

INFORMATION

Revised

TAB SECTION: 6

 X ACTION REQUIRED

DATE OF MEETING: 1/28/10

PREPARED BY: Best

DATE MATERIAL PREPARED: 1/11/10

AGENDA ITEM: Consider 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
 - California Family Resource Association letter dated October 12, 2009
 - Southeast Asian Assistance Center letter dated October 12, 2009
 - California Black Women’s Health Project letter dated October 14, 2009
 - California Network of Mental Health Clients letter dated October 20, 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. The enclosed document, “Recommendations from CFLC regarding the effectiveness of Public Comment at MHSOAC meetings,” was developed from the discussions at these meetings. 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.

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TAB SECTION: 6

 X ACTION REQUIRED

DATE OF MEETING: 1/28/10

PREPARED BY: Best

DATE MATERIAL PREPARED: 1/11/10

Background: (Continued)

This item was scheduled for a second read during the October 22, 2009 MHSOAC meeting; however, it was postponed because one of the Co-Chairs was unable to attend the October 22nd MHSOAC meeting. Since this item was postponed and moved to the January 2010 MHSOAC meeting, the CFLC, during its October 23, 2009 meeting, discussed whether to make any changes to its recommendations in response to the comments received from the public and Commissioners. The CFLC decided to make the following changes to its original recommendations:

- (1) Increase from 2 to 3 minutes the time allotted per speaker and delete the recommendation to decrease to 1 minute time if 10 or more comment cards were received
- (2) Add the following two recommendations under "Access": (a) Increase the font size and bold the statement currently on all MHSOAC agendas regarding the accommodations under the American with Disabilities Act; and (b) Provide information regarding the CFLC training for stakeholders on the MHSOAC website and on the listserv
- (3) Add a clarification under "Facilitation" recommendation number 4 that the facilitator may reduce the individual public comment time to the extent needed in order to ensure that the meeting ends on time

Also enclosed for your information are letters from Disability Rights California, REMHDCO, California Family Resource Association, California Black Women's Health Project, the California Network of Mental Health Clients, and Southeast Asian Assistance Center.

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.

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 individuals perspectives and may sometimes occur

Staff Recommendations

Staff have analyzed the CFLC’s comprehensive list of recommendations including changes made after the First reading and have divided them into the following three 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 are 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 • Increase font size and display in bold type ADA accommodations and translation assistance on the MHSOAC agenda • Provide information regarding training CFLC trainings via MHSOAC website and LISTSERVE 	<ul style="list-style-type: none"> • Agenda currently includes information regarding requesting accommodation per ADA (eg., sign language). Staff can increase the font size and bold this statement on MHSOAC agendas • Translation services are already offered upon request • Staff can make this training notice available
<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
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"> The CFLC recommends that an additional general public comment section should be added at the end of the morning session 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 afternoon Various letters of support for this issue were received from stakeholder organizations
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

3. Recommendations for Commissioners to Consider Adopting (Continued)

	Time Allotted per Speaker/Public Comment	
3	A minimum of three minutes per speaker	<ul style="list-style-type: none"> Six letters of support for this issue were received from stakeholder organizations
	Facilitation	
4	The MHSOAC Executive Director (ED) or staff designee would facilitate public comment, including time keeping and encouraging speakers to remain on topic <ul style="list-style-type: none"> The Chair may direct the facilitator to reduce the individual public comment time to the extent needed in order to ensure that the meeting ends on time 	<ul style="list-style-type: none"> CFLC feels that when the Chair or any commissioner facilitates, it may present 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 use an impartial 3rd party The Chair retains discretion over Public Comment as other parts of Commission meetings
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) Provide a minimum of three minutes per speaker for public comment***
- 4) The MHSOAC Executive Director (ED) or staff designee facilitate public comment, including time keeping and encouraging speakers to remain on topic***
- 5) The Commission make 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***
- 7) The MHSOAC designate that the CFLC provide such technical support to public members wishing to speak as identified herein; with the objective of keeping public comment effective, respectful and time-efficient***