RESPONSIBILITY AND REALITY

How Does a Mental Health Board Exercise Its Authority?

SUSAN MORRIS WILSON
**OBJECTIVES**

- Learn and discuss the requirements of board membership and board recruitment practices
- Learn and discuss the seven responsibilities of any local mental health board
- Learn about the Ethics Training requirement and how to complete Ethics Training

**OBJECTIVES**

- Understand how to meet the requirements of the Brown Act as a local mental health board
- Become familiar with meeting procedures by reviewing Robert’s Rules/Rosenberg’s Rules
- Consider completing a self-assessment of your mental health board
THE LOCAL BOARD

• Local mental health boards are part of the county health services system.
• Each one is unique and represents the county health 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, committee
• Reporting responsibilities
• Attitudes
BOARD MEMBERSHIP

- WIC Section 5604 describes the membership of local mental health boards
- Boards in counties with fewer than 80,000 have different requirements.

- Fifty percent (50%) of the board membership shall be consumers, or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received mental health services
- At least 20% of the total membership shall be consumers and at least 20% shall be families of consumers
BOARD MEMBERSHIP

• A consumer of mental health services who has obtained employment may be appointed to the mental health board:
  • May work part-time or full time
  • Employed by with a county mental health service or the State Department of Health Care Services or a mental health contract agency
  • Has no interest, influence or authority over financial or contractual matters.

BOARD MEMBERSHIP

• Members are appointed by the Board of Supervisors in the county
• Local mental health boards may partner with the Board of Supervisors regarding appointments of board members
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 special problems.
DUTIES OF THE BOARD

Review any county agreements entered into pursuant to WIC Section 5650: specifically assure that the board has approved the procedures ensuring citizen and professional involvement in all stages of the planning process.

DUTIES OF THE BOARD

Advise the governing body and the local mental health director as to any aspect of the local mental health programs.
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 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

Review and comment on the county’s performance outcome data and communicate its findings to the California Behavioral Health Planning Council.
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.
BYLAWS

Bylaws are your organization’s operating manual.

They define:
- Size of the board and how it will function
- Roles and duties of directors and officers
- Rules and procedures for holding meetings, electing directors, and appointing officers
- Conflict of interest policies and procedures
- Other essential governance matters

ETHICS TRAINING

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.

INTENT OF THE BROWN ACT

That public commissions, boards and councils and other public agencies in this state exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.
PURPOSE OF 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.

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 “NOT” A MEETING?

There are 6 specific types of gatherings that are not subject to the Brown Act:
- Individual contact, unless it constitutes a “serial meeting”
- Attendance at a seminar or conference open to the public
- Attendance at a community meeting open to the public
- Attendance at another legislative body meeting
- Attendance at social or ceremonial occasions
- Attendance at a standing committee of the LMHB

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
- Must include an opportunity for the public to address the board regarding any agenda item prior to or during the board consideration of the item.
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.
• Special meetings: Agendas must be posted at least 24 hours before the meeting.

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.
TELECONFERENCES

Teleconferencing is a method for conducting meetings so that members of the body may be counted towards a quorum and participate fully in the meeting from other locations:

• Notice and agenda must identify the remote locations
• Remote locations must be posted and accessible to the public
• All votes must be by roll call
• The public must be able to participate from remote locations.

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.
STANDING COMMITTEES

Standing committees of the board must meet the requirements of the Brown Act including:
- posting,
- agenda preparation,
- public comment and
- minutes.

TEMPORARY COMMITTEES

- Temporary committees are “ad hoc” committees and serve a limited or single purpose; they do not have a “continuing subject matter jurisdiction”
- Membership is composed solely of less than a quorum of the LMHB and includes no one who is not a member of the LMHB
- The temporary committee does not have a meeting schedule set by the LMHB
- The committees are dissolved when their specific task is completed
VOTING

The vote of each individual must be recorded.
The new law does not mandate a specific method of reporting votes and abstentions.

FOR MORE INFORMATION:

BROWN ACT: Welfare and Institutions Code Sections 54950-54963

- [https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=54950.5&highlight=true&keyword=Brown%20Act](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=54950.5&highlight=true&keyword=Brown%20Act)

ROBERT’S RULES OF ORDER

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.

HOW TO MANAGE A MEETING

There are many types of rules that can be used to run a meeting. It is important to determine how your meetings can be run most effectively:

- Robert’s Rules
- Rosenberg’s Rules
- Roberta’s Rules
WHAT HAPPENS AT A MEETING?

The chair person is responsible for running the meeting and for setting the tone of the meeting.

- Knows the requirements of the Brown Act
- Knows the requirements of the rules for the meeting
- Treats all participants with respect

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
HANDLING MOTIONS

Making a motion:
• How to make a motion
• Seconding a motion
• The Chair states the question

Considering 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 two-thirds of the membership votes aye, the Chair puts the question;
• If the membership votes no, debate continues.
CULTURAL HUMILITY

Cultural humility is the ability to maintain an interpersonal stance that is other-oriented (or open to the other) in relation to aspects of cultural identity that are most important to the person.

IMPLICIT BIAS

Implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.

Having biases doesn't make you a bad person—it only makes you human. Fortunately, our implicit biases are not permanent; they can be changed. Challenge your unconscious beliefs. Implicit biases and explicit biases are related—yet distinct—concepts.
EVALUATE YOUR BOARD TO MAKE IT MORE EFFECTIVE

DEVELOPING THE CULTURE OF THE BEHAVIORAL HEALTH BOARD
WHAT IS EVALUATION?

DICTIONARY:
a systematic determination of a subject's merit, worth and significance, using criteria governed by a set of standards.

- Appraisal
- Assessment
- Estimation
- Interpretation
- Opinion
- Judgement

WHY DO WE WANT TO EVALUATE THE LOCAL MENTAL/BEHAVIORAL HEALTH BOARD?

- Hold effective meetings that get the work done
- Engage each board member
- Hold meetings that engage the public in our work
- Ensure compliance with the requirements of the Brown Act
- Build a positive culture within the Board and with the Department and the Board of Supervisors
HOLD EFFECTIVE MEETINGS THAT GET THE WORK DONE

- The meeting is held in a comfortable room that is conducive to business
- Meetings are limited to 2 hours or less; meetings start and end on time
- The chair ensures compliance with the requirements of the Brown Act: public comment, agenda
- The meeting uses parliamentary procedures: Robert's Rules; Rosenberg's Rules
- The Director/designee of the local mental health plan is included as a resource
- All members are allowed/encouraged to participate in the discussions
- Board committees demonstrate that they are working and producing results

ENGAGE EACH BOARD MEMBER

- Members attend all board meetings
- Members come to board meetings prepared and ready to work
- Members see themselves as part of a team
- Members are equal in the discussions and the board is not dominated by one or two members
- Members feel free to express even dissenting viewpoints
- Members represent the board interest of all those who use the system not just for personal or special interests
HOLD MEETINGS THAT ENGAGE THE PUBLIC IN OUR WORK

- **WHO IS THE PUBLIC?**
- Provide comfortable accommodations in the meeting room for the public
- Develop an agenda with public comment at the start of the meeting and during each agenda item; do not require members of the public to identify themselves as a prerequisite to making comment (Brown Act)
- Schedule presentations that include areas of interest to the public; request presentations from members of the public
- When appropriate, develop liaisons from the Board to specific community groups
- When appropriate, include members of the public on Board committees

ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THE BROWN ACT

- Manage public comment at the beginning of the meeting and during agenda items
- Assure that materials provided to the Board are also provided to the public attending the meeting
- Assure that the agenda items fully describe the agenda item
- Follow the agenda as written and do not add discussions about business not on the agenda
WHAT IS AN EFFECTIVE WAY TO IMPLEMENT THE BOARD EVALUATION?

WHEN?

Determine how often the board wants to complete the evaluation process:

• Some boards have an annual meeting
• Some boards have an annual retreat
WHO?

The board needs to consider who will participate in the evaluation process:
- Board members
- People who participate in mental health/substance use services
- Department staff
- Service providers
- Other public

HOW?

The Board needs to determine how the evaluation will be completed:
- By hand and submitted to the clerk to be tabulated
- Electronically using technology such as Survey Monkey
FOLLOW UP

The Board needs to determine how they will follow up with the information:

• Review the information tabulated
• Identify issues to be addressed and prioritize those issues
• Arrange for assistance as needed such as focused training.

HOW WILL YOUR BOARD DO IT?
Thank you for participating today!

Susan Morris Wilson
susanmorriswilson@gmail.com