



GOVERNING BOARD MINUTES

January 28, 2013
10:00 a.m.

Tulare County Board of Supervisors
Conference Rooms A/B
2800 West Burrel, Visalia, CA

GOVERNING BOARD MEMBERS PRESENT:

Tony Barba, Chair, Kings County – Dist. 4
Pete Vander Poel, Tulare County – Dist. 2
Richard Fagundes, Kings County – Dist. 5
Allen Ishida, Tulare County – Dist. 1 (late arrival)

GOVERNING BOARD MEMBERS ASSENT:

Mike Ennis, Vice Chair, Tulare County – Dist. 5

COUNCIL MEMBERS PRESENT:

Cheri Taylor, Advisory Council Chair
Marlene Chambers
Sharon DeMasters
Fern Haller
Dick Johnson
Sharon Lamagno
Don Turner

STAFF PRESENT:

Tim Lutz, K/T AAA Director
Dayna Wild
Sarah Shena, Senior Legal Services
Bonnie Quiroz
Christine Tidwell
Angela Huerta

GUESTS PRESENT

Ron Mathis
William Munoz, Office of Assembly
Member, Rudy Salas

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1. **Call to Order** – Supervisor Barba, Chair, called the meeting to order at 10:00 a.m., noting that Supervisors Ennis and Ishida were absent. Supervisor Ishida is expected to arrive late.
 2. **Public Comment**
 - Mr. William Munoz, a representative from the office of Assembly Member Rudy Salas (32nd District) introduced himself to the Board. He said Mr. Salas currently serves on several committees, including the Select Committee on Workforce and Vocational Development in California (Chair), and the Select Committee on Regional Approaches to Addressing the State's Water Crisis (Chair). Additionally, he serves on the Accountability and Administrative Review Committee, Governmental Organization Committee, and Veterans Affairs Committee. Mr. Salas has proposed bill AB114 to bring use of Prop 39 money to the Central Valley.
 - Sarah Shena, attorney with K/T AAA, Tulare County Senior Legal Services asked to speak to the Request for Proposal (RFP) matter on the agenda. The Chair asked Ms. Shena to hold comments until the Board gets to that item on its agenda.
 - Advisory Council Member, Sharon DeMasters announced that Kings County Commission on Aging (KCCOA) has started a new partnership with USDA CalFresh. CalFresh has offices in the same building as KCCOA and CalFresh staff will begin classes for seniors in March. Classes will be taught in segments and be geared toward seniors, the first segment being how to prepare food on a small income. USDA staff received permission to partner

with KCCOA and will be funding the classes, including all teaching materials. Ms. DeMasters said KCCOA is in the Ag complex which has a nice kitchen where classes will be held. The second segment, “Grandma and Me” will be geared to seniors who care for grandchildren, to provide ideas on how to prepare meals suitable for both a child and a senior. The third session will be money management and how to survive on a low income. Classes may also be held in Corcoran, Avenal, and possibly Armona. In response to a question from Supervisor Vander Poel as to if classes are open only to Kings County seniors, Ms. DeMasters said classes are available to anyone, but reservations are required and space is limited.

Mr. Lutz and Supervisor Vander Poel requested information on this program be sent to them. Mr. Lutz said his staff has been working closely with the TulareWORKs division on developing innovative programs and this would be a great way to expand.

- Cheri Taylor, Council Chair announced that Porterville Adult Day Services (PADS) is having its annual Rock-a-Thon on February 22nd and 23rd, a fundraiser which provides scholarships to caregivers. Anyone wishing to participate can contact her.

3. **Approval of the Minutes of October 15, 2012** – On a motion by Supervisor Vander Poel, seconded by Supervisor Fagundes, the minutes of the October 15, 2012, meeting were approved. Supervisors Ennis and Ishida were not present.
4. **Election of Chair and Vice Chair for 2013** – Supervisor Vander Poel suggested that because two Board members were absent, this item be temporarily tabled until an additional Board member arrived. The item was moved to the last action on the agenda. **(Res. No. 13-001)**
5. **Governing Board Meeting Schedule** – Mr. Lutz said typically the Board meetings are scheduled according to when essential items need approval. June and July meetings are included on the calendar on an “as needed” basis since typically there are fewer business items during that time. This year, in light of the Request for Proposal (RFP), the additional meetings may be needed to authorize it. Supervisor Fagundez moved to approve the meeting schedule; Supervisor Vander Poel seconded and the motion which was approved. Supervisors Ennis and Ishida were not present. **(Fagundez/Vander Poel Res. No. 13-002)**
6. **Re-appointment of Advisory Council Members Betty Oswald and Fern Haller** – Mr. Lutz said both Ms. Oswald and Ms. Haller are current members of the Council. Ms. Oswald was appointed recently to complete the term of Boyd Leavitt following his resignation, to a term ended on December 31, 2012. This re-appointment puts her into the normal rotation of member terms. The re-appointment of Fern Haller is for a second four-year term, for which she is eligible under the Bylaws passed in 2008. Supervisor Fagundes moved to reappoint both Council members to their respective seats. Supervisor Vander Poel seconded the motion with comment that the Council is doing a great job. The Board approved both re-appointments. Supervisors Ennis and Ishida were absent. **(Fagundes/Vander Poel Res. No. 13-003)**

7. **Request for Proposal (RFP) for Area Agency on Aging Services** – Mr. Lutz requested this item be held until the end of the meeting to ensure that as many Board member as possible are present to contribute to the discussion. Supervisor Vander Poel requested items 4 and 7 can be moved to the end. (Supervisor Ishida arrived at this time, making it unnecessary to postpone this discussion).

Mr. Lutz requested the Board's permission to release a Request for Proposal (RFP) for all Title III programs currently with the K/T AAA, with the exception of Title III-E, which is already out to contractors in the community. This will include Title III, Nutrition Site Management and activities including Titles III-C1 and III-C2 (Home-Delivered and Congregate meal programs); Information and Assistance; Legal Services; Title III-D, Disease Management; and Elder Abuse Prevention Education, Title VII funding, (a small fund of money linked closely to Title III). The total value of the RFP is estimated at \$960,000. The goal of the RFP is to find a contractor to take on these services with the understanding that the accepting contractor will undoubtedly have sub-contractors for certain services for which they will have more of a coordinating roll. Mr. Lutz said this is a major departure from how K/T AAA historically has operated services in Tulare County, but noted that it is similar to what Kings County is doing with its funding that goes to the non-profit organization KCCOA. This change will be from a direct service model to a contract service model.

Mr. Lutz said this action brings the K/T AAA in line with ninety percent of the other government-based Area Agencies on Aging in the state. The Agency is specifically looking for a non-profit organization to administer services, noting this will provide additional flexibility including access to grants that as a government entity the K/T AAA is not able to access.

Additionally, non-profit organizations can fund raise more successfully because of their tax exempt status, and if funding changes, either increased or decreased, these organizations are in a better position to more quickly move services, add staff, buy equipment, or if they have to, decrease and absorb staff into other programs. He noted the Agency is looking for a large enough community partner that it can leverage its existing resources and infrastructure. The goal being that if existing infrastructure is leveraged, a broader range of services will be provided. Often there is overlap with what the K/T AAA does, and with what other non-profit organizations in the community do. This is channeling into the community to people that already have expertise in delivering these types of programs, and it is geared toward trying to grow and expand services and expand the populations and the number of people that are served.

Mr. Lutz said staff has looked at ways to bring more people in and from the government perspective the Agency is sitting on stagnant funding and a lack of ability to bring in new funding without the ability to apply for lucrative grants that non-profit organizations can go toward.

If the contract is awarded, it will impact seven full-time staff positions. If a successful contractor is found, there will be lay-off notices issued for those positions. He noted there is the potential for the new contractor to take on some staff because it may not have staff and infrastructure in place for all the senior centers. A requirement in the RFP is that the contractor continues to serve all of the areas currently being served. The Agency does not want a decrease in service, rather the goal is the expansion of service; therefore, the organization needs to continue to operate in the existing areas. He will be working closely with Human Resources throughout the RFP process to help resolve staff issues.

If the Board chooses not to approve the RFP, or if no suitable contractor is found, the Agency will continue to operate as a direct service model with the funding levels that are available. Mr. Lutz said this change represents more a desire to grow programs than a fiscal crisis, so it lets the K/T AAA consider carefully while looking at all the options, and to be pro-active rather than re-active to its funding levels. This action requests permission to release the RFP with the target release date of mid-February. After committee review, the goal is to have a contract to the Board by May or June.

Supervisor Vander Poel acknowledged that this isn't a reactive action but a proactive action and asked Mr. Lutz for a synopsis of funding levels over the last five years, comparing funding today to that of four or five years ago, noting that immediate funding is not being slashed. Mr. Lutz said the K/T AAA lost almost all State General Fund contributions to AAA programs with the State's fiscal crisis, noting that it was a huge hit for the Information and Assistance and Legal Services programs. Additionally, Nutrition money was cut and several block grants eliminated, primarily the Linkages Program and Alzheimer Day Care (ADCRC). KCCOA and PADS both lost ADCRC funding. These cuts have impacted K/T AAA directly as well as the community. In-house, the Agency could fund those positions flexibly to have staff working in Title III, HICAP, and Nutrition. Additionally, although costs have increased, the Federal Older Americans Act (OAA) hasn't increased funds in the last ten years and K/T AAA has not experienced increases to adjust for the increased cost of doing business. He said problems were averted in 2009, when the K/T AAA kitchen was closed and the Agency began using a contractor for meals, stabilizing operations. However, he said it didn't put K/T AAA in a position to be able to effectively grow programs.

Supervisor Vander Poel commented that while it isn't an immediate reaction, it is a reaction to the build up over the last few years and to the need to plan ways to deliver programs to an ever-increasing population with diminishing resources. He asked if there is any opportunity for lateral moves within the Agency for staff that will be affected, or alternately if there is possibility of the contracting party to hire those staff. Mr. Lutz said there is possibility that Health and Human Services may be able to take on some of the positions and it is the Agency's intention to avoid layoffs. Additionally, he said any contractor is going to look closely at staff at each center and may take on the existing site manager.

K/T AAA attorney Sarah Shena addressed the Board saying she would like the Board to consider carefully that diverting the entire funding stream, including that which covers legal services, requires careful consideration. She said it is unlikely that any non-profit organization will want to take on legal services and nutrition as they are very disparate types of service and supervising them requires very different skills and attention. She noted that the OAA attempts to provide a safety net for our elders. When legal services was brought in house by the AAA, what was being sought was coordination; for instance, most people who call legal services get referred to at least one, if not more K/T AAA services and/or are linked to other County programs. She said the ability to coordinate in that way is difficult, as is keeping apprised of what the County and K/T AAA provides and this work to coordinate services is something a contracted legal service is not going to do. Ms. Shena said other types of services envisioned in the Area Plan, such as advocating for elders and educating the public will get minimized. Additionally, she noted that when legal services were brought in house, part of what was being sought was control. An example, are letters that she has

been asked to sign on behalf of the K/T AAA which advocate State-wide matters that impact seniors. K/T AAA has had input into matters on behalf of rural elders because of legal advocacy and that type of work will be lost if services are contract out even if the RFP stipulates that there be an advocating component. She said while working as the K/T AAA attorney, she has observed for eight years the kind of advocacy that is done state-wide and nation-wide and is very tied into (her) state-wide colleagues. She noted that as far as leveraging, she is aware of grants available for legal services and they are few and far between.

Instead of seeking grants, she has recruited high-quality volunteers, avoiding the need to spend the administrative time required for grant money. Legal services is already leveraging and reaching out to colleagues in Kings, Tulare, and Fresno Counties, including the relationships she has built over 26 years practicing law in the area. For example, if it is decided a client needs services that K/T AAA can't provide she contacts someone who can help and she noted that very rarely does anyone say, "No," and she is able to do this because of the personal relationships that have been built. This flexibility is lost if legal services funding is diverted.

Lastly, an in-house program allows control and the ability to make an impact on behalf of our rural elders far surpassing what a contracted organization could do. As an example, she said she participated in a State-wide workgroup with the California Dept of Aging to write the uniform model reporting standards for senior legal services. This advocacy helped hone the definition of Home-Bound elders to include elders without transportation, important because in rural area, many people have no transportation and they may not be considered home-bound in other counties, but in rural areas it is problematic getting out. It is because of this advocacy, that elders lacking transportation have higher priority. In closing, she quoted Winston Churchill in stating: "You measure the degree of civilization in a society by how it treats its weakest members". She urged the Board to protecting the legal safety net for Tulare County elders.

Mr. Lutz asked Kings County representatives for comment since Kings County currently has a contracted mode of providing services. Sharon DeMasters, Director of the KCCOA said Kings County does contract its legal and nutrition services. Its legal services are contracted with Central California Legal Services (CCLS), an organization out of Fresno that serves Fresno, Kings, and Tulare counties. CCLS lawyers come to KCCOA offices at least once per month. She said quite a bit of work is done by phone working with the client and CCLS representatives will go to the clients home, as well as represent in court. Ms. DeMasters said she couldn't ask for a better relationship. She noted that with the KCCOA contract she has the advantage of a group of lawyers, not only the one lawyer that comes to the office on a monthly basis - there is the advantage of the cases being taken back to the central office for discussion with other experts.

Senior meals for Kings County are contracted with Adventist Health, which provides site meals and frozen home-delivered meals. Ms. DeMasters acknowledged she is please with the service provided.

In response to a question from Supervisor Vander Poel as to if the RFP contract includes the "whole package", including legal services, Mr. Lutz said, "Yes," adding that it is rare that an organization will have all the expertise in house. He said undoubtedly the contractor will contract out and work with volunteer attorneys in the community in a way similar the Commission on Aging.

Mr. Lutz said the contract will go out as blocks service units. The contractor will have a minimum number of units of service in providing legal services which will match the level of units of service that K/T AAA provides now. In addition, the community outreach units of service will be spelled out in the contract that is felt can be leveraged with the information and assistance to provide education and outreach. This will not necessarily be done with an attorney as much as with someone knowledgeable in the particular topic of the outreach.

Supervisor Vander Poel said if the RFP is issued, and if a bid is received that does not include all services, then K/T AAA is back where it is currently. Or it is possible if an entity does not have legal offerings, it can be connect to legal services and Ms. Shena potentially could transfer to the new entity.

Supervisor Vander Poel said it is difficult, but he sees it as an opportunity understanding that the private sector often operates better than the government. And it offers the opportunity to leverage additional grant money and programs to offer more services to seniors, which is ultimately what the K/T AAA is charged with doing. He motioned the Board approve the RFP going out to bid, asking Mr. Lutz to continue to work with Human Resources and staff to help find a home, a job and, a place for each of them. Supervisor Fagundes seconded the motion. The item was approved on a vote of four votes for and one absent. **(Vander Poel/Fagundes Res. No. 13-004)**

8. **California Department of Aging (CDA) Contract Amendments** – These contracts are annual One-Time-Only (OTO) funds that are received. The Board at the beginning of the year gives the Director authority to sign contract amendments and report back to the Board. Included here is the Area Plan contract increase of \$64, 617, mixed between Nutrition funding and Title III-E (Caregiver Support) funding.
9. **Provider Contract Amendment** – Mr. Lutz said that knowing OTO funding was an unusually high amount, he spoke to staff at the City of Tulare Senior Center. Recently, that center lost facility to bus seniors that didn't have transportation to the center and who were in rural parts of the city. Additional Nutrition funding was given to the Tulare Center to offset nutrition costs. In that way, they could in turn pay for the transportation for seniors to get them back to the center.

Also, a portion of the money went to Kings County for the normal twenty-three percent split. Porterville Adult Day Services and Valley Caregivers also received increases for their Family Caregiver Support Program.

10. **Ricciardi, Inc. Single Audit Report (Fiscal year ended June 30, 2012)** – This annual report from independent auditors summarizes the fiscal year 2011-12 operations for the year. Mr. Lutz referred to the summary explanation of the cash picture for the Agency. Cash reserves continued to decrease roughly \$195,000. The cash reserves were previously discussed with and budgeted with the Board for certain one-time purchases of equipment, projects, and upgrades for senior centers. He said there are continued projects that are outstanding which K/T AAA is working on at some of the centers for which money is set aside, but K/T AAA is beginning to wind down those upgrades.

- 11. Advisory Council Report** – Council Chair Cheri Taylor reported to the Governing Board that she and the Council Membership Committee have requested formal action to recognize Tulare County-appoint seats 1 and 2 as vacated due to those two member's non-attendance. This action is in line with attendance guidelines stipulated in the Bylaws. Ms. Taylor noted that the Council has action committees and anyone in the community can participate by being on those committees; however, she said the Council needs to have members attending regularly in order for it to work. Therefore, in accordance with the Bylaw criteria, Sam Hurtado and Jacob Epperson will be dismissed from the Council due to continued non-attendance. Ms. Taylor said Mr. Hurtado and Mr. Epperson have worked very hard in the past, but at this time health considerations prevent their involvement and circumstances change they can re-apply and their participation on committees is welcome. She said the Council needs to have its members coming to all meetings.

Mr. Lutz noted that this information was brought to the Board in order to give Board members an opportunity to comment, noting that it is challenging to recruit and keep members but the Advisory Council works hard to ensure its members are actively involved. Additionally, Ms. Taylor said the reason it is being brought to the Board because sometimes Council members have been persons the Board has recommended to the Council and the Council wants to make sure the Board understands the circumstances for the action.

Supervisor Vander Poel commented that the Advisory Council serves an important role for the Governing Board, being the voices of the senior community coming through the Council at the Board meetings. He acknowledged the importance of good attendance in making effective members. Although, it is difficult to support removal of anyone, we want to make sure we have as many voices and the best representation of voices as possible.

4. Election of Chair and Vice Chair for 2013

*Item 4 had been postponed until the end of the meeting.

Supervisor Vander Poel motioned to elect Supervisor Ennis as the Governing Board Chair for 2013 and Supervisor Fagundes, Vice Chair. Supervisor Ishida seconded the motion and the vote carried.
(Vander Poel/Ishida Res. No. 13-001)

- 12. Adjourn** – The meeting adjourned at 10:47 a.m.

Respectfully submitted,

Timothy W. Lutz
Secretary to the Board