

**BEXAR COUNTY BOARD OF TRUSTEES FOR  
MENTAL HEALTH MENTAL RETARDATION SERVICES d/b/a  
THE CENTER FOR HEALTH CARE SERVICES**

Regular Board Meeting  
Tuesday, February 2, 2016  
Central Administration Offices  
3031 IH 10 West  
San Antonio, Texas 78201  
6:00p.m.

- TRUSTEES PRESENT:** Daniel T. Barrett, Chairman  
Charles S. Bowker, Vice Chairman  
Graciela A. Cigarroa, Secretary  
Margaret Kelley, M.D., Treasurer  
Mary Rose Brown  
Richard Usatine, M.D.  
Margaret M. Vera  
Ruben D. Zamora
- TRUSTEES ABSENT:** Judge Polly Jackson Spencer, Ret.
- STAFF PRESENT:** Leon Evans, President/Chief Executive Officer  
Allison Greer, Vice President/Communications  
Robert Guevara, Vice President/Finance & Technology  
Cynthia Martinez, Vice President/Restoration Center  
Melissa Tijerina, Vice President/Children's BH Services  
Sheila Marlow Due, Chief Development Officer  
Roberto L. Jimenez, M.D., Restoration Center  
Marshall Millard, General Counsel  
Carmen Choumont, Director of Nursing  
Clayton Anderson, Director of Corporate Compliance  
Linda Rodriguez, Senior Executive Assistant/Board Liaison
- GUESTS PRESENT:** Fred Hines, President/CEO, Clarity Child Guidance Center  
& Chairman, Planning Network Advisory Committee  
Rene E. Gonzalez, Senior Partner, Garza/Gonzales & Associates  
Jason Hyde, Supervisor, Garza/Gonzales & Associates

The regular meeting of the Bexar County Board of Trustees for Mental Health Mental Retardation Services d/b/a The Center for Health Care Services was held on Tuesday, February 2, 2016, at 3031 IH 10 West, San Antonio, Texas.

**CALL MEETING TO ORDER**

## **CERTIFICATION OF QUORUM**

Upon certification of a quorum by General Counsel, Mr. Barrett called the meeting to order at 6:08 p.m. with the following members present: Drs. Kelley and Usatine, Mesdames Brown, Cigarroa and Vera, and Messrs. Bowker and Zamora.

**PLEDGE OF ALLIGIANCE** - Led by Board Chairman Dan Barrett

**CITIZENS TO BE HEARD** - There were no citizens to be heard.

### **1. APPROVAL OF MINUTES**

Mr. Bowker moved for approval of the minutes from the December 1, 2015 board meeting as presented; Ms. Brown seconded the motion. Motion carried.

### **2. PLANNING NETWORK ADVISORY COMMITTEE (PNAC) ANNUAL REPORT - Fred Hines, Chair**

Mr. Hines highlighted on the following items presented and discussed at PNAC meetings throughout FY 2015: 1) Legislative matters; 2) LEAN methodology; 3) Review of Center Quality Management and Strategic Plans; 4) 2015 budget and 1115 waiver projects; 5) consumer-operated services to continue under Prosumers, Inc.; and 6) Inpatient hospital beds.

He also announced that the PNAC had held elections today and Mr. Doug Beach had been elected committee chairman. Mr. Gilbert Gonzales was elected vice-chair.

In conclusion, Mr. Hines acknowledged the following staff for their work and dedication to the committee: Leon Evans, Cynthia Martinez, Clayton Anderson, Marshall Millard and Betty Landrum.

Mr. Hines also acknowledged that Mr. Evans was being honored this Thursday, February 4<sup>th</sup>, with NAMI San Antonio's Visionary Award.

### **3. PRESENTATION IN RECOGNITION OF MS. CAROL LOCKETT FOR HER YEARS OF SERVICE ON THE PLANNING NETWORK ADVISORY COMMITTEE (PNAC)**

Due to Ms. Lockett's absence, this presentation did not take place.

### **4. PRESENTATION AND APPROVAL OF THE CENTER'S FISCAL YEAR 2015 INDEPENDENT AUDIT REPORT CONDUCTED BY GARZA/GONZALEZ & ASSOCIATES - Rene E. Gonzalez, Senior Partner, Garza/Gonzales & Associates**

Mr. Gonzales presented the Center's FY 2015 Independent Audit ending August 31, 2015, noting that the audit had been conducted in accordance with auditing standards generally accepted in the United States, standards applicable to financial audits contained in *Government Auditing Standards*, and the Guidelines for Annual Financial and Compliance Audits of Community MHRM Centers in Texas.

The following reports were issued:

- Financial and Compliance on Financial Statements – An unmodified opinion was issued in that all financial statements presented fairly in all material aspects.
- Federal and State Programs – There were seven major Federal programs and one major State program audited. An unmodified opinion was issued in that the Center complied with all requirements of its major Federal and State programs, presenting no material weaknesses in the internal control over financial reporting and on compliance and other matters in accordance with Government Auditing Standards.
- Major Programs – An unmodified opinion was also issued in that the Center complied with all requirements of its major programs and on internal control over compliance in accordance with OMB Circular A-133 and the State of Texas Single Audit Circular.

Findings and deficiencies noted:

- Procurement of services; lack of identification in the Schedule of Expenditures of Federal and State Awards; incompliance with Public Funds Investment Act for semi-annual certification; internal control over Capital Inventory Assets; internal control of payroll duties and disbursements; and lack of eligibility requirements on Veterans Project.

In conclusion, Mr. Gonzales stated that there had been no difficulties encountered during the audit process.

Mr. Zamora expressed concern regarding the procurement matter. Mr. Guevara responded that the Center had recently re-centralized the procurement process after a period of decentralization. In regards to the inventory of capital assets, Mr. Guevara reported that management was currently looking into the purchase of software specializing in inventory and hiring temporary staff to conduct the center-wide process of inventory. On the payroll matter, he reported that the payroll function was currently under the Human Resources Department. However, based on the auditor's recommendation for segregation, that function will be moved back under the Finance Department.

Mr. Zamora asked what the plan of correction was in regards to the competitive bidding process. Mr. Guevara responded that the plan was to document those efforts as per the auditor's recommendation.

With no further discussion, Mr. Bowker moved that the Board of Trustees accept the Center's FY 2015 Independent Audit Report as presented by Garza Gonzales & Associates; Ms. Brown seconded the motion. Motion carried

## **5. BOARD OF TRUSTEES ANNUAL CENTER TRAINING & CERTIFICATION**

Members of the board received their annually required Center training packets which included the following:

- Consumer Rights, Advocacy, Confidentiality/HIPAA Privacy and Prevention of Client Abuse, Neglect and Exploitation
- Ethical Conduct/Corporate Compliance
- Cultural Competency

General Counsel also provided the board with the following:

- Texas Health and Safety Code 534.0065 – Community Centers: Qualifications; Conflicts of Interest
- Texas Administrative Code 412.54 – Contracts Management for Local Authorities
- Texas Administrative Code 411.310 – Standards of Administration for Boards of Trustees
- Texas Local Government Code, Chapter 171 – Matters Affecting Public Officers; Regulation of Conflicts of Interest of Officers of Municipalities, Counties and Certain Other Local Governments
- Texas Local Government Code, Chapter 176 – Disclosure of Certain Relationships with Local Government Officers

Also included in this packet for their information and perusal was the Scope of Work on the Center's Interlocal Cooperation Contract with the Department of State Health Services (DSHS); the Interlocal Agreement between Bexar County and the Bexar County Hospital District on the Center's sponsorship; the Bylaws outlining the Center's mission and responsibilities of the Board; and the Center's Board of Trustees Code of Conduct

Dr. Kelley expressed concern regarding a possible conflict of interest in the appointment of Center board members to the Center's Foundation Board. After further discussion, it was decided that Counsel would seek a legal opinion on the matter and present it to the full board.

## **6. BOARD CHAIRMAN'S REPORT**

Mr. Barrett briefly announced upcoming events and recent recognitions.

- Communications – Allison Greer

Ms. Greer reported on the following:

- Letter sent to the Texas Council from the Center's Foundation Board Chair in regards to their upcoming conference and the Foundation's sponsorship of the golf tournament.
- Media advisories being sent to the board on numerous media stories.
- "Policing with Velvet Gloves" – Anne Synder, National Journal
- "Crisis Center aims to reduce ER visits, jail rates" – Amanda Fries, New York Poughkeepsie Journal
- AmeriCares has asked to highlight the Center in their 2016 marketing campaign. They will be in San Antonio filming their documentary in early April/May and are interested in interviewing Dr. Morgan and Dr. Adepoju and highlighting the Courtyard Clinic as well as the work being done at the primary care clinic at The Restoration Center.
- The National Council asked to profile the Center in their upcoming conference magazine. The Center's article focuses on crisis services and is entitled "A Continuum Alternative to Prisons and ERs"

- Humana also asked the Center to co-author an article for the SA Express-News which would highlight the work that the Center is doing and the impact it has had on the community.
- Senator John Cornyn published an op-ed article "Bexar's Mental Health Innovations a National Model" in the SA Express-News as part of the Mental Health and Safe Communities Act - legislation based in part on reforms made in Bexar County.
- On January 14<sup>th</sup>, city officials introduced a new program to reach out to the homeless in the community. The program - Integrated Mobile Partners Action Care Teams (IMPACT) consist of SAPD, EMS, CHCS and Haven for Hope staff - who will be reaching out to the homeless population offering them medical treatment and/or assistance to connect with other services needed, including services at the Restoration Center.
- News4 SA "Heroin addiction, deaths on the rise" highlights the Center's OATS Program.
- As the Center's representative on the Methodist Healthcare Ministries' Bexar County Health Care Coalition, she reported that the group was already working on a legislative agenda for the upcoming session which should be ready for presentation to the Bexar County delegation by September 2016.
- In regards to the MHU App, the Center currently has a Request for Proposal (RFP) out to have some major revisions made to the content of the MHU app. Staff is also working on a business plan to market the app out to the community.

- Fundraising Activities – Sheila Marlow Due

Ms. Due highlighted on some of the fundraising activities taking place and noted that the Charity Ball Association was requesting to visit the Children's Behavioral Health Program. They are considering funding the play therapy rooms at CBH. She also reported that the Center had a total of 218 employees participate in the United Way Campaign, contributing a little over \$30 thousand to the Center's Foundation. Currently, she is working on the 50<sup>th</sup> Anniversary Gala scheduled for the last week of October 2016. In the process of identifying 50 honorees who have dedicated their service to the mental health field. She is requesting full board participation and assistance in identifying invitees to this event.

- Construction Financing of the Westside Building – Robert Guevara

Mr. Guevara reported that he had met with Frost Bank last week, reviewed the cash flow analysis with them in detail, and developed a project timeline for the next seven years. The meeting went well and they were very impressed with the plan. He will be meeting with them again to continue discussions. Our investment banker is also reviewing our financial plan; however, we are still lacking the budget from the construction manager.

- 1115 Waiver – Robert Guevara

Mr. Guevara reported that the Center had submitted metrics for DY4 in the total amount of \$13 million and received \$30 million in return. A net of \$17.4 million. The Center will also be receiving about \$1.1 million back in State-held GR funds.

**7. PRESIDENT/CHIEF EXECUTIVE OFFICER'S REPORT**

- President/CEO's Report of Activities for the months of December 2015 & January 2016

Mr. Evans briefly reported on the following:

- A surprise visit from the Department of State Health Services (DSHS) in regards to two consumer matters relating to access of services/wait list.
  - Met with George Hernandez and Dr. Sally Taylor (from UHS), and Dr. Andrew Keller (Meadows MH Policy Institute) in regards to the Bexar County BH Assessment Report and access of services issues. He has been asked to chair an improvement team and one of the issues they will be looking at is addressing the critical need for and shortage of providers. Dr. Usatine suggested that Mr. Evans meet with Dr. Steve Plizka, the new chairman of the Psychiatric Division at UTHSC-SA.
  - We have a delegation from the Bureau of Justice Assistance in Washington D.C. touring The Restoration Center tomorrow.
  - Also touring this week is Lynn Overmann, Senior Policy Advisor from the White House.
  - The Center is in receipt of a recent grant from the Robert Wood Johnson Foundation geared towards the High Utilizer Program in the amount of \$200,000.
- Medical Director's Report - There was no report at this time.
  - Strategic Development & Implementation of LEAN Management System
  - Contracts Executed by the President/CEO over \$50,000 and under \$100,000 for the months of November & December 2015
  - Grants & Awards Submission Report
  - HR Metrics Report for the months of November & December 2015

**CONSENT AGENDA**

Dr. Kelley moved that the Consent Agenda be approved as presented; Ms. Brown seconded the motion. Motion carried.

**8. PLANNING & OPERATIONS COMMITTEE (Ruben D. Zamora, Chair)**

Approval of the Center's Utilization Management Plan - Clayton Anderson

**9. FINANCE COMMITTEE (Charles "Sam" Bowker, Chair)**

Approval for the President/CEO to negotiate and execute a contract with River City Waste, Inc. for the provision of waste disposal services to Center facilities – Robert Guevara

## **INDIVIDUAL ITEMS FOR REPORT, DISCUSSION & APPROPRIATE ACTION**

### **10. EXECUTIVE COMMITTEE (Daniel T. Barrett, Chair)**

Review and Approval of the President/Chief Executive Officer's CY 2015 Performance Goals

Ms. Brown moved that the Board of Trustees approve the CY 2015 Performance Goals for the President/CEO as reviewed in detail by the Board's Executive Committee at its' January 27, 2016 meeting; Mr. Bowker seconded the motion. Motion carried unanimously.

### **11. PLANNING & OPERATIONS COMMITTEE (Ruben D. Zamora, Chair)**

1. Approval of a membership appointment to the Planning & Network Advisory Committee (PNAC) – Clayton Anderson

Mr. Zamora moved that the Board of Trustees approve the membership appointment of Mr. John A. Elizondo to the Public Network Advisory Committee (PNAC). Mr. Elizondo's appointment was approved for submission to the Board at today's PNAC meeting and will bring the committee's membership to seven (7). The committee should have eleven (11) members and will continue to seek other potential applicants as necessary. Mr. Elizondo will serve a two (2) year term.

Dr. Usatine seconded the motion; motion carried.

2. Ratification of the Contract with the Texas Department of State Health Services for the Provision of HIV Prevention – Cynthia Martinez

Mr. Zamora moved that the Board of Trustees ratify the contract with the Texas Department of State Health Services (DSHS) for the provision of HIV Prevention Services. It was noted that this was the only DSHS contract that goes into effect January 1<sup>st</sup>. All other state contracts begin September 1<sup>st</sup>.

Ms. Brown seconded the motion; motion carried.

### **12. FINANCE COMMITTEE (Charles S. Bowker, Chair)**

1. Acceptance of the Center's Financial Statements for the periods ending November 30, 2015 and December 31, 2015 – Robert Guevara

Mr. Guevara reported that the Center's financials for the month ending November 30, 2015 ended with a negative contribution to fund balance of (\$244,386); bringing the year-to-date total to a negative contribution of (\$721,308). This does not include \$669,000 in General Revenue and \$147,000 in UHS local match that could be recognized. This would bring the total year-to-date fund balance to about \$95,000.

The Center's financials for the month ending December 31, 2015 ended with a negative contribution to fund balance of (\$579,869); bringing the year-to-date total to a negative contribution of (\$1,301,178). This does not include \$929,000 in General Revenue and \$197,000 in UHS local match unrecognized. This would bring the total year-to-date fund balance to approximately (\$174,000). It was noted that the months of November and December were historically slow months.

Mr. Guevara acknowledged his team for their dedication and hard work on the FY 2015 audit, noting that there was no significant difference in the financials that were presented last August to the Board of Trustees in comparison with the ones being presented by Garza Gonzalez & Associates this evening.

Mr. Bowker moved that the Board of Trustees accept the Center's Financial Statements for the periods ending November 30, 2015 and December 31, 2015 as presented; Dr. Usatine seconded the motion. Motion carried.

2. Approval of the Center's Budget Amendment for the month of November FY2016 – Robert Guevara
3. Approval of the Center's Budget Amendment for the month of December FY2016 – Robert Guevara

Mr. Bowker moved that the Board of Trustees approve the Center's budget amendments for the months of November and December FY 2016 as presented; Mr. Zamora seconded the motion. Motion carried.

These amendments will decrease the Center's budget by \$160,258 in the month of November and by \$454,741 in the month of December, for a revised budget of \$104,520,004. In addition, Mr. Bowker noted that the amendments reduce the Center's Fund Balance designation by \$183,581.

13. **APPROVAL FOR THE PRESIDENT/CEO TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT FOR THE PROPERTY LOCATED AT 225 W. CRAIG PLACE, SAN ANTONIO, TEXAS 78212 – Cynthia Martinez**



Dr. Usatine moved that the Board of Trustees approve for the President/CEO to negotiate and execute a Lease Agreement for property located at 225 West Craig Place, San Antonio, Texas 78212, subject to final approval of terms by the Center's General Counsel.

The Center was selected by the Department of State Health Services to pilot a statewide program for pregnant and postpartum women needing services for opioid dependency. This facility will be utilized as a 12 bed residential treatment facility. The initial program term is for eighteen months. However, if successful, the State could extend the program not only in San Antonio but throughout the State of Texas.

With no further discussion, Mr. Bowker seconded the motion; motion carried.

### **EXECUTIVE SESSION (DISCUSSION ONLY; CLOSED TO THE PUBLIC)**

At 7:47 p.m., Mr. Barrett moved that the Board of Trustees go into Executive Session, pursuant to Chapter 551, Texas Government Code:

551.071 (Consultation with General Counsel): Advice on matters agendized in which the duty of the General Counsel to the Center under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 552 of the Texas Government Code

551.072 (Real Estate): For the purpose to deliberate and take appropriate action on purchase, exchange, lease or value of real property matters relating to:

- Property located at 3031 IH 10 West, 1302 West Summit, and 1201 West Summit, San Antonio (Bexar County), Texas 78201

### **OPEN SESSION**

The Board reconvened into open session at 7:53 p.m. with Mr. Barrett announcing that no formal action had been taken during closed session.

Mr. Bowker moved that the Board of Trustees authorize the President/CEO to sign the commercial real estate sales contract, with the Buyer being SAN ANTONIO YOUTH and the Seller being THE CENTER FOR HEALTH CARE SERVICES, for the properties located at 3031 IH 10 West, 1302 West Summit, 1201 West Summit, and the triangle property located in San Antonio (Bexar County), Texas 78201.

Dr. Usatine seconded the motion; motion carried.

### **REPORT FROM MR. CHARLES "SAM" BOWKER ON THE ACTIVITIES OF THE TEXAS COUNCIL OF COMMUNITY MHMR CENTERS, INC. BOARD**

Mr. Bowker provided a summary of the Texas Council Board of Directors meeting held on December 4<sup>th</sup> – 5<sup>th</sup>:

- Received and approved a clean audit report for the period ending August 2015.
- Working on legislative matters for the next session.
- More specifically, provided talking points to consider in supporting Senator Carlos Uresti in an upcoming interim hearing on the coordination of behavioral health services. Senator Uresti is the Chairman of the Senate Finance Committee. Mr. Bowker signed the letter to the Senator on behalf of the Center's Board of Trustees.
- He also spoke about revising the Center's request for equity funding, indicating that he has already spoken with Mr. Evans in regards to this.
- Next meeting of the Council Board is February 19<sup>th</sup> and 20<sup>th</sup>.

#### **REPORT ON THE ACTIVITIES OF THE TEXAS COUNCIL RISK MANAGEMENT FUND BOARD**

Mr. Guevara briefly reported on the following from the Risk Management Fund Board meeting of November 2015:


- The FY 2015 Financial Audit was reviewed and approved.
- The Fund is exploring offering an employee health insurance plan for members. Center staff will review and consider the plan when available to determine best value for the Center and its employees.

#### **ADJOURNMENT**

The board was briefed on discussions at the Executive Committee meeting in regards to a retreat. It was noted that the retreat would be a one-day retreat hosted by Ms. Brown at the NuStar Energy Headquarters. Possible dates will be forthcoming.

There being no further business to discuss, Mr. Barrett called for a motion to adjourn. Dr. Usatine moved for adjournment; Mr. Zamora seconded the motion, and the meeting was adjourned at 8:02 p.m.

Passed and approved this 5<sup>th</sup> day of April, 2016.



Daniel T. Barrett  
Board Chairman



Graciela A. Cigarroa  
Board Secretary