



# RESPONSIBILITY AND REALITY

How Does a Mental Health Board Exercise Its Authority?



# OBJECTIVES

- **Learn and interpret the seven responsibilities of any local mental health board;**
- **Establish and develop ideas for how to meet the seven responsibilities;**
- **Learn the components of an action plan tailored to the needs of a local mental health board.**



# 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 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 Mental Health Planning Council.**





# 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.**





# DUTIES OF THE BOARD

- **Perform any additional duties or authority as assigned by the governing board.**



# HOW DOES THE BOARD ASSURE EFFECTIVE ORGANIZATIONAL PLANNING?

- **The organization's bylaws (meetings, committees, etc.)**
- **The Brown Act**
- **Roberts Rules of Order or other methods of conducting a meeting**



# 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



# **BYLAWS: Committees**

**Remember the Brown Act requirements for committees...**

- **Executive Committee**
- **DHCS Committee**

**What are “ad hoc” committees?**



# 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.**





# PURPOSE OF THE BROWN ACT

**The intent behind these open meeting laws is clear:**

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 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.**





# 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.**





# WHAT ARE THE RULES FOR A CLOSED SESSION?

- **The most fundamental rule of the Brown Act is that meetings of the bodies are accessible to the public unless specifically excepted and action taken at open meetings must be “public” in every way. The body may not use a secret ballot.**
- **Closed sessions may be held to consider:**
  - Pending litigation
  - Consultation on employee negotiations
  - Consultation on property negotiations



# WHAT ARE THE RULES FOR A CLOSED SESSION?

- **Closed sessions are not open to the public or others who do not serve some function essential to the confidential communication.**
- **Minutes are not generally taken at closed sessions.**
- **The body is required to report specific actions taken in closed session at some point soon after they occur together with a record of how individual members voted on the action.**



# WHAT ARE THE RULES FOR A CLOSED SESSION?

- **As soon as a closed session action is disclosed, any written material approved as part of the closed session action, for example a contract, is likewise disclosable on request.**
- **No person may disclose confidential information that has been acquired by being present in a closed session unless the body authorizes the disclosure of that information.**





# 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>



# 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.**





# ROBERT'S RULES OF ORDER

**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?

- One person is chosen to “preside” over the meeting, often called “the chair”.
- One person is chosen to make a written record of the meeting, often called “the secretary”.
- A “quorum” is required for a meeting to conduct substantive business.
- The meeting is “called to order” by the chair: *The meeting will come to order.*
- The meeting proceeds according to the “agenda” or order of business.
- The meeting may be recessed: *The meeting is recessed until called to order by the chair.*
- The meeting is adjourned: *Is there further business? Since there is no further business, the meeting is adjourned.*







# HANDLING MOTIONS

## Making a motion

- How to make a motion
- Seconding a motion
- The Chair states the question

## How the membership considers 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.





# MINUTES

- **The first paragraph provides all the basic information**
- **The minutes include a paragraph for each subject matter including reports and motions.**
- **The last paragraph gives the time of adjournment.**
- **Minutes should be signed by the secretary or the president.**





# 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**



# FOR MORE INFORMATION

## Robert's Rules of Order Newly Revised (now in the 11<sup>th</sup> edition)

- RONR In Brief
- <http://www.robertsrules.org/>

## Rosenberg's Rules of Order

- [https://www.cacities.org/Resources/Open-Government/RosenbergText\\_2011.aspx](https://www.cacities.org/Resources/Open-Government/RosenbergText_2011.aspx)





# HOW DOES THE BOARD RECRUIT AND ORIENT NEW BOARD MEMBERS?

- **The membership of the board is appointed by the Board of Supervisors, but the local mental health board can make recommendations to the Board of Supervisors.**
- **Each member of the board is appointed for 3 years; the appointments are staggered**
- **Appointees should be individuals with experience and knowledge of the mental health system and reflect the ethnic diversity of the client populations of the county.**



# HOW DOES THE BOARD RECRUIT AND ORIENT NEW BOARD MEMBERS?

## Effective board members:

- Are committed to the organization's mission;
- Understand and represent the needs of constituents;
- Provide leadership in planning and problem solving activities;
- Focus on policy making responsibilities;
- Maintain rapport with the Director and staff;
- Attend regularly and participate actively;
- Are accessible and available;
- Possess and use special talents and skills;
- And more....



# HOW DOES THE BOARD RECRUIT AND ORIENT NEW BOARD MEMBERS?

## Orientation:

- Duties of the board
- How board meetings are conducted
- Pertinent information about mental health services in the County (programs, MHSA components, current issues)





# HOW DOES THE BOARD ASSESS BOARD PERFORMANCE?

- **The board/commission should have an annual “plan” of activity set at their annual meeting.**
- **At the end of the year, the board/commission should assess whether they have met their goals.**





# HOW DOES THE BOARD ASSESS BOARD PERFORMANCE?

- Are board seats filled and are the categories for membership met?
- Do board members attend regularly?
- Do board members understand their duties under WIC 5604?
- Do board members participate in board activities such as committees?
- Do board members interact with stakeholders to assure that their voices are heard?
- Are board members constructive problem solvers?
- Do board members represent the board/commission with respect for their position?



# HOW DOES A MENTAL HEALTH BOARD EXERCISE ITS AUTHORITY?

a dream without a plan  
is just a wish....





# **ACTION PLANNING**

## **KEY ACTIONS**

- **Identify tasks that need to be completed**
- **Identify who is going to complete the task**
- **Establish a timeline for completing the task**
- **Know the outcomes you expect to achieve by completing the work/task**



# SMART OBJECTIVES

**SMART** is a mnemonic acronym, giving criteria to guide in the setting of **objectives**, for example in project management, employee-performance management and personal development.

SMART criteria are commonly attributed to Peter

Drucker's management by objectives concept.



# GOAL SETTING

- **S**pecific: what is the specific task?
- **M**easurable: what are the standards or parameters?
- **A**ttainable: is the task feasible?
- **R**ealistic: are sufficient resources available?
- **T**ime-bound: what are the start and end dates?





# DUTIES OF THE BOARD

- **Review and evaluate the community's mental health needs, services, facilities, and special problems.**

**GOAL: Oversee and advise on department programs and community based organizations that provide services.**

**GOAL: Cross pollinate expertise between Alcohol and Drugs, and Mental Health Commissioners.**





# DUTIES OF THE BOARD

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

**GOAL: Oversee and advise on department programs and community based organizations that provide services.**

**GOAL: Cross pollinate expertise between Alcohol and Drugs, and Mental Health Commissioners.**







# DUTIES OF THE BOARD

- **Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process.**

**GOAL: Represent community concerns and community input on program needs.**





# DUTIES OF THE BOARD

- **Submit an annual report to the governing board on the needs and performance of the mental health system.**

**GOAL: Submit an annual report to the Board of Supervisors**





# DUTIES OF THE BOARD

- **Review and comment on the county's performance outcome data and communicate its findings to the California Mental Health Planning Council.**

**GOAL: Complete the Data Notebook**



**GOAL:**

Not-so-SMART objective:

Key Component	Objective
Specific - What is the specific task?	
Measurable - What are the standards or parameters?	
Achievable - Is the task feasible?	
Realistic - Are sufficient resources available?	
Time-Bound - What are the start and end dates?	

SMART objective:





# **ACTION PLANNING**

## **KEY ACTIONS**

- **Identify tasks that need to be completed**
- **Identify who is going to complete the task**
- **Establish a timeline for completing the task**
- **Know the outcomes you expect to achieve by completing the work/task**





# Action Plan

OBJECTIVE: \_\_\_\_\_  
\_\_\_\_\_

<b>Activity:</b> <i>Identify the tasks that need to be completed to reach the objective.</i>	<b>Who:</b> <i>Identify the person(s) who are going to complete each task.</i>	<b>When:</b> <i>Establish a timeline for the completion of each task. Be realistic.</i>	<b>Notes:</b> <i>What else do we need to know to complete this task?</i>



# QUESTIONS?

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