabilities (SCDD) supports events that promote self-advocacy, leadership and education, thereby enabling people with developmental disabilities and their family members to expand their knowledge and skills. Toward that goal, organizations may apply for Council sponsorships for events that promote consumer and family self-advocacy. The Council will give special consideration to entities that provide free or discounted services or event registration fees to consumers and their families or offer other help so that consumers and their families can fully participate. The Council especially seeks to support events where consumers participate as panelists and presenters.

Section 1

Agencies and organizations may apply for a sponsorship. To apply, for an Agency/Organization Sponsorship you must the agency/organization must:

1. Submit a signed written request to the SCDD **at least 90 days** before the event. Request must be signed by an individual with authority to represent the agency/organization and the responsibility to ensure that all sponsorship requirements are met.

The request must include this information:

- a. The name, date, location and description of your event/conference;
- b. How this event/conference will increase the ability of consumers and family members to exercise control, choice and flexibility in the services and supports they receive, including a description of the specific way SCDD's funding would be utilized;
- xx. How many presenters or panelists will participate in the event and what number of the presenters or panelists will be consumers;
- c. The number and type of expected attendees (i.e. teachers, providers, administrators, etc.), including how many of those attendees are expected to be consumers and family members and whether the number of consumers will be 30% or more of the expected attendees;

- d. How you will conduct outreach to increase consumer and family involvement in the conference;
 - e. A complete and total budget, including the amount you are requesting (\$999 limit), details on the amount and sources of other funds solicited or obtained;
 - f. A list of other SCDD sponsorships and grants you have previously requested and/or received; and
 - g. A letter of recommendation from a consumer and/or family organization that supports your efforts to improve consumer and family self-advocacy.
2. During the event, provide acknowledgement that consumer and family participation in the event is made possible, in part, with funding from the California State Council on Developmental Disabilities.

Section 2

Applicants should be aware of the following ~~policies and procedures~~:

- ~~1.~~ 4. The SCDD Executive Committee is responsible for all Sponsorship decisions.
- ~~2.~~ 2. All requests are subject to the availability of funds, and are paid as reimbursements in arrears, in accordance with State administrative procedures.
3. No portion of funds awarded may be used for lobbying or campaign activities, any event that is solely a fundraising event, or non-event related overhead expenses of the agency/organization.
4. No portion of funds awarded may be earmarked for payments for travel by any individual(s) or for conference registration fees for any individual(s). However, there is an exception if the individual is officially performing services for the State of California and all State of California rules are met.

EXECUTIVE COMMITTEE AGENDA ITEM DETAIL SHEET

ISSUE: EXECUTIVE DIRECTOR EVALUATION

BACKGROUND: The federal Developmental Disabilities Assistance and Bill of Rights Act (Federal DD Act), requires the State Council on Developmental Disabilities (Council) to evaluate the performance of the Executive Director on an annual basis.

To meet this requirement, the Council previously approved an evaluation tool to assess the Council's Executive Director. (See Minutes of March 16, 2011, Council Meeting.) The Council uses this tool for each annual Executive Director evaluation.

ANALYSIS/DISCUSSION: The Executive Committee must take action to: 1) direct beginning the evaluation of the Executive Director; 2) approve the use of the Council's established evaluation tool; 3) approve proposed timeline; and 4) select a person to serve as Evaluation Coordinator who will assist the Chairperson with the evaluation process and collection of forms.

Staff is recommending that the Executive Committee direct staff of the Council's Personnel Office to assist the Chairperson with the handling and processing of confidential information. It is further recommended that Legal Counsel conduct a legal review of materials collected and developed by the Chair and Evaluation Coordinator in order to confirm compliance with the evaluation process and applicable rules.

STATE PLAN GOAL: N/A

PRIOR COUNCIL ACTIVITY: Council approved and used the existing Executive Director evaluation tool.

RECOMMENDATION(S): Staff recommends that the Executive Committee 1) initiate the Executive Director evaluation; 2) ratify use of the evaluation tool with clarifications regarding process; 3) approve proposed timeline; and 4) select an Evaluation Coordinator.

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

PREPARED: Legal Counsel Natalie Bocanegra, March 31, 2015



STATE COUNCIL ON DEVELOPMENTAL DISABILITIES 2015 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.
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.
7. The Executive Director Evaluation will be on the May Council Meeting agenda as a closed session item.

8. In open session, the Executive Director and Council then meet to discuss salary/bonus 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

Assistance to Council Members	Don't Know	Needs Improvement	Acceptable	Outstanding
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.				

PERSONNEL	Don't Know	Needs Improvement	Acceptable	Outstanding
Assures that staff are supervised and coordinated effectively in order to carry out all of the Council's goals and objectives.				
BUDGET				
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.				

PUBLIC AND AGENCY LIAISON	Don't Know	Needs Improvement	Acceptable	Outstanding
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).				
ADAPTABILITY RATING				
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.				

EXPRESSION	Don't Know	Needs Improvement	Acceptable	Outstanding
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.				
INTERPERSONAL RELATIONS				
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?

2. In what areas has the Executive Director shown exceptional improvement?

3. What specific recommendations do you have for the Executive Director?

4. What should be the priorities for the Executive Director over the next year?

5. Do you have any additional comments regarding the Executive Director's performance?

Council Member Signature

Date

EXECUTIVE DIRECTOR EVALUATION 2015 TIMELINE

- April 14, 2015 Present approved evaluation tool and method to the Administrative Committee to provide status update.
- April 14, 2015 Provide to the Executive Committee for ratification: the evaluation tool and method previously approved by the full Council and presented to the Administrative Committee. Executive Committee also considers selection of an Evaluation Coordinator to coordinate evaluation and the approval of timeline.
- April 15, 2015 Evaluation form will be sent out to evaluators with a return date of May 6, 2015, for submission to the Chair or Evaluation Coordinator, as appropriate.
- May 19, 2015 Evaluation Coordinator will present the evaluation materials, statistical data and all information to the Executive Committee during a closed session.
- May 20, 2015 Executive Committee will present the evaluation and their recommendation to the full Council during a closed session.