



State Council on Developmental Disabilities

How To Do Things¹ UNDER ROBERT'S RULES OF ORDER PLAIN LANGUAGE

1. You want to bring up a new idea before the group.

- ☒ In order to make a motion or talk during the discussion, you must be “given the floor” by being called on by the Chair.

- Take a New Action (“Make a Motion”):

After being called on by the chair, tell people what you think the Council should do and what action it should take.

Be specific. Sometimes it helps to write out the motion and read it.

- A Second Person Must Agree:

A second person must agree with you and say that he or she “**seconds**” your idea or motion in order for the group to talk about and consider your motion.

¹ Adapted from Cornell University Faculty publication: <http://theuniversityfaculty.cornell.edu/meetings/RobertsRulesSimplified.pdf>

2. You want to change some of the wording in a motion already being discussed.

- ☒ In order to make a motion or talk during the discussion, you must be “given the floor” by being called on by the Chair.

- Suggest a Change (“Move to Amend”):

After being called on by the chair, suggest a change by saying “I move to amend,” AND

- Tell How Your Change Will Be Made

Tell the group, you wish to amend by:

- adding words,
- removing words, or
- removing and inserting words.

- A Second Person Must Agree:

Another person must “second” your idea.

3. You want more study and/or investigation given to the idea being discussed.

- ☒ In order to make a motion or talk during the discussion, you must be “given the floor” by being called on by the Chair.
- “Move to refer to a committee.” Try to be specific and explain exactly what you think the responsibility of the committee should be.
- A Second Person Must Agree: Another person must “second” your idea.

4. You want more time personally to study the proposal being discussed.

- ☒ In order to make a motion or talk during the discussion, you must be “given the floor” by being called on by the Chair.
- “Move to postpone” to a definite time or date. Provide an *exact time* later on during the meeting, or at a future meeting on a *specific date*, to continue discussion on the proposal.
- A Second Person Must Agree: Another person must “second” your idea.

5. You have heard enough discussion.

- ☒ In order to make a motion or talk during the discussion, you must be “given the floor” by being called on by the Chair.

- “Move the previous question.”

This cuts off discussion and brings the group to a vote on the question being discussed **only**.

★ ★ Robert’s Rules of Order require a 2/3rds vote for this motion. However, your Bylaws may say that **only a majority vote is necessary**. You should follow your Bylaws

- Or “move to close the debate” in order to end the discussion.

★ ★ Robert’s Rules of Order require a 2/3rds vote for this motion. However, your Bylaws may say that **only a majority vote is necessary**. You should follow your Bylaws.

- A Second Person Must Agree:

Another person must “second” each of the above motions.

6. You believe the discussion has drifted away from the agenda and want to bring it back.

- ☒ In order to make a motion or talk during the discussion, you must be “given the floor” by being called on by the Chair.

- **“Call for orders of the day.”**

This motion asks the group to follow its agenda or order of business. It does not require a second. The Chair may then go back to the scheduled business.

➡ No second is required.

7. You are confused about what is being discussed and want clarification.

- ☒ In order to make a motion or talk during the discussion, you must be “given the floor” by being called on by the Chair.

- **“Call for a point of information.”**

The Chair will ask you what your question is and attempt to clarify the situation.

➡ No second is required.

8. You want to take a short break.

- ☒ In order to make a motion or talk during the discussion, you must be “given the floor” by being called on by the Chair.

- “Move to recess” for a set period of time.

Tell the group how long of a recess you are requesting.

The Chair must call on you before you make this motion. The motion requires a second and a majority vote. If the group votes for a recess, it goes into effect immediately.

- A Second Person Must Agree:

Another person must “second” this motion.

9. You want to end the meeting before the scheduled end time or before agenda is finished.

- ☒ In order to make a motion or talk during the discussion, you must be “given the floor” by being called on by the Chair.

- “Move to adjourn.”

If the Chair has called on you, you make a motion to close the meeting even if there is still business pending. This motion requires a second and a majority vote. The Chair announces adjournment.

- A Second Person Must Agree:

Another person must “second” this motion.

10. You have changed your mind about something that was voted on earlier in the meeting *and* you were on the winning side.

☒ In order to make a motion or talk during the discussion, you must be “given the floor” by being called on by the Chair.

- “Move to reconsider.”

You can make a motion to reconsider a decision made by the group, but **only if you were on the winning side.**

If this motion is approved by a majority vote, the decision can be discussed and voted on again as though a vote had not been taken before.

- A Second Person Must Agree:

Another person must “second” this motion.

You may INTERRUPT a speaker for these reasons only:

- To get information about business – **point of information**
- To get information about rules – **parliamentary inquiry**
- If you can't hear, safety reasons, comfort, etc. – **question of privilege**
- If you see a breach of the rules – **point of order**



State Council on Developmental Disabilities

COMO HACER LAS COSAS¹ **BAJO LAS REGLAS DE ORDEN** **DE ROBERT** **LENGUAJE SENCILLO**

1. Quiere hablar de una nueva idea con el grupo

☒ Para hacer una moción o hablar durante la discusión, se le debe "dar la palabra" al ser llamado por el presidente.

- Tomar una nueva acción
("Haga una Moción"):

Después de ser llamado por el presidente, infórmele a la gente lo que cree que debería hacer el Consejo y qué medidas debería tomar

Sea específico. A veces ayuda escribir la moción y leerla.

- Una segunda persona debe estar de acuerdo:

Una segunda persona debe estar de acuerdo con usted y decir que él o ella "secunda" o "apoya secundariamente" su idea o moción para que el grupo pueda hablar y considerar su moción.

¹ Adaptado de la publicación de la Facultad de la Universidad de Cornell: <http://theuniversityfaculty.cornell.edu/meetings/RobertsRulesSimplified.pdf>

2. Quiere cambiar parte del texto de una moción que ya se está discutiendo.

☒ Para hacer una moción o hablar durante la discusión, se le debe "dar la palabra" al ser llamado por el presidente.

- Sugerir un cambio ("Mover para enmendar");

Después de ser llamado por el presidente, sugiera un cambio diciendo "Propongo enmendar", Y

- Diga cómo se realizará su cambio

Dígale al grupo que desea enmendar por:

- agregar palabras,
- tachar palabras, o
- tachar y agregar/insertar palabras.

- Una segunda persona debe estar de acuerdo:

Otra persona debe estar de acuerdo con usted y decir que él o ella "apoya secundariamente" su idea.

3. Quiere que se le dé más estudio y / o investigación a la idea que se está discutiendo.

☒ Para hacer una moción o hablar durante la discusión, se le debe "dar la palabra" al ser llamado por el presidente.

- "Mover para referir a un comité."

Trate de ser específico y explicar exactamente lo que usted piensa que la responsabilidad del comité debe ser.

- Una segunda persona debe estar de acuerdo:

Otra persona debe estar de acuerdo con usted y decir que él o ella "apoya secundariamente" su idea.

4. Usted personalmente quiere más tiempo para estudiar la propuesta que se está discutiendo.

☒ Para hacer una moción o hablar durante la discusión, se le debe "dar la palabra" al ser llamado por el presidente.

- "Mover para posponer" a una fecha o hora definida.

Provea una *hora exacta* más adelante durante la reunión, o en una reunión futura en una *fecha específica*, para continuar la discusión sobre la propuesta.

- Una segunda persona debe estar de acuerdo:

Otra persona debe estar de acuerdo con usted y decir que él o ella "apoya secundariamente" su idea.

5. Ha escuchado suficiente discusión.

- ☒ Para hacer una moción o hablar durante la discusión, se le debe "dar la palabra" al ser llamado por el presidente.

- “Mover la pregunta anterior.”

Esto corta la discusión y lleva al grupo a votar **solamente** sobre la cuestión que se está discutiendo.

★ ★ Las Reglas de Orden de Robert requieren un voto de 2/3 para esta moción. Sin embargo, los estatutos del consejo dicen que **solo se necesita una mayoría de votos**, y el consejo debe seguir sus estatutos. (Vea el Artículo VI, Sección 1 y Sección 4 de los Estatutos).

- O “mover para cerrar el debate” para terminar la discusión.

★ ★ Las Reglas de Orden de Robert requieren un voto de 2/3 para esta moción. Los estatutos del consejo dicen que **solo se necesita una mayoría de votos**, y el consejo debe seguir sus estatutos. (Vea el Artículo VI, Sección 1 y Sección 4 de los Estatutos).

- Una segunda persona debe estar de acuerdo:

Otra persona debe estar de acuerdo y decir que él o ella “apoya secundariamente” cada moción anterior.

Cómo hacer las cosas conforme a la Regla de la Orden de Robert

6. Usted cree que la discusión se ha alejado de la agenda y quiere mantenerse en el tema y volver a los asuntos programados.

☒ Para hacer una moción o hablar durante la discusión, se le debe "dar la palabra" al ser llamado por el presidente.

- "Llame para las órdenes del día."

Esta moción le pide al grupo que siga su agenda u orden del día. No requiere un segundo apoyo. El presidente puede entonces volver a los asuntos programados.

➡ No se requiere un apoyo secundario.

7. Está confundido acerca de lo que se está discutiendo y desea clarificación.

☒ Para hacer una moción o hablar durante la discusión, se le debe "dar la palabra" al ser llamado por el presidente.

- "Llame para un punto de información."

El presidente le preguntará cuál es su pregunta e intentará aclarar la situación. ➡ No se requiere un segundo apoyo.

8. Quieres tomar un breve descanso.

☒ Para hacer una moción o hablar durante la discusión, se le debe "dar la palabra" al ser llamado por el presidente.

- “Mover a un receso” durante un período de tiempo determinado.

Informarle al grupo cuánto tiempo de receso está pidiendo.

El presidente debe llamarlo antes de que presente esta moción. La moción requiere una segunda votación y una mayoría. Si el grupo vota por un receso, entra en efecto inmediatamente.

- Una segunda persona debe estar de acuerdo:

Otra persona debe estar de acuerdo con usted y decir que él o ella “apoya secundariamente” su idea.

9. Quiere finalizar la reunión antes de la hora de finalización programada o antes de que finalice la agenda.

☒ Para hacer una moción o hablar durante la discusión, se le debe "dar la palabra" al ser llamado por el presidente.

- “Mover a terminar/cerrar la reunión”

Si el presidente le ha llamado, usted presenta una moción para terminar/cerrar la reunión incluso si todavía hay asuntos pendientes. Esta moción requiere un apoyo secundario y una mayoría de votos. El presidente anuncia la finalización de la reunión.

- Una segunda persona debe estar de acuerdo:

Otra persona debe estar de acuerdo y decir que él o ella “apoya secundariamente” esta moción.

10. Ha cambiado de opinión sobre algo que se votó anteriormente en la reunión y usted estaba en el lado ganador de la votación.

☒ Para hacer una moción o hablar durante la discusión, se le debe "dar la palabra" al ser llamado por el presidente.

- "Mover para reconsiderar."

Puede presentar una moción para reconsiderar una decisión tomada por el grupo, **pero solo si usted estuvo en el lado ganador de los votos.**

Si esta moción es aprobada por la mayoría de los votos, la decisión puede discutirse y votarse nuevamente como si no se hubiera votado antes.

- Una segunda persona debe estar de acuerdo:

Otra persona debe estar de acuerdo y decir que él o ella "apoya secundariamente" esta moción.

Puede INTERRUMPIR a un orador solo por estas razones:

- Para obtener información sobre negocios- **cuestión de información**
- Para obtener información sobre las reglas- **consulta parlamentaria**
- Si no puede oír, razones de seguridad, comodidad, etc.- **cuestión de privilegio**
- Si ve una infracción de las reglas- **cuestión de orden**

Simplified Parliamentary Procedure

Based on
*Robert's Rules of Order
Newly Revised*

League of Women Voters

The application of parliamentary law is the best method yet devised to enable assemblies of any size, with due regard for every member's opinion, to arrive at the general will on a maximum number of questions of varying complexity in a minimum time and under all kinds of internal climate ranging from total harmony to hardened or impassioned division of opinion.

From the Introduction to
*Robert's Rules of Order
Newly Revised.**

**Robert's Rules of Order Newly Revised*, the most commonly used parliamentary manual, is published by Scott, Foresman and Company, Glenview, Illinois, and can be obtained through most bookstores.

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Organizations

An organization and the way it functions are governed by its charter (if it is incorporated), its bylaws, and parliamentary rules or rules of order. Nothing in the bylaws may conflict with the corporate charter; the bylaws, in turn, supersede the rules of order. Bylaws are considered so important that special requirements are set for changing them. These usually include advance notice and a larger-than-majority vote for the adoption of amendments.

Most organizations use as their parliamentary authority a published manual, such as *Robert's Rules of Order Newly Revised*, which they may modify to meet their particular needs by adopting special rules of order.

Governing an organization

In any organization, final authority rests with the members assembled in regular or annual meetings or conventions, though they may not, of course, take any action that conflicts with the charter or bylaws.

The business of most organizations is managed by a board of directors that is responsible to the membership and acts under its general instructions and guidance. The officers and members of the board are usually elected at an annual meeting, although the board is sometimes empowered to choose some of its own members. Other members may serve *ex officio* because of another position they hold. *Ex officio* members have all privileges, including the right to vote and make motions.

Work is often carried on by committees that are either provided for in the bylaws (**standing committees**) or appointed for a special purpose (**ad hoc committees**). Their powers are limited to those specifically given them by the bylaws or by direction of the board or the members. Usually they report to the

board or to the membership meeting and are not authorized to act on their own in the name of the organization.

Officers

The president

- ☐ supervises the conduct of the organization's business and activities;
- ☐ serves, *ex officio*, on all but the nominating committee; and
- ☐ presides at meetings.

The vice-president

- ☐ acts in place of the president when necessary and presides at meetings when the president temporarily vacates the chair. In the absence of the president, the vice-president should not change rules, cannot fill vacancies required to be filled by the president and does not serve as an *ex officio* member of committees;
 - ☐ upon the death or retirement of the president, assumes all the duties and privileges of the president, unless the bylaws provide another method of filling the vacancy.
- In organizations with more than one vice-president, these duties and responsibilities are assumed by the first vice-president.

The secretary

- ☐ is the recording officer;
- ☐ handles correspondence;
- ☐ issues notices of meetings;
- ☐ informs those elected or appointed to office or committees;
- ☐ receives and files committee reports; and
- ☐ keeps the minutes of meetings.

At each meeting the secretary should have the minute book, a copy of the bylaws, a book on parliamentary procedure and a list of the unfinished business from the previous meeting.

The treasurer

- ☐ receives funds;

Minutes should reflect what was *done*, not what was *said*, at a meeting. The common tendency is to report in too much detail. Minutes should contain:

- the date, place, time and type of meeting (regular, special);
- the names of the presiding officer, the secretary and, in boards and committees, the names of those present;
- action taken on the minutes of the previous meeting and corrections, if any;
- exact wording of each motion, the name of the maker and the disposition;
- the name and topic of guest speakers (their speeches need not be summarized);
- time of adjournment.

- ☐ deposits them in banks approved by the board; and
- ☐ pays bills for expenses that have been authorized.

If any appreciable sums of money are involved, the treasurer should be bonded to protect the organization from loss. It is customary for the treasurer to report to the board at each of its meetings and to make a full financial report to the annual meeting or convention. (In larger organizations this report should be reviewed by an independent auditor. If the auditor's report is available at the time of the annual meeting or convention, it should be presented immediately after the treasurer's report. Adoption of the auditor's report, on motion, signifies acceptance of the treasurer's report.)

Meetings

At all meetings (referred to in *Robert's Rules* as "assemblies") it is up to the presiding officer to use the rules of parliamentary procedure appropriately so that good order and reasonable decorum are maintained and the business of the meeting goes forward. At times, the technical rules of parliamentary

procedure may be relaxed as long as the meeting accomplishes its purpose and the rights of absentees and minorities are protected. Conventions and large meetings are conducted more formally than the meetings of small boards and committees.

The role of the presiding officer

The presiding officer (chair) should:

- ☐ Be ready to call the meeting to order at the time set.
- ☐ Follow the agenda and clarify what is happening and what is being voted on at all times.
- ☐ Deal firmly with whispering, commotion and frivolous or delaying debate and motions.
- ☐ See that debate is confined to the merits of the question and that personal comments are avoided. No one should speak more than twice on a subject, and no one should speak a second time until all who wish to speak have had a chance to do so.
- ☐ Talk no more than necessary. Except in small boards and committees, the presiding officer should not enter the debate without giving up the chair to a substitute until the motion under debate has been voted on.
- ☐ Remain calm and deal fairly with all sides regardless of personal opinion. To preserve this impartiality, the presiding officer abstains from voting except by ballot or to cast the deciding vote on an issue.

Order of business

A minimum number (*quorum*), as prescribed in the bylaws, must be present before business can be legally transacted. The presiding officer should determine that there is a quorum before beginning the meeting. Every organization is free to decide the order in which its business will be conducted, but most agendas follow a standard pattern:

1. Call to order.

2. Minutes are read by the secretary and corrections requested. The presiding officer says: *If there are no corrections the minutes stand approved as read.*

3. **Treasurer's Report** is given and questions called for: *The Treasurer's Report will be filed.*

4. **Reports of officers, the board and standing committees.** Recommendations in reports should be dealt with as motions at this point.

5. **Reports of special committees.**

6. **Unfinished business.** Items left over from the previous meeting are brought up in turn by the presiding officer.

7. **New business:** *Is there any new business?*

8. **Program.** The program chairperson is called upon to introduce a speaker, film or other presentation.

9. **Announcements.**

10. **Adjournment:** *Is there any further business? (Pause) The meeting is adjourned.*

Motions

Business is conducted by acting on motions. A subject is introduced by a **main motion**. Once this has been seconded and stated by the presiding officer, nothing else should be taken up until it is disposed of. Long and involved motions should be submitted in writing. Once a motion has been stated, the mover may not withdraw it without the consent of the meeting. Most motions must be seconded.

While a main motion is being considered, other **parliamentary motions**, which affect either the main motion or the general conduct of the meeting, may be made. The ones most frequently used are described in general below, but it should be noted that there are exceptions and modifications that cannot be included in this brief text.

1. **Amend.** Debatable; majority vote
Used when the intention is to change, add or

omit words in the main motion.

Amend the amendment: Used to change, add or omit words in the first amendment. This motion *cannot* itself be amended.

Method: The *first* vote is on the amendment to the amendment. The *second* vote is on the first amendment either as changed or as originally proposed, depending on the first vote. The *third* vote is on the main motion either as introduced or as amended.

2. Refer. **Debatable; majority vote**
If a motion becomes too complicated through amendments or if more information is needed, a motion may be made to refer it to a committee for study or redrafting. This committee must report back or act as instructed.

3. Postpone. **Debatable; majority vote**
Consideration of a motion can be delayed until a more suitable time, until other decisions have been made or until more information is available by a motion to postpone to a stated future time.

4. Lay on the table. **Not debatable; majority vote**
I move that we table this motion. This postpones consideration in such a way that the motion can be taken up again in the near future if a majority decides to "take it from the table."

5. The previous question. **Not debatable; two-thirds vote**
I move the previous question. This motion is used to end debate that has become lengthy or repetitious. When it is seconded, the presiding officer immediately puts the question on closing debate. If this receives a two-thirds vote, the pending motion is voted on at once without further discussion.

6. Reconsider. **Usually debatable; majority vote**
A vote may be reconsidered through this

motion, which must be made on the same day or the day following the vote by someone who voted on the prevailing side. A motion can be reconsidered only once. The *first* vote is on whether the motion should be reconsidered. If this passes, the *second* vote is on the motion itself.

7. Point of order and appeal.
A member who feels the rules are not being followed may call attention to the breach by rising and saying: *Point of order.* The chair says: *State your point of order.* Upon hearing it, the chair may say: *Your point is well taken,* or *Your point is not well taken.*

One dissatisfied with the ruling may appeal to the meeting for a final decision: *Shall the decision of the chair be sustained?* This appeal is debatable, and the presiding officer may enter the debate without giving up the chair. A majority of *no* votes is necessary to reverse the ruling; a tie sustains it.

8. Questions and inquiries.
Whenever necessary, advice may be asked as to correct procedures (**parliamentary inquiry**), facts may be requested (**point of information**), or a change may be sought for comfort or convenience (**question of privilege**). The presiding officer responds to the question or refers it to the proper person.

9. Adjourn. **Usually not debatable; majority vote**
If the time set for adjournment has arrived or there is no further business, the presiding officer declares the meeting adjourned without waiting for a formal motion. A member may move to adjourn at any time except when a speaker has the floor or a vote is in process. If the motion carries, the meeting is immediately adjourned.

Voting

The vote needed to pass a motion or elect an official is based on the votes actually cast,

unless the bylaws or rules provide otherwise. Thus, a majority is more than half of those voting; abstentions and blank ballots are disregarded.

☐ By using **general consent**, a formal vote can be avoided on routine matters where there is no opposition. The presiding officer says: *If there is no objection* (pause) . . . and declares the decision made.

☐ A **voice vote** (aye and no) is common practice but should not be used where more than a majority is needed.

☐ A **show of hands** is a good alternative in small groups.

☐ If unsure of the result, the presiding officer should order a **rising vote** or an **actual count**. If this is not done, a member can insist upon a rising vote by calling out "**division**"; a count can be forced only by a motion made, seconded and approved by a majority vote.

☐ A motion for a **ballot** (secret written vote) can be made if the bylaws do not already require one. This motion is not debatable and requires a majority vote.

Nominations and elections

Normally, a nominating process is used for elections, although any eligible member may be elected whether nominated or not. Most organizations use a **nominating committee** to prepare a slate of nominees for the offices to be filled. Service on a nominating committee does not prevent a member from becoming a nominee.

After presentation of the nominating committee's report to the assembly, the presiding officer calls for nominations from the floor. Many organizations require that the consent of the nominee be obtained in advance to avoid a futile election. Seconds are not necessary for either committee nominations or nominations from the floor.

When all nominations appear to have been made, the presiding officer declares that nominations are closed—or a motion to this effect may be made. It is not debatable and requires a two-thirds vote. A motion to reopen nominations requires a majority vote.

The method of voting is usually fixed in the bylaws. A ballot is the normal procedure if there is more than one nominee for an office. If there are several nominees and the bylaws do not provide for election by a plurality vote (that is, the largest number, but not necessarily more than half of the votes cast), several ballots or votes may be needed before one candidate achieves a majority.

Where election is by ballot, the presiding officer appoints tellers (or an election committee) to collect and count the votes. The tellers' report, giving the number of votes cast for each nominee, is read aloud and handed to the presiding officer. The presiding officer rereads the report and declares the election of each official separately.

A postscript to the presiding officer:

The rules of parliamentary procedure are meant to help, not hinder. Applied with common sense, they should not frustrate the meeting or entangle it in red tape. Retain control at all times, give clear explanations, and keep things as simple as possible. Good advice from the chair as to the wording of motions and the best way to proceed will avoid needless complications. When in doubt, your rule should be: Respect the wishes of the majority, protect the minority and do what seems fair and equitable.

Order from League of Women Voters of the United States, 1730 M Street, NW, Washington, DC 20036. Pub #138, \$1.00 (50¢ for members).


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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 4.5. SERVICES FOR THE DEVELOPMENTALLY DISABLED [4500 - 4885] (*Division 4.5 added by Stats. 1977, Ch. 1252.*)

CHAPTER 5. Regional Centers for Persons With Developmental Disabilities [4620 - 4669.75] (*Chapter 5 added by Stats. 1977, Ch. 1252.*)

ARTICLE 1. Regional Center Contracts [4620 - 4639.75] (*Article 1 added by Stats. 1977, Ch. 1252.*)

4620. (a) In order for the state to carry out many of its responsibilities as established in this division, the state shall contract with appropriate agencies to provide fixed points of contact in the community for persons with developmental disabilities and their families, to the end that these persons may have access to the services and supports best suited to them throughout their lifetime. It is the intent of the Legislature in enacting this division that the network of regional centers for persons with developmental disabilities and their families be accessible to every family in need of regional center services. It is the further intent of the Legislature that the design and activities of regional centers reflect a strong commitment to the delivery of direct service coordination and that all other operational expenditures of regional centers are necessary to support and enhance the delivery of direct service coordination and services and supports identified in individual program plans.

(b) The Legislature finds that the service provided to individuals and their families by regional centers is of such a special and unique nature that it cannot be satisfactorily provided by state agencies. Therefore, private nonprofit community agencies shall be utilized by the state for the purpose of operating regional centers.

(*Amended by Stats. 1992, Ch. 1011, Sec. 5. Effective January 1, 1993.*)

4620.1. The Legislature recognizes the ongoing contributions many parents and family members make to the support and well-being of their children and relatives with developmental disabilities. It is the intent of the Legislature that the important nature of these relationships be respected and fostered by regional centers and providers of direct services and supports.

(*Added by Stats. 1992, Ch. 1011, Sec. 6. Effective January 1, 1993.*)

4620.2. (a) The State Department of Developmental Services, after consultation with stakeholder groups, shall develop a system of enrollment fees, copayments, or both, to be assessed against the parents of each child between the ages of three and 17 years who lives in the parent's home and receives services purchased through a regional center. This system shall be submitted to the Legislature on or before April 1, 2004, immediately prior to the fiscal year in which the system is to be implemented, and as a part of the Governor's proposed 2004-05 budget or subsequent legislation.

(b) The department, after consultation with stakeholder groups, shall submit a detailed plan for implementing a parental copayment system for children receiving services purchased through a regional center. This plan shall be submitted to the Legislature by April 1, 2004.

(c) The plan submitted on or before April 1, 2004, pursuant to subdivision (b), and any resources requested in the 2004-05 Governor's Budget and related authority may be subsequently modified during the legislative review process.

(d) The parental copayment system shall only be applicable to families that have adjusted gross family incomes of over 200 percent of the federal poverty level and that have a child who meets all of the following criteria:

- (1) The child is receiving services purchased through a regional center.
- (2) The child is living at home.
- (3) The child is not otherwise eligible to receive services provided under the Medi-Cal program.

(4) The child is at least three years of age and not more than 17 years of age.

(e) The department's plan shall address, at a minimum all of the following components for the development of a parental copayment system:

(1) Description of the families and children affected, including those families with more than one child as described under subdivision (d).

(2) Privacy issues and potential safeguards regarding the families' income, the children's regional center clinical records, and related matters.

(3) Schedule of parental copayments and any other related assessments, and criteria or service thresholds for which these copayments and assessments are based.

(4) The options for a sliding scale for the schedule of parental copayments based on family income and family size.

(5) Proposed limits on parental cost sharing.

(6) An exemption process for families who are experiencing financial hardships and may need deferral or waiver of any copayments or assessments.

(7) An appeal process for families who may dispute the level of copayment or assessments for which they are billed.

(8) The specific methods and processes to be used by the department, regional centers, or other responsible party, for the collection of all parental copayments and assessments.

(9) Any potentials for the disruption of services to applicable regional center consumers due to the implementation of a parental copayment system.

(10) The estimated amount of revenues to be collected and any applicable assumptions made for making this determination.

(11) Any estimate related to a slowing of the trend in the growth for regional center services due to the implementation of a parental copayment system.

(12) A comparison to how the State Department of Health Services and other state agencies utilize personal information to manage the delivery of benefits and assessment of copayments.

(13) A recommendation on whether the parental copayment system should be centralized at the department or decentralized in the regional centers and the basis for this recommendation.

(14) The estimated cost for implementing a parental copayment system, including any costs associated with consultant contracts, state personnel, revenue collection, computer system processing, regional center operations, or any other cost factor that would need to be included in order to capture all estimated costs for implementation.

(15) The timeframe for which the parental copayment system is to be implemented.

(f) (1) In order for the department to develop a detailed plan for the implementation of a parental copayment system, the department shall collect information from selected families. In order to be cost efficient and prudent regarding the collection of information, the department may conduct a survey of only those families known to have children not eligible for the Medi-Cal program. The survey instrument may only be used for the sole purpose of obtaining information that is deemed necessary for the development of a parental copayment system, including the following:

(A) A family's annual adjusted gross family income.

(B) The number of family members dependent on that income.

(C) The number of children who meet the criteria specified in subdivision (d).

(2) Results of the survey in the aggregate shall be provided to the Legislature as part of the department's plan as required by subdivision (a).

(Added by Stats. 2003, Ch. 230, Sec. 47. Effective August 11, 2003.)

4620.3. (a) To provide more uniformity and consistency in the administrative practices and services of regional centers throughout the state, promote appropriateness of services, maximize efficiency of funding, address the state

budget deficit, ensure consistency with Lanterman Act values, maintain the entitlement to services, and improve cost-effectiveness, the department, in collaboration with stakeholders, shall develop best practices for the administrative management of regional centers and for regional centers to use when purchasing services for consumers and families.

(b) In developing regional center administrative management best practices, the department shall consider the establishment of policies and procedures to ensure prudent fiscal and program management by regional centers; effective and efficient use of public resources; consistent practices to maximize the use of federal funds; detection and prevention of fraud, waste, and abuse; and proper contracting protocols.

(c) In developing purchase of services best practices, the department shall consider eligibility for the service; duration of service necessary to meet objectives set in an individual program plan; frequency and efficacy of the service necessary to meet objectives in an individual program plan; impact on community integration; service providers' qualifications and performance; rates; parental and consumer responsibilities pursuant to Sections 4646.4, 4659, 4677, 4782, 4783, and 4784 of this code and Section 95004 of the Government Code; and self-directed service options.

(d) The department shall ensure that implementation of best practices that impact individual services and supports are made through the individual program planning process as provided for in this division or an individualized family service plan pursuant to Section 95020 of the Government Code, and that consumers and families are notified of any exceptions or exemptions to the best practices and their appeal rights established in Section 4701.

(e) Purchase of services best practices developed pursuant to this section may vary by service category and may do all of the following:

(1) Establish criteria determining the type, scope, amount, duration, location, and intensity of services and supports purchased by regional centers for consumers and their families.

(2) Modify payment rates.

(3) Reflect family and consumer responsibilities, pursuant to Sections 4646.4, 4659, 4677, 4782, 4783, and 4784 of this code and Section 95004 of the Government Code.

(f) Purchase of services best practices shall include provisions for exceptions to ensure the health and safety of the consumer or to avoid out-of-home placement or institutionalization.

(g) Best practices developed pursuant to this section shall not do either of the following:

(1) Endanger a consumer's health or safety.

(2) Compromise the state's ability to meet its commitments to the federal Centers for Medicare and Medicaid Services for participation in the Home and Community-Based Services Waiver or other federal funding of services for persons with developmental disabilities.

(h) The department shall submit the proposed best practices to the fiscal and applicable policy committees of the Legislature by no later than May 15, 2011. This submission shall include a description of the process followed to collaborate with system stakeholders; the anticipated impact of the best practices, coupled with prior reductions on consumers, families, and providers; estimated cost savings associated with each practice; and draft statutory language necessary to implement the best practices. Implementation of the best practices shall take effect only upon subsequent legislative enactment.

(Added by Stats. 2011, Ch. 9, Sec. 1. (SB 74) Effective March 24, 2011.)

4620.4. (a) (1) The Legislature finds and declares that more than a quarter of Californians are foreign born, and more than 10 percent of the state's population speaks English "not well" or "not at all." Access to accurate, timely, understandable, and culturally sensitive and competent information and referral services for these communities is a critical need. A review of 2018-19 purchase of service expenditures reflects the following average per capita expenditures for all age groups by ethnicity, illustrating existing disparity gaps in the developmental services system:

(A) Twenty-seven thousand nine hundred thirty-one dollars (\$27,931) for individuals who are White.

(B) Twenty-two thousand nine hundred fourteen dollars (\$22,914) for individuals who are Black or African American.

(C) Fourteen thousand eight hundred thirty-six dollars (\$14,836) for individuals who are Asian.

(D) Eleven thousand seven hundred sixty dollars (\$11,760) for individuals who are Latinx or Hispanic.

(2) Language access and culturally competent services are critical components to advance health and human services equity and improve outcomes for all Californians served under the Lanterman Act.

(b) The State Department of Developmental Services shall administer an enhanced language access and cultural competency initiative for individuals with developmental disabilities, their caregivers, and their family members. The department shall require regional centers to implement this initiative through its contracts pursuant to Section 4640.6. The primary goal is to improve quality and facilitate more consistent access to information and services.

(c) Allowable uses of the funds provided to regional centers include, but are not limited to, all of the following:

(1) Identification of vital documents and internet website content for translation, as well as points of public contact in need of oral and sign language interpretation services.

(2) Orientations and specialized group and family information sessions with ample and publicized question and answer periods, scheduled at times considered most convenient for working families and in consultation with community leaders.

(3) Regular and periodic language needs assessments to determine threshold languages for document translation.

(4) Coordination and streamlining of interpretation and translation services.

(5) Implementation of quality control measures to ensure the availability, accuracy, readability, and cultural appropriateness of translations.

(d) The use of these funds shall not supplant any existing efforts or funds for similar purposes, but are intended to augment and provide maximum additional benefit to the greatest number of persons served, their caregivers, and their families.

(e) The department shall report annually, beginning January 10, 2022, as part of the Governor's Budget and the May Revision, how these funds are being utilized and what remaining needs for language access and culturally competent services are identified by people served, the community, and regional centers as the initiative implements.

(f) Regional centers shall receive specialized funding allocations to facilitate applications for payments authorized to protect the health and safety of consumers, pursuant to paragraph (1) of subdivision (a) of Section 4681.6, for non-English speaking individuals served. Funded activities shall include specialized outreach and case management services toward identifying which individuals might have an unaddressed need for a health and safety waiver and assisting with guiding individuals through the application process to meet those needs. Regional centers shall track the number of individuals served through this effort and provide this information to the department on at least an annual basis.

(Amended by Stats. 2021, Ch. 85, Sec. 16. (AB 135) Effective July 16, 2021.)

4620.5. (a) Beginning as early as possible after July 1, 2021, but no later than September 1, 2021, the department shall convene a workgroup, which shall be composed of individuals described under subdivision (b), to make recommendations to the department for the development of standard performance improvement indicators and benchmarks to incentivize high-quality regional center operations.

(b) The director shall appoint members to the stakeholder group and shall consider all of the following individuals to serve as members of that group:

(1) Individuals or consultants with expertise in developing performance indicators and incentive programs within developmental disability systems or community-based long-term services and supports systems.

(2) Consumers and families across different geographic regions of the state, who have diverse racial and ethnic backgrounds, diverse consumer age groups, and disabilities.

(3) Regional center representatives.

(4) Service providers.

(5) Representatives of other state agencies or entities with whom the department routinely collaborates for the coordination of services for people with developmental disabilities, and who additionally have expertise in setting or reporting indicators and benchmarks, including reporting to the federal Centers for Medicare and Medicaid Services.

(6) Representatives of California's University Centers for Excellence in Developmental Disabilities, the State Council on Developmental Disabilities, the protection and advocacy agency specified in Division 4.7 (commencing with Section 4900), and consumer and family advocacy groups.

(c) By January 10, 2022, as part of the Governor's Budget, the department shall provide a status update based on recommendations provided by the stakeholder workgroup, with an additional status update at the time of the Governor's May Revision. These recommendations may include all of the following:

(1) Priority areas for performance indicators and benchmarks, including, but not limited to, all of the following:

- (A) Equity in service access and purchase of services.
- (B) Consumer employment and associated metrics.
- (C) Integration of consumers in the community.
- (D) Person-centered planning.
- (E) Compliance with federal home and community-based standards.
- (F) Consumer and family experience and satisfaction.
- (G) Innovation in service availability and delivery.

(2) Surveys or other measures to assess consumer and family experience, satisfaction, and recommendations, in addition the use of data available through the National Core Indicators.

(3) Benchmarks, and a method for establishing benchmarks, to create meaningful comparisons and understanding of variation in performance within and between regional centers.

(4) Measures under development or already implemented by federal funding agencies for long-term services and supports, home and community-based services, incentive payments, required reporting, and the efficient and effective implementation of performance improvement systems.

(5) Additional criteria for demonstrating performance improvement, including improvement beyond benchmarks.

(6) The methodology, structure, and types of incentives to be used, including, if appropriate, a payment schedule and implementation timeline, for incentive payments to regional centers to achieve or exceed performance benchmarks. This methodology and structure shall include how the department shall take into consideration variations among regional centers, expectations for regional center community engagement activities, and any significant demographic, including economic or other differences, impacting a regional center's performance and how the department might build the identified benchmarks into regional center performance contracts.

(7) A process, based on the input from regional centers and other stakeholders, the department shall use on at least an annual basis to evaluate the success of a quality improvement process, including any incentive payment program.

(Added by Stats. 2021, Ch. 76, Sec. 27. (AB 136) Effective July 16, 2021.)

4621. The department, within the limitations of funds appropriated, shall contract with appropriate private nonprofit corporations for the establishment of regional centers.

Notwithstanding any other provision of law, any contract entered into pursuant to this section may provide for periodic advance payments for services to be performed under such contract. No advance payment made pursuant to this section shall exceed 25 percent of the total annual contract amount.

(Added by Stats. 1977, Ch. 1252.)

4621.5. Notwithstanding subdivision (c) of Section 1 of Chapter 501 of the Statutes of 1971, the department shall, within the limitations of funds appropriated, contract with an appropriate private nonprofit corporation or corporations to operate regional centers as follows:

- (a) One regional center to serve the Counties of Inyo, Kern, and Mono.
- (b) One regional center to serve the Counties of Riverside and San Bernardino.

(Added by Stats. 1993, Ch. 364, Sec. 1. Effective January 1, 1994.)

4622. The state shall contract only with agencies, the governing boards of which conform to all of the following criteria:

- (a) The governing board shall be composed of individuals with demonstrated interest in, or knowledge of, developmental disabilities.

(b) The membership of the governing board shall include persons with legal, management or board governance, financial, and developmental disability program expertise. Board governance expertise may not be acquired solely by serving on a regional center board. The governing board of the regional center shall include members with financial expertise and members with management or board governance expertise by August 15, 2020.

(c) The membership of the governing board shall include representatives of the various categories of disability to be served by the regional center.

(d) The governing board shall reflect the geographic and ethnic characteristics of the area to be served by the regional center.

(e) A minimum of 50 percent of the members of the governing board shall be persons with developmental disabilities or their parents or legal guardians. No less than 25 percent of the members of the governing board shall be persons with developmental disabilities.

(f) Members of the governing board shall not be permitted to serve more than seven years within each eight-year period.

(g) (1) The regional center shall provide necessary training and support to these board members to facilitate their understanding and participation, including issues relating to linguistic and cultural competency.

(2) As part of its monitoring responsibility, the department shall review and approve the method by which training and support are provided to board members to ensure maximum understanding and participation by board members.

(3) Each regional center shall post on its internet website information regarding the training and support provided to board members.

(h) The governing board may appoint a consumers' advisory committee composed of persons with developmental disabilities representing the various categories of disability served by the regional center.

(i) The governing board shall appoint an advisory committee composed of a wide variety of persons representing the various categories of providers from which the regional center purchases client services. The advisory committee shall provide advice, guidance, recommendations, and technical assistance to the regional center board in order to assist the regional center in carrying out its mandated functions. The advisory committee shall designate one of its members to serve as a member of the regional center board.

(j) (1) The governing board shall annually review the performance of the director of the regional center.

(2) The governing board shall annually review the performance of the regional center in providing services that are linguistically and culturally appropriate and may provide recommendations to the director of the regional center based on the results of that review.

(k) No member of the board who is an employee or member of the governing board of a provider from which the regional center purchases client services shall do any of the following:

(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 other than as described in paragraph (2), in which the member has a financial interest, as defined in Section 87103 of the Government Code, and determined by the regional center board. The member shall provide a list of the member's financial interests, as defined in Section 87103, to the regional center board.

Nothing in this section shall prevent the appointment to a regional center governing board of a person who meets the criteria for more than one of the categories listed above.

(Amended by Stats. 2019, Ch. 28, Sec. 12. (SB 81) Effective June 27, 2019.)

4622.5. By August 15 of each year, the governing board of each regional center shall submit to the department detailed documentation, as determined by the department, demonstrating that the composition of the board is in compliance with Section 4622. If the composition of the governing board is not in compliance with Section 4622, the governing board shall submit a plan to the department with its board composition documentation setting forth how and, in as expeditious a manner as possible, when the board will come into compliance, in part or in whole, with Section 4622.

(Amended by Stats. 2019, Ch. 28, Sec. 13. (SB 81) Effective June 27, 2019.)

4623. In the event that the governing board of the regional center is not composed of individuals as specified in subdivisions (a) to (f), inclusive, of Section 4622, such governing board shall establish a program policy committee

which is composed of such individuals. The program policy committee shall appoint one of its members to serve as an ex officio member of the governing board.

(Added by Stats. 1977, Ch. 1252.)

4624. When the governing board of the regional center is not composed of individuals as specified in subdivisions (a) to (f), inclusive, of Section 4622, the program policy committee to the regional center shall be responsible for establishing the program policies of the regional center. All program policies adopted by a program policy committee shall conform to the provisions of this division and the contract between the department and the governing board.

(Added by Stats. 1977, Ch. 1252.)

4625. The department shall not contract with any new regional center contracting agency unless the governing board of the agency is composed of individuals as specified in subdivisions (a) to (f), inclusive, of Section 4622.

This section shall become operative on July 1, 1999.

(Repealed (in Sec. 14) and added by Stats. 1997, Ch. 414, Sec. 14.5. Effective September 22, 1997. Section operative July 1, 1999, by its own provisions.)

4625.5. (a) The governing board of each regional center shall adopt and maintain a written policy requiring the board to review and approve any regional center contract of two hundred fifty thousand dollars (\$250,000) or more, before entering into the contract.

(b) No regional center contract of two hundred fifty thousand dollars (\$250,000) or more shall be valid unless approved by the governing board of the regional center in compliance with its written policy pursuant to subdivision (a).

(c) For purposes of this section, contracts do not include vendor approval letters issued by regional centers pursuant to Section 54322 of Title 17 of the California Code of Regulations.

(Added by Stats. 2011, Ch. 9, Sec. 3. (SB 74) Effective March 24, 2011.)

4625.6. To ensure the delivery of independent legal advice, an attorney retained or employed by the governing board of the regional center to provide legal services shall not be an employee of the regional center.

(Added by Stats. 2019, Ch. 28, Sec. 14. (SB 81) Effective June 27, 2019.)

4625.7. The governing board of a regional center shall meet with representatives of the department upon a request by the Director of Developmental Services, and, if requested, the board shall exclude regional center employees from the meeting. The governing board shall meet with the department's representatives without preconditions for the meeting and at a time and date determined by the department. Not infringing on the department's authority otherwise provided in this section, at the department's discretion, efforts shall be made to meet with a governing board of a regional center at a mutually agreed-upon time, date, and place, with the goal of promoting attendance by board members.

(Added by Stats. 2019, Ch. 28, Sec. 15. (SB 81) Effective June 27, 2019.)

4626. (a) The department shall give a very high priority to ensuring that regional center board members and employees act in the course of their duties solely in the best interest of the regional center consumers and their families without regard to the interests of any other organization with which they are associated or persons to whom they are related. Board members, employees, and others acting on the regional center's behalf, as defined in regulations issued by the department, shall be free from conflicts of interest that could adversely influence their judgment, objectivity, or loyalty to the regional center, its consumers, or its mission.

(b) In order to prevent potential conflicts of interest, a member of the governing board or member of the program policy committee of a regional center shall not be any of the following:

(1) An employee of the State Department of Developmental Services or any state or local agency that provides services to a regional center consumer, if employed in a capacity which includes administrative or policymaking responsibility, or responsibility for the regulation of the regional center.

(2) An employee or a member of the state council or a state council regional advisory committee.

(3) Except as otherwise provided in subdivision (h) of Section 4622, an employee or member of the governing board of any entity from which the regional center purchases consumer services.

(4) Any person who has a financial interest, as defined in Section 87103 of the Government Code, in regional

center operations, except as a consumer of regional center services.

(c) A person with a developmental disability who receives employment services through a regional center provider shall not be precluded from serving on the governing board of a regional center based solely upon receipt of these employment services.

(d) The department shall ensure that no regional center employee or board member has a conflict of interest with an entity that receives regional center funding, including, but not limited to, a nonprofit housing organization and an organization qualified under Section 501(c)(3) of the Internal Revenue Code, that actively functions in a supporting relationship to the regional center.

(e) The department shall develop and publish a standard conflict-of-interest reporting statement. The conflict-of-interest statement shall be completed by each regional center governing board member and each regional center employee specified in regulations, including, at a minimum, the executive director, every administrator, every program director, every service coordinator, and every employee who has decisionmaking or policymaking authority or authority to obligate the regional center's resources.

(f) Every new regional center governing board member and regional center executive director shall complete and file the conflict-of-interest statement described in subdivision (e) with his or her respective governing board within 30 days of being selected, appointed, or elected. Every new regional center employee referenced in subdivision (e) and every current regional center employee referenced in subdivision (e) accepting a new position within the regional center shall complete and file the conflict-of-interest statement with his or her respective regional center within 30 days of assuming the position.

(g) Every regional center board member and regional center employee referenced in subdivision (e) shall complete and file the conflict-of-interest statement by August 1 of each year.

(h) Every regional center board member and regional center employee referenced in subdivision (e) shall complete and file a subsequent conflict-of-interest statement upon any change in status that creates a potential or present conflict of interest. For the purposes of this subdivision, a change in status includes, but is not limited to, a change in financial interests, legal commitment, regional center or board position or duties, or both, or outside position or duties, or both, whether compensated or not.

(i) The governing board shall submit a copy of the completed conflict-of-interest statements of the governing board members and the regional center executive director to the department within 10 days of receipt of the statements.

(j) A person who knowingly provides false information on a conflict-of-interest statement required by this section shall be subject to a civil penalty in an amount up to fifty thousand dollars (\$50,000), in addition to any civil remedies available to the department. An action for a civil penalty under this provision may be brought by the department or any public prosecutor in the name of the people of the State of California.

(k) The director of the regional center shall review the conflict-of-interest statement of each regional center employee referenced in subdivision (e) within 10 days of receipt of the statement. If a potential or present conflict of interest is identified for a regional center employee that cannot be eliminated, the regional center shall, within 30 days of receipt of the statement, submit to the department a copy of the conflict-of-interest statement and a plan that proposes mitigation measures, including timeframes and actions the regional center or the employee, or both, will take to mitigate the conflict of interest.

(l) The department and the regional center governing board shall review the conflict-of-interest statement of the regional center executive director and each regional center board member to ensure that no conflicts of interest exist. If a present or potential conflict of interest is identified for a regional center director or a board member that cannot be eliminated, the regional center governing board shall, within 30 days of receipt of the statement, submit to the department and the state council a copy of the conflict-of-interest statement and a plan that proposes mitigation measures, including timeframes and actions the regional center governing board or the individual, or both, will take to mitigate the conflict of interest.

(Amended by Stats. 2014, Ch. 409, Sec. 39. (AB 1595) Effective January 1, 2015.)

4626.5. Each regional center shall submit a conflict-of-interest policy to the department by July 1, 2011, and shall post the policy on its Internet Web site by August 1, 2011. The policy shall do, or comply with, all of the following:

(a) Contain the elements of this section and be consistent with applicable law.

(b) Define conflicts of interest.

(c) Identify positions within the regional center required to complete and file a conflict-of-interest statement.

(d) Facilitate disclosure of information to identify conflicts of interest.

(e) Require candidates for nomination, election, or appointment to a regional center board, and applicants for

regional center director to disclose any potential or present conflicts of interest prior to being appointed, elected, or confirmed for hire by the regional center or the regional center governing board.

(f) Require the regional center and its governing board to regularly and consistently monitor and enforce compliance with its conflict-of-interest policy.

(Added by Stats. 2011, Ch. 9, Sec. 5. (SB 74) Effective March 24, 2011.)

4627. (a) The director of the department shall adopt and enforce conflict-of-interest regulations to ensure that members of the governing board, program policy committee, and employees of the regional center make decisions with respect to the regional centers that are in the best interests of the center's consumers and families.

(b) The department shall monitor and ensure the regional centers' compliance with this section and Sections 4626 and 4626.5. Failure to disclose information pursuant to these sections and related regulations may be considered grounds for removal from the board or for termination of employment.

(c) The department shall adopt regulations to develop standard conflict-of-interest reporting requirements.

(d) The department shall adopt emergency regulations to implement this section and Sections 4626 and 4626.5 by May 1, 2011. The adoption, amendment, repeal, or readoption of a regulation authorized by this section is deemed to be necessary for the immediate preservation of the public peace, health and safety, or general welfare, for purposes of Sections 11346.1 and 11349.9 of the Government Code, and the department is hereby exempted from that requirement. For purposes of subdivision (e) of Section 11346.1 of the Government Code, the 120-day period, as applicable to the effective period of an emergency regulatory action and submission of specified materials to the Office of Administrative Law, is hereby extended to 180 days.

(e) The department shall adopt regulations to implement the terms of subdivision (d) through the regular rulemaking process pursuant to Sections 11346 and 11349.1 of the Government Code within 18 months of the adoption of emergency regulations pursuant to subdivision (d).

(Amended by Stats. 2011, Ch. 9, Sec. 6. (SB 74) Effective March 24, 2011.)

4628. If, for good reason, a contracting agency is unable to meet all the criteria for a governing board established in this chapter, the director may waive those criteria for a period of time, not to exceed one year, with the approval of the state council.

(Amended by Stats. 2014, Ch. 409, Sec. 40. (AB 1595) Effective January 1, 2015.)

4629. (a) The state shall enter into five-year contracts with regional centers, subject to the annual appropriation of funds by the Legislature.

(b) The contracts shall include a provision requiring each regional center to render services in accordance with applicable provision of state laws and regulations.

(c) (1) The contracts shall include annual performance objectives that the department determines are necessary to ensure each regional center is complying with the requirement specified in subdivision (b), including, but not limited to, objectives that do both of the following:

(A) Be specific, measurable, and designed to do all of the following:

(i) Assist consumers to achieve life quality outcomes.

(ii) Achieve meaningful progress above the current baselines.

(iii) Develop services and supports identified as necessary to meet identified needs, including culturally and linguistically appropriate services and supports.

(iv) Measure progress in reducing disparities and improving equity in purchase of service expenditures.

(v) Measure progress, and report outcomes, in implementing the Employment First Policy, which may include, but are not limited to, measures addressing both of the following:

(I) Establishment of local partnership agreements between regional centers, local educational agencies, and the Department of Rehabilitation districts.

(II) The provision of information to consumers regarding the Employment First Policy, opportunities for employment, and available supports to achieve integrated competitive employment.

(B) Be developed through a public process as described in the department's guidelines that includes, but is not limited to, all of the following:

(i) Providing information, in an understandable form, to the community about regional center services and supports, including budget information and baseline data on services and supports and regional center operations.

(ii) Conducting a public meeting where participants can provide input on performance objectives and using focus groups or surveys to collect information from the community.

(iii) Circulating a draft of the performance objectives to the community for input prior to presentation at a regional center board meeting where additional public input will be taken and considered before adoption of the objectives.

(2) In addition to the performance objectives developed pursuant to this section, the department may specify in the performance contract additional areas of service and support that require development or enhancement by the regional center. In determining those areas, the department shall consider public comments from individuals and organizations within the regional center catchment area, the distribution of services and supports within the regional center catchment area, and review how the availability of services and supports in the regional area catchment area compares with other regional center catchment areas.

(d) Each contract with a regional center shall specify steps to be taken to ensure contract compliance, including, but not limited to, all of the following:

(1) Incentives that encourage regional centers to meet or exceed performance standards.

(2) Levels of probationary status for regional centers that do not meet, or are at risk of not meeting, performance standards. The department shall require that corrective action be taken by any regional center that is placed on probation. Corrective action may include, but is not limited to, mandated consultation with designated representatives of the Association of Regional Center Agencies or a management team designated by the department, or both. The department shall establish the specific timeline for the implementation of corrective action and monitor its implementation. When a regional center is placed on probation, the department shall provide the state council and the clients' rights advocacy contractor identified in Section 4433 with a copy of the correction plan, timeline, and any other action taken by the department relating to the probationary status of the regional center.

(e) In order to evaluate the regional center's compliance with its contract performance objectives and legal obligations related to those objectives, the department shall do both of the following:

(1) Annually assess each regional center's achievement of its previous year's objectives and make the assessment, including baseline data and performance objectives of the individual regional centers, available to the public. The department may make a special commendation of the regional centers that have best engaged the community in the development of contract performance objectives and have made the most meaningful progress in meeting or exceeding contract performance objectives.

(2) Regularly monitor the activities of the regional center to ensure compliance with the provisions of its contracts, including, but not limited to, reviewing all of the following:

(A) The regional center's public process for compliance with the procedures set forth in paragraph (2) of subdivision (c).

(B) Each regional center's performance objectives for compliance with the criteria set forth in paragraphs (1) and (2) of subdivision (c).

(C) Any public comments on regional center performance objectives sent to the department or to the regional centers, and soliciting public input on the public process and final performance standards.

(f) (1) Beginning May 1, 2020, and annually thereafter, each regional center's governing board shall hold one or more public meetings regarding its prior year's contract performance objectives and outcomes. The meetings may be held separately from meetings held pursuant to Section 4660. The regional center shall provide individuals attending these meetings with data and any associated information to facilitate discussion and community input. Regional centers shall inform the department that a meeting has been scheduled at least 30 days prior to the meeting. Notice of the meetings shall also be posted on the regional center's internet website at least 30 days prior to the meeting and shall be sent to regional center consumers and families and individual stakeholders at least 30 days prior to the meeting. Each regional center, in holding the meetings required by this subdivision, shall ensure that the meetings and meeting materials provide language access, as required by state and federal law, and shall schedule the meetings at times and locations designed to promote attendance by the public. To encourage participation by diverse language, racial, and ethnic communities, the regional center shall consider strategies to

promote opportunities for public comment.

(2) Each regional center governing board shall report to the department regarding the outcomes of each public meeting held pursuant to paragraph (1) within 90 days of the meeting. The report shall include, but shall not be limited to, both of the following:

(A) Copies of minutes from each meeting and comments obtained from other strategies utilized to provide opportunities for public comment from diverse language, racial, and ethnic communities.

(B) The regional center's recommendations and a plan to address areas where improvement is needed.

(g) The renewal of each contract shall be contingent upon compliance with the contract, including, but not limited to, the performance objectives and achievement of sufficient progress towards meeting the requirements of any corrective action plan imposed by the state, as determined through the department's evaluation.

(Amended by Stats. 2019, Ch. 28, Sec. 16. (SB 81) Effective June 27, 2019.)

4629.5. (a) In addition to the requirements set forth in Section 4629, the department's contract with a regional center shall require the regional center to adopt, maintain, and post on its internet website a board-approved policy regarding transparency and access to public information. The transparency and public information policy shall provide for timely public access to information, including, but not limited to, information regarding requests for proposals and contract awards, service provider rates, documentation related to establishment of negotiated rates, audits, and IRS Form 990. The transparency and public information policy shall be in compliance with applicable law relating to the confidentiality of consumer service information and records, including, but not limited to, Section 4514.

(b) To promote transparency, each regional center shall include on its internet website, as expeditiously as possible, at least all of the following:

(1) Regional center annual independent audits.

(2) Biannual fiscal audits conducted by the department.

(3) Regional center annual reports pursuant to Section 4639.5.

(4) Contract awards, including the organization or entity awarded the contract, and the amount and purpose of the award.

(5) Purchase of service policies and any other policies, guidelines, or regional center-developed assessment tools used to determine the transportation, personal assistant, or independent or supported living service needs of a consumer.

(6) The names, types of service, and contact information of all vendors, except consumers or family members of consumers.

(7) Board meeting agendas and approved minutes of open meetings of the board and all committees of the board.

(8) Bylaws of the regional center governing board.

(9) The annual performance contract and yearend performance contract entered into with the department pursuant to this division.

(10) The biannual Home and Community-based Services Waiver program review conducted by the department and the State Department of Health Care Services.

(11) The board-approved transparency and public information policy.

(12) The board-approved conflict-of-interest policy.

(13) Reports required pursuant to Section 4639.5.

(14) A link to the page on the department's internet website, specified in subdivision (d).

(15) The salaries, wages, and employee benefits for all managerial positions for which the primary purpose is the administrative management of the regional center, including, but not limited to, directors and chief executive officers.

(16) Regional center-specific reports generated pursuant to, and for the purposes of, subdivision (h) of Section 4571.

(c) The department shall establish and maintain a transparency portal on its internet website that allows consumers, families, advocates, and others to access provider and regional center information. Posted information on the department's internet website transparency portal shall include, but need not be limited to, all of the following:

- (1) A link to each regional center's internet website information referenced in subdivision (b).
- (2) Biannual fiscal audits conducted by the department.
- (3) Vendor audits.
- (4) Biannual Home and Community-based Services Waiver program reviews conducted by the department and the State Department of Health Care Services.
- (5) Biannual targeted case management program and federal nursing home reform program reviews conducted by the department.
- (6) Early Start Program reviews conducted by the department.
- (7) Annual performance contract and year-end performance contract reports.

(d) The department shall establish and maintain a page on its internet website that includes both a list of services purchased by regional centers or provided directly to consumers by regional centers and a brief description of those services.

(Amended by Stats. 2019, Ch. 28, Sec. 17. (SB 81) Effective June 27, 2019.)

4629.7. (a) Notwithstanding any other provision of law, all regional center contracts or agreements with service providers in which rates are determined through negotiations between the regional center and the service provider shall expressly require that not more than 15 percent of regional center funds be spent on administrative costs. For purposes of this subdivision, direct service expenditures are those costs immediately associated with the services to consumers being offered by the provider. Funds spent on direct services shall not include any administrative costs. Administrative costs include, but are not limited to, any of the following:

- (1) Salaries, wages, and employee benefits for managerial personnel whose primary purpose is the administrative management of the entity, including, but not limited to, directors and chief executive officers.
- (2) Salaries, wages, and benefits of employees who perform administrative functions, including, but not limited to, payroll management, personnel functions, accounting, budgeting, and facility management.
- (3) Facility and occupancy costs, directly associated with administrative functions.
- (4) Maintenance and repair.
- (5) Data processing and computer support services.
- (6) Contract and procurement activities, except those provided by a direct service employee.
- (7) Training directly associated with administrative functions.
- (8) Travel directly associated with administrative functions.
- (9) Licenses directly associated with administrative functions.
- (10) Taxes.
- (11) Interest.
- (12) Property insurance.
- (13) Personal liability insurance directly associated with administrative functions.
- (14) Depreciation.
- (15) General expenses, including, but not limited to, communication costs and supplies directly associated with administrative functions.

(b) Notwithstanding any other provision of law, all contracts between the department and the regional centers shall require that not more than 15 percent of all funds appropriated through the regional center's operations budget shall be spent on administrative costs. For purposes of this subdivision, "direct services" includes, but is not limited to,

service coordination, assessment and diagnosis, monitoring of consumer services, quality assurance, and clinical services. Funds spent on direct services shall not include any administrative costs. For purposes of this subdivision, administrative costs include, but are not limited to, any of the following:

- (1) Salaries, wages, and employee benefits for managerial personnel whose primary purpose is the administrative management of the regional center, including, but not limited to, directors and chief executive officers.
- (2) Salaries, wages, and benefits of employees who perform administrative functions, including, but not limited to, payroll management, personnel functions, accounting, budgeting, auditing, and facility management.
- (3) Facility and occupancy costs, directly associated with administrative functions.
- (4) Maintenance and repair.
- (5) Data processing and computer support services.
- (6) Contract and procurement activities, except those performed by direct service employees.
- (7) Training directly associated with administrative functions.
- (8) Travel directly associated with administrative functions.
- (9) Licenses directly associated with administrative functions.
- (10) Taxes.
- (11) Interest.
- (12) Property insurance.
- (13) Personal liability insurance directly associated with administrative functions.
- (14) Depreciation.
- (15) General expenses, including, but not limited to, communication costs and supplies directly associated with administrative functions.

(c) Consistent with subdivision (a), service providers and contractors, upon request, shall provide regional centers with access to any books, documents, papers, computerized data, source documents, consumer records, or other records pertaining to the service providers' and contractors' negotiated rates.

(Added by Stats. 2011, Ch. 9, Sec. 8. (SB 74) Effective March 24, 2011.)

4630. The contract between the state and the contracting agency shall not:

- (a) Require information that violates client confidentiality.
- (b) Prevent a regional center from employing innovative programs, techniques, or staffing arrangements which may reasonably be expected to enhance program effectiveness.
- (c) Contain provisions which impinge upon the legal rights of private corporations chartered under California statutes.
- (d) Prevent the right of employees of a regional center to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. Nothing in this subdivision shall be construed to limit the state's authority to contract within available funds pursuant to Section 4621 or to obligate the state to appropriate funds in excess of those appropriated in the then current Budget Act.

(Amended by Stats. 1979, Ch. 931.)

4631. (a) In order to provide to the greatest extent practicable a larger degree of uniformity and consistency in the services, funding, and administrative practices of regional centers throughout the state, the State Department of Developmental Services shall, in consultation with the regional centers, adopt regulations prescribing a uniform accounting system, a uniform budgeting and encumbrancing system, a systematic approach to administrative practices and procedures, and a uniform reporting system which shall include:

- (1) Number and costs of diagnostic services provided by each regional center.
- (2) Number and costs of services by service category purchased by each regional center.

(3) All other administrative costs of each regional center.

(b) The department's contract with a regional center shall require strict accountability and reporting of all revenues and expenditures, and strict accountability and reporting as to the effectiveness of the regional center in carrying out its program and fiscal responsibilities as established herein.

(c) The Director of Developmental Services shall publish a report of the financial status of all regional centers and their operations by February 28 of each year. At a minimum, the report shall include each regional center's budget and actual expenditures for the previous fiscal year and each center's budget and projected expenditures for the current fiscal year.

(Amended by Stats. 2001, Ch. 171, Sec. 23. Effective August 10, 2001.)

4632. If the department and a regional center are unable to resolve any contract dispute, including disputes between the regional center and the department over whether a contract should be renewed or continued, either party may request the state council to review and advise with regard to the issues in dispute. The state council shall review and shall provide its advice in writing within 30 days of receiving a request for such review and advice. Copies of the state council's advice shall be transmitted to the Director of Developmental Services and the governing board of the regional center. The state council's advice shall not be binding upon either party.

(Amended by Stats. 1982, Ch. 399, Sec. 1. Effective July 7, 1982.)

4633. If the department or any regional center intends to adopt any material change in policy which will have a direct effect upon the contract between the state and the regional center, the department or the regional center shall give at least 30 days' notice of an intent to change policy, and, if necessary, the contract between the state and such regional center shall be amended. The department shall not require regional centers to provide or purchase any services beyond the level of the funding appropriation for such services. If the department should alter the rates of payments to providers, the regional center budget shall be adjusted accordingly.

(Added by Stats. 1977, Ch. 1252.)

4634. Contracts between the department and regional center shall be presented for final negotiation to regional center governing boards at least 90 days' prior to the effective date of such contracts. A regional center shall not be expected to perform functions not specified in the contract without a revision of such contract.

(Added by Stats. 1977, Ch. 1252.)

4635. (a) If any regional center finds that it is unable to comply with the requirements of this division or its contract with the state, the regional center shall be responsible for informing the department immediately that it does not expect to fulfill its contractual obligations. Failure to provide the notification to the department in a timely manner shall constitute grounds for possible revocation or nonrenewal of the contract. If any regional center makes a decision to cancel or not renew its contract with the department, the regional center shall give a minimum of 90 days' written notice of its decision.

(b) (1) If the department finds that any regional center is not fulfilling its contractual obligations, the department shall make reasonable efforts to resolve the problem within a reasonable period of time with the cooperation of the regional center, including the action described in paragraph (2) of subdivision (b) of Section 4629 or renegotiation of the contract.

(2) If the department's efforts to resolve the problem are not successful, the department shall issue a letter of noncompliance. The letter of noncompliance shall state the noncompliant activities and establish a specific timeline for the development and implementation of a corrective action plan. The department shall approve the plan and monitor its implementation. Letters of noncompliance shall be made available to the public upon request. The letter of noncompliance shall not include privileged or confidential consumer information or information that would violate the privacy rights of regional center board members or employees. The department shall notify the state council and shall provide the state council with a copy of the corrective action plan, the timeline, and any other action taken by the department relating to the requirements for corrective action.

(c) If the department finds that any regional center continues to fail in fulfilling its contractual obligations after reasonable efforts have been made, and finds that other regional centers are able to fulfill similar obligations under similar contracts, and finds that it will be in the best interest of the persons being served by the regional center, the department shall take steps to terminate the contract and to negotiate with another governing board to provide regional center services in the area. These findings may also constitute grounds for possible nonrenewal of the contract in addition to, or in lieu of, other grounds.

(d) If the department makes a decision to cancel or not renew its contract with the regional center, the department

shall give a minimum of 90 days' written notice of its decision, unless it has determined that the 90 days' notice would jeopardize the health or safety of the regional center's consumers, or constitutes willful misuse of state funds, as determined by the Attorney General. Within 14 days after receipt of the notice, the regional center may make a written protest to the department of the decision to terminate or not renew the contract. In that case, the department shall: (1) arrange to meet with the regional center and the state council within 30 days after receipt of the protest to discuss the decision and to provide its rationale for the termination or nonrenewal of the contract, and to discuss any feasible alternatives to termination or nonrenewal, including the possibility of offering a limited term contract of less than one fiscal year; and (2) initiate the procedures for resolving disputes contained in Section 4632. To the extent allowable under state and federal law, any outstanding audit exceptions or other deficiency reports, appeals, or protests shall be made available and subject to discussion at the meeting arranged under clause (1).

(e) When terminating or not renewing a regional center contract and negotiating with another governing board for a regional center contract, the department shall do all of the following:

(1) Notify the State Council on Developmental Disabilities, all personnel employed by the regional center, all service providers to the regional center, and all consumers of the regional center informing them that it proposes to terminate or not renew the contract with the regional center, and that the state will continue to fulfill its obligations to ensure a continuity of services, as required by state law, through a contract with a new governing board.

(2) Issue a request for proposals prior to selecting and negotiating with another governing board for a regional center contract. The state council shall review all proposals and make recommendations to the department.

(3) Request the state council and any other community agencies to assist the state by locating or organizing a new governing board to contract with the department to operate the regional center in the area. The state council shall cooperate with the department when that assistance is requested.

(4) Provide any assistance that may be required to ensure that the transfer of responsibility to a new regional center will be accomplished with minimum disruption to the clients of the service program.

(f) In no event shall the procedures for termination or nonrenewal of a regional center contract limit or abridge the state's authority to contract with any duly authorized organization for the purpose of service delivery, nor shall these procedures be interpreted to represent a continued contractual obligation beyond the limits of any fiscal year contract.

(Amended by Stats. 2014, Ch. 409, Sec. 42. (AB 1595) Effective January 1, 2015.)

4636. If necessary, to avoid disruption of the service program, the department may directly operate a regional center during the interim period between the termination of its contract with one governing board and the assumption of operating responsibility by a regional center contract with another governing board. In no event shall the department directly operate a regional center program for longer than 120 days before contracting with a new governing board. The department may, if requested by the new governing board, continue to provide additional assistance to avoid disruption of the service program, until such time as the governing board has assumed full responsibility for the operation of the program.

(Added by Stats. 1977, Ch. 1252.)

4638. Non-profit corporations operating regional centers shall not use state funds allocated to the corporation for operating the center for activities directly related to influencing employees of the center regarding their decision to organize or not to organize and to form a union or to join an existing union because these activities are not directly related to the purchase of services to clients. State funds shall not be used for these activities by the officers or employees of the corporation itself, by the officers or employees of the regional center, or by an independent contractor, consultant or attorney.

State funds shall not be used to litigate the issue of the application of the National Labor Relations Act to, nor the jurisdiction of the National Labor Relations Board over, non-profit corporations operating regional centers.

Nothing in this section shall be construed as limiting the employers rights under Section 8(c) of the National Labor Relations Act. Nothing in this section shall be construed as limiting the use of state funds by the regional center in the employment of, or for contracting for, assistance in good faith collective bargaining or in handling employee grievances, including arbitration, under an employee-employer contract.

(Added by Stats. 1982, Ch. 327, Sec. 200. Effective June 30, 1982.)

4639. (a) The governing board of a regional center shall annually contract with an independent accounting firm for

an audited financial statement. The audit report and accompanying management letter shall be reviewed and approved by the regional center board and submitted to the department within 60 days of completion and before April 1 of each year. Upon submission to the department, the audit report and accompanying management letter shall be made available to the public by the regional center. It is the intent of the Legislature that no additional funds be appropriated for this purpose.

(b) For the 2011–12 fiscal year and subsequent years, the audit specified in subdivision (a) shall not be completed by the same accounting firm more than five times in every 10 years.

(Amended by Stats. 2011, Ch. 9, Sec. 9. (SB 74) Effective March 24, 2011.)

4639.5. (a) By December 1 of each year, each regional center shall provide a listing to the State Department of Developmental Services a complete current salary schedule for all personnel classifications used by the regional center. The information shall be provided in a format prescribed by the department. The department shall provide this information to the public upon request. From February 1, 2009, to June 30, 2010, inclusive, the requirements of this subdivision shall not apply.

(b) By December 1 of each year, each regional center shall report information to the department on all prior fiscal year expenditures from the regional center operations budget for all administrative services, including managerial, consultant, accounting, personnel, labor relations, and legal services, whether procured under a written contract or otherwise. Expenditures for the maintenance, repair, or purchase of equipment or property shall not be required to be reported for purposes of this subdivision. The report shall be prepared in a format prescribed by the department and shall include, at a minimum, for each recipient the amount of funds expended, the type of service, and purpose of the expenditure. The department shall provide this information to the public upon request. Regional centers shall not be required to prepare or submit the report required by this subdivision in 2009.

(c) Beginning July 1, 2016, and to the extent funds are appropriated in the annual Budget Act for this purpose, the department shall allocate thirty-one million one hundred thousand dollars (\$31,100,000), plus any associated matching funds, to provide a salary increase, benefit increase, or both, excluding unfunded retirement liabilities, for regional center operations. Of this amount, twenty-nine million seven hundred thousand dollars (\$29,700,000) shall be used for salary, benefit increases, or both, for regional center staff, and shall not supplant funding currently scheduled to be used for this purpose. These funds shall not be used to provide salary or benefit increases to regional center executive staff or for unfunded retirement liabilities. The remaining one million four hundred thousand dollars (\$1,400,000) shall be used for an increase for administrative costs, consistent with those specified in subdivision (b) of Section 4629.7, for both regional centers and clients' rights advocates contracts pursuant to subdivision (b) of Section 4433. Regional centers shall maintain documentation, subject to audit, on how this funding was allocated.

(d) By March 10, 2017, and again by October 1, 2017, and in a format prescribed by the department, each regional center shall report the following information to the department:

- (1) The total amount provided to staff for purposes of subdivision (c).
- (2) The position titles of staff receiving the increase and amounts of increases by title.
- (3) The number of service coordinators receiving the increase.
- (4) Data on staff turnover.
- (5) The classification of expenditures and amount for each of the administrative costs outlined in subdivision (b) of Section 4629.7.
- (6) The allocation methodology used by a regional center to distribute the funding.
- (7) Any other information determined by the department.

(e) In its 2017–18 May Revision fiscal estimate, the department shall describe the implementation of the increase provided in subdivision (c), including, but not limited to, the data described in subdivision (d), aggregated by regional center and statewide, and the impact of the increase on caseload ratios.

(f) Any regional center that fails to report the information required by subdivision (d) to the department shall forfeit the increases described in subdivision (c).

(Amended by Stats. 2016, 2nd Ex. Sess., Ch. 3, Sec. 3. (AB 1 2x) Effective June 9, 2016.)

4639.6. The Director of Developmental Services may issue directives to the regional centers as the director deems necessary to protect consumer rights, health, safety, or welfare, or in accordance with Section 4434. The regional

center shall comply with any directive issued by the director pursuant to this section. The directive shall not be in conflict with existing statutes or regulations.

(Added by Stats. 2019, Ch. 28, Sec. 18. (SB 81) Effective June 27, 2019.)

4639.75. (a) On an ongoing basis, and as necessary, the State Department of Developmental Services shall provide to regional centers, and make available on the Internet, up-to-date information about work incentive programs for persons with developmental disabilities and other information relevant to persons with developmental disabilities in making informed choices about employment options. This information may include, but not be limited to, the access and retention of needed benefits, the interactions of earned income, asset building, and other financial changes on benefits, employment resources and protections, taxpayer requirements and responsibilities, training opportunities, and information and services available through other agencies, organizations, or on the Internet.

(b) The department, in consultation with regional centers, shall assess the need for, and develop a plan for, training of regional center staff on employment issues facing persons with a developmental disability. The department shall not be required to implement training pursuant to this section if implementation cannot be achieved within existing resources, unless additional funding for this purpose becomes available.

(Added by Stats. 2006, Ch. 397, Sec. 3. Effective January 1, 2007.)

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4660. All meetings of the board of directors of each regional center shall be scheduled, open, and public, and all persons shall be permitted to attend any meeting, except as otherwise provided in this section. Regional center board meetings shall be held in accordance with all of the following provisions:

(a) Each regional center shall provide a copy of this article to each member of the regional center governing board upon his or her assumption of board membership.

(b) As used in this article, board meetings include meetings conducted by any committee of the governing board which exercises authority delegated to it by that governing board. However, board meetings shall not be deemed to include board retreats planned solely for educational purposes.

(c) At each regional center board meeting, time shall be allowed for public input on all properly noticed agenda items prior to board action on that item. Time shall be allowed for public input on any issue not included on the agenda.

(d) Any person attending an open and public meeting of a regional center shall have the right to record the proceedings on a tape recorder, video recorder, or other sound, visual, or written transcription recording device, in the absence of a reasonable finding of the regional center governing board that such recording constitutes, or would constitute, a disruption of the proceedings.

(Amended by Stats. 1997, Ch. 414, Sec. 21. Effective September 22, 1997.)

4661. (a) Regional centers shall mail notice of their meetings to any person who requests notice in writing. Notice shall be mailed at least seven days in advance of each meeting. The notice shall include the date, time, and location of, and a specific agenda for, the meeting, which shall include an identification of all substantive topic areas to be discussed, and no item shall be added to the agenda subsequent to the provision of this notice. The notice requirement shall not preclude the regional center board from taking action on any urgent request made by the department, not related to purchase of service reductions, for which the board makes a specific finding that notice could not have been provided at least seven days before the meeting, or on new items brought before the board at meetings by members of the public.

(b) The regional center shall maintain all recordings and written comments submitted as testimony on agenda items for no less than two years. These materials shall be made available for review by any person, upon request.

(c) Any action taken by a board that is found by a court of competent jurisdiction to have substantially violated any provision of this article shall be deemed null and void.

(Amended by Stats. 1997, Ch. 414, Sec. 22. Effective September 22, 1997.)

4662. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of regional center services, an emergency meeting may be called without complying with the advanced notice requirement of Section 4661. For the purposes of this article, "emergency situation" means any activity which severely impairs public health, safety, or both, as determined by a majority of the members of the regional center board. In these situations, advance notice shall be provided if practicable. In addition, the state council shall be notified by telephone of each emergency meeting. The minutes of an emergency meeting, including a description of any actions taken at the meeting, shall be mailed immediately to those persons

described in Section 4661.

(Amended by Stats. 2014, Ch. 409, Sec. 50. (AB 1595) Effective January 1, 2015.)

4663. (a) The governing board of a regional center may hold a closed meeting to discuss or consider one or more of the following:

- (1) Real estate negotiations.
- (2) The appointment, employment, evaluation of performance, or dismissal of a regional center employee.
- (3) Employee salaries and benefits.
- (4) Labor contract negotiations.
- (5) Pending litigation.

(b) Any matter specifically dealing with a particular regional center client must be conducted in a closed session, except where it is requested that the issue be discussed publicly by the client, the client's conservator, or the client's parent or guardian where the client is a minor. Minutes of closed sessions shall be kept by a designated officer or employee of the regional center, but these minutes shall not be considered public records. Prior to and directly after holding any closed session, the regional center board shall state the specific reason or reasons for the closed session. In the closed session, the board may consider only those matters covered in its statement.

(Added by Stats. 1986, Ch. 577, Sec. 2.)

4664. The governing board of a regional center may hold a closed session regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the regional center in the litigation. Litigation shall be considered pending when any of the following circumstances exist:

- (a) An adjudicatory proceeding to which the regional center is a party has been initiated formally.
- (b) A point has been reached where, based upon existing facts and circumstances and the advice of legal counsel, it is determined that there is a significant exposure to litigation against the regional center.
- (c) Based on existing facts and circumstances, the regional center has decided to initiate or is deciding whether to initiate litigation.

Prior to holding a closed session pursuant to this section, the regional center governing board shall state publicly to which subdivision it is pursuant.

(Amended by Stats. 1997, Ch. 414, Sec. 23. Effective September 22, 1997.)

4665. Agendas and other writings or materials distributed prior to or during a regional center board meeting for discussion or action at the meeting shall be considered public records, except those materials distributed during, and directly related to, a closed session authorized under Section 4663. Writings which are distributed prior to commencement of a board meeting shall be made available for public inspection upon request prior to commencement of the meeting. Writings which are distributed during a board meeting shall be made available for public inspection at the time of their discussion at the meeting. A reasonable fee may be charged for a copy of a public record distributed pursuant to this section.

(Added by Stats. 1986, Ch. 577, Sec. 2.)

4666. No regional center shall conduct any meeting, conference, or other function in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135 of the Government Code.

(Amended by Stats. 2007, Ch. 568, Sec. 48. Effective January 1, 2008.)

4667. All regional center board meetings shall be held in facilities accessible to persons with physical disabilities.

(Added by Stats. 1986, Ch. 577, Sec. 2.)

4668. (a) Any action taken by a regional center governing board in violation of this article is null and void. Any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of obtaining a judicial declaration that an action taken in violation of this article is null and void.

(b) A court may award court costs and reasonable attorney's fees to the plaintiff in an action brought pursuant to this section where it is found that a regional center board has violated the provisions of this article.

(c) This section does not prevent a regional center governing board from curing or correcting an action challenged pursuant to this section.

(Added by Stats. 1986, Ch. 577, Sec. 2.)

4669. The provisions of this article shall not apply to the corporate affairs of the governing board of a regional center which have no relationship to the role and responsibility of a regional center set forth in this chapter.

(Added by Stats. 1986, Ch. 577, Sec. 2.)



STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Boardsmanship 101:
The Role of a Board
of Directors & How to
Conduct Business

**Introducción a la
membresía de una
Mesa Directiva: El
Rol de una Mesa
Directiva y como
Hacer Negocios**

Christofer Arroyo

State Council on Developmental Disabilities • Los Angeles Office

www.scdd.ca.gov

Role of the Board

Rol de la Mesa Directiva

- Strategic planning
 - Supervision, hiring, and termination of the Executive Director (ED)
 - Review financials and approve contracts over a certain amount
 - Review and/or set policies
- Planificación estratégica
 - Supervisar, contratar y despedir al Director Ejecutivo.
 - Revisar las finanzas y aprobar contratos sobre una cierta cantidad
 - Revisar y / o establecer políticas.

Role of the Board₂

Rol de la Mesa Directiva₂

- Engage with the public and public relations
- Minutes in advance of meetings
- Interactuar con el público y las relaciones públicas.
- Minutos/notas antes de las reuniones.

Role of the Board₃

Rol de la Mesa Directiva₃

- Ensure the quality of services provided
- Review and ensure staff are providing linguistically and culturally appropriate services
- Self-governance
 - Operate transparently, recruitment, ethics
- Asegurar la calidad de los servicios que ofrece
- Revisar y asegurar que el personal esté proporcionando servicios lingüísticos y culturales apropiados
- Auto-gobierno
 - Operar de manera transparente, reclutamiento, ética.

Role of the Board₄

Rol de la Mesa Directiva₄

- Report conflicts of interest
 - Recruit and train new board members
 - The bylaws are current and followed
 - Fundraise
- Reportar conflictos de interés
 - Reclutar y entrenar nuevos miembros de la mesa directiva
 - Los estatutos son actuales y seguidos
 - Recaudar fondos

Board Member Obligations

Obligaciones de la Mesa Directiva

- Make sure the agency is following all rules and laws
- Attend meetings
- Read your packets, get the information you need
 - Ask questions
- Share your ideas, opinions, and feelings
- Know your bylaws
- Asegúrese de que la agencia esté siguiendo todas las reglas y leyes
- Asistir a las reuniones
- Lea sus paquetes, obtenga la información que necesita
 - Haga preguntas
- Comparta sus ideas, opiniones y sentimientos.
- Conozca sus estatutos

Board Vs. Staff Responsibilities

Responsabilidades de la mesa directiva frente al personal



Board

- Be inclusive
- Make and review policies
- Ensures the law and bylaws are being followed, agency properly managed

Mesa Directiva

- Ser inclusivo
- Hacer y revisar políticas.
- Asegura que se cumplan las leyes y los estatutos, la agencia se maneje adecuadamente.

Board Vs. Staff Responsibilities₂

Responsabilidades de la mesa directiva frente al personal₂



Board

- Evaluates, hires, & fires ED
- Strategic planning
- Represents agency to public

Mesa Directiva

- Evalúa, contrata, y despide a el Director Ejecutivo (ED, por sus siglas en ingles)
- Planificación estratégica
- Representa la agencia al público.

Board Vs. Staff Responsibilities₃

Responsabilidades de la mesa directiva frente al personal₃



Staff

- Be inclusive
- Implements policies, provides info to the board to make & revise them

Personal

- Ser inclusivo
- Implementa políticas, proporciona información a la mesa directiva para hacer y revisar las políticas.

Board Vs. Staff Responsibilities₄

Responsabilidades de la mesa directiva frente al personal₄



Staff

- Compiles info, regularly reports to the board, alerts board if illegal or unethical issues may occur

Personal

- Recopila información, informa regularmente a la mesa directiva, alerta a la mesa si pueden ocurrir problemas ilegales o no éticos

Board Vs. Staff Responsibilities₅

Responsabilidades de la mesa directiva frente al personal₅



Staff

- Hires & evaluates all other personnel
- Helps and participates with strategic planning
- Represents agency to public

Personal

- Contrata y evalúa a todo el resto del personal.
- Ayuda y participa en la planificación estratégica.
- Representa la agencia al público.

Disclose Conflicts

Revelar Conflictos

- Ethics
 - Conflicts of Interest
 - How to handle it
 - Disclose it
 - Recuse yourself
 - Leave the room
 - Do not vote
 - What if you are unsure?
- Ética
 - Conflictos de interés
 - Como manejarlo
 - Revelarlo
 - Recusarse
 - Abandone la habitación
 - No votar
 - ¿Qué pasa si no estás seguro

Committees

Comités

- The job of committees
 - Standing committees
 - Board Development Committee
 - Recruitment
 - Advisory committees
 - Executive committees
 - Set goals and action plans
 - How many committees?
- El trabajo de los comités
 - Comités permanentes
 - Comité de Desarrollo de la Mesa Directiva
 - Reclutamiento
 - Comités asesores
 - Comités ejecutivos
 - Establecer metas y planes de acción
 - ¿Cuántos comités?

Complaints

Quejas

- Appeals (fair hearings, due process)
- Complaints re: failure to follow the law or policies (§4731, state compliance complaints)
- Whistleblower Complaints
- Grievances
 - <https://www.dds.ca.gov/general/appeals-complaints-comments/>
- Audiencias Justas (fair hearings, due process)
- Quejas relacionadas con el incumplimiento de la ley o la política (§4731, quejas estatales por incumplimiento)
- Quejas de denuncias
- Quejas
 - <https://www.dds.ca.gov/general/appeals-complaints-comments/>
 - “Display settings”

Officers Oficiales

- Board Chair
 - Chairs the meetings, enforces bylaws, ensures board receives training, recognizes those who wish to speak
 - Works closely with the ED, works with the board to evaluate the ED
 - The face to the community
 - Appoints committee members, ensures they work effectively
- Presidente de la Mesa Directiva
 - Dirige las reuniones, hace cumplir los estatutos, garantiza que la mesa directiva reciba capacitación, reconoce a aquellos que desean hablar
 - Trabaja estrechamente con el Director Ejecutivo, trabaja con la junta para evaluar el Director Ejecutivo.
 - Es la cara a la comunidad.
 - Nombra miembros de comités, asegura que trabajen efectivamente

Officers ₂

Oficiales ₂

- Vice Chair
 - Helps the Chair, serves as Chair in their absence
 - Succession planning
- Secretary
 - Maintains records, agenda, board attendance

- Vicepresidente
 - Ayuda al presidente, sirve como presidente en su ausencia.
 - Plan de sucesión
- Secretario
 - Mantiene registros, agenda, asistencia de la mesa directiva.

A Note on Working with Others

Una Nota sobre Trabajar Juntos



- Make expectations clear
- Start with self-advocates
- Be nice!
- Embrace respectful disagreement
 - Focus on the issues, don't personalize debate
- Aclarar las expectativas
- Comenzar con los auto-defensores
- ¡Se amable!
- Abrazar el desacuerdo respetuoso
 - Céntrarse en los temas, no personalices el debate.

A Note on Working with Others ₂

Una Nota sobre Trabajar Juntos ₂



- Be inclusive
 - Summarize choices, actions, discussions
 - Parliamentary procedure is supposed to serve the interest and work of the board
- Ser inclusivo
 - Resumir elecciones, acciones, discusiones.
 - Se supone que el procedimiento parlamentario debe servir al interés y al trabajo de la mesa directiva

A Note on Working with Others ₃

Una Nota sobre Trabajar Juntos ₃



- Gain consensus
 - Advocate for EVERYONE
 - Onboarding
 - When you speak, try to be:
 - Dignified
 - Logical
 - Accurate
 - Useful
 - Short
- Obtener consenso
 - Abogar por TODOS
 - Embarcar
 - Cuando hable, trate de ser:
 - Digno
 - Lógico
 - Preciso
 - Útil
 - Corto

A Note on Working with Others 4

Una Nota sobre Trabajar Juntos 4



- Choose your tone carefully
- Clear and concise
- Elija su tono con cuidado
- Claro y conciso

Parliamentary Principles

Principios Parlamentarios

- Order – there must be orderly procedure
 - Equality – all members are equal before the rule or law
 - Justice – that is, "justice for all"
- Orden - debe haber un procedimiento ordenado
 - Igualdad - todos los miembros son iguales ante las reglas o la ley
 - Justicia - es decir, "justicia para todos"

Parliamentary Principles ₂

Principios Parlamentarios ₂

- Right of the minority to be heard
- Right of the majority to rule the organization
 - Consensus, respect, & differing opinions
- Derecho de la minoría a ser escuchado
- Derecho de la mayoría a gobernar la organización
 - Consenso, respeto y opiniones diferentes

Parliamentary Principles ₃

Principios Parlamentarios ₃

- Provides the right to know what will be discussed in advance
- Motions are used to make decisions and take formal action
- Nothing else can be done until the motion is considered
- Brinda el derecho de saber de qué se hablará con anticipación
- Las mociones se utilizan para tomar decisiones y tomar acciones formales
- No se puede hacer nada más hasta que se considere la moción

Parliamentary Principles ₄

Principios Parlamentarios ₄

- Must be seconded before any action can be taken
 - Take public comment before voting on a motion
- Motion should include who, what, and when
- Debe ser secundado antes de que se pueda hacer cualquier acción.
 - Tome comentario público antes de votar sobre una moción
- La moción debe incluir quién, qué y cuándo

Parliamentary Principles ₅

Principios Parlamentarios ₅

- Should be precise
- Motions should always be in the affirmative
- Debe ser preciso
- Las mociones siempre deben ser afirmativas

Open Meeting Requirements

Requisitos de la reunión abierta



- WIC §4660-4669
- All meetings must be open to the public
 - Except retreats [§4660(b)]
- Public must be given the opportunity to give input before any board action
 - Also, for any item **not** on the agenda during public input
- Keep a mailing list of those who want the agenda sent to them
- Todas las reuniones deben estar abiertas al público
 - Excepto retiros [§4660(b)]
- El público debe tener la oportunidad de dar su opinión antes de cualquier acción de la junta.
- Además, para cualquier tema que no esté en la agenda durante el aporte público
- Mantenga una lista de correo de aquellos que quieren que se les envíe la agenda.

Open Meeting Requirements

Requisitos de la reunión abierta



- All materials distributed at or prior to the meeting are public documents and must be made available to the public
- Recording the meeting must be permitted
 - What if it's disruptive?
- Can do emergency meetings
 - Any activity which severely impairs public health, safety, or both as determined by a majority of the members of the regional center board
 - Must notify SCDD Los Angeles
- Todos los materiales distribuidos durante o antes de la reunión son documentos públicos y deben estar disponibles para el público
- Se debe permitir la grabación de la reunión
 - ¿Y si es disruptivo?
- Puede hacer reuniones de emergencia
 - Cualquier actividad que perjudique gravemente la salud pública, la seguridad o ambas, según lo determine la mayoría de los miembros de la junta del centro regional
 - Debe notificar a SCDD Los Angeles

Open Meeting Requirements

Requisitos de la reunión abierta



- Closed sessions are permitted only for:
 - Real estate negotiations
 - The appointment, employment, evaluation of performance, or dismissal of a regional center employee
 - Employee salaries and benefits
 - Labor contract negotiations
 - Pending litigation
 - Any matter specifically dealing with a particular regional center client except when it is requested that the issue be discussed publicly by the client/client's conservator/parent if the client is a minor
- Las sesiones cerradas están permitidas solo para:
 - Negociaciones inmobiliarias
 - El nombramiento, empleo, evaluación del desempeño o despido de un empleado del centro regional
 - Salarios y beneficios de los empleados
 - Negociaciones de contratos laborales
 - Litigio pendiente
 - Cualquier asunto relacionado específicamente con un cliente del centro regional en particular, excepto cuando se solicita que el cliente/tutor/padre del cliente lo discuta públicamente si el cliente es menor de edad

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Open Meeting Requirements

Requisitos de la reunión abierta



- Closed session procedures
 - Must indicate before and after the closed session for what purpose was the closed session held
 - Must keep minutes, but they're not public
- Procedimientos de sesión cerrada
 - Debe indicar antes y después de la sesión cerrada con qué propósito se llevó a cabo la sesión cerrada
 - Debe llevar actas, pero no son públicas.



**STATE COUNCIL ON
DEVELOPMENTAL DISABILITIES**

THE END

THANK YOU FOR JOINING US!

Please feel free to join our email newsletter list by contacting us at losangeles@scdd.ca.gov. Thank you again!

EL FINAL

!GRACIAS POR ACOMPAÑARNOS!

Por favor, siéntase libre de unirse a nuestra lista de correo electrónico contactándonos a: losangeles@scdd.ca.gov
¡Gracias de nuevo!