

Special Meeting of the Mental Health Commission
Bylaws Revision
March 30, 2009

1. Call to Order/Introductions

The meeting was called to order by Chairperson Peter Mantas at 5:08 p.m.

Commissioners Present:

Clare Beckner, District IV
Art Honegger, District V
Dave Kahler, District IV
Peter Mantas, District III
Colette O’Keeffe, MD, District IV
Teresa Pasquini, District I
Annis Pereyra, District II

Commissioners Absent:

Bielle Moore, District III
Supv. Mary Piepho
Connie Tolleson, District V

Non-Commissioners:

Dorothy Sansoe, Senior Deputy CAO
Karen Shuler, Executive Assistant to the MHC

2. Public Comment

None.

3. Announcements

None.

4. Approval of the Bylaws Revision Workgroup Minutes from February 10, 2009.

Approved as presented.

M-Pereyra; S-Kahler.

5. Chairperson's Comments – Peter Mantas

Referring to the March 26th monthly Mental Health Commission meeting, Peter said he was disappointed with how everything got kicked off with (Mental Health Director) Donna Wigand’s presentation. He said insinuation was treated as absolute truth. Peter stated that it’s important going forward that any of us -- Commissioner, guest -- try to find out information before jumping on comments. He explained that no one made the statement that we wanted the agenda item pulled at the OAC (Oversight & Accountability Commission). In the future, we need to ask more questions before we allow it to get carried away. Mistakes will be made, but we shouldn’t allow rumors, insinuations, etc. to get in the way of our business. Peter said he made a statement that he will not ask for information without going through the Commission. He said he retracts that, and added the he will not take a position for the Commission, but will follow through with getting information to support our responsibilities as Commissioners. He said he has to have that latitude to ask questions, to put inquiries to Dorothy (Sansoe) or anyone appropriate and bring it to the Commission for a correct decision. He then asked those present what they thought.

Dave: I think it's preposterous that it ever came up. There was the inevitable Commissioner voice for bias and more rules.

Peter: If you don't agree with me, remove me. The Bylaws allow for that to happen. I'm making this commitment to you: I will not do anything to undermine your trust.

Clare: Are you referring to the fact that you visited other Commissions?

Peter: No, it was my letter to Dorothy, asking for clarification on what happens if the (MHSA) process wasn’t followed to the law -- if we didn’t do it, what are we exposed to and let’s deal with it before we do it wrong. My intent was to make sure we had information. Donna said I launched an investigation on her. I said I wasn’t going to ask for information without the Commission’s approval. I’m retracting that. We have that right.

Teresa: I’d like to know what the process is going to be moving forward. How will we move past Thursday?

Peter: I will be writing a letter outlining my intent to Dorothy.

Dorothy: I don’t plan on doing an investigation until we meet with Donna. Most questions can be answered without a formal investigation.

Teresa: What is the criteria?

Dorothy: Something done intentionally or maliciously. Unless I see that, we can get the answers and develop a plan from there.

Teresa: I’m concerned about the healing process.

Dorothy: The meeting with Donna should take care of it.

Teresa: I have a strong commitment to making sure things get resolved and want mutual communication.

Dorothy: Unfortunately, with e-mail you can't interpret feelings.

Peter: Regarding interfacing with other counties -- I'm going to continue to meet with them.

6. Discuss/Make Recommendations Regarding Proposed Bylaws Revisions

A motion to adopt the Bylaws as amended.

M-O'Keeffe; S-Beckner.

Discussion proceeded on each revision proposed by the Bylaws Revision Workgroup.

I:1 No changes.

II:1 Approved as revised.

II:2 Approved as revised.

W&I Code information will be checked for accuracy by staff, Peter and Teresa.

III:1 Associate Members: Proposed revisions not approved.

There was discussion regarding proposed Associate Memberships

Colette: I'm against adding Associate Members. The seating at the table would be a problem, plus it would be too cumbersome. The Concord Police Department meeting room is publicly accessible transportation-wise.

Teresa: Your points are valid. I agree that we have to be mindful of transportation. Ideally, we had hoped for a full Commission with people in waiting. There are people out there who would like to serve, but if the Board wouldn't accept it...

Colette: They would be mostly family members, so would further the imbalance on the Commission.

Dave: I am firmly against it.

Peter: Just because the seats weren't filled doesn't mean they can't be. We need to reach out more, then we would have plenty of people to fill the seats. Associate Members would be waiting on the sidelines. They can do everything but vote. They are approved to be a like seat.

Dorothy: No, they aren't. They have to go through the same appointment process.

Colette: Wouldn't people then feel the seat is closed, so it would decrease the choices?

Peter: We're receiving applications as they come in.

Colette: Other people would feel it was an inside job and they would be excluded.

Dorothy: Vacancies have to be posted, so Associates may not be able to step right in.

Annis: Associate family members could not fill consumer spots so they would just be sitting there.

Peter: Associates would only take over for a like position.

Colette: During discussions there will be five more family member's voices at meetings.

Teresa: Where does this come from...are there more family members?

Staff: Yes.

Dave: This doesn't address filling up the Commission. Let's just move on.

Peter: Who wants Associates Members?

None of the Commissioners present wanted Associate Members. The proposed revision was removed.

III:1A Revisions approved.

III:1B Approved as revised.

There was discussion surrounding the positions on the Commission (Consumer, Family Member, Member-at-Large)

Collette: The (consumer) definition is open to being interpreted too loosely and is open to abuse.

Dave: Who is going to impersonate a consumer to get a seat on the Mental Health Commission?

Colette: The consumer seats are usually harder to fill. Brenda (Crawford) and I going to try to get them filled. Since it's harder to fill, someone who is "consumerish" may be appointed.

Peter: What language would you like to use?

Colette: Having serious mental health issues.

Dorothy: You could have a stricter policy without placing it in the Bylaws.

Peter: There's nothing that says we have to adhere rigidly to the Welfare & Institutions Code definition.

Colette: This is an angst issue for me.

Peter: With HIPPA, etc., how do we verify if they are a consumer?

Colette: They have to be self-verifying.

Teresa (to Colette): Would you be comfortable for it to be in a Policy and Procedural Manual?

Colette: Yes. My preference would be to change the Bylaws. We want to strengthen our relationship with the consumer movement and show we are serious about having genuine family representation.

Dave: All the years I've been on the Mental Health Commission, I haven't seen any consumers who aren't genuine consumers.

Teresa: I think it's important as a Commission that we don't perpetuate stigma.

Peter: Should we make the Bylaws provision more rigid? There's no way to prove it and we need to increase applicants.

Colette: It would encourage people to apply.

After further discussion, it was decided to place this in a Policy and Procedural Manual.

III:1C No changes.

III:1D No changes.

III:1E Approved as revised.

III:1F No changes.

III:1G No changes.

III:2A Revisions approved.

There was discussion regarding absences.

Colette: It seems a little harsh.

Teresa: We took a lot of time on this.

Peter: The biggest point was that the Commission needs people who are attentive to Commission duties or there is not consistency.

Colette: Is there wiggle room?

Peter: We can talk about it.

Dave: I think we should accept it as it is.

Teresa: We were trying to be mindful of the consumers who may have a medical problem.

After further discussion, the recommended revision was approved.

III:2B: Revisions approved.

III:2C: Revisions approved.

III:3 Revisions approved.

There was discussion regarding term limits.

Dorothy: Putting in term limits) may result in a vacant seat that can't be filled.

Peter: (to group) Should we reinstate it?

Commissioners: No.

Colette: There should be a grandfather clause.

Dorothy: The wording would have to be changed.

Peter: That would be hypocritical. We either want it or we don't want it.

Dave: I always oppose term limits. If a Commissioner wants to be appointed and the Commission wants him to serve, he should. We are projecting our opinions to the future.

Clare: Let's say a Commissioner has reached their term, can they become a family member if they are a member-at-large?

Peter: They could be off for a year and come back on.

After further discussion, the revisions were accepted.

III:4 Revisions approved.

III:5 Revisions approved.

III:6 Revisions approved.

Dorothy mentioned it is the responsibility of the Supervisors to do the advertising for vacancies as the Commission has no money.

IV:1 Proposed revisions not approved.

Place deleted words "A minimum of" back in.

IV:2A Approved as revised.

Peter: Because the Executive Committee meets on a regular basis, it must be a Committee. Changing it to a workgroup was done too hastily.

IV:2B Revisions approved.

IV:3 Revisions approved.

IV:4 No changes.

IV:5 No changes.

IV:6 Approved as revised.

IV:7 Revisions approved.

Dorothy noted that the Board of Supervisors has a policy that you need to have a quorum vote. If there are 10 people on the Mental Health Commission, four could make a decision and that would be a problem.

Peter: The bottom line is that we would have to have an absolute majority every time the Commission meets.

IV:8 Revisions approved.

V:1 Approved as revised.

Dorothy: As worded, it doesn't leave options if meetings have to be cancelled. Suggested "during the September meeting or the next regularly scheduled meeting" in case the September meeting has to be cancelled.

V:2 Approved as revised.

Dorothy: If the intent was to have secret ballots, it won't go.

Teresa: No, it was to prevent embarrassment.

Dorothy: They would have to be read and who voted.

Peter mentioned a statement from former Attorney General that indicated written ballots were allowed. He was unable to find the actual statement in his papers.

Dorothy: County Counsel will not approve if the name of the person voting is not read out.

Teresa: The purpose is not to feel intimidated in front of the person.

Clare: I agree. It was so uncomfortable in November. I would have no problem if my name was read. I feel I could vote privately even if it was public record.

Teresa: It's then more of a personal vote.

Peter: The intention of the Attorney General was that a public written vote was okay for him.

So long as that public document was in place, a private ballot can be used without knowing who

voted for whom.

Teresa: They've already said they'll say "No," so we should consider that.

Dorothy: If you want to keep this, do so and provide documentation to County Counsel.

Colette: How about a signed ballot, without seeing hands. That would take off the pressure.

Peter: My thought was to take all the pressure off who's voting for whom. As long as the State's Attorney decides it's appropriate, why not take the pressure off?

Teresa: I initially thought it was not secret.

Peter: I think the individuals running may take it personally. Any other thoughts?

Clare: I like paper ballots, but I don't care if it's secret.

Peter: Okay. It will be paper ballots with the names on them.

V:3 Revisions approved.

VI:1 Revisions approved.

VI:2 No changes.

VI:3 No changes.

VII:1 Approved as revised.

VII:2 Proposed revision not approved.

Replace the deleted "shall."

VII:3A Approved as revised.

VII:3B Revisions approved.

VII:3C Revisions approved.

VII:3D Approved as revised.

VII:3E No changes.

VII:3F Revisions approved.

VII:4 More discussion appeared to be needed.

Peter: Should we allow the Chair to appoint, or nominate and the Commission appoint?

Dorothy: I can see it both ways. The advantage of having the Commission appoint, is that the Commission has input. The advantage of having the Chair appoint is if someone a seat becomes vacant, the Chair could appoint and get things done.

Peter: If I was to appoint two people who were going to always side with me, how would you feel?

Art: You could minimize that by having both the Chair and Vice Chair appoint.

Dorothy: You have to rely on the Chair wanting to get other opinions. Whoever it is, you have to rely on them. Otherwise, why add two more people?

Clare: Could you ask for people who are interested and then it would ultimately be the Chair's decision.

Teresa: It's already discretion. There has to be an ability to show leadership.

Dorothy: You could word it so the Chair and Vice Chair both have a decision.

It was noticed there was no description given for the Membership/Nominating Committee.

Due to lack of time to continue, the original motion was amended to adopt changes made to the proposed revisions on Article I through Article VII: Section 3.

M-O'Keeffe; S-Beckner. Carried unanimously.

Changes made are reflected in the following document.

7. Next Steps

It was decided to set a date for another meeting in 2-3 weeks to complete the Bylaws revisions. Staff was asked to send an e-mail requesting date and time availability of the Commissioners.

8. Adjourn Meeting.

The meeting adjourned at 8:03 p.m.