

Contra Costa County Mental Health Commission

(Rescheduled from November 29, 2007)

Tuesday, December 11, 2007, 4:30-6:30 p.m.

1350 Arnold Drive, 1st Floor Conference Room, Martinez

!!! NOTE DIFFERENT LOCATION FOR THIS MEETING !!!

The Mental Health Commission will provide reasonable accommodations for persons with disabilities planning to participate in Commission meetings who contact Executive Assistant Karen Shuler at least 48 hrs. prior to the meeting at 925-957-5149.

AGENDA

1. 4:30 Call to Order/Introductions
2. 4:35 Public Comment. The public may comment on any item of public interest within the jurisdiction of the Mental Health Commission. In the interest of time and equal opportunity, speakers are requested to observe a 3-minute time limit (subject to change at the discretion of the Chairperson). In accordance with the Brown Act, if a member of the public addresses an item not on the posted agenda, no response, discussion, or action on the item may occur. Time will be provided for Public Comment on items on the posted Agenda as they occur during the meeting.
3. 4:40 Announcements
4. 4:45 Approval of the Minutes from October 25, 2007.
DISCUSSION AND POSSIBLE ACTION ITEM.
Approval of the Minutes from November 5, 2007.
DISCUSSION AND POSSIBLE ACTION ITEM.
5. 4:50 Election of Officers.
DISCUSSION AND POSSIBLE ACTION ITEM.
 - Background:
 - Current number of filled Commission seats = 12.
 - Meeting Quorum = 7. (Bylaws require 50% plus 1.)
 - Number of votes required for election = 6 (If a "majority of the members present at the meeting" [as it states in #7 in the Bylaws] who vote 'Yes' on an item is less than 50% of the total filled seats on the Commission, then the item fails to pass. For example, if there are 12 filled seats, 7 members must be present to have a quorum. Six or more 'Yes' votes are required for passage of an item.)

- Term of Office = January 1, 2008 through December 31, 2008
 - If no one receives 6 votes or more, the current officers stay in place and hold over until the January meeting when elections can be held again. (Per County Counsel Mary Ann Mason)
 - The following Commissioners have been nominated for office (listed alphabetically):
 - Chair: Dave Kahler
Kathi McLaughlin and Karen Sloma (incumbent Co-Chairs)
 - Vice Chair: Teresa Pasquini
Scott Singley (incumbent Vice Chair)
- Nominations from the floor (requires the nominee's consent).

6. 5:10 Discussion of Commission's Response to Brown Act Violation(s) [Serial Meetings] as related to election of officers.
DISCUSSION AND POSSIBLE ACTION ITEM.

Background:

- Section 54952.2(b) of the Brown Act states: "Except as authorized pursuant to Section 54953 (which pertains to videoconferencing and teleconferencing of meetings), any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on any item by the members of the legislative body is prohibited."
- At the 2007 Annual Training for Advisory Bodies to the Board of Supervisors, Lara DeLaney from the CAO's office and Mary Ann Mason from the County Counsel's office distributed materials that clarified this in these terms (underline and bold are from training materials):
 - **SERIAL MEETINGS PROHIBITED**
Advisory body members may only discuss the body's business at a properly noticed meeting which the public can attend.
The Brown Act specifically prohibits face-to-face conversations, phone conversations, or e-mail conversations by a majority of members of the body to develop a concurrence as to action to be taken on an item in the body's jurisdiction. (Gov. Code 54952.2.)
 - **Examples of Serial Meetings**
Commissioner A calls Commissioner B who calls Commissioner C, or
Commissioner A e-mails Commissioners B and C, or
Commissioner A has Commission staff talk with Commissioners B and C.
 - **Developing "Concurrence"**
[The] Attorney General has defined "developing a concurrence" broadly. If the discussion is an exchange that helps clarify a member's understanding of a matter or helps facilitate an agreement on a matter or advances the ultimate resolution of the matter, that series of conversations will be viewed as developing a concurrence as to action to

be taken. Almost any substantive conversation can be viewed as developing a collective concurrence [and is thus prohibited].

- Possible penalties for violation of the Brown Act:
 - According to County Counsel Mary Ann Mason, if the Commission decided not to abide by the Brown Act, the Commission would be vulnerable to legal action. Whatever action they took while in violation of the Brown Act would be voided. They would be given 90 days to re-do the action under compliance of the Brown Act. [This would end up lengthening the time to get the matter done that the Commission violated the Brown Act to do quickly.] Depending on how far the person reporting the violation wanted to take it, there could be a lawsuit and the Commission would be subject to legal fees (which would be recovered from the Mental Health Administration which funds the Commission). The violation would be reported to Health Services Director Dr. William Walker, who would report the violation to members of the Board of Supervisors, who could then forward it to the Internal Operations Committee, which could lead to the removal of Commissioners from the Commission.
 - Individual penalties (according to Deputy District Attorney Steven Bolen).
If a member of the public filed a complaint: John Public would send a letter of complaint. The D.A. would send a letter to the Commission or individual Mr. Public had complained about, asking for their version. If there was a violation, they would be given an opportunity to cure and correct the problem -- meaning if they had voted on something that was not on the agenda or when they had no quorum, they would have to re-do the vote properly at their next meeting or the action would be negated. The Commission or individual would then be on record with the D.A.'s office as having violated the Brown Act, but if the action was corrected, the D.A.'s office would not proceed. The D.A.'s office can file misdemeanor criminal charges for willful violations of the Brown Act, which could involve up to a year jail time.

6. 5:30 Discussion of Commission's Response to Co-Chairs' Rescheduling of November 29, 2007 Commission Meeting.
DISCUSSION AND POSSIBLE ACTION ITEM

7. 5:40 Co-Chairs' Report – Karen Sloma and Kathi McLaughlin

- Welcome new Commissioners Craig Fletcher and Jacque McLaughlin.
- Announcement regarding request for a report from Dr. Jeff Smith.

8. 5:45 Conservatorship. *DISCUSSION AND POSSIBLE ACTION ITEMS
Background:
- The Employment and Human Services Department, along with Mental Health Administration, will be presenting a proposal to the Board of Supervisors' Family and Human Services Committee December 17. (Adult Mental Health Program Chief Victor Montoya will address this at the January Commission meeting). Dorothy Sansoe will be available at the December 11 meeting to answer questions. *If published by EHSD, the report will be available at the meeting.*
 - The filing for the Program Manager position in the Conservatorship office closed on November 30, 2007. County Human Resources is in the process of promulgating the list and as quickly as possible (this is one of their top priorities) interviews will be held.
 - Determine Commission recommendation/response to:
 1. Possible combination of program under one department/division (currently under both Employment and Human Services and Mental Health Services)*
 2. Concern regarding vacant position(s) due to retirement, medical leaves, etc.*
8. 5:55 Committee Reports.
- **Older Adult Committee.**
No action items were forwarded from this Committee.
 - **Adult & Transitional Age Youth Committee.**
 - Bissell Cottages Report
Entertain a motion to approve the draft of a letter to Bissell Cottages (follow-up to the site visit).
DISCUSSION AND POSSIBLE ACTION ITEM.
 - **Children's Committee.**
 - Entertain a motion to send a letter to Lionel Chatman, Donna Miller, Judge Lois Haight and the Juvenile Justice Committee, with a copy to the Board of Supervisors, commending Probation and Mental Health for their collaborative efforts surrounding the Multi-Systemic Therapy Program.
DISCUSSION AND POSSIBLE ACTION ITEM.
 - Entertain a motion to send a letter to Lionel Chatman and Judge Lois Haight, with a copy going to the Board of Supervisors and the Juvenile Justice Committee, suggesting public oversight when related to the California Youth Authority and SB81 (makes statutory changes necessary to implement the Budget Act of 2007 relating to corrections), and encouraging them to include community involvement and oversight, and an entire package with programs such as wraparound and daily provision of mental health services.
DISCUSSION AND POSSIBLE ACTION ITEM.

- Entertain a motion to approve the use of “The Contra Costa Mental Health Commission” name on the letterhead for the “2008 Children’s Summit” scheduled for January 29, 2008.

DISCUSSION AND POSSIBLE ACTION ITEM

- **Justice System Committee**

No action items were forwarded from this Committee.

- **Executive Committee**

- Status of Vacancies: District III: Consumer Representative.
 District V: Consumer Representative
 Family Member
 Member-at-Large

9. 6:05 2007 Annual Report. DISCUSSION AND POSSIBLE ACTION ITEM
 Entertain a motion to approve the Mental Health Commission’s 2007 Annual Report and forward it to the Board of Supervisors.

10. 6:10 Report: Mental Health Director’s —Donna Wigand, LCSW

- Update of Prevention and Early Intervention – Kimberly Mayer, Mental Health Services Act Program Manager
- Report on External Quality Review Organization

11. 6:25 Reports: Ancillary Boards/Commissions

- A. Contractor’s Alliance**
- B. California Mental Health Planning Council**
- C. California Mental Health Boards/Commissions (CALMHB/C)**
- D. California Institute for Mental Health (CIMH)**
- E. Mental Health Coalition**

12. 6:28 Future Agenda Items
 January:

- Doug Stewart, Vice President of the Pacheco Town Council will introduce himself and report on his outreach to the homeless.
- William Walker, MD, Health Services Director, will report on the Crisis Stabilization Unit, including the staffing issues.
- Victor Montoya, Adult Mental Health Program Chief, will discuss conservatorship.

13. 6:30 Adjourn meeting.