

RESPONSIBILITY AND REALITY

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

**Orange County Behavioral Health Advisory Board
December 14, 2022**

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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**

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, committee**
- **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 are 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.



ANNUAL
REPORT

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.

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.
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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.
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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
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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
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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.
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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.
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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.
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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.
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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
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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>
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