

INFORMATION

TAB SECTION: 5

 X ACTION REQUIRED

DATE OF MEETING: 10/22/09

PREPARED BY: Best

DATE MATERIAL PREPARED: 10/12/09

AGENDA ITEM: Recommendations from Client and Family Leadership Committee on the Public Comment Process – Second Read

- ENCLOSURES:**
- Recommendations from CFLC regarding the effectiveness of Public Comment at MHSOAC meetings, dated September 15, 2009
 - REMHDCO Letter dated October 7, 2009
 - Disability Rights California Letter dated October 9, 2009

OTHER MATERIAL RELATED TO ITEM: PowerPoint handout will be provided at the meeting

Issue:

The CFLC’s Charter charges the CFLC with making recommendations to the MHSOAC on how to improve the effectiveness of public comment at MHSOAC meetings. The Bagley-Keene Open Meeting Act mandates that all meetings must be open to the public and must provide opportunity for members of the public to directly address the Commission on each agenda item. Additionally, the MHSA (W&I Code § 5846(e)) mandates the MHSOAC to take into account the perspective of clients and family members as a guiding influence in all decisions.

This issue is currently on a “Second Read” for this month.

Background:

The CFLC met on June 26, 2009 and August 28, 2009 to discuss improving the public comment process. These recommendations were presented to the MHSOAC at the September 24, 2009 meeting and generated many comments from the Commissioners which required the CFLC to discuss this issue further. The CFLC met on September 25, 2009 to discuss the Commissioners’ comments. The enclosed document, “Recommendations from CFLC regarding the effectiveness of Public Comment at MHSOAC meetings,” was developed from the discussions at these two meetings. Also enclosed for your information are letters from Disability Rights California and REMHDCO.

CFLC Values

Stakeholder input is essential to the operation of the Mental Health Services Oversight and Accountability Commission (MHSOAC). Providing a standardized public comment structure for MHSOAC meetings would provide equality for public participants making public comments. The CFLC suggests the following recommendations. Additionally, staff have analyzed the previous CFLC recommendations and have broken them down as follows:

Values

- Establish a welcoming atmosphere
 - Establish transparency and clarity of expectations
 - Equality (an equal amount of time be allotted for each speaker)
 - Respect
1. Commissioners are requested to be present during PC
 2. Repetitive presentations of views and ideas are important for individual perspectives and may sometimes occur

Staff Recommendations

Staff have analyzed the CFLC’s comprehensive list (attached) and have divided them into the following four groups, displayed on the next several pages:

1. Already Completed/Can be Implemented by Staff
2. Future CFLC Activities
3. Recommendations for Commissioners to Consider Adopting

1. Already Completed/Can be Implemented by Staff

Public Comment at Meetings	Staff Comments
<ul style="list-style-type: none"> • Include public comment before any vote 	<ul style="list-style-type: none"> • Already done per Bagley-Keene
Facilitation	
<ul style="list-style-type: none"> • Use auditory and visual warnings to aid with timeliness (suggestion: a sign indicating the speaker has 30 seconds left. Then a bell tone be used to indicate that the speaker’s time has elapsed) 	<ul style="list-style-type: none"> • Signs already used: “1 minute”, “30 seconds”, and “please finish” • Staff will purchase a bell
<ul style="list-style-type: none"> • Change the color of Public Comment Cards. The current practice of calling the Public Comment Cards, “Green Cards” could be viewed as offensive. 	<ul style="list-style-type: none"> • Staff will change the color of the public comment cards
<ul style="list-style-type: none"> • Add a space for the date, email info and notes on the Public Comment Card 	<ul style="list-style-type: none"> • Staff will make these changes to the Public Comment cards
Ways for Providing Public Comment	
<ul style="list-style-type: none"> • Comment Card submitted at meetings 	<ul style="list-style-type: none"> • Already done
<ul style="list-style-type: none"> • Comments submitted via email or regular mail to designated MHSOAC staff prior to meetings 	<ul style="list-style-type: none"> • Already done • Commissioners would like to see public comment in writing prior to the meeting
<ul style="list-style-type: none"> • Comments received via email or regular mail will, if possible, be included as attachments to the meeting packets if received within ten days prior to the meeting date 	<ul style="list-style-type: none"> • Already done
Access	
<ul style="list-style-type: none"> • Provide translation services including sign language available at meetings 	<ul style="list-style-type: none"> • Agenda currently includes information regarding requesting accommodation per ADA (eg., sign language) • Translation services are already offered upon request
<p>Make available copies of the MHSOAC Protocol for Meetings and Comment Card in various languages at each MHSOAC meeting</p>	<ul style="list-style-type: none"> • Staff will look into translations for these documents (at a minimum in Spanish) and advise CFLC

2. Future CFLC Activities

Access	Staff Comments
<ul style="list-style-type: none"> Mentoring (stakeholders who are experienced in public comment should mentor less experienced stakeholders) 	<ul style="list-style-type: none"> CFLC would do this
<ul style="list-style-type: none"> Provide a training to stakeholders on how to give public comment (this could be a brown bag session during lunchtime at a Commission meeting) 	<ul style="list-style-type: none"> CFLC would do this
<ul style="list-style-type: none"> Follow up 	
<ul style="list-style-type: none"> Develop an Quality Improvement form (this form would be used as a learning tool to rate the perceived effectiveness and welcoming atmosphere of public comment from the perspective of the public) 	<ul style="list-style-type: none"> CFLC will do this
<ul style="list-style-type: none"> Provide a suggestion/feedback box that would be available at all MHSOAC meetings 	<ul style="list-style-type: none"> CFLC will do this
<ul style="list-style-type: none"> Designate a staff person to log responses submitted through the suggestion/feedback box and forward those responses to the CFLC for follow-up 	<ul style="list-style-type: none"> CFLC will do this

3. Recommendations for Commissioners to Consider Adopting

	Public Comment at Meetings	Staff Comments
1	Include a general public comment section at the end of the morning and afternoon sessions (minimum 15 min)	<ul style="list-style-type: none"> An additional general public comment section should added be mid-day as many commissioners/audience members are gone by end of day If both general public comment sections are not possible, CFLC would prefer comment only in the morning as opposed to the pm REMHDCO supports this
2	Develop a separate structure for government and stakeholder leadership organizations (CMHDA, CMHPC, CIMH, NAMI, REMHDCO, CNMHC, etc) to provide public comment through a separate agenda item	<ul style="list-style-type: none"> MHSOAC may want to consider periodic updates from these organizations, as done in the past May be more appropriate to have panels representing these organizations on a particular issue MHSOAC has a legal obligation to hear public comment prior to any action; cannot prohibit anyone from making public comment
	Time Allotted per Speaker/Public Comment	
3	<ul style="list-style-type: none"> A maximum of two minutes per speaker If 10 or more cards received, facilitator may reduce the individual public comment to one minute 	<ul style="list-style-type: none"> REMHDCO and Disability Rights California support allowing a minimum of three minutes per speaker

3. Recommendations for Commissioners to Consider Adopting (Cont'd)

	Facilitation	
4	The MHSOAC Executive Director (ED) or staff designee facilitate public comment, including time keeping and encouraging speakers to remain on topic.	<ul style="list-style-type: none"> • CFLC feels that when the Chair or any commissioner facilitates, it may presents the possibility of favoritism • CFLC suggests that to preserve respect in the process, leadership staff should facilitate and be responsive to the Chair's guidance or an impartial 3rd party
5	An announcement at the beginning of each meeting regarding the use of Public Comment Cards	
6	Provide real-time captioning with projection, of public comment and entire MHSOAC meeting using a professional captioning service	<ul style="list-style-type: none"> • Costs to do this range from \$80 to \$195 per hour depending on the service provider and the location of the meeting

Proposed Motion:

The MHSOAC adopts the following recommendations from the CFLC

- 1) Include a general public comment section at the end of the morning and afternoon sessions (minimum 15 min)***
- 2) Develop a separate structure for government and stakeholder leadership organizations (CMHDA, CMHPC, CIMH, NAMI, REMHDCO, CNMHC, etc) to provide public comment through a separate agenda item***
- 3) A maximum of two minutes per speaker. If 10 or more cards received, facilitator may reduce the individual public comment to one minute.***
- 4) The MHSOAC Executive Director (ED) or staff designee facilitate public comment, including time keeping and encouraging speakers to remain on topic***
- 5) An announcement at the beginning of each meeting regarding the use of Public Comment Cards***
- 6) Provide real-time captioning with projection, of public comment and entire MHSOAC meeting using a professional captioning service***