



CONTRA COSTA
MENTAL HEALTH
COMMISSION

1340 Arnold Drive, Suite 200
Martinez, CA 94553

Ph (925) 313-9553

Fax (925) 957-5156

cchealth.org/mentalhealth/mhc

**Mental Health Commission
Executive Committee**

Tuesday, November 23, 2021, from 3:30 – 5:00 pm

Via: Zoom Teleconference:

<https://cchealth.zoom.us/j/5437776481>

Meeting number: 543 777 6841

Join by phone:

1 669 900 6833 US

Access code: 543 777 6841

AGENDA

- I. 3:30pm - Call to Order/Introductions**
- II. 3:33pm - Public comments**
- III. 3:43pm - Commissioner comments**
- IV. 3:53pm - Chair announcements**
- V. 4:05pm - APPROVE minutes from the October 26th, 2021, Executive Committee meeting**
- VI. 4:07pm - UPDATE on Elections process, Commissioner Leslie May**
- VII. 4:10pm - UPDATE on Site Visits to Crestwood Our House, Nierika House and small board and cares, Commissioner Barbara Serwin**
- VIII. 4:15pm - UPDATE MHC Finance Committee Motion from November 18, 2021**
- IX. 4:20pm - UPDATE on Mental Health Commission RETREAT, Commissioner Graham Wiseman, Mental Health Commission Chair**
- X. 4:30pm - DISCUSS access to county behavioral health, detention health services, and CBO staff, and mental health system information**

(Agenda Continued on Page Two)



The Contra Costa County Mental Health Commission is appointed by the Board of Supervisors to advise them on all matters related to the county's mental health system, in accordance with mandates set forth in the California State Welfare & Institutions Code, Sections 5604 (a)(1)-5605.5. Any comments or recommendations made by the Mental Health Commission or its individual members do not represent the official position of the county or any of its officers. The Commission is pleased to make special accommodations, if needed, please call ahead at (925) 313-9553 to arrange.

- XI. 4:40pm – CONFIRM Executive Committee meeting December 21st**
- XII. 4:42pm - DETERMINE December 2021 Mental Health Commission meeting agenda:**
- **CHAIR ANNOUNCEMENTS**
 - **First module of Commissioner Orientation will be presented BEFORE THE JANUARY Commission meeting at 3:30 to 4:20 PM**
 - **“Get to know your Commissioner” (Commissioner Shires and Commissioner TBD)**
 - **Behavioral Health Services Director's Report**
 - **UPDATE on Nierika House and Crestwood Our House site visits and small board and cares**
 - **UPDATE on new Commissioners and open seats**
 - **PROVIDE summary of MHC 2021 Retreat, Commissioner Graham Wiseman**
 - **REPORT on Nierika House past issues, current status and future plans, Natalie Lee, Program Manager, Nierika House, Bay Area Community Services (BACS), Dr. Suzanne Tavano, Behavioral Health Services, Dr. Jan Cobaleda-Kegler, Behavioral Health Services**
 - **ELECT 2022 MHC officers**
- XIII. 4:52pm – DISCUSS potential speakers and topics for January meeting**
- **RichMinds Network (Richmond, CA), Eddie G. Morris**
 - **Measure X Funding – Supervisor Andersen**
 - **Dr. Shires – COVID Consequences Re: Alcohol use**
 - **State Incompetent to Stand Trial policy change impacts on Contra Costa County – Commissioner Dunn**
- XIV. 5:00pm - Adjourn**

ATTACHMENTS:

- A. Welfare & Institution Code (WIC) Regarding Legislation for Mental/Behavioral Health Boards/Commissions**
- B. Internal Operations Committee September 13, 2021 Re: Bylaw Change**
- C. Motion from MHSA-Finance Meeting Agenda Item VIII, November 18, 2021**

Welfare & Institution Code (WIC) Regarding Legislation for Mental/Behavioral Health Boards/Commissions

Items in **bold** reflect October 2019 CA legislative update.

- I. **WIC 5604.5**
- II. **WIC 5604.2 & 5848**
- III. **WIC 5604.3**
- IV. **WIC 5604.**

I. BYLAW Requirements (WIC 5604.5)

Bylaw Requirements Duties Expenses Membership

The local mental health board shall develop bylaws to be approved by the governing body which shall do all of the following:

1. (a) Establish the specific number of members on the mental health board, consistent with subdivision (a) of Section 5604.
2. (b) Ensure that the composition of the mental health board represents **and reflects the diversity** and demographics of the county as a whole, to the extent feasible.
3. (c) Establish that a quorum be one person more than one-half of the appointed members.
4. (d) Establish that the chairperson of the mental health board be in consultation with the local mental health director.
5. (e) Establish that there may be an executive committee of the mental health board.

II. A. DUTIES WIC 5604.2 (Items in **bold** reflect the 2019 legislative update.) The local mental health board shall:

1. Review and evaluate the community's **public** mental health needs, services, facilities, and special problems **in any facility within the county or jurisdiction where mental health evaluations or services are being provided, including, but not limited to, schools, emergency departments, and psychiatric facilities.**
2. Review any county agreements entered into pursuant to Section 5650. **The local mental health board may make recommendations to the governing body regarding concerns identified within these agreements.**
3. Advise the governing body and the local mental health director as to any aspect of the local mental health program. **Local mental health boards may request assistance from the local patients' rights advocates when reviewing and advising on mental health evaluations or services provided in public facilities with limited access.**

4. Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process. **Involvement shall include individuals with lived experience of mental illness and their families, community members, advocacy organizations, and mental health professionals. It shall also include other professionals that interact with individuals living with mental illnesses on a daily basis, such as education, emergency services, employment, health care, housing, law enforcement, local business owners, social services, seniors, transportation, and veterans.**

5. Submit an annual report to the governing body on the needs and performance of the county's mental health system.

6. Review and make recommendations on applicants for the appointment of a local director of mental health services. The board shall be included in the selection process prior to the vote of the governing body.

7. Review and comment on the county's performance outcome data and communicate its findings to the California Behavioral Health Planning Council.

8. **This part does not** limit the ability of the governing body to transfer additional duties or authority to a mental health board.

(b) It is the intent of the Legislature that, as part of its duties pursuant to subdivision (a), the board shall assess the impact of the realignment of services from the state to the county, on services delivered to clients and on the local community.

II.B. DUTIES MHSA (WIC 5848)(b)(f) (Items in **bold** reflect the 2019 legislative update.)

(b) The mental health board established pursuant to Section 5604 shall conduct a public hearing on the draft three-year program and expenditure plan and annual updates at the close of the 30-day comment period required by subdivision (a). Each adopted three-year program and expenditure plan and update shall include any substantive written recommendations for revisions. The adopted three-year program and expenditure plan or update shall summarize and analyze the recommended revisions. The mental health board shall review the adopted plan or update and make recommendations to the local **mental health agency or local behavioral health agency, as applicable, for revisions. The local mental health agency or local behavioral health agency, as applicable, shall provide an annual report of written explanations to the local governing body and the State Department of Health Care Services for any substantive [see (f) below] recommendations made by the local mental health board that are not included in the final plan or update.**

(f) For purposes of this section “Substantive recommendations made by the local mental health board” means any recommendation that is brought before the board and approved by a majority vote of the membership present at a public hearing of the local mental health board that has established its quorum.

III. EXPENSES MHSA WIC 5604.3 & 5892 (c) (Items in **bold** reflect the 2019 legislative update.)
WIC 5604.3

(1) The Board of Supervisors may pay from any available funds the actual and necessary expenses of the members of the Mental Health Board of a community mental health service incurred incident for the performance of their official duties and functions. The expenses may include travel, lodging, childcare and meals for the members of an advisory board while on official business as approved by the director of mental health programs.

(b) Governing bodies are encouraged to provide a budget for the local mental health board, using planning and administrative revenues identified in subdivision (c) of Section 5892 [see below], that is sufficient to facilitate the purpose, duties, and responsibilities of the local mental health board.

WIC 5892 (c)

The allocations pursuant to subdivisions (a) and (b) shall include funding for annual planning costs pursuant to Section 5848 . The total of these costs shall not exceed 5 percent of the total of annual revenues received for the fund. The planning costs shall include funds for county mental health programs to pay for the costs of consumers, family members, and other stakeholders to participate in the planning process ...

IV. MEMBERSHIP MHSA WIC 5604. (Items in **bold** reflect the 2019 legislative update.)

(a)(1) Each community mental health service shall have a mental health board consisting of 10 to 15 members, depending on the preference of the county, appointed by the governing body, except that boards in counties with a population of less than 80,000 may have a minimum of five members. **A** county with more than five supervisors shall have at least the same number of members as the size of its board of supervisors. **This section does not limit** the ability of the governing body to increase the number of members above 15.

2. (2) (A) The board serves in an advisory role to the governing body, and one member of the board shall be a member of the local governing body. Local mental health boards may recommend appointees to the county supervisors. The board membership should reflect the diversity of the client population in the county to the extent possible.

(B) Fifty percent of the board membership shall be consumers, or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received mental health services. At least 20 percent of the total membership shall be consumers, and at least 20 percent shall be families of consumers.

(C) In addition to consumers and family members referenced in subparagraph (B) Counties are encouraged to appoint individuals who have experience with and knowledge of the mental health system. This would include members of the

community that engage with individuals living with mental illness in the course of daily operations, such as representatives of county offices of education, large and small businesses, hospitals, hospital districts, physicians practicing in emergency departments, city police chiefs, county sheriffs, and community and nonprofit service providers.

3. (3) (A) In counties **with a population that is less than 80,000**, at least one member shall be a consumer, and at least one member shall be a parent, spouse, sibling, or adult child of a consumer, who is receiving, or has received, mental health services.

(B) Notwithstanding subparagraph (A), a board in a county with a population **that is less than 80,000** that elects to have the board exceed the five-member minimum permitted under paragraph (1) shall be required to comply with paragraph (2).

2. (b) The mental health board shall review and evaluate the local public mental health system, pursuant to Section 5604.2, and advise the governing body on community mental health services delivered by the local mental health agency or local behavioral health agency, as applicable.
3. (c) The term of each member of the board shall be for three years. The governing body shall equitably stagger the appointments so that approximately one-third of the appointments expire in each year.
4. (d) If two or more local agencies jointly establish a community mental health service pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the mental health board for the community mental health service shall consist of an additional two members for each additional agency, one of whom shall be a consumer or a parent, spouse, sibling, or adult child of a consumer who has received mental health services.

(e) (1) Except as provided in paragraph (2), a member of the board or the member's spouse shall not be a full-time or part-time county employee of a county mental health service, an employee of the State Department of Health Care Services, or an employee of, or a paid member of the governing body of, a mental health contract agency.

(2) A consumer of mental health services who has obtained employment with an employer described in paragraph (1) and who holds a position in which the consumer does not have any interest, influence, or authority over any financial or contractual matter concerning the employer may be appointed to the board. The member shall abstain from voting on any financial or contractual issue concerning the member's employer that may come before the board.

(f) Members of the board shall abstain from voting on any issue in which the member has a financial interest as defined in Section 87103 of the Government Code.

(g) If it is not possible to secure membership as specified in this section from among persons who reside in the county, the governing body may substitute representatives of the public interest in mental health who are not full-time or part-time employees of the county mental health service, the State Department of Health Care Services, or on the staff of, or a paid member of the governing body of, a mental health contract agency.

(h) The mental health board may be established as an advisory board or a commission, depending on the preference of the county.



Contra
Costa
County

To: Board of Supervisors
From: INTERNAL OPERATIONS COMMITTEE
Date: September 21, 2021

Subject: MODIFICATIONS TO THE BYLAWS OF THE COUNTY'S MENTAL HEALTH COMMISSION

RECOMMENDATION(S):

ADOPT revisions to the Mental Health Commission Bylaws pertaining to meeting attendance and member recruitment and selection.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

In the early spring of 2021, the Executive Committee of the Mental Health Commission (MHC) discussed the fact that its Bylaws were not consistent with the current practices of how members of the Board of Supervisors appoint Mental Health Commissioners. The MHC Bylaws were last amended in 2018.

(Continued on page 2...)

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **09/21/2021** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 21, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

Contact: Julie DiMaggio Enea
(925) 655-2056

By: Stacey M. Boyd, Deputy

cc:

BACKGROUND: (CONT'D)

The current MHC Bylaws provide for the following in terms of vacancies and recruitment:

ARTICLE IV, SECTION 4. VACANCIES AND RECRUITMENT

4.1 Role of the Commission

At the discretion of and to the extent requested by the Board, the Commission shall be involved in the recruitment and screening of applicants. When an application is received, the Commission will appoint an Ad Hoc Applicant Interview Committee, pursuant to Article VIII, Section 5.1. Following an interview by the Ad Hoc Applicant Interview Committee, it will forward its recommendation to the Commission. After Commission vote and approval, the recommendation for nomination of the applicant shall be forwarded to the appropriate member of the Board of Supervisors for that Supervisor's consideration.

4.2 Applications The Commission shall receive applications on an ongoing basis.

4.3 Commission Recommendation

a) Pursuant to Article IV, section 1.2, the Commission shall, to the extent possible, recommend for appointment those persons who will assist the County in complying with the ethnic and demographic mandates in the Welfare & Institutions Code.

b) To the extent possible, the Commission shall recommend for appointment applicants who have experience and knowledge of the mental health system, preferably in the County.

In practice, members of the Board of Supervisors interview applicants, ensure that they meet the requirements of Commission membership, and encourage them to attend MHC meetings prior to appointment. However, Supervisors have not recently requested that the Commission appoint an Ad Hoc Applicant Interview Committee or asked them to make recommendations for nominations.

Supervisor Candace Andersen, the representative of the Board of Supervisors on the MHC, met with MHC Chair Graham Wiseman. It was agreed that the provision in the bylaws regarding an Ad Hoc committee making recommendations for appointment created confusion, and Supervisor Andersen suggested that the bylaws be amended to reflect the current practice. The MHC voted to forward suggested modified language to the Internal Operations Committee for consideration.

The MHC additionally voted to amend its bylaws pertaining to meeting

attendance, to provide for excusal of certain absences and to clarify that excused absences will not be counted towards constructive resignation, and also forwarded that language to the Internal Operations Committee.

The Internal Operations Committee discussed the proposed amendments at its regular July and September meetings and made additional changes to the amendments proposed by the MHC. County Counsel reviewed language recommended by the Internal Operations Committee to verify it is reflective of current practices by the Board of Supervisors and in conformance with Welfare and Institutions Code sections 5604 and 5604.5.

Attached are a redline (Attachment A) and proposed final version (Attachment B) of the amended MHC bylaws for the Board's consideration and recommended approval.

ATTACHMENTS

Attachment A: Proposed Amendments to Mental Health Commission Bylaws_9-21-21_Redline Markup

Attachment B: Mental Health Commission Bylaws as Amended on 9-21-21_No Markup



INTERNAL OPERATIONS COMMITTEE

RECORD OF ACTION FOR
September 13, 2021

Supervisor Candace Andersen, Chair
Supervisor Diane Burgis, Vice Chair

Present: Candace Andersen, Chair
Diane Burgis, Vice Chair

Staff Present: Julie DiMaggio Enea, Staff

Attendees: Monica Nino, County Administrator; Lea Castleberry, District III Supervisor's Office; Cynthia Shehorn, PW Purchasing Svcs Mgr; Carrie Ricci, Deputy PW Director; Jami Morritt, Chief Asst Clerk of the Board; Lauren Hull, CoB Management Analyst; Jill Ray, District II Supervisor's Office; Lia Bristol, District IV Supervisors Office; Michael Kent, Exec Asst to HazMat Commission

1. Introductions

Chair Andersen called the meeting to order at 10:30 a.m. and acknowledged all of the attendees.

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

No one requested to speak during the public comment period.

3. RECEIVE and APPROVE the Record of Action for the July 12, 2021 IOC meeting.

The Committee approved the record of action for the July 12, 2021 IOC meeting as presented.

AYE: Chair Candace Andersen

Vice Chair Diane Burgis

4. RECOMMEND to the Board of Supervisors the appointment of Teston Shull to the Labor #1 seat and Terry Baldwin to the Labor #1 Alternate seat on the Hazardous Materials Commission to complete the current terms that will expire on December 31, 2022.

Approved as recommended. Staff will forward recommendation to the BOS on September 21.

AYE: Chair Candace Andersen

Vice Chair Diane Burgis

5. CONSIDER changes to the Mental Health Commission bylaws pertaining to the Commissioner appointment process and to the proposed Attendance policy and DETERMINE action to be taken.

The Committee considered bylaw changes pertaining to attendance and recruitment/selection, and a proposed code system of seat names that do not distinguish consumers and family members of consumers from other Commission

seats.

The Committee voted to accept updated staff material that better illustrates the Commission recommendation pertaining to attendance. To the added material, the Committee made the following revisions:

SECTION 2. ATTENDANCE

2.1 Attendance requirements

a) Regular attendance at Commission meetings is mandatory for all Commission members.

1) A member who ~~is absent from~~ who has four (4) unexcused absences from regularly scheduled full Commission meetings in any consecutive twelve-month period, as opposed to calendar year, shall be deemed to have resigned from the Commission. In such event, the former Commission member's status will be noted at the next scheduled Commission and shall be recorded in the Commission's minutes. The Chairperson shall, without further direction from the Commission, apprise the Board of Supervisors of the member's resignation and request the appointment of a replacement.

2) A Commissioner's absence from a regularly scheduled Commission meeting may be excused in the case of an unforeseen, extraordinary circumstance, including but not limited to major illness, natural disaster, or civil unrest. Commissioners shall obtain consent from the Chair at least one day prior to the meeting, for any planned absences. Excused absences will be recorded in the meeting minutes as an "excused absence".

b) Each Commissioner will ensure that when s/he attends Commission-sponsored meetings (excluding Commission and Committee meetings) or activities representing her/himself as a Commissioner, s/her expresses only those views approved by the Commission.

c) Regular attendance of one standing Commission Committee, with the exception of Executive Committee, is mandatory for all Commission members.

1) A member who ~~is absent from~~ who has four (4) unexcused absences from regularly scheduled Commission Committee meetings in any consecutive twelve-month period shall be deemed to have resigned from the Committee. In such event, the former Committee member's status will be noted at the next scheduled Committee meeting and shall be recorded in the Committee's minutes. The resigned member shall choose a different Committee on which to serve.

To the language proposed in the staff report, the Committee made the following revisions to the Section 4. Vacancies and Recruitment:

4.4 Each County Supervisor will encourage any applicant being considered for the Mental Health Commission to attend at least one Commission meeting prior to their appointment. Applicants are will also be encouraged to meet with the MHC Chair, MHC Vice Chair and/or ad-hoc committee prior to accepting position to ensure full understanding of the roles, responsibilities, and restrictions of being a Mental Health Commissioner.

The Committee instructed the Clerk of the Board's office to adopt a seat name code system that uses generic titles for the MHC seats. For example, each District is assigned three seats, one designated for consumer of mental health services, one designated for a family member of a consumer, and one designated as a member at large:

District #, Seat 1 = Consumer Member

District #, Seat 2 = Family Member

District #1, Seat 3 = At Large Member

The Local Appointment List and recruitment materials would need to identify what each code seat name represents; however, for all other purposes, the generic seat name will suffice.

AYE: Chair Candace Andersen

Vice Chair Diane Burgis

6. Modify the current form to additionally capture:

- current employer, job title and length of employment. Past relevant employment experience can be addressed within the current request for qualifications.
- relevant occupational licenses possessed by the applicant.
- name and occupation of the applicant's spouse, for conflict of interest purposes.
- if the applicant is a veteran of the U.S. Armed Forces.
- how long the applicant has resided/worked in Contra Costa County.
- whether or not the applicant has any obligations that might affect his/her attendance at scheduled meetings.

The Committee approved the staff recommendation except that it eliminated the section that would capture the name and occupation of the applicant's spouse. The Committee directed the Clerk of the Board's office to add the following information elements to the advisory body application:

- **current employer, job title and length of employment (past relevant employment experience can be addressed within the current request for qualifications)**
- **relevant occupational licenses possessed by the applicant**
- **if the applicant is a veteran of the U.S. Armed Forces**
- **how long the applicant has resided/worked in Contra Costa County**
- **whether or not the applicant has any obligations that might affect his/her attendance at scheduled meetings**

AYE: Chair Candace Andersen

Vice Chair Diane Burgis

7. ACCEPT the Small Business Enterprise, Outreach, and Local Bid Programs Report, reflecting departmental program data for the period July 1 through December 31, 2020.

Cindy Shehorn presented the staff report and highlights. The Committee accepted the report, thanked Ms. Shehorn, and directed staff to forward the report to the BOS for its information.

AYE: Chair Candace Andersen

Vice Chair Diane Burgis

8. The next meeting is currently scheduled for October 11, 2021.
9. Adjourn

Chair Andersen adjourned the meeting at 11:43 a.m.

For Additional Information Contact:

Julie DiMaggio Enea, Committee Staff
Phone (925) 655-2056, Fax (925) 655-2066
julie.enea@cao.cccounty.us



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June 2, 2021

Dear Supervisor Candace Andersen,

We respectfully ask the Internal Operations Committee of the Contra Costa County Board of Supervisors to read and consider the Mental Health Commission's suggestion to the bylaw regarding Section 4. VACANCIES AND RECRUITMENT.

The following language presents 1) the text that you are requesting; and 2) the text that the Mental Health Commission is requesting as an alternative (note: highlighted text is what differs).

Text Proposed by Supervisor Candace Andersen, District II

SECTION 4. VACANCIES AND RECRUITMENT

4.1 Role of the Commission

The role of the Commission in recruitment of new commissioners is at the discretion of and to the extent requested by the Board of Supervisors.

4.2 The Commission is encouraged to help identify and recruit qualified applicants to apply for any vacancies on the Commission.

4.3 Commission Identification and Recruitment of Applicants

a) Pursuant to Article IV, section 1.2, the Commission shall, to the extent possible, identify and encourage applicants who will assist the County in complying with the ethnic and demographic mandates in the Welfare & Institutions Code.

b) To the extent possible, the Commission shall identify and encourage applicants who have experience and knowledge of the mental health system, preferably in the County

4.4 Each County Supervisor will encourage any applicant being considered for the Mental Health Commission to attend a Commission meeting prior to their appointment.

4.5 Upon appointment, the Chair and Executive Committee of the Mental Health Commission shall coordinate appropriate training and orientation of all new commissioners.

Text Proposed by the Mental Health Commission:

SECTION 4. VACANCIES AND RECRUITMENT

4.1 Role of the Commission

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The Contra Costa County Mental Health Commission is appointed by the Board of Supervisors to advise them on all matters related to the county's mental health system, in accordance with mandates set forth in the California State Welfare & Institutions Code, Sections 5604 (a)(1)-5605.5. Any comments or recommendations made by the Mental Health Commission or its individual members do not represent the official position of the county or any of its officers. The Commission is pleased to make special accommodations, if needed, please call ahead at (925) 313-9553 to arrange.

4.3 Commission Identification and Recruitment of Applicants

a) Pursuant to Article IV, section 1.2, the Commission shall, to the extent possible, identify and encourage applicants who will assist the County in complying with the ethnic and demographic mandates in the Welfare & Institutions Code.

b) To the extent possible, the Commission shall identify and encourage applicants who have experience and knowledge of the mental health system, preferably in the County

4.4 Each County Supervisor will encourage any applicant being considered for the Mental Health Commission to attend at least one Commission meeting prior to their appointment. Applicants are required to meet with the MHC Chair, MHC Vice Chair and/or ad-hoc committee prior to accepting position to ensure full understanding of the roles, responsibilities, and restrictions of being a Mental Health Commissioner.

4.5 Upon appointment by the District Supervisor, the Chair and Executive Committee of the Mental Health Commission shall coordinate appropriate training and orientation of all new commissioners.

Will you please honor the fact the Commission is currently not reflective of the diversity of the client population in the county? We would like to ensure we are following the guidelines of Executive Order No. 13985 *Advancing Racial Equity and Support for Underserved Communities through the Federal Government* (pg 7009 - 7013), signed into law January 20, 2021 by President Joseph R. Biden Jr., as well as the Recruitment of Board/Commission Members, WIC 5604 (a) (1), and *Best Practices for Local Mental/Behavioral Health Boards and Commissions 2020*, rev.1 (pg. 24, Best Practices, 2020).

We realize that the Board of Supervisors is inundated with responsibilities of the county and Mental Health Commissioners are ready and willing to take on the task of recruiting, orienting/interviewing, and making recommendations to the Board of Supervisors for candidates to fill open seats on this Commission.

Sincere Regards,

Contra Costa County Mental Health Commission

GOVERNMENT CODE - GOV

TITLE 5. LOCAL AGENCIES [50001 - 57607]

(Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821]

(Division 2 added by Stats. 1949, Ch. 81.)

PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7]

(Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 11. Local Appointments List [54970 - 54974]

(Heading of Chapter 11 amended by Stats. 1991, Ch. 669, Sec. 5.)

54972.

On or before December 31 of each year, each legislative body shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency. This list shall be known as the Local Appointments List. The list shall contain the following information:

- (a) A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position.
- (b) A list of all boards, commissions, and committees whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position.

(Amended by Stats. 1991, Ch. 669, Sec. 6.)



Contra Costa County Board of Supervisors

Subcommittee Report

INTERNAL OPERATIONS COMMITTEE

5.

Meeting Date: 09/13/2021
Subject: Mental Health Commission Request to Modify Bylaws Pertaining to Vacancies and Recruitment
Submitted For: Candace Andersen,
Department: Board of Supervisors District II
Referral No.: IOC 21/5
Referral Name: Advisory Body Recruitment
Presenter: Candace Andersen Contact: Julie Enea (925) 655-2056

Referral History:

In the early spring of 2021 the Executive Committee of the Mental Health Commission (MHC) discussed the fact that its Bylaws were not consistent with the current practices of how members of the Board of Supervisors appoint Mental Health Commissioners. The MHC Bylaws were last amended in 2018.

The current MHC Bylaws provide for the following:

ARTICLE IV, SECTION 4. VACANCIES AND RECRUITMENT

4.1 Role of the Commission

At the discretion of and to the extent requested by the Board, the Commission shall be involved in the recruitment and screening of applicants. When an application is received, the Commission will appoint an Ad Hoc Applicant Interview Committee, pursuant to Article VIII, Section 5.1. Following an interview by the Ad Hoc Applicant Interview Committee, it will forward its recommendation to the Commission. After Commission vote and approval, the recommendation for nomination of the applicant shall be forwarded to the appropriate member of the Board of Supervisors for that Supervisor's consideration.

4.2 Applications The Commission shall receive applications on an ongoing basis.

4.3 Commission Recommendation

a) Pursuant to Article IV, section 1.2, the Commission shall, to the extent possible, recommend for appointment those persons who will assist the County in complying with the ethnic and demographic mandates in the Welfare & Institutions Code.

b) To the extent possible, the Commission shall recommend for appointment applicants who have experience and knowledge of the mental health system, preferably in the County.

In practice, members of the Board of Supervisors interview applicants, ensure that they meet the requirements of Commission membership, and encourage them to attend MHC meetings prior to appointment. However, Supervisors have not recently requested that the Commission appoint an Ad Hoc Applicant Interview Committee or asked them to make recommendations for nominations.

Supervisor Candace Andersen, the representative of the Board of Supervisors on the MHC, met with MHC Chair Graham Wiseman. It was agreed that the provision in the bylaws regarding an Ad Hoc committee making recommendations for appointment created confusion, and Supervisor Andersen suggested that the bylaws be amended to reflect the current practice. County Counsel prepared a draft amendment to the MHC Bylaws.

At the June 2, 2021 meeting of the MHC, a discussion ensued regarding County Counsel's draft amendment. Concern was expressed about achieving diversity and representation by consumers of mental health services, and effective orientation of prospective members to promote participation and commitment to the office. At the conclusion of the discussion, the MHC decided, on a split vote (4 Aye, 2 No, 3 Abstain), to send the attached letter to Supervisor Andersen requesting IOC consideration of a revision to what County Counsel had drafted. Only Sections 4.3 through 4.5 had recommended changes.

On July 12th, the IOC considered a draft amendment to clear the confusion, to make the bylaws reflective of current practices by the Board of Supervisors, and to have this provision of the bylaws reflect changes to Welfare and Institutions Code sections 5604 and 5604.5. The Committee decided to hold off making recommendations to the Board of Supervisors pending input from the MHC on additional bylaws changes relating to Commissioner attendance. The Committee also asked for County Counsel guidance on the question of whether MHC seat names could be made more generic in an effort to avoid any stigma that may be associated with certain seats, namely the Consumer or Family Member seats.

Referral Update:

Vacancies and Recruitment

On July 12, the IOC considered proposals from the MHC and Supervisor Andersen to modify the MHC bylaws associated governing Commissioner recruitment and appointment.

MHC Proposal:

4.3 Commission Identification and Recruitment of Applicants

a) Pursuant to Article IV, section 1.2, the Commission shall, to the extent possible, identify and encourage applicants who will assist the County in complying with the ethnic and demographic mandates in the Welfare & Institutions Code.

b) To the extent possible, the Commission shall identify and encourage applicants who have experience and knowledge of the mental health system, preferably in the County

4.4 Each County Supervisor will encourage any applicant being considered for the Mental Health Commission to attend at least one Commission meeting prior to their appointment. Applicants are required to meet with the MHC Chair, MHC Vice Chair and/or ad-hoc committee prior to accepting position to ensure full understanding of the roles, responsibilities, and restrictions of being a Mental Health Commissioner.

4.5 Upon appointment by the District Supervisor, the Chair and Executive Committee of the Mental Health Commission shall coordinate appropriate training and orientation of all new commissioners.

Supervisor Andersen's Counter-Proposal (as corrected below):

Because the appointment process remains in the discretion of the Board of Supervisors, requiring applicants to meet with the MHC Chair, Vice Chair and/or ad-hoc committee is not recommended. The language below in Section 4.4 represents a compromise between the MHC proposal and the Board's discretion.

The role of the Commission in recruitment of new commissioners is at the discretion of and to the extent requested by the Board of Supervisors.

4.3 Commission Identification and Recruitment of Applicants

- a) Pursuant to Article IV, section 1.2, the Commission shall to the extent feasible identify and encourage applicants who will assist the County in maintaining a Commission that represents and reflects the diversity and demographics of the County as a whole, as provided in the Welfare and Institutions Code.*
- b) To the extent possible, the Commission shall identify and encourage applicants who have experience and knowledge of the mental health system, preferably in the County*

4.4. In order for applicants being considered for the Mental Health Commission to have a better understanding of their potential role, responsibilities, and restrictions as a Commissioner, applicants are encouraged to attend at least one Commission meeting, as well as meet with the MHC Chair, MHC Vice Chair and/or the [insert formal name of the ad-hoc committee], prior to their appointment.

4.5 The Chair and Executive Committee of the Mental Health Commission shall coordinate appropriate training and orientation of all newly appointed commissioners.

Attendance

To ensure that active, appointed members continuously participate in their respective positions, the MHC is recommending additional revisions to its approved By-laws. The current bylaws of the MHC provide the following regarding attendance at MHC meetings.

Article IV Section 2.1b

SECTION 2. ATTENDANCE

2.1 Attendance requirements

a) Regular attendance at Commission meetings is mandatory for all Commission members.

- 1) A member who is absent from four (4) regularly scheduled Commission meetings in any calendar year shall be deemed to have resigned from the Commission. In such event the former Commission member's status will be noted at the next scheduled Commission meeting and shall be recorded in the Commission's minutes. The Chairperson shall, without further direction from the Commission, apprise the Board of Supervisors of the member's resignation and request the appointment of a replacement.*
- 2) Each Commissioner will ensure that when s/he attends Commission-sponsored meetings (excluding Commission and Commission Committee meetings) or activities representing her/himself as a Commissioner, s/he expresses only those views approved by the Commission.*

Additional revisions proposed to the Mental Health Commission Bylaws are shown below. These revisions have been considered and approved across multiple meetings by the MHC and its Executive Committee, most recently at the September 1st Commission meeting, but have not yet been reviewed by County Counsel.

- A Commissioner's absence from a regularly scheduled Commission meeting may be excused in the case of an unforeseen, extraordinary circumstance, including but not limited to major illness, natural disaster, or civil unrest. Commissioners shall obtain consent from the Chair at least one day prior to the meeting, for any planned absences. Excused absences will be recorded in the meeting minutes as an "excused absence".*
- A member who is absent from four regularly scheduled full Commission meetings in any consecutive twelve-month period, as opposed to calendar year, shall be deemed to have resigned from the*

Commission.

- *Regular attendance of one standing Commission Committee, with the exception of Executive Committee, is mandatory for all Commission members.” i) “A member who is absent from four (4) regularly scheduled Commission Committee meetings in any consecutive 12-month period, shall be deemed to have resigned from the Committee. In such event the former Committee member's status will be noted at the next scheduled Committee meeting and shall be recorded in the Committee's minutes. The resigned member shall choose a different Committee on which to serve.”*

Seat Names

On the question about whether the County is required to publicly identify which appointees are filling which specific seats on the MHC, pursuant to Government Code § 54972 (or the Maddy Act), each year the County is required to publish its Local Appointment Lists, which contains a “list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position.” See Gov’t Code § 54972(a), attached. Given the requirements of the Maddy Act, the County is required to publicly identify the name of each Commissioner whose term is about to expire, as well as the specific seat held by that Commissioner. The County, thus, cannot prevent the public from knowing who holds the Consumer or Family Member seats on the MHC.

The Board, however, could consider using a code system when it appoints Commissioners. For example, the Board could refer to the code “District 3, Seat 2” when appointing a Commissioner to, for example, the Consumer Seat for that district. However, the Local Appointment List would need to reveal the code system to the public—i.e., disclose that “District 3, Seat 2” refers to the Consumer Seat for that district. And the code system would likewise need to be revealed at the recruitment stage; for example, the Notice of Vacancy could state that the Clerk of the Board is accepting applications for the “District 3, Seat 2 (Consumer)” position, or similar.

Recommendation(s)/Next Step(s):

CONSIDER changes to the Mental Health Commission bylaws pertaining to the Commissioner appointment process and to the proposed Attendance policy and DETERMINE action to be taken.

Fiscal Impact (if any):

No fiscal impact.

Attachments-Y

Government Code 54972 Appointive List

June 2, 2021 Letter from Mental Health Commission requesting Bylaws Changes

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Vacancies and Recruitment

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The role of the Commission in recruitment of new commissioners is at the discretion of and to the extent requested by the Board of Supervisors.

4.3 Commission Identification and Recruitment of Applicants

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4.5 The Chair and Executive Committee of the Mental Health Commission shall coordinate appropriate training and orientation of all newly appointed commissioners.

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2) Each Commissioner will ensure that when s/he attends Commission-sponsored meetings (excluding Commission and Commission Committee meetings) or activities representing her/himself as a Commissioner, s/he expresses only those views approved by the Commission.

Additional revisions proposed to the Mental Health Commission Bylaws are shown below. These revisions have been considered and approved across multiple meetings by the MHC and its Executive Committee, most recently at the September 1st Commission meeting, but have not yet been reviewed by County Counsel.

- ***A Commissioner's absence from a regularly scheduled Commission meeting may be excused in the case of an unforeseen, extraordinary circumstance, including but not limited to major illness, natural disaster, or civil unrest. Commissioners shall obtain consent from the Chair at least one day prior to the meeting, for any planned absences. Excused absences will be recorded in the meeting minutes as an "excused absence".***
- ***A member who is absent from four regularly scheduled full Commission meetings in any consecutive twelve-month period, as opposed to calendar year, shall be deemed to have resigned from the Commission.***
- ***Regular attendance of one standing Commission Committee, with the exception of Executive Committee, is mandatory for all Commission members." i) "A member who is absent from four (4) regularly scheduled Commission Committee meetings in any consecutive 12-month period, shall be deemed to have resigned from the Committee. In such event the former Committee member's status will be noted at the next scheduled Committee meeting and shall be recorded in the Committee's minutes. The resigned member shall choose a different Committee on which to serve."***

Seat Names

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The Board, however, could consider using a code system when it appoints Commissioners. For example, the Board could refer to the code "District 3, Seat 2" when appointing a Commissioner to, for example, the Consumer Seat for that district. However, the Local Appointment List would need to reveal the code system to the public—i.e., disclose that "District 3, Seat 2" refers to the Consumer Seat for that district. And the code system would likewise need to be revealed at the recruitment stage; for example, the Notice of Vacancy could state that the Clerk of the Board is accepting applications for the "District 3, Seat 2 (Consumer)" position, or similar.

Recommendation(s)/Next Step(s):

CONSIDER changes to the Mental Health Commission bylaws pertaining to the Commissioner appointment process and to

the proposed Attendance policy and DETERMINE action to be taken.

Fiscal Impact (if any):

No fiscal impact.

Attachments-Y

Government Code 54972 Appointive List

June 2, 2021 Letter from Mental Health Commission requesting Bylaws Changes

Supervisor Candace Andersen, the representative of the Board of Supervisors on the MHC, met with MHC Chair Graham Wiseman. It was agreed that the provision in the bylaws regarding an Ad Hoc committee making recommendations for appointment created confusion, and Supervisor Andersen suggested that the bylaws be amended to reflect the current practice.

County Counsel provided the following draft amendment to clear the confusion, to make the bylaws reflective of current practices by the Board of Supervisors, and to have this provision of the bylaws reflect changes to Welfare and Institutions Code sections 5604 and 5604.5.

SECTION 4. VACANCIES AND RECRUITMENT

4.1 Role of the Commission. The role of the Commission in recruitment of new commissioners is at the discretion of and to the extent requested by the Board of Supervisors.

4.2 The Commission is encouraged to help identify and recruit qualified applicants to apply for any vacancies on the Commission.

4.3 Commission Identification and Recruitment of Applicants

a) Pursuant to Article IV, section 1.2, the Commission shall to the extent feasible identify and encourage applicants who will assist the County in maintaining a Commission that represents and reflects the diversity and demographics of the County as a whole, as provided in the Welfare and Institutions Code.

b) To the extent possible, the Commission shall identify and encourage applicants who have experience and knowledge of the mental health system, preferably in the County.

4.4 Each County Supervisor will encourage any applicants being considered for the Mental Health Commission to attend a Commission meeting prior to their appointment.

4.5 The Chair and Executive Committee of the Mental Health Commission shall coordinate appropriate training and orientation of all newly appointed commissioners.

At the June 2, 2021 meeting of the MHC, a discussion ensued regarding County Counsel's draft amendment. Concern was expressed about achieving diversity and representation by consumers of mental health services, and effective orientation of prospective members to promote participation and commitment to the office. At the conclusion of the discussion, the MHC decided, on a split vote (4 Aye, 2 No, 3 Abstain), to send the attached letter to Supervisor Andersen requesting IOC consideration of a revision to what County Counsel had drafted. Only Sections 4.3 through 4.5 had recommended changes. The requested changes by the MHC to County Counsel's draft are underlined below:

4.3 Commission Identification and Recruitment of Applicants

a) Pursuant to Article IV, section 1.2, the Commission shall, to the extent possible, identify and encourage applicants who will assist the County in complying with the ethnic and demographic mandates in the Welfare & Institutions Code.

b) To the extent possible, the Commission shall identify and encourage applicants who have experience and knowledge of the mental health system, preferably in the County

4.4 Each County Supervisor will encourage any applicant being considered for the Mental Health Commission to attend at least one Commission meeting prior to their appointment. Applicants are required to meet with the MHC Chair, MHC Vice Chair and/or ad-hoc committee prior to accepting position to ensure full understanding of the roles, responsibilities, and restrictions of being a Mental Health Commissioner.

4.5 Upon appointment by the District Supervisor, the Chair and Executive Committee of the Mental Health Commission shall coordinate appropriate training and orientation of all new commissioners.

Because the appointment process remains in the discretion of the Board of Supervisors, requiring applicants to meet with the MHC Chair, Vice Chair and/or ad-hoc committee is not recommended. However, a compromise would be to include the following language to Section 4.4. The MHC changes remain underlined, and the compromise language is in bold:

4.4 Each County Supervisor will encourage any applicant being considered for the Mental Health Commission to attend at least one Commission meeting prior to their appointment. Applicants are required **may meet** with the MHC Chair, MHC Vice Chair and/or ad-hoc committee prior to accepting **the** position to ensure **a full understanding of the roles, responsibilities, and restrictions of being a Mental Health Commissioner.**

Recommendation(s)/Next Step(s):

CONSIDER changes to the Mental Health Commission bylaws pertaining to the Commissioner appointment process and DETERMINE action to be taken.

Fiscal Impact (if any):

No fiscal impact.

Attachments-Y

June 2, 2021 Letter from Mental Health Commission requesting Bylaws Changes

Mental Health Commission
Proposed Motion(s)

Meeting Date: November 23, 2021

**Motion (original): MHSA-Finance Committee Meeting 11/18/21
(Agenda Item VIII)**

MOTION:

Ask Contra Costa Behavioral Health Services (CCBHS) to include Institute of Mental Diseases (IMD) Mental Health Rehabilitation Center (MHRC), as well as appropriate step-down facilities, programming and staffing needs in its upcoming Behavioral Health Continuum Infrastructure competitive grant applications to the state