

RESPONSIBILITY AND REALITY

***How Does a Mental Health Board
Exercise Its Authority?***

**County of Sonoma Mental Health Board
December 3, 2022/ZOOM**

SUSAN MORRIS WILSON

OBJECTIVES

- **Understand the statutes that describe the local mental health board**
- **Learn and discuss the responsibilities of a local behavioral health board**
- **Understand the Brown Act implementation in a mental health board meeting**
- **Discuss the implementation of Roberts Rules in a local mental health board**

INTRODUCTIONS

- **Name**
- **How long you have served on the local mental health board**
- **The reason that you applied to be on the mental health board**
- **Your goal for the work you want to do this year**

HOW WE WILL USE ZOOM TODAY

- **We will be using PowerPoint and I will share the screen most of the meeting.**
- **Please feel free to use the chat.**
- **I cannot monitor the chat all the time so if you have question you need answered either raise your hand, or shout it out.**
- **Feel free to turn off your video if you wish.**
- **We may use “reactions” (handraising, votes, other).**

AGENDA AND HANDOUTS

- **Review agenda**
- **Review handouts:**
 - **WIC codes**
 - **Worksheets**

THE LOCAL BOARD

- **Local mental health boards are part of the county health services system.**
- **Each one is unique and represents the county health services system and county demographics.**
- **Some include alcohol/drug services**

THE LOCAL BOARD

As a board member, you will help to build the 'culture' of the board

- **Membership**
- **Participation**
- **Activities, committees**
- **Reporting responsibilities**
- **Attitudes**



BOARD MEMBERSHIP

- **10-15 members appointed by the governing body**
- **One member from the local governing board**
- **Half shall be consumers or family members , with at least 20 % consumers and at least 20% family members**
- **Individuals who have experience with and knowledge of the mental health system**
- **May include a consumer of mental health services who is employed by the county mental health system or Dept. of Health Care Services**
- **Term of 3 years**
- ***For more information see handout WIC Section 5604***

BOARD BYLAWS

The board shall develop bylaws to be approved by the governing body which shall:

- **Establish the specific number of members;**
- **Ensure that the composition of the board represents the demographics of the county as a whole or to the extent feasible;**
- **Establish that a quorum be one person more than one-half of the appointed members;**
- **Establish that the chairperson of the mental health board be in consultation with the local mental health director;**
- **Establish that there may be an executive committee of the mental health board.**
- ***For more information see handout WIC 5604.5***

BOARD BUDGET

Governing bodies are encouraged to provide a budget for the local mental health board, using planning and administrative revenues that is sufficient to facilitate the purpose, duties, and responsibilities of the local mental health board.

For more information see handout WIC 5604.3

ETHICS TRAINING

- **Board members are required to complete Ethics training to comply with AB1234.**
- **Free on-line training is offered . It is your obligation to print a certificate and provide it to your agency in a timely manner. Allow ample time to ensure you complete the training by the due date.**

<http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/ethics-training.html>

***For more information see handout AB1234 Ethics Training:
Training for Local Officials***

WHAT ARE THE DUTIES AND RESPONSIBILITIES OF THE MENTAL HEALTH BOARD?

**Welfare and Institutions Code (WIC) Sections
5604(a)(1) et seq**

DUTIES OF THE BOARD



Review and evaluate the community's mental health needs, services, facilities, and any 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.

DUTIES OF THE BOARD

Review any county agreements entered into pursuant to WIC Section 5650. The local mental health board may make recommendations to the governing body regarding concerns identified within these agreements.



DUTIES OF THE BOARD



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.

DUTIES OF THE BOARD

Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process.



DUTIES OF THE BOARD

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



DUTIES OF THE BOARD

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.



DUTIES OF THE BOARD

Perform any additional duties or authority as assigned by the governing board.



DUTIES OF THE BOARD

Assess the impact of realignment of services from the state to the county on services delivered to clients and the local community.

QUESTIONS?

BREAK!

THE BROWN ACT

The nature of the Brown Act is fundamentally political.
It is nothing more or less than self-government.

What is the Brown Act?

- The Brown Act is legislation, now in statute, that defines the way that public commissions, boards and councils, and the other public agencies in California conduct their business.



What is the Brown Act?

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Who is subject to the Brown Act?

- Government: a county, city, town, school district, municipal corporation, district, political subdivision or any board, commission or agency thereof
 - Non-governing bodies: commission, committee, board or other body of a local agency created by charter, ordinance, resolution or formal action of a legislative body.
-

What is a meeting?

- Any congregation of a majority of the members of the group at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the group:
 - Briefings and hearings
 - Committee meetings
 - Retreats
-

What is a “special” meeting?

A special meeting is called when a body needs to:

- ❑ Discuss or act on a matter that it deems pressing enough not to wait for a regular meeting
 - ❑ Convenes at some place other than its adopted meeting site
 - ❑ Departs from its regular calendar and meets at some other time or place
-

What is not defined as a meeting?

- Ad hoc committees
 - One on one conversations;
 - Open conferences or similar gatherings open to the public
 - Noticed meetings of another body
 - Social or ceremonial occasions
-

Where can a meeting be held?

- Meetings must be held within the jurisdiction of the legislative body
 - Meeting sites must be accessible
 - No member of the public may be required to register his/her name or provide any other information, to complete a questionnaire, or fulfill any condition precedent to attendance.
-

How are meetings noticed to the public?

- Regular meetings: Agendas must be posted at least 72 hours before the meeting in a location freely accessible to members of the public.



What is included in the agenda?

- The agenda must specify the time and location of the regular meeting.
 - The agenda must contain a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.
 - No action or discussion can be taken on any item that does not appear on the posted agenda except to briefly respond to statements made or questions posed by public.
-

What rights does the public have to view and get copies of documents?

- Agendas and other documents distributed to the body must be available to the public at the same meeting without delay.

Does the public have the right to address the body?

- The public may address members of the body on matters on or even off the agenda, preserve the proceedings by photography or electronic recording and even broadcast them to the community.
 - The body may limit the public comment; “reasonable” is generally defined as 3 minutes per speaker per topic.
-

Does the public have the right to address the body?

- The First Amendment does not allow the body to limit comment because it is offensive.
 - Speakers may address issues that are scheduled for discussion or action in closed session.
 - The public may use photo, recording or broadcast equipment at meetings.
-

How is voting conducted?

- The body may not use a secret ballot. The public has the right to know how each individual votes on any issue.
 - All votes are taken by roll call and at least a quorum of the members of the legislative body must be located within the boundaries of the territory over which it exercises jurisdiction
-

What are the rules for a closed session?

- The most fundamental rule of the Brown Act is that meetings of the bodies are accessible to the public unless specifically excepted and action taken at open meetings must be “public” in every way. The body may not use a secret ballot.
 - Closed sessions may be held to consider:
 - Pending litigation
 - Consultation on employee negotiations
 - Consultation on property negotiations
-

What are the rules for a closed session?

- Closed sessions are not open to the public or others who do not serve some function essential to the confidential communication.
 - Minutes are not generally taken at closed sessions.
 - The body is required to report specific actions taken in closed session at some point soon after they occur together with a record of how individual members voted on the action.
-

What are the rules for a closed session?

- As soon as a closed session action is disclosed, any written material approved as part of the closed session action, for example a contract, is likewise disclosable on request.
 - No person may disclose confidential information that has been acquired by being present in a closed session unless the body authorizes the disclosure of that information.
-

For more information:

BROWN ACT:

Government Code Sections 54950-54963

- <http://caag.state.ca.us/publications>
 - <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=54001-55000&file=54950-54963>
-

QUESTIONS?

BREAK!

ROBERT RULES OF ORDER

WHY DO WE HAVE MEETING RULES?

When people want to do something as a group, they must first agree on exactly what it is they want to do and how they want to do it.

WHAT HAPPENS AT A MEETING?

- One person is chosen to “preside” over the meeting, often called “the chair”.
- One person is chosen to make a written record of the meeting, often called “the secretary”.
- A “quorum” is required for a meeting to conduct substantive business.
- The meeting is “called to order” by the chair: *The meeting will come to order.*
- The meeting proceeds according to the “agenda” or order of business.
- The meeting may be recessed: *The meeting is recessed until called to order by the chair.*
- The meeting is adjourned: *Is there further business? Since there is no further business, the meeting is adjourned.*

HANDLING MOTIONS

- Making a motion
 - How to make a motion
 - Seconding a motion
 - The Chair states the question
- How the membership considers a motion
 - Debate on the motion
 - The Chair “puts” the question
 - The Chair announces the result of the vote

THE RIGHT WAY TO CLOSE DEBATE

- Debate is closed when an individual who is recognized by the chair states *I move the previous question* and the motion is seconded.
- The Chair calls for an immediate vote
- If the membership votes aye, the Chair puts the question
- If the membership votes no, debate continues.

MINUTES

- The first paragraph provides all the basic information
- The minutes include a paragraph for each subject matter including reports and motions.
- The last paragraph gives the time of adjournment.
- Minutes should be signed by the secretary or the president.
- The most efficient way of approving minutes is for the chair to assume the motion and obtain unanimous consent that the minutes be approved as distributed (or as corrected).*

EFFECTIVE PRESIDING

- Memorize constantly used procedures
- Make sure membership knows what is being debated and voted on
- Learn how to conduct voting
- Know the steps in a meeting
- Learn to handle points of order and appeals
- Know more about parliamentary procedure than other members

THAT SAID...

INFORMAL PROCEDURES FOR SMALL BOARDS

- Board members do not have to stand or be recognized by the chair in order to speak or make motions;
- Motions need not be seconded;
- A board member may speak any number of times on a motion (not just two) and motions to close or limit debate are generally not permitted;
- A motion does not have to be pending in order to discuss a subject informally;
- Votes can be taken by a show of hands;
- If a proposal is perfectly clear to everyone it may be voted on even though no formal motion has been made;
- The chair need not stand when putting a question to the vote;
- The chair can participate in debate, make motions and vote.

QUESTIONS?

BREAK!

HOW DOES A MENTAL HEALTH BOARD EXERCISE ITS AUTHORITY?

a dream without a plan is
just a wish....

ACTION PLANNING

KEY ACTIONS

- Identify tasks that need to be completed
- Identify who is going to complete the task
- Establish a timeline for completing the task
- Know the outcomes you expect to achieve by completing the work/task

Action Plan 2023

OBJECTIVE: _____

Activity: <i>Identify the tasks that need to be completed to reach the objective.</i>	Who: <i>Identify the person(s) who are going to complete each task.</i>	When: <i>Establish a timeline for the completion of each task. Be realistic.</i>	Notes: <i>What else do we need to know to complete this task?</i>

**Thank you all for participating in the training and
the development of goals for the coming year.**

If you need to reach me, I am available

susanmorriswilson@gmail.com

RESPONSIBILITY:

Submit an annual report to the governing board on the needs and performance of the county mental health system.

OBJECTIVE:

Develop an annual report to submit to the Board of Supervisors on ____.

Activity: <i>Identify the tasks that need to be completed to reach the objective.</i>	Who:	When:	Notes: <i>What else do we need to know to complete this task?</i>
1. Discuss the contents of the Annual Report. <ul style="list-style-type: none"> • There are no requirements outlined in the regulations about the contents of the Annual Report. • Consider using the information from the Data Notebook as the basis for the Annual Report. • Consider using the Action Plan as the basis for the Annual Report. 	Board	Annual Meeting	Representative from the Board of Supervisors; Director of local mental health dept. including substance use if appropriate.
1. Select a temporary/ad hoc committee to oversee the development of the Annual Report.	Board	Annual Meeting	
1. Meet to discuss completion of the Annual Report: <ul style="list-style-type: none"> • Establish the submission date and schedule other activities accordingly • Seek support as needed from the Director of the local mental health plan • Seek support as needed from the representative of the Board of Supervisors • Establish outline of Annual Report and assign responsibilities for writing. • If the document is lengthy, consider preparing an Executive Summary of the material. 	Temporary/ Ad hoc Committee	As scheduled	Director of local mental health/ substance use program; Representative of the Board of Supervisors; Other agency staff as needed/ appropriate
1. Complete the Annual Report, and present to the local board for approval and discussion of presentation of the Annual Report to the Board of Supervisors.	Temporary/ Ad hoc Committee	As scheduled	

<p>1. Present the Annual Report to the Board of Supervisors:</p> <ul style="list-style-type: none"> • Consider verbal presentation on BOS agenda with as many board members present as possible. • Consider using a Power Point • Consider having more than one member of the Board make the presentation • Remember to bring copies of the document for members of the public attending the meeting 	Board	As scheduled	Clerk of the Board of Supervisors
<p>1. Present the Annual Report to other organizations as appropriate:</p> <ul style="list-style-type: none"> • Make presentations as appropriate to other organizations; • Send copies of Annual Report to other organizations; • Post the Annual Report on website of the local board • Consider sending a copy of the report to the CA Association of Local Behavioral Health Boards/Commissions 	Board	As scheduled	Agency staff as needed/ appropriate

RESPONSIBILITY:

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

OBJECTIVE:

Evaluate the performance of the board and its methods of operation annually.

Activity: <i>Identify the tasks that need to be completed to reach the objective.</i>	Who:	When:	Notes: <i>What else do we need to know to complete this task?</i>
1. Select a temporary/ad hoc committee to oversee the development of the Annual Report.	Board	Annual Meeting	
1. Meet to discuss the process for completing the evaluation: <ul style="list-style-type: none"> • Establish a timeline for the evaluation process • Determine who will participate in the evaluation process: board, selected staff members, public • Develop a process for collecting and collating the input • Determine how to report back to the board • Make recommendations on specific areas that are identified as needing improvement 	Temporary/ Ad hoc Committee	As scheduled	
1. Distribute and collect evaluations of the board.	Temporary/ Ad hoc Committee	As scheduled	
1. Collate results of the evaluation of the board.	Temporary/ Ad hoc Committee	As scheduled	
1. Report results of the evaluation of the board to the entire Board with recommendations as appropriate	Temporary/ Ad hoc Committee	As scheduled	

RESPONSIBILITY:

Review and comment on the county's performance outcome data and communicate its findings to the California Behavioral Health Planning Council (CBHPC). *The CBHPC annually provides the local boards with a Data Notebook with pertinent data from the county on a topic of current interest and requests that the local board return the document with additional information about their own county.*

OBJECTIVE:

Submit the Data Notebook to the California Behavioral Health Planning Council as requested.

Activity: <i>Identify the tasks that need to be completed to reach the objective.</i>	Who:	When:	Notes: <i>What else do we need to know to complete this task?</i>
1. Discuss the contents of the Data Notebook. <ul style="list-style-type: none"> • How will the board use the data in the Data Notebook? • How will the staff interact with the temporary/ad hoc committee to complete the Data Notebook? • What other information does the local board need to complete the Data Notebook? 	Board	Meeting	Director of local mental health dept. including substance use if appropriate. Quality assurance staff as appropriate
1. Select a temporary/ad hoc committee to oversee the development of the Data Notebook.	Board	Meeting	
1. Meet to discuss completion of the Data Notebook: <ul style="list-style-type: none"> • Establish the submission date and schedule other activities accordingly • Seek support as needed from the Director of the local mental health plan • Seek support as needed from the quality assurance staff of the department • Complete research using other community organizations and staff as appropriate. • Assign responsibilities for completing areas of the Data Notebook. 	Temporary/ Ad hoc Committee	As scheduled	Director of local mental health/ substance use program; Other agency staff as needed/ appropriate
1. Complete the Data Notebook, and present to the local board for approval and discussion of presentation to the community as appropriate.	Temporary/ Ad hoc Committee	As scheduled	
1. Submit Data Notebook to the California Behavioral Health Planning Council	Board	As scheduled	

<p>1. Present the Data Notebook to other organizations as appropriate:</p> <ul style="list-style-type: none">• Make presentations as appropriate to other organizations;• Send copies of the Data Notebook to other organizations;• Post the Data Notebook on website of the local board• Send a copy of the Data Notebook to the CA Association of Local Behavioral Health Boards/Commissions	Board	As scheduled	Agency staff as needed/ appropriate
---	-------	--------------	--

RESPONSIBILITY:

Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process. *The Mental Health Services Act (MHSA) requires stakeholders be involved in the Community Program Planning process and charge the local board with this responsibility. The Board is also charged with review and comment on the plans (3 Year Plans, Annual Updates, Innovation) developed for MHSA.*

OBJECTIVE:

Review the processes by which the local mental health plan solicits input from the community to assure that the processes address the needs and culture of the community.

Activity: <i>Identify the tasks that need to be completed to reach the objective.</i>	Who:	When:	Notes: <i>What else do we need to know to complete this task?</i>
1. Request a presentation on the processes for MHSA citizen and professional involvement planned by the local mental health plan.	Local Board	As appropriate	Director of mental health/substance use disorder services; MHSA Coordinator
1. Develop an temporary/ad hoc committee to consider the processes developed by the local mental health plan: <ul style="list-style-type: none"> • Are the processes strategic in their purpose, priorities and goals? • Do the processes focus on the strengths and aspirations of the community? • Do the processes develop collaborative partnerships in all sectors of the community? • Do the processes model clear, open and consistent communication throughout the planning course? • Do the processes build individual and organizational knowledge and capacity? • Are the processes inclusive and do they provide meaningful participation by those who are affected? • Do the processes build active, meaningful and inclusive partnerships with stakeholders? • Do the processes prepare stakeholders for ongoing and long-term committed participation? 	Temporary/ Ad hoc committee	As needed	
1. Participate as possible in the MHSA stakeholder groups to assure opportunity for stakeholder input in the planning process.	Local Board	As scheduled	

1. Evaluate the process annually to assure that stakeholders are participating and suggest changes to the processes as appropriate.	Local Board	Annually	Director of mental health/substance use disorder services; MHSA Coordinator
---	-------------	----------	--

RESPONSIBILITY:

Review and evaluate the community's mental health needs, services, facilities, and special programs.

OBJECTIVE:

Hold a public forum prior to one board meeting annually to address a specific topic of interest to the local board and the community

Activity: <i>Identify the tasks that need to be completed to reach the objective.</i>	Who:	When:	Notes: <i>What else do we need to know to complete this task?</i>
1. Select a temporary committee to oversee the public forum implementation	Board	Annual Meeting	
1. Select a date and location for the meeting including the public forum. <ul style="list-style-type: none"> • Do you want to have the forum at your usual meeting place or is there another location more conducive to conversation? 	Temporary/ Ad hoc Committee	As soon as possible	Which staff people might be helpful to us in completing this task.
1. Select a topic of discussion for the public forum <ul style="list-style-type: none"> • Identify a topic of current interest to the community • Identify individuals in the community with a specific interest or responsibility in the topic • Discuss your proposed topic with others for input. 	Temporary/ Ad hoc Committee	As soon as possible	Which staff or community people might be helpful to us in completing this task.
1. Design the public forum: <ul style="list-style-type: none"> • Will the forum be part of the scheduled board meeting? • How will you do outreach to get people to come to your forum? • How will you set up the room to make speakers comfortable? • Is the forum scheduled at the beginning/prior to the meeting? • Will an individual make a presentation to start the forum? • How will you manage the discussion by the public? • How will you record the discussion at the forum? • How will you provide participants with info collected? 	Temporary/ Ad hoc Committee	As soon as possible	