

**CONTRA COSTA COUNTY MENTAL HEALTH COMMISSION  
JANUARY 24, 2013  
MINUTES**

<p><b>I. Call to Order /Introductions</b></p>	<p>The meeting was called to order by Chairperson Carole McKindley-Alvarez at 3:30 p.m.</p> <p><u>Commissioners Present:</u>  Louis Buckingham, District III  Evelyn Centeno, District V (arrived at 3:40)  Jerome Crichton, District III (arrived at 3:40)  Jack Feldman, District V  Dave Kahler, District IV  Peggy Kennedy, District II  Carole McKindley-Alvarez, District I  Colette O’Keeffe, District IV  Teresa Pasquini, District I  Annis Pereyra, District II  Sam Yoshioka, District IV</p> <p><u>Commissioners Absent:</u>  Supv. Karen Mitchoff, BOS Representative  Gina Swirsding, District I  Monique Tarver, District III</p> <p><u>Non-Commissioners Present:</u>  Cynthia Belon, Behavior Health Director  Lia Bristol, Supv. Mitchoff’s Office  Dale Brodsky  Andrea Clark, ANKA  Cullin Contino  Jim Cooper  Brenda Crawford, MHCC  Marvin Edwards, MHCC/SDR  Richard Elliott  Richard Haddock  Lori Hefner, Gerontologist/CPAW Member  Georgette Howington, Family Member  Mariana Moore, Human Services Alliance  Holly Page, BH  Bill Schlant, Local 1  Karen Shuler, MHC Executive Assistant  Nina Smith, Alcohol &amp; Other Drugs Advisory Board  Jennifer Tuipulotu, OCE/BHS  William Walker, MD, Health Services Director  (Others were in attendance, but did not sign the</p>	
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	<p>attendance sheet.)</p> <p>Carole acknowledged Nina Smith, newly-appointed liaison to the Commission from the Alcohol &amp; Other Drugs Advisory Board. Carole also read the following e-mail from Mental Health Director Steven Grolnic-McClurg: "I am unable to make the January 24th meeting of the Mental Health Commission due to a conflict with a pre-existing out of town program that I am participating in. I want to express to the commission my apologies for missing this meeting and my commitment to partnering with the commission going forward. Cynthia Belon will be attending the meeting. I personally appreciate the thoughtful and important work that has gone into the questions raised about MHSA financing and look forward to the work group that will draft the deliverables for the 2nd MHSA audit that Behavioral Healthcare has endorsed. Please let the commission know that I recognize their important role and look forward to collaborating in the future."</p> <p>Carole announced that Supervisors Mitchoff and Piepho have been reappointed by the BOS to serve as BOS representative and alternate for 2013.</p>	
<p><b>II. Public Comment</b></p>	<ul style="list-style-type: none"> <li>• Brenda commented on what she felt was miscommunication the MHC had around the appointment to the search committee for the interview panel for selecting a Mental Health Director. She said the family member appointed to the search committee does not have a family member in our public mental health system, and that the consumer representative doesn't receive services from our County system. She added that it is critically important that users of our system be involved in all major decisions that occur. If we are going to become a client-centered, recovery based system, then clients need to be the center of all decisions that are made.</li> <li>• Brenda also commented about a consumer in our system who had died Tuesday. He was resident of the Idaho Housing program in Richmond. She said that whenever a consumer dies, that is one light that has been put out and needs to be recognized and honored.</li> <li>• Dr. Walker commented on the Mental Health</li> </ul>	

	<p>Director appointment process, addressing objections to it not having gone before the BOS initially. He stated the BOS had not been involved in the appointment process on previous occasions. He further stated that they followed the instructions given to them in a letter from the MHC.</p>	
<p><b>III. Approval of the Minutes from December 20, 2012</b></p>	<p>➤ A motion was made by Sam and seconded by Dave to approve the Minutes.  Discussion: The following additions/corrections were made:  Page 2 – family coordinator division corrected to Family Coordinator position;  Page 3 – Add a statement indicating the election will be placed on the January MHC Agenda;  Page 3 – stacked presence corrected to staff presence.  <b>Aye 10:</b> Louis, Evelyn, Jerome, Jack, Dave, Peggy, Carole, Colette, Teresa, Annis  <b>Nay: 0</b>  <b>Abstain 1:</b> Sam</p> <p>The Minutes were approved as corrected .</p>	<p><b>Vote:</b>  <b>10-0-1</b>  <b>Passed</b></p>
<p><b>IV. Request for MHSA Audit</b></p>	<p><i>In accordance with the Mental Health Commission's MHSA Guiding Principles/ Mechanisms, and in response to our community stakeholders' confusion and lack of clarity regarding MHSA financial requests, the Capital Facilities Committee recommends to the Mental Health Commission that the MHC makes a formal recommendation to the Board of Supervisors to request that the County Auditor/Controller perform a special audit of MHSA for the years 2005 to date.</i></p> <p>Public Comments:  1) Received from Maria Ramirez:  "I would like the Mental Health Commission to know that as a family member of a young child in the Contra Costa County Mental Health System of Care I am requesting that an audit be performed on the MHSA funds. I believe it is the responsibility of the Mental Health Commission (per WI code, 5604) to oversee and direct this audit to ensure its credibility. The Mental Health Commission is obligated to ensure funding is directed in accordance with the approved MHSA</p>	

	<p>plan. At last weeks CPAW meeting I was stunned to see the lack of leadership from the Behavioral Health Finance Officer. It is clear to me that the MHC must step in at this point to ensure the process is pure. Thank you.”</p> <p>2) Bill Schlant, representing Local 1, stated the Union had voted 100% in favor of an MHSA audit.</p> <p>3) Lori read a statement from former MHC Commissioner and current CPAW member Kathi McLaughlin: “As a long time mental health advocate I encourage the Mental Health Commission to support an outside audit of Contra Costa’s use of MHSA funds. I believe it is imperative that the audit process be directed by the Commission in order to ensure that the process is transparent and not in any way directed or controlled by Mental Health Administration, Behavioral Health Administration, or any other county-run department. In light of inaccurate, incomplete, and conflicting recent communications, ever-changing facts and figures, and attempts to place blame on previous employees as presented to CPAW and the Commission there is a significant lack of trust in the accuracy and completeness of the information provided by the County to the community. The first step in re-building that trust is ensuring that any audit be done independent of direction or interference by County staff.”</p> <p>Teresa gave a brief background to the motion. After receiving new information, the Capital Facilities Committee voted unanimously to forward the above motion to the Commission.</p> <p>➤ Teresa stated the motion (seconded by Dave): In accordance with the Mental Health Commission’s MHSA Guiding Principles/ Mechanisms, and in response to our community stakeholders’ confusion and lack of clarity regarding MHSA financial requests, the Capital Facilities Committee recommends to the Mental Health Commission that the MHC makes a formal recommendation to the Board of Supervisors to request that the County Auditor/Controller perform a special audit of</p>	
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	<p>MHSA for the years 2005 to date.</p> <p>Discussion:</p> <ul style="list-style-type: none"> <li>• Teresa said that since that CapFac meeting, more information came forward. She spoke about remarks made at the BOS meeting and at CPAW. She expressed concern that CPAW never asked for an audit, yet Mental Health Director Steven Grolnic-McClurg had sent an e-mail to CPAW members saying Behavioral Health would be conducting an audit.</li> <li>• Jack asked that the motion be amended to have the audit be either external or internal, depending on what the Controller can handle.</li> <li>• Colette and Louis both said that it should be an external audit.</li> <li>• Teresa read a portion of Steven’s e-mail to CPAW that had to do with an audit. “CPAW members, This email is to follow up on the meeting that occurred last Thursday afternoon and identifies the next steps in the process as we discussed. ... Behavioral Health will be conducting two external audits of the MHSA fund. The first will be a money in/money out audit, to show a clear accounting for all MHSA dollars drawn down by the County. This audit will be done by the group that audit's the Counties finances and will focus only on the MHSA fund from 2005 to present. The second will be an expenditure audit that will look at whether MHSA funds have been expended according to regulations (the group doing the first audit does not have the expertise to do this). A workgroup will be formed to develop the deliverables for this second audit (we are consulting with Mike Geiss, a recognized expert on MHSA funding, on who can perform this audit). We are asking for CPAW and the Mental Health Commission for several members from each group who are interested in participating in this workgroup. This audit will focus on the last several years of MHSA funding in order to target the specific time period where questions have been raised. If you are interested in participating in this workgroup, please email your interest to: <a href="mailto:Jeannie.deTomasi@hsd.cccounty.us">Jeannie.deTomasi@hsd.cccounty.us</a>. If there are more individuals interested from CPAW than</li> </ul>	
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	<p>space on the workgroup, we will ask CPAW to decide how to pick their representatives.” Teresa suggested the first proposal (“...a money in/money out audit) might be a good start since it would be a break-out of MHSA.</p> <ul style="list-style-type: none"> <li>• Cynthia said the first would be done by an independent auditor – showing documentation of all that came in and went out. The second audit (“...an expenditure audit that will look at whether MHSA funds have been expended according to regulations.”) would be done by Mike Geiss who is familiar with MHSA. It could be done in April. Cynthia said they would like MHC participation.</li> <li>• Carole clarified that MHC representatives must be voted on and cannot simply volunteer.</li> <li>• Teresa was asked what she wanted, and replied that CPAW did not recommend Steven’s suggestion. She said that she is recommending we support the first suggestion regarding the audit, but the second needs more discussion.</li> <li>• Colette said she is uncomfortable with an auditing body she is unfamiliar with.</li> <li>• Sam commented about what Teresa had said, stating the County Controller would not be an independent auditor. He said he feels the MHC is not qualified to select an auditor. He said he has no problem with the first suggestion, and on the second, he said there are few who know MHSA enough to be qualified so he could accept the Behavior Health audit proposal.</li> <li>• Carole read from the Mechanisms portion of the Commission’s MHSA Guiding Principles: The Mental Health Commission voted to accept four Guiding Principles that would support how the Commission would function and move forward when it came to MHSA funding, and four Mechanisms for going about these principles: <u>Mechanisms:</u> <ol style="list-style-type: none"> <li>1) Emphasis around doing an analysis of the current funding structure</li> <li>2) Emphasis around producing a reassessment of how MHSA dollars are currently allocated</li> <li>3) Create some kind of comprehensive understanding of the purpose of MHSA</li> </ol> </li> </ul>	<p><b>Place discussion of wording for 2<sup>nd</sup> audit proposal on Feb. Cap. Fac. Agenda</b></p>
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	<p>dollars – going back to the law</p> <p>4) Whatever we do, we do in partnership. Carole asked if Teresa wanted to amend her motion.</p> <ul style="list-style-type: none"> <li>• Teresa said she would consider a friendly amendment to consider the 1<sup>st</sup> part of the BH proposal to get a baseline. But she objects to Mike Geiss is an employee of the CMH Director’s Assn. so she doesn’t consider him to be neutral and has concerns about him doing the 2<sup>nd</sup> part of the audit, and she also does not think CPAW members participating would be neutral.</li> <li>• Brenda said the County should do the audit process the same way as contractors are required – getting 3 bids for auditors.</li> <li>• Cynthia asked the MHC to develop the wording for the 2<sup>nd</sup> audit.</li> <li>• Sam said he wants to go ahead with the 2<sup>nd</sup> audit.</li> <li>• Carole said the 1<sup>st</sup> audit proposal in Steven’s e-mail fits with the motion, but the 2<sup>nd</sup> part does need some discussion. She said it needs to go back to the Capital Facilities Committee.</li> </ul> <p>➤ Teresa amended the motion and Dave seconded: In accordance with the Mental Health Commission’s MHSA Guiding Principles/ Mechanisms, and in response to our community stakeholders’ confusion and lack of clarity regarding MHSA financial requests, the Capital Facilities Committee recommends to the Mental Health Commission that the MHC accepts the Behavioral Health proposal of conducting a money in/money out audit, to show a clear accounting for all MHSA dollars drawn down by the County. This audit will be done by an outside auditor that audits the Counties finances and will focus only on the MHSA fund from 2005 to present.</p>	<p><b>Place choosing MHC representative on Feb. Exec. Agenda</b></p> <p><b>Vote: 10-0-1</b>  <b>Peggy abstained.</b>  <b>Passed.</b></p>
<p><b>V. Invite Representatives from BART to an expanded February Mental Health Commission Meeting to discuss AB716 (BART’S</b></p>	<p>Continue Commission meeting for one additional hour (6:30-7:30) for BART representatives to respond to questions from members of the public. Hold meeting in West County to provide maximum BART access for attendees.</p> <p>Carole explained that representatives from BRT asked to come to the February meeting to make</p>	

<p><b>newest program designed to increase overall safety on the BART system.)</b></p>	<p>themselves available to answer questions regarding the new policy, as well learn from the consumers and family members how to avoid stigma or criminalizing mental health issues.</p> <p>➤ Teresa made the motion and Evelyn seconded to invite Representatives from BART to an expanded February Mental Health Commission Meeting to discuss AB716 and to hold the meeting in West County.</p> <p>Discussion: Brenda asked that Patients’ Rights, MHCC, Rubicon and Anka be included in the discussion. She also said that cultural competency should be included in the BART officer training. Teresa said she was very impressed by the discussion BART brought to the Executive Committee. She added she totally supports this. Louis asked why it’s going to be in West County and Carole explained it was because of the larger number of BART access. The motion passed unanimously.</p>	<p><b>Vote 11-0 Unanimous. Passed</b></p> <p><b>Staff will secure a location in West County</b></p> <p><b>Staff contact Patients’ Rights, MHCC, Rubicon and Anka</b></p>
<p><b>VI. Selection of Mental Health Commissioners to participate on the “Mental Health Family Services Coordinator” interview panel.</b></p>	<p>The Commission will be recommending interview questions.</p> <p>Carole spoke of an e-mail from Victor Montoya asking for 1-2 Commissioners to participate in the Family Advocate interview process. The interviews were originally scheduled for January 23 and 24 9am-12pm. Because it is a family advocate position we would like our Commissioners who hold the family member seats and are interested to sit on the panel. Also Vic would like us to send him potential questions. She suggested that two people be appointed to the panel by the Commission – 1 being an alternate.</p> <p>Carole sent this to Vic after the Executive Committee met: Hi Vic, I'm sending this email on behalf of the MHC Executive Committee. On our agenda today, 1/16/13 was the appointment of 1 or 2 MHC representatives on the interview panel for the family advocate position. First thank you for reaching out to us to participate in the process. The EC voted unanimously to ask you to consider moving the interview process back a week to give the Mental Health Commission</p>	



	<p>an opportunity to follow our bylaws by bringing this to the full body on 1/24/13 and allowing us to appoint the Commissioners at that time. We recognize this is a crucial position that we've been advocating for as well as the importance of the MHC voice being at the table. We weighed this with the necessity to follow protocol which is why we are only asking for a week delay.</p> <p>Thank you for taking the time to consider our request-</p> <p>The interview dates were moved back.</p> <p>Evelyn nominated Dave Kahler. Louis nominated himself. Annis nominated Teresa, who declined. Colette nominated Sam, who declined. Annis nominated Colette. Carole said it is important that Commissioners mention any conflict of interest with any applicant (have a personal relationship with any applicant). They may recuse themselves at the interview if there is a conflict of interest.</p> <p>➤ Each nominee was voted on. Louis was approved unanimously. Dave received 6 votes: Jack, Evelyn Teresa Jerome, Sam, Dave Colette received 9 votes: Evelyn, Annis, Teresa, Carole, Peggy, Jerome, Sam Colette, Dave</p> <p>Co-representatives to the interview panel will be Louis and Colette. Commissioners can send suggested interview questions to staff by the 29<sup>th</sup>.</p>	<p><b>Staff was instructed to send out a copy of the job descriptions to Commissioners.</b></p>
<b>Public Comment</b>	<ul style="list-style-type: none"> <li>Janet expressed concerns regarding the conservatorship program. She read a statement: "There appears to be an upheaval of some sort in the Conservatorship Program; it is no longer clear who is in charge, and that as a result some of my clients are being denied services to which I believe they are entitled." Carole suggested this item be placed on the Executive Committee Agenda to be addressed.</li> </ul>	<p><b>Place on Executive Committee Agenda</b></p>
<b>Commissioner Announcements</b>	<ul style="list-style-type: none"> <li>Teresa said it is important for the MHC to be aware of testimony given before the BOS – she</li> </ul>	

	<p>suggested sending a link out to Commissioners via e-mail to watch it. It was a showing of stakeholders and consumers who had many concerns.</p> <ul style="list-style-type: none"> <li>• Sam said the Commission needs to reconsider their meeting date of the 4th Thursday of the month, as another date may be more suitable for the current make-up of the MHC.</li> <li>• Sam mentioned he attended an AOD meeting, He said we need to look at our rules regarding the Brown Act because the AOD Board meetings are a lot more flexible. Carole responded that not all boards are under the same Brown Act restrictions.</li> <li>• Colette announced there are still considerable problems with the medical records technology system.</li> <li>• Annis mentioned a CC Times article regarding volunteers being needed for the homeless count.</li> <li>• Annis also mentioned that a CC Times article regarding Prop 36 shows the Commission needs to be involved. 38% of clients being released require mental health services.</li> </ul>	
<b>VII. Adjourn Meeting</b>	The meeting adjourned at 4:40 p.m.	

Respectfully submitted,  
Karen Shuler, Executive Assistant  
Contra Costa County Mental Health Commission