

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

THE CENTER FOR HEALTH CARE SERVICES

Regular Board Meeting
Monday, September 28, 2009
3031 IH 10 West
San Antonio, Texas 78201
6:00 p.m.

TRUSTEES PRESENT: Margaret M. Vera, Chair
Rebecca G. Brown, Vice-Chair
Sam Williams, Jr., Secretary
Harry Griffin, Treasurer
Dianna M. Burns-Banks, M.D.
Ruben D. Zamora

TRUSTEES ABSENT: Mary Rose Brown
Ted Terrazas
Richard P. Usatine, M.D.

STAFF PRESENT: Leon Evans, President/Chief Executive Officer
Charles H. Boone, Chief Operating Officer
Mark A. Carmona, Chief Administrative Officer
A. Camis Milam, M.D., Chief Medical Officer
John A. Smith, General Counsel
Linda Rodriguez, Executive Assistant/Board Liaison
(Staff Attendance List on File)

GUESTS PRESENT: The Honorable Tommy Adkisson, County Commissioner, Precinct 4
Liz Provencio, Denton/McKamie, & Navarro
Patrick Bernal, Denton/McKamie, & Navarro
Dan Magaro, Principal, Retirement Horizons

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 Monday, September 28, 2009, at 3031 IH 10 West, San Antonio, Texas.

**CALL MEETING TO ORDER
CERTIFICATION OF QUORUM**

The meeting was called to order by Madame Chair Margaret Vera at 6:04 p.m., with the following trustees present: Ms. RG Brown, Dr. Burns-Banks, and Messrs. Griffin and Williams, thereby establishing a quorum.

INVOCATION – Invocation was given by Mr. Sam Williams, Jr.

PLEDGE OF ALLEGIANCE – Led by Ms. Margaret Vera

1. OATH OF OFFICE & INSTALLATION BY THE HONORABLE TOMMY ADKISSON OF RE-APPOINTED & NEWLY APPOINTED TRUSTEES

- Ruben D. Zamora (Place 9) – Bexar County Commissioners Court
- Harry Griffin (Place 4) – University Health System (Reappointment)

The Oath of Office was administered to the following two board members by the Honorable Tommy Adkisson, County Commissioner for Precinct 4: Mr. Ruben D. Zamora, who was appointed by Commissioner Adkisson to fill the unexpired term vacated by Dr. Carlos Orozco (through June 2010). Assistant Chief Harry Griffin was reappointed by the University Health System to serve a two year term (through June 2011).

By consensus of the board, the order of the agenda was suspended at this time in order to take the following actions:

CONSENT AGENDA

Mr. Griffin moved that the Board of Trustees approve the action item under Consent Agenda; Ms. Brown seconded the motion. Motion carried unanimously.

4. FINANCE COMMITTEE REPORT (Harry Griffin, Chair)

Report on the Rebalance of the Center's 401(a) Retirement Account in Accordance with the Investment Policy (*Mark Carmona*)

INDIVIDUAL ITEMS FOR REPORT, DISCUSSION & APPROPRIATE ACTION

5. FINANCE COMMITTEE (Harry Griffin, Chair)

1. Report on the Outcome of the Special-Called Finance Committee meeting concerning a Vendor for Professional Investment Advisor Services for the Center's 401(a) and 457 Retirement Plans (*Cynthia Martinez*)

Ms. Martinez reported that four final vendors were brought forth to present at a Special-Called Finance Committee. At that time, it was the consensus of the committee that all four vendors present to the full board. A Special-Called Board meeting has been scheduled for Wednesday, October 7th at 5:00 p.m. for this purpose. Mr. Carmona added that staff also wanted to present the board with some history on the Center's retirement plans.

2. Approval on the Implementation of a Specific Plan to Increase Employee Participation in the Center's 457 Retirement Account (*Mark Carmona*)

Mr. Griffin moved that the Board of Trustees approve the implementation of a specific plan for increased employee participation in the Center's 457 Retirement Plan. The plan includes the following elements:

- Match – Employer match of 100% up to 3% with the option to budget additional funds in FY 2011 based upon performance and at the discretion of the Center. Maximum expenditure for the Center for FY10 (January – August 2010) is \$586,972. Maximum exposure is assuming that all active participants contribute 3%.
- Vesting – Mirror the current vesting schedule.
- Forfeitures – Utilization of forfeiture funds from the 401(a) will be used to finance the start-up and ongoing implementation of the plan, inclusive of the plan fees.

A brief discussion ensued regarding the different options and what would happen if the Center did not have the funds to provide the necessary match. It was noted that if approved, implementation would go into effect on January 1, 2010.

Upon conclusion, Ms. Brown seconded the motion; motion carried.

3. Approval of the Proposed Contract with Porfirio Martinez d/b/a P&C Cleaning Services for the Provision of Janitorial Services at all Center Facilities, Except 601 N. Frio Street (*Cynthia Martinez*)

Mr. Griffin moved that the Board of Trustees approve the proposed contract renewal with Porfirio Martinez d/b/a P&C Cleaning Services for the provision of janitorial services at all Center facilities, with the exception of 601 N. Frio Street.

Dr. Burns-Banks seconded the motion; motion carried.

EXECUTIVE SESSION (Closed)

Ms. Vera called the meeting into Executive Session at 6:34 p.m., for discussion, deliberation and consultation per Texas Government Code, Sections:

551.071 (Consultation with General Counsel): Advice on matters 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.

551.071 (Consultation with General Counsel and Retained Counsel): Status report on pending litigation and advice on mediation, trial strategy and settlement offer:

- TREVIÑO vs. CHCS, Cause No. SA-08-CA-0410 (U.S.D.C. – Western District, S.A.)
- REYNA vs. CHCS, Cause No. 2007-CI-14508 (73rd Judicial District Court, Bexar County, Texas)

OPEN SESSION

Ms. Vera reconvened the meeting at 7:06 p.m. and announced that no formal action had been taken during closed session.

Ms. Brown moved that the Bexar County Board of Trustees for Mental Health Mental Retardation d/b/a The Center for Health Care Services, accept and approve the mediated settlement agreements accomplished on September 16th and September 17th, 2009 between the Center, as Defendant, and Plaintiffs' Ramsey Trevino and Consuelo V. Reyna in the pending litigation styled Ramsey Trevino vs. Center for Health Care Services, in Civil Action No. SA-08-CA-0140-XR, filed in the US District Court for the Western District of Texas, San Antonio Division, and Consuelo V. Reyna vs. Center for Health Care Services, in Cause No. 2007-CI-14508 filed in the 73rd District Court, Bexar County, Texas and in consideration of a Full Release by the Plaintiffs and the Dismissals With Prejudice of the law suits filed and terminating all claims therein against the Center, and in accordance with the terms and conditions as set forth in the Mediated Settlement Agreements and authorize the Attorneys for the Center, the Chair on behalf of the Board, and the Executive Director-President/CEO to execute and file with the Courts all necessary and appropriate instruments relating thereto.

Mr. Williams seconded the motion. Motion carried unanimously.

At this time, Ms. Vera proceeded with the order of the agenda.

CITIZENS TO BE HEARD – There were no citizens presented to be heard.

2. BOARD CHAIRMAN'S REPORT

- Tribute to Hope

Ms. Vera briefly informed the board about the Tribute to Hope event taking place on November 3rd at the Edgewood Theater, at which time Mr. Leon Evans (CHCS President/CEO) and Mr. George Hernandez (UHS President/CEO) will be recognized for their untiring work and contributions to the community. Proceeds from the event will go toward Operation Reunion which focuses on helping children of wounded soldiers, and to the University Health System Foundation Burned Children's Fund. Informational packets were distributed to the board.

3. PRESIDENT/CHIEF EXECUTIVE OFFICER'S REPORT

- President/CEO's Report of Activities for the month of August 2009

Mr. Evans reported on the following:

- Special Projects Director Gilbert Gonzales has put together a response to the request from R. Gil Kerlikowske, Office of National Drug Control Policy, as they prepare to develop the President's first National Drug Control Strategy. Copies will be sent to the board via the weekly memorandum.
- The NACo Jail Diversion Forum is scheduled to take place this Thursday & Friday, October 1st and 2nd. The forum is intended to provide an overview and tour of Center programs and collaborations, specifically diversion initiatives. Additionally, a request was made for Mr. Evans to provide an overview on how to bring community leaders together to fund these programs.

- Chief Medical Officer's Report – *Dr. A. Camis Milam*

Dr. Milam briefly reported on the following:

- Clinical staff/rotation schedule at Harvard Place
- Security issues at Harvard Place
- Staff's visit to Austin and Georgetown to look at crisis residential facilities. Much discussion ensued regarding the need for additional crisis beds and the possibilities available. Additional discussion revolved around streamlining the process for admissions to the state hospital.

- Report on the Preliminary End of FY09 Financial Statements – *Mark Carmona*

Mr. Carmona announced that year-end projections indicated that the Center would end the fiscal year in a positive position. The projected fund balance contribution was reported at about \$240,000; and with the added back of the capitol projects fund equity of about \$200,000; the projected fund balance contribution will be approximately \$441,000. This is subject to audit. Not included in the projections is \$200,000 to be received through the National Center (501(c)3) for crisis services. This will total over \$600,000 in positive contribution to fund balance. Part of the \$441,000 includes a Paid-Time Off (PTO) buy-back program for employees where they are allowed to buy back unused PTO at 50% value. This was paid out in August and removed over \$320,000 in PTO liability off the balance sheet. Also recognized in the operational fund balance are the NGM funds which the state allows us to redirect towards direct services. This is all due to the financial repositioning in the last two quarters of the fiscal year where staff looked at driving down expenses and increasing revenues to meet their goals to re-invest back into the employees.

Mr. Carmona additionally reported on the following:

- The Texas Health Funders Consortium Consensus Conference on Children which took place on Thursday, September 24th at the Norris Conference Center. The purpose of the conference was to look at the needs in the community for access to services which were previously identified in the initial research on children's mental health care. It was noted that Dr. Burns-Banks, Mr. Williams, and Mr. Zamora attended and participated in the conference. A de-briefing is to follow.
- A Legislative Symposium is scheduled for this coming Friday, October 2nd, at the Menger Hotel. The purpose of the symposium is to review what has been done, what we were successful at, what we still need to do, and to begin planning for the next legislative session. Senators Leticia Van de Putte and Carlos Uresti, as well as Representative Jose Menendez are confirmed to attend.
- HB 1232 – The children's youth behavioral health pilot program. Mr. Boone has taken on full responsibility for the restructuring of the children's services program and creating a wrap-around services division.
- The Texas Youth Suicide Prevention (TYSP) Project - \$300,000 for 3 years
The project primarily focuses on youths with a high risk of suicide. The Center began the first pilot study in the nation focusing on providing screenings and referrals for military youth dependents at Fort Sam Houston.

- The Permanency Project - \$400,000 for 3 years
This project will focus on reversing the revolving door of symptom acuity and chronic homelessness among individuals with co-occurring substance abuse and mental health disorders.
- Local Planning & Network Development (LPND) Report – *Charles H. Boone/Cynthia Martinez*

Mr. Boone reported that staff had participated in a teleconference with DSHS personnel last week where they had requested additional financial information. They continue to have weekly conference calls and have repeatedly turned down all waivers that the Center has proposed. The recommendations they are making are to keep things as they currently are.
- Contracts executed by the President/CEO over \$50,000 and under \$100,000 for the month of August 2009
- Human Resources Quarterly Turnover/Personnel Action Summary for the month of August 2009

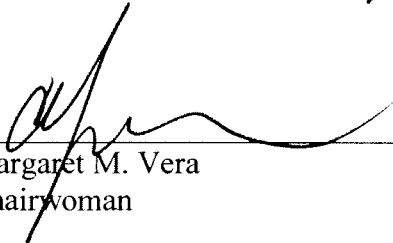
REPORT FROM MR. SAM WILLIAMS, JR., ON THE ACTIVITIES OF THE TEXAS COUNCIL OF COMMUNITY MHMR CENTERS, INC. BOARD

Mr. Williams reported that the Texas Council does not meet again until November.

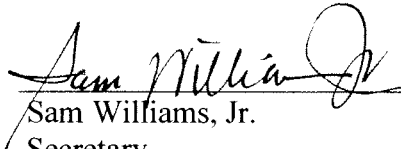
ADJOURNMENT

There being no further business to discuss, Dr. Burns-Banks moved for adjournment, Mr. Williams seconded the motion, and the meeting was adjourned at 7:45 p.m.

Passed and approved this 30th day of November, 2009.



Margaret M. Vera
Chairwoman



Sam Williams, Jr.
Secretary