



Meeting Minutes
February 25, 2010

Sequoia Room
California Institute for Mental Health
2125 19th Street, Second Floor
Sacramento, CA 95814

1. Call to Order

Chair Poat called the meeting to order at 9:02 a.m.

2. Roll Call

Commissioners in attendance: Andrew Poat, Chair; Larry Poaster, Vice Chair; Richard Bray, Lou Correa, Beth Gould, Patrick Henning, Curtis Hill, Howard Kahn, David Pating, Don Pressley, Larry Trujillo, Richard Van Horn, and Eduardo Vega.

Thirteen members were present and a quorum was established.

3. Adopt Minutes of January 28, 2010 Meeting

Vice Chair Poaster discussed Item 11 -- *the Motion of re-authorization of delegation to staff to approve additional funding requests for approved PEI and INN Plans* -- from page 20 of the January 28, 2010 Minutes. He asked **Beverly Whitcomb** to clarify the parameters of an already-existing program (an approved PEI/INN Plan) versus something considered new.

Ms. Whitcomb, MHSOAC Interim Executive Director, responded that the parameters for Innovation (INN) programs are that, in order to be considered a previously existing plan (i.e., a plan already approved), the program needs to continue to address the same essential purpose and key learning goals, using programs and strategies consistent with the most recently approved plan or update. Also, the amount of funds the county is requesting is within 15%, plus or minus, of the amount previously approved.

For Prevention and Early Intervention (PEI) programs it is similar, except that the percentage amount can be 35%, plus or minus. In addition, the program needs to serve the same key community needs and priority populations with programs that are consistent with the most recently approved plan or update.

Because of the current budget situation there will probably be many INN and PEI programs this year that will need to cut their funding by more than 15% or 35%, respectively. Funding cuts above the 15% or 35% fit the criteria for a new program,

which would mean, under the existing procedures, that the Plan would need to go back again to the full Commission for approval, rather than the delegation of approval by staff. Thus, staff requests an additional delegation of approval for this situation, which may affect a large number of programs.

Chair Poat further clarified that, when reviewing the plan updates, one of the criteria considered originally was the amount of funding flowing to a program. However, the Commission now believes that that is a less valuable criterion, because of the many budgetary challenges ahead, and the Commission needs to account for the amount of change in program funding that may occur.

He further stated that he felt comfortable with the delegation because the criteria are whether the program fundamentals remain substantially the same (even if the funding falls below the 15%-35% threshold). If the program fundamentals remain substantially the same the delegation to approve covers it. If there is substantial change to the program fundamentals (even if the same funding amount) the program will need full Commission approval.

Chair Poat, asked Stephanie Welch of the California Mental Health Director's Association whether this clarification addresses the concerns.

Stephanie Welch, California Mental Health Director's Association (CMHDA), commented that the key point is that, if the project is serving a different population in a different way, then that would define a new program that needs to come back before the Commission for approval. What most counties are facing is the funding issue. This clarification would be very helpful to stream line the funding approval process.

Chair Poat, asked for comments or discussion from the Commission.

Hearing no objection, Chair Poat stated that the clarification offered above stands as the Commission's clarification on the Motion from page 20 of the January 28th meeting minutes.

Commissioner Kahn noted that the correct spelling of his name is K-A-H-N and should be corrected where appropriate throughout the January 28 Minutes.

Also, there was reference in the Minutes to a request that he made at the January meeting, which was a repeat request from 4-5 months ago, to have the Commission as a whole take a look at the PEI and Innovation plan summaries Commissioners receive.

In addition, he referenced his inquiry about whether an agenda item of "New Business" can be added. **Ms. Filomena Yeroshek**, MHSOAC Legal Counsel, remarked that an agenda item stating "New Business" is not specific enough, under the Bagley-Keene Act. The item must be specific enough to provide notice to the public.

Commissioner Kahn responded that his understanding was that no action could be taken under the category of “New Business;” however, it would be a way to allow people to raise issues to be put on the agenda. Currently, there is no place on the agenda that allows Commissioners to raise issues they would like to see addressed at future meetings. **Chair Poat** remarked that the Commission should be able to do that.

Commissioner Kahn reiterated that the PEI summaries currently prepared for Commissioners do not provide enough information to allow Commissioners to vote knowledgeably on those PEI plans; thus requiring Commissioners to read the entire plan. He stated his desire that the Commission as a whole discuss what the right amount of summary information presented to Commissioners should be.

Commissioner Henning added that each Commissioner was requesting and looking at different information from the summaries and staff was getting overwhelmed with all the individual information requests. **Commissioner Kahn’s** suggestion would allow Commissioners to come together and determine the “middle ground” of what they all need to make appropriate decisions. **Commissioner Vega** underscored that comment.

Chair Poat stated that this would be put on the agenda for the next meeting.

Commissioner Trujillo remarked that page 8 of the Minutes indicates that he volunteered to assist with the CFTN through the Services Committee. He clarified that he did volunteer; but he volunteered to work with everyone, not specifically with one individual through the Services Committee.

MOTION: *Upon motion by Commissioner Kahn, seconded by Commissioner Van Horn, the Commission approved the (1) January 28, 2010 Minutes, including the clarification about the delegation of authority to staff for PEI/INN Plan increased funding adjustments beyond the 15%-35% range and the other Minutes comments referenced above; and (2) MHSOAC Performance Dashboard, February 2010.*

4. MHSOAC 2010 Work Plan

A. Adoption of 2010 Priorities

Chair Poat reviewed the previously discussed priorities:

1. Fund and execute all five MHSA components.
2. Implement accountability framework.
3. Address the period of financial volatility – 2010 through 2014.
4. Envision opportunities for restored financial growth – 2014 through 2019.
5. Complete review of business processes.

He said that the next steps will be to incorporate the five priorities into the various Committee and Commission activities, and then provide a timeline of activities and work deliverables to accomplish and monitor the priorities and goals for 2010.

Once the priorities are adopted, we will do what is required to get to the timeframes decided upon. Things change, of course, but it will be our responsibility to manage to this Plan and to get the critical junctures met. Critical junctures are the key decisions, agreements, compromises, partnerships, contracts, funding agreements, budget agreements, etc., that get us from where we are today to where we want to be. The priorities represent a real contract that details what we are going to do.

B. Adopt 2010 Calendar/Timeline/Monthly meeting goals

Ms. Whitcomb discussed specifics of the 2010 Calendar, which incorporates the priorities outlined above and provides a timeline of activities and work deliverables to accomplish and monitor the Commission's priorities and goals for this year. Staff had previously worked closely with Committee chairs to time out each activity.

The Calendar is intended to be a living document. First on the Calendar will be the Commission Agenda, followed by the agendas for each committee and the plan review and communications.

C. Adopt Committee Charters

Chair Poat asked each Committee Chair to discuss the 2010 highlights/activities for their committee.

- **Commissioner Vega**, Client and Family Leadership Committee (CFLC) Chair, stated that they will primarily be providing recommendations for stakeholder processes across the state. Specifically, they are focused on:
 - Ongoing quality improvement for the public comment process during meetings
 - The stigma and discrimination reduction statewide project; with a special focus on those projects emanating from the MHSA and the JPA
 - In partnership with the Services Committee, they will also be working on the statewide projects of suicide prevention and the Student Mental Health Initiative. CFLC envisions their role in the partnership as being primarily advisory.
 - Working on the development of a separate structure for consultation of government and stakeholder leadership organizations
 - Ensuring that local governments remain accountable for stakeholder input by making certain that groups in counties understand the practical issues of how to participate; i.e., how to build capacities (through training, technical assistance, etc.) for local stakeholders to engage in local program planning
 - Increasing family involvement in the various MHSA programs

Commissioners discussed the importance of clarifying how MHSOAC resources are going to be allocated by Committee. **Chair Poat** suggested that, at the next Operations Committee meeting, this topic should be discussed.

Vice Chair Poaster remarked that, in terms of the training and technical assistance, the issue is how to develop the funding as well as the structure of the training in terms of the entities that will provide it.

Commissioner Henning stated that, as he read through the various draft charters, it seemed to him that there were some cross-purposes, in terms of their functionalities. He wondered if there might be a way to “slim down” the committee structure. Maybe the some committees should be combined such as the CLCC and the CFLC.

Chair Poat agreed; the Commission is stretched on resources and there are only a limited number of Commissioners. He had a recent conversation with DMH Director Mayberg, who remarked that one of the challenges DMH faces, in terms of participating in MHSOAC activities, is that there are too many committees meeting at too many different times. Consolidation can be a good thing.

Commissioner Vega stated that the CLCC and the CFLC are very different and should not be consolidated.

Chair Poat stated that for this year the committee structure is set but maybe this topic should be revisited next year.

- **Commissioner Van Horn**, Cultural and Linguistic Competence Committee (CLCC) Chair, spoke to the distinction between his committee and the CFLC. CLCC looks at the variety and diversity of ethnic groups in California and attempts to give various ethnic clusters a “voice at the table.” In addition, they are attempting to identify where these hidden minorities are located. They don’t rise to the level of threshold languages but may have significant populations in subsets of the state.

One principle activity for the CLCC is to invite specific ethnic communities to a committee meeting and ask them about issues they are facing in obtaining services throughout the state. The CLCC could then be used as a clearinghouse to determine what really needs to come forward to the full Commission -- there should be a filtering process so that only those things the Commission can actually do something about will come before the full Commission for discussion.

The CLCC requested and received the 2003-04 baseline utilization data from DMH, which will be compared with current data to determine if progress in reducing disparities in the mental health system is being made. This data will be updated annually.

Commissioner Pating stated that, at this time, it doesn't seem appropriate to him to blend CFLC and CLCC. Although there are many areas of overlap, each has unique purpose and focus. **Commissioner Van Horn** added that it may be more appropriate three years down the road, when the disparities data is more fully realized.

- **Vice Chair Poaster**, the Evaluations Committee Chair, stated that they are in the process of designing an overall evaluation of the MHSA. Timelines have been established for that evaluation and the Commission will see deliverables in the near future.

Data analysis and inventory is being conducted – where is reported information going, who is using it, and how can we better benefit from it? A library of information about prevention indicators is also being developed.

Chair Poat expressed his appreciation for the timelines laid out for the Committee and the importance of the data evaluation.

Vice Chair Poaster added that, as we move away from the implementation phase of the MHSA (the Act), then evaluation becomes the Commission's primary activity.

- **Commissioner Trujillo**, Mental Health Funding and Policy Committee Vice Chair, stated that their committee's main function is to provide the Commission with adequate information. They want to continue to educate about financial health and fiscal contexts in the mental health system and, when appropriate, make fiscal recommendations.

The Committee plans on reporting twice annually but can report more often if the Commission prefers.

Commissioner Vega remarked that one thing we should be doing, as a Commission, is to advance the participation and empowerment of other people and bring in new blood. He would be happy to assist in that effort if he can. Other Commissioners responded that they would gladly accept that offer.

Chair Poat stated that, since the committees are well underway, he is not anxious to start mixing groups up right now. He expressed his hope that the next Chair, perhaps in the November timeframe, would initiate discussion on that subject.

- **Commissioner Pating**, Services Committee Co-Chair, stated that they are now finishing up getting the statewide PEI projects "off the ground," and are looking at issues and questions surrounding student mental health. Their activities include:
 - Oversight and implementation of MHSA service components, especially PEI and Innovation Plan Reviews
 - Review and comment on MHSA regulations

- Training and technical assistance
- Policy development
- Integrated Plans by 2012-13

Chair Poat thanked all the Committee chairs for the amount of work they are doing individually, as well as for the public's participation. He added that the entire purpose of this exercise was to demonstrate how Commission goals are now distributed out among the committee activities, and it is valuable for staff to use the same terminology as the committees use whenever possible; i.e., streamline the language wherever possible.

Commissioner Henning requested that, as the Commission moves forward, it would be nice to see a streamlined consistency with the language of the work plans, in terms of the way they are expressed.

Chair Poat stated that his goal today was to get basic agreement on the content; now that that has been achieved he wants staff to begin the process of documenting and reflecting on what the Commission and its committees do.

D. Adopt changes to Rules of Procedure

Chair Poat proposed the following changes:

- Rules 1.3 and 1.4 should be amended to replace "November" with "October" as the date for elections of the next MHSOAC Chair and Vice-Chair
- Rule 5.1 should be amended so that there will be a bi-annual process for people to apply, retain, or change committee membership. In addition, if a committee member misses more than one meeting without notice, or three meetings during a calendar year with notice, the committee chair has the discretion to decide whether it is in the best interest of the committee to have that committee member replaced. Any changes will be confirmed at the January MHSOAC meeting.

Public Comment

- **Ms. Kathleen Derby**, NAMI-CA, stated that the placement of stakeholder engagement under the category of "business processes" is important. However, considering the relationship that stakeholders are to have, as expressed in the Mission Statement, that priority should perhaps be not only one of the top priorities but also explicitly revisited in the accountability framework.
- Ms. Stephanie Welch, CMHDA, thanked the Commission for making efficiency their number one priority -- getting plans approved and out the door.

Two specific recommendations for inclusion in the Committee charters:

1. For the Evaluation Committee -- in this calendar year the Committee should do an evaluation of the use of state administration funds, particularly for the 16 state agencies that receive MHSA state admin dollars under admin section 5892(d), which discusses the purposes of state admin funds. Primarily those purposes are for the use of evaluation, and for the inclusion for consumer and family member voice in the implementation of the MHSA. She wants to look at how those state agencies are contributing to the purpose of state admin funds; i.e., to support the evaluation of research on whether or not the MHSA programs are working.
2. The Mental Health Funding Committee charter is an appropriate place to request an independent audit of the MHSA fund. This audit would be similar to that done with the First Five fund.

More generally, I appreciate the aspirations of your committees and their hard work. At the same time, in looking at, for example, ongoing participation, I'm concerned. County mental health directors want to be a part of your committees but they simply can't leave their counties very much to be actively participating in these committees. I'll do my best to encourage each county's active participation but I would request that you consider, in your revised policy, that appointees could have an alternate. I often step in or try to monitor committees for those who simply can't get to Sacramento or can't participate.

Chair Poat responded that, particularly for department directors, it is not unusual for them to be represented by someone who is in their department, in a variety of settings. That is a worthwhile comment. **Commissioner Trujillo** added that there is also a call-in feature to the meetings. Members are certainly welcome to call-in to a respective meeting.

Commissioner Henning commented that this Commission is not able to have stand-ins and thus it is hard for him to say that stand-ins should be allowed at committees.

Commissioner Van Horn asked about the audit referenced by Ms. Welch – is that of the entire five percent, of the MHSOAC budget, or what? **Ms. Welch** responded that the independent audit would be of the entire MHSA fund. The audit of the entire MHSA fund might be an appropriate activity for the Mental Health Funding Committee. The state admin funds, the five percent, would be an activity for the Evaluation Committee.

Commissioner Kahn commented that each of those suggestions is certainly worth thinking about but questioned whether the Commission should consider them at this point. Taking on an audit is an important and worthwhile thing to look at but we may not want to try to incorporate it right now. Perhaps some language could be added that states that the Commission will look at those suggestions further in depth later this year?

Chair Poat added that, since this is a legally composed body referenced by law by the state of California and the state decides who has the authority to vote on it, he would draw a distinction between Commission members and committee members, who are

offering their advice to the Commission. We should consider offering some flexibility for committee members, particularly for those members who have operational roles like running major departments. Those are big jobs that sometimes can preclude being on the phone or at a meeting. I see the replacements issue a bit differently between the Commission and the committees.

Vice Chair Poaster agreed with Commission Kahn's concepts regarding audits. It has a lot of merit and should be considered separately and at a different meeting. With regard to a review of administrative funds, that's a perfectly legitimate request.

Ms. Welch remarked that, right now, there is a proposal by the Department of Finance to defer \$300 million of MHSA funds from May 2010, not to be paid until May 2011. An independent audit of the MHSA fund would show us when that money was actually taken out; i.e., would provide us the ability to track those funds in a way we have not up until now been able to. Also, this is the second year in which they are implementing this.

Vice Chair Poaster suggested that, with regard to the review of the use of administrative funds, that has been accepted and is a part of the charter. He further suggested that the Operations Committee can initiate a discussion of an audit in two months' time.

MOTION: *Upon motion by Commissioner Kahn, seconded by Commissioner Trujillo, the Commission unanimously adopted the 2010 Work Plan, including the priorities, calendars, charters, and changes to the Rules of Procedure referenced. In addition, the use of five percent funding will be added to the charter of the Funding Committee. The various documents will be brought back in their final form, based on today's comments – not for approval but for informational purposes.*

5. Prevention and Early Intervention (PEI) and Innovation (INN) Plan Approval/Status Update

Ms. Collentine presented four plans recommended for approval:

- Lake County (PEI) - amount requested: \$410,000
- Mendocino County (PEI) - amount requested: \$187,409
- Mono County (INN) - amount requested: \$24,000
- San Bernardino County (INN) - amount requested: \$5,606,800

She noted that staff is now seeing PEI Plans, across the board, that reach into communities that are otherwise not served.

- **Ms. Kristy Kelly**, Lake County Mental Health Director, discussed some of the “trials and tribulations” inherent in applying for MHSA funds. Lake County has 63,000 people in their community, yet they have the same requirements for accountability, planning processes etc. that Los Angeles or other counties do. They lack the staff to do that. Their CSS plan was over 400 pages; the PEI plan over 75 pages. That’s a lot of writing for a small staff.

Lake County absolutely believes in the MHSA and knows that it is grounded in a strong, credible stakeholder process.

Our focus is bringing home people who have been in placement, especially people who have been in placement for a long period of time. We use transitional housing as a way to bring them home and to plug them immediately into drop-in services, peer support and etc. We get their family members involved. Eventually, they move out into houses and apartments in the community.

In our community the person in charge of placements was also the person writing the CSS and PEI plans. This was important to us -- that the person who is actually there day-to-day dealing with the real needs of our clients be the person who writes about what our real needs are. But the physical demands of getting something out the door can be very challenging.

Commissioner Kahn stated that in Los Angeles County, at LA Care for example, they do a lot of grant-making and relate the grant requirements to the size of the applicant. Larger grants carry much more risk and thus need much more scrutiny. **Commissioner Gould** noted that the Service Committee will continue to look further into how to make the application process more user-friendly.

MOTION: *Upon motion by Commissioner Van Horn, seconded by Commissioner Kahn, the Commission unanimously approved the PEI Plans for Lake and Mendocino Counties.*

- **Ms. Mariann Ruffalo**, MHSA and Workforce Education Training Coordinator, San Bernardino County, thanked the Commission and Commission staff. They are excited to begin.
- **Mr. Michael Knight**, Program Manager, Office of Cultural Competency, and Ethnic Services and Innovations Coordinator, San Bernardino, stated that one of the things they wanted to stress was the work they were able to accomplish with the MHSOAC staff. It was truly a collaborative effort.

MOTION: *Upon motion by Commissioner Hill, seconded by Commissioner Correa, the Commission unanimously approved the INN Plan for Mono County (Abstained – Poaster).*

MOTION: *Upon motion by Commissioner Van Horn, seconded by Commissioner Hill, the Commission unanimously approved the INN Plan for San Bernardino County (Abstained – Henning, Poaster).*

Vice Chair Poaster stated that he needed to abstain because of his observation that the quality of services was seriously deteriorating as a result of the budget situation and that INN programs are not core services.

Commissioner Kahn suggested that the Commission may want to have a discussion on this reality and place the situation in the Commission's larger policy context. **Chair Poat** agreed with that and added that the Commission needs to develop a policy during this fiscal crisis. **Commissioner Kahn** further noted that the issue of Reserves is intimately tied in to this topic.

Commissioner Correa agreed with the sentiments expressed, adding that the Commission needs to prepare itself. Within that context, he suggested that the recent report on Prop. 63 MHSA and whether it is reaching California's Transition Age Youth is a discussion that the Commission needs to have. **Commissioner Henning** echoed his comment.

Commissioner Pating asked that an agenda item be added for the next meeting that would provide information on the MHSOAC Plan Review and on what goes on in the staff review. He can work with staff to prepare a small summary of what the Service Committee and the Plan Review team do in terms of the review process.

Commissioner Kahn commented that helpful indicators for him would include what are the risks and challenges that are being presented in a particular plan? What are the key risks of failure? What are the different major categories that we need to look at in order to make an informed vote?

General Public Comment

Ms. Kelly, Lake County, commented that she is also the President-elect for the California Mental Health Director's Association (CMHDA). She is looking forward to working with the Commission on that basis. She has been very involved with the work of small counties, defined as populations under 250,000.

The single, most important focus of small counties right now is the myriad of duplicative reports they have to deal with. It forces them to constantly focus on how to get the most meaningful information developed in the most concise and streamlined way.

For example, she is working with the subcommittee of small counties on the cultural competency plan for DMH. One thing they want to discuss with DMH is the idea that, once they have an approved cultural competency plan, it can be incorporated by reference into any of their further efforts in describing what they want to do as a county.

6. Closed Session

[The Commission went into Closed Session to discuss personnel matters, per Government Code Section 11126(a).]

Chair Poat remarked that during the closed session the Commission considered candidates for the position of Executive Officer, in hopes of drawing its personnel search to a close.

**7. Adopt MHSA Information Package to Inform Legislators, Media, etc.
– First Read**

Chair Poat noted that the Package was an offering of unbiased information to individuals who would have to make decisions relative to MHSA funds (legislators and/or voters).

Ms. Whitcomb described the draft Package, which includes the handouts “Funding Fast Facts,” “Prevention and Early Intervention Fast Facts,” and the PEI Plan Trend Analysis. Staff is still working on “MHSA Fast Facts General Information”

Commissioner Henning recommended the inclusion of a dashboard that references each particular county; as well as a full picture of MHSA-funded activities – particularly on CSS -- not only on what PEI is doing. Lastly, an additional point to the MHSA Funding Fast Facts should be included – how the furloughs have affected staff.

Commissioners discussed the specific information that should be included in the Package, especially how to communicate what the Act is doing for each local county.

Ms. Welch stated that CMHDA is preparing a series of one-page fact sheets on the effect of various elements of the MHSA, including CSS, which she will make available to the Commission when completed. Unfortunately, a county-by-county snapshot is not to her knowledge available and would be time-intensive to acquire. It was agreed that the Commission and CMHDA will work together and share data where appropriate.

Chair Poat remarked that the Package is a very good start; the question currently is what comes next? **Ms. Whitcomb** responded that staff is pretty close to getting the remaining one-page sheets completed and she feels they can be ready by the March meeting if not before. **Chair Poat** asked that an initial outline be prepared by the end of next week (March 5).

Public Comment

- **Ms. Susan Medlin**, Office for Consumer Empowerment Program Coordinator, Contra Costa Mental Health, stated that when she looks at the trends report and the fact sheets she doesn't see the faces of smiling consumers telling their success stories. The Commission has been collecting recovery stories from consumers for the website and the newsletter and it would be appropriate to have a collage of paragraphs written by the consumers that detail how the MHSA is helping them succeed in the community.

8. Report on January 29, 2010 Stakeholder Forum

Chair Poat remarked that the Forum was held to provide a less formal setting in which to consider how the Commission can best solicit meeting input from individuals in stakeholder groups, how information can best be presented to the Commission and committees through written testimony and communications; and how the Commission processes can accommodate both groups and individuals better in the year ahead.

He provided a brief update on the comments received and denoted key steps derived from the process:

- There is a need for community capacity-building. More work needs to be done to build up organizations in their communities and the Commission needs to focus more on media and communication opportunities within each California community.
- The need to achieve a tighter Commission focus – there are so many meetings and events going on; it is difficult for people to understand what priorities need to be addressed first. A handful of priority issues should be chosen and maintained, which will permit a more in-depth participation of all participants.
- Considerable discussion occurred on committee structure and principal feedback reflected the need to create standard committee procedures. Everyone agreed on committee membership that is reflective of the community and the need for annual review.
- There was a clear sentiment that regular meeting dates be provided well in advance to allow people to plan for meetings more efficiently.
- There was a call for the distribution of information in online postings, with adequate time before meetings for people to read postings, understand them, and provide meaningful comment at the meetings.
- There was discussion of the need to improve the design of committee activities to facilitate collaboration and prevent duplication of effort in meetings.

- We want to identify, at Commission meetings, an opportunity for organizations to play a larger role. Perhaps the congressional testimony model would work. This will need further exploration. What designates an organization and how should we structure their input to the Commission?
- There was a sense that, although much has been done thus far, there is much more to do so that the interactions we have are meaningful; in addition, appropriate advance notice of topics to be discussed is needed.

Public Comment

- **Ms. Medlin** stated that, when she looked at the input processes from different stakeholders, she thought about the different counties she has worked for. She has seen many great mission statements, values, and etc. But if you look at the way counties implement their systems and the way that counties spend their time, what is really happening is that the county spends its time following the rules and regulations of the funding sources they use and therefore follow the values put forth by that funding stream.

One thing that makes MHSA work so well is that it is able to implement recovery, a value that is held fast by the MHSOAC. The Commission should use the wonderful planning processes at MHSA as an example – what they end up working on is what the consumers, family members and stakeholders want.

For MHSOAC processes, ask the CFLC to work with us to develop a network of advocates, consumer employees and peer organization employees that sends the information through on an earlier basis. When they don't get the documents from the MHSOAC more than a week ahead of time they have to pick people that they think want to be involved and educate them in the van on the way to the meeting.

It would be much better to work with the various stakeholders and discuss the upcoming issues and bring that back to the MHSOAC during the Public Comment process. If information could be sent to us as soon as it's ready, rather than waiting until it's posted on the website, then we will have more consumers coming up to these meetings with meaningful involvement. When a person does not understand what's going on it's not really meaningful involvement.

- **Ms. Derby** stated that NAMI-CA agrees with the comments just made by Ms. Medlin (above). Our letter sent to the Commission reinforces many of those positions. We are hopeful that the discussions that took place at the stakeholder workshop will prove productive. However, there are concerns with the translation of the initial discussion that took place, much of which was not documented in the notes provided, to a set of recommendations that has not been publicly vetted.

It's troubling because, however thorough the summary may or may not be, it's one perspective that is being cemented as being representative of key recommendations of the group. Therefore, a vote for adoption would further cement these recommendations that have not been fully vetted by the public or by the group that took place in the original discussion.

Another concern with a vote on the recommendations cuts to the heart of stakeholder participation at this level, the level of the Commission. Two client and family member positions in this Commission remain vacant, and, although it has been indicated that the Chair has urged the Governor to fill those positions, it does not erase that imbalance. Votes on key issues are being made without the just inclusion of these client and family member positions, positions that are provided for by law.

Regarding the Chairman's report, though the Commission has the privilege of framing the outcome of the meeting and these excerpts from our discussion include positive reflections of many things that took place in the meeting, the concern is that the recommendations are distilled from an incomplete record, from one meeting.

From NAMI-CA's perspective the key takeaway from the meeting was that it was a respectful, collaborative exchange, and we see that as a first step. Moving forward in the spirit of inclusion, NAMI-CA respectfully requests time for more two-way communications to occur between community stakeholders and the Commission so that these recommendations may be affirmed, critiqued, supplemented, or otherwise modified.

Prior to reviewing these recommendations NAMI-CA has submitted its recommendations in writing and would hope that other stakeholders would have the time to do so as well, in keeping with our collaborative role.

- **Ms. Delphine Brody**, California Network of Mental Health Clients, stated that she and the Network both strongly support the recommendations put forth by Ms. Derby in the NAMI-CA letter. They appreciated the opportunity to meet with the Commission at the stakeholder meeting and the follow-up work that is being done now. It is a great first step to ask the CFLC to take a leading role in working on these improvements to the stakeholder processes.

She also echoed Ms. Medlin's concerns regarding the importance of having documents available earlier. It makes their work very difficult when there are only a few days lead time for documents pertaining to a meeting, or to respond to them in writing. Similarly, there absolutely needs to be both the consumer and family member seats filled on this Commission. I hope the Governor takes note and these appointments are made ASAP; I know that people have applied.

In terms of what constitutes a leadership organization representing community stakeholders, we have a number of organizations that have served this purpose for

years on the state level and have represented communities here at this meeting. That is one criterion that should definitely be looked at – who is working with a state-level base of constituents representing a community; who is representing key stakeholders, such as clients, family members, underserved and unserved communities.

We also would support the idea of a separate structure in which community and government agency representatives could address the Commission on key issues. However, we would not want this to happen to the exclusion of client, family, undeserved or unserved community participation in other public comment processes.

- **Mr. Steve Leoni**, Client Advocate, commended the Commission for holding the stakeholder forum. It was a wonderful thing.

Five years ago this month DMH had the first major stakeholder meeting, here in Sacramento. Six hundred hopeful people from all walks of life attended that meeting. There was energy there; and one of my great concerns has been that, as things have slipped back to old habits of not talking to folks, a lot of that enthusiasm has diminished. People are saying “they are not listening to us anymore.”

People out here get a little strident sometimes, because we care. With all respect, we look to you because we are all partners in trying to make this happen. That’s the passion. A group forum like last month’s was very valuable. All of us out here are your allies; we are trying to make this happen, trying to make the transformation real. We are up against a lot of forces out there, internal and external, that are against making this happen.

- **Ms. Patty Gainer**, Consulting Consumer Empowerment Specialist from Sacramento and on the board of the California Network of Mental Health Clients, spoke from her personal point of view to make a couple of additional points.

She was reading the Minutes of the Stakeholder Forum meeting and found some discrepancies with her memory of events. In particular, Rusty Selix started the discussion of quantity of meetings versus quality of meetings. I want to correct the Minutes – sometimes where “quality” and “quantity” were written, it was reversed.

Also, I want to make some recommendations about how Minutes are recorded in meetings. The history of what we do is recorded in our Minutes and it’s important to people who feel disenfranchised that they are credited for their work and expertise and for what they said. I noticed that primarily the people who you are most used to working with were credited in the Minutes for what they said.

I have come to these Commission meetings monthly, for the past five or six years, and my name was not there and some of the things that I said were not there, and they were pretty specific recommendations. One was a change in your organizational design. I didn’t expect you to really leap forward on that one, but it was there.

I made a recommendation during the prior day, at this Commission meeting (January meeting), that -- if the vacancies still existed -- that you agendaize, during this meeting, time for a letter to the Governor to be sent requesting that those vacancies be filled. Still, there was no discussion today nor was that in the Minutes. I was very clear and specific about that.

When I speak, it's not to be confrontational; I agree with the way Steve Leoni explained it. I feel like I'm an equal partner in this and I'm not "flying off the handle." My comments are strategically planned. I'm not trying to personalize this so much as to explain that I think I'm an example of the way clients feel disenfranchised when these kinds of things happen. Please don't water down our statements in those Minutes.

Lastly, budgeting for client and family member stakeholder participation, including reimbursement for our basic travel and meal expenses, is really important. If we can't afford to stay and eat lunch with you . . . we have to be able to eat lunch with you in the same place so we need to be paid for our meal and travel expenses.

Chair Poat remarked that they will work with Commissioner Vega to implement all the changes in the way the Commission operates in committees and gets the information out. That's the Commission's prime objective right now – to have firm, clear meeting dates and times established well in advance to facilitate participation and to get information out in time so that folks have something to consider, analyze and think about before the actual event. We will continue with that endeavor. Our thanks to the attendees at the meeting; we appreciate it.

Commissioner Pating thanked Chair Poat for starting this process. The NAMI concerns address the whole issue of how to get this communication process going. We've started something very valuable but if we take action today it may close this process too soon. I would favor not taking action today and asking the CFLC to continue the process; not indefinitely, however, because we also need to move forward with our agendas.

Chair Poat agreed, and asked that, for the next Commission meeting, an agenda item be placed to report back on how to better leverage the role of external groups participating in Commission meetings. Commissioner Vega asked for two months' time, Chair Poat concurred.

9. General Public Comment

- **Ms. Brody** thanked the Commission for establishing a calendar for committee meetings. This will be very helpful in increasing the participation of members of the public and our constituents. We will "get the word out" as soon as we receive those meeting dates (Ms. Whitcomb responded that they are now posted on the website).

She expressed her appreciation for the Commission's intention to post documents in a more timely manner. She also acknowledged that there was a roomful of folks who came from Contra Costa County who were eager to participate today and are just getting started. They often have newcomers to Commission meetings who are getting a grasp on what the Commission is working on. I hope there will be more opportunity for folks to participate in the future, in the most effective way.

- **Ms. Gainer** stated that there were a couple of comments she heard today from some Commissioners that took her back a little bit; that concerned her. She was, however, grateful that she heard them.

Transformation is more important than getting the services out. We can have crappy services, and it's important that our services be transformed. Innovation is key to that. A lot of the hope that Steve Leoni talked about had to do with innovation. I don't want to see us lose track of that, losing sight of what can happen with innovation.

For people who are monetary and efficiency focused, please understand that a lot of the things that clients and family members have been advocating for years are not only the most effective services, but the most cost-effective. In this fiscal crisis there are silver linings. Some of the most money-wasting programs, and some of the ones that were not effective services, are being dismantled. Now we can rebuild with the things that do help clients and family members, ones that are much more cost-efficient.

The biggest waste of time will be the uprising that happens, the righteous indignation that will happen here, if you try to combine the CFLC and the CLCC groups. They have rightful, separate places. The fact that there is so much cross-over shows that we agree about a lot of things, but there's no way they should be combined.

10. Training on Conflict of Interest per Government Code 11146.3; and Brief Overview of Bagley-Keene Open Meeting Act

MHSOAC General Counsel Yeroshek provided the training. She stated the goals of the training: to provide an overview of the conflict of interest laws under the Political Reform Act of 1974 and of the Bagley-Keene Open Meeting Act; to demystify these laws; and most importantly to start a dialogue so that Commissioners have enough information to be able to recognize that a situation requires further discussion with general counsel.

- The Bagley-Keene Open Meeting Act has three basic duties:
 1. Give adequate notice of meetings.
 2. Provide an opportunity for public comment.

3. Conduct meetings in open session.

The notice requirement is for at least a 10-day notice of meetings; however, there is a special meeting exception of a minimum of 48 hours for specified criteria.

- A Commission Meeting can only take action on items on the agenda, UNLESS there is a two-thirds vote that: (a) there is a need to take immediate action; and (b) the need came to the Commission's attention after the agenda was posted. (If two-thirds of attendees are not present, then the vote must be unanimous with all that are present).
- Public Comment: opportunity must be provided for the public to address each agenda item before or during the Commission's consideration. The total amount of time allocated on particular issues, and time for each speaker, may have a time limit.
- Copies of public documents given to the majority of the members must be made available for public inspection at the meeting if prepared by the Commission, or after the meeting if prepared by others.
- Open Session: all meetings are to be open and public except authorized closed meetings for personnel matters and/or legal advice about litigation. If the session is in a teleconference format, each location must be accessible to the public and the teleconference must comply with the same requirements as a physical meeting.
- If a group of individuals does not fit within the definition of a "State Body," then Bagley-Keene does not apply. "State Body" is defined as a body created by law (for example, the MHSOAC, which was created by the MHSA); or a body created by the Commission that exercises authority delegated to it by the Commission; or an advisory body if it was created by a formal action of the Commission or by a member of the Commission and the advisory body consists of three or more persons (NOT three or more Commissioners).
- "Meeting" is defined as "any congregation of a majority of the members of the State Body to hear, discuss, or deliberate." This includes using personal intermediaries (representatives sent on behalf of a member) or technological devices such as phone calls or e-mails.
- Serial calls or e-mails of a majority of the members is prohibited. Also, a series of one-to-one telephone calls or e-mails between members to obtain collective commitment on an issue are prohibited.
- Conflict of Interest Training: ethics training is required within six months of taking office and at least once every two years thereafter.
- It is highly recommended that Commissioners take the interactive online course on ethics training provided by the Attorney General's Office. At conclusion of the

online training a certificate is issued. Commissioners should send a copy of the certificate to MHSOAC staff. The web address is <http://ag.ca.gov/ethics/>.

- The Political Reform Act of 1974 states that public officials should perform their duties in an impartial manner. There are two mechanisms to achieve this: Disclosure (Form 700); and Disqualification.

Disclosure: Filing the Form 700, the Statement of Economic Interest, is required upon assuming office; annually thereafter; and upon leaving office. It is very technical and has specific requirements on what must be disclosed. The completed Form 700 should be submitted to MHSOAC staff.

Disqualification: The basic prohibition is that public officials are disqualified from participating in government decisions in which they have a financial interest. Determining disqualification is an Eight Step Process (involving answers to a series of questions). Step 1 is to determine whether you are a public official. We will not need to discuss because Commissioners are public officials.

Step 2, Participating in a Decision, means actually making a decision; i.e., voting, appointing a person to a position, entering into a contract; participating in negotiations without significant substantive review, providing analysis or recommendations to a decision maker; influencing decision making.

Step 3, Disqualifying Financial Interest, has six complex elements related to:

- investments in business entities of \$2,000 or more
- interest in real property of \$2,000 or more
- sources of income of \$500 or more within 12 months
- sources of gifts of \$420 or more within 12 months
- business positions -- officer, director, employee, or any business position
- personal financial effect rule -- \$250 or more within 12 months

Steps 4 through 8 clarify the financial interest further. Is it directly or indirectly involved? Does it have a materiality of impact? Is it a reasonably foreseeable impact? Is it a distinguishable impact? Is there legally required participation?

- Conflicts can arise that are applicable to the Commission. Ms. Yeroshek highly recommended that she be contacted for clarification if a Commissioner knows that something is coming up on the agenda that may fit any of the categories.

If there is a conflict, that conflict must be publicly disclosed in a meeting where the minutes are recorded. The type of economic interest (one of the six elements listed above) must be specified, along with some specific details of the economic interest itself. The Commissioner then abstains.

11. Adjournment

Chair Poat noted that, for the March Commission Meeting, they had reserved the morning for Closed Session for the purposes of concluding their Executive Director recruitment. It is possible that today's meeting will make that unnecessary. If that is the case, an entire morning will be freed up. However, many new things are coming up.

He read from the draft March Commission Meeting Agenda and the group discussed potential future agenda items.

Commissioner Vega mentioned the upcoming MHSA-funded Statewide California Mental Health Advocacy Conference, scheduled for April 14-15 in Los Angeles. It is one of the programs that kick off the campaign to promote social inclusion and counter the stigma and discrimination that has been associated with mental health and mental health services.

Chair Poat adjourned the meeting at 4:17 p.m.