

Meeting Summary

Legislation, Regulations, and Funding

June 20, 2012

Holiday Inn San Jose Airport

Planning Council Members in Attendance:

Barbara Mitchell, Chairperson
Gail Nickerson
Patricia Marrone Bennett, Ph.d
Carmen Lee
Stephanie Thal, MA, MFT
John Ryan
Cindy Claflin

Planning Council Staff in Attendance:

Andi Murphy

Others in Attendance:

Joseph Robinson

The meeting commenced at 1:30 p.m. with a welcome by the chair and introductions. No Planning Council member issue requests were submitted.

Strike Team Procedure – Approve Final Draft

The following revisions for the Strike Team Procedure were suggested and adopted (changes marked in bold/underline):

1. Items that are on the “automatic” approval planks of the platform and/or are **non-urgent** (more than seven days of response time):
 - Contact staff directly via email, with a cc to the Executive Officer, requesting action, and define the level of urgency of the request, informing staff of the deadline (and nature of the deadline i.e., which Legislative committee? How close to a final vote etc.) and suggested points that should be made in the letter.
 - *Staff performs analysis and presents the information, synopsis, and recommendation, and draft support/oppose letter to the LRFC for response and recommendation with the caveat that “approval is assumed if not contested by **up to 7** of days”.*
 - *If LRFC reviews the information and has comments, its recommendation /amendments/ approval is returned to staff with a cc to the Executive Officer and Executive Committee, including Leadership, **by up to 7 days**. The recommendation may be developed by a workgroup **within** the LRFC with expertise in the legislation’s subject area that is available and willing to do it within the time frame.*
2. *If the item **IS** urgent (requires response in **LESS** than seven days):*

- *Request for action/analysis is addressed **to Executive Officer and staff, who will ensure that the information is forwarded to Leadership, LRFC and Executive Committee***
 - *Staff performs analysis, and presents information, synopsis, and recommendation, with accompanying draft support/oppose letter, **to Leadership & Executive Committee, with a cc to LRFC.***
 - *Leadership approves/amends recommendation and support/oppose letter, with input from LRFC and Executive committee (if requested and time permits).*
3. Items that are NOT on the “automatic” approval planks should be vetted by **Leadership, by way of the Executive Officer or staff, who will also inform Executive Committee and LRFC. Request should include the same information as above – the action requested, the reason for its urgency, and the nearness of the vote. Staff may wish to perform preliminary analysis, but no document will be produced unless approved by Leadership. The final document will be distributed to the LRFC and the Executive Committee.**

These changes were presented at the General Session. A separate document containing these changes will be circulated with the meeting summary.

Legislative Platform Review & Revision

Discussion/Background:

Is the current structure of the Platform workable for the purposes of this group in terms of “automatic” advocacy efforts? There are certain instances when issues are not black or white, and it can make taking an “automatic” stand on something problematic. Can we make the argument that the looseness of the language promotes flexibility? A “sticky issue” list - that is not necessarily tied to the Legislative Platform - might be better.

Examples:

- Specialized Veterans Services when federal services are available and it may reduce funding elsewhere
- Criminal Justice and Realignment - are counties adhering to the 40/40/10/10 formula? Would be nice to develop a stronger plank on this.
- Mental Health services in Criminal Justice Setting for Juveniles and Adults should be examined before a blanket support or oppose.
- Mental health dollars being used to detox people from drugs and alcohol due to decline of loss of detox and treatment funding. This reduces scarce mental health dollars. (*“Support any proposal that advocates for blended funding for programs serving clients with a dual diagnosis of mental illness and substance abuse”*).
- Re: MHSA services - Orange County has argued that it is okay to use MHSA funds for Assisted Outpatient Treatment because Nevada county has done it.

- If somebody is locked in a state institution they have a constitutional right to care, but not necessarily if they are in a county facility. (Does that constitutional right apply to county care?)
- Supporting affordable housing if it doesn't specify for SMI populations. – Add to platform, generally support affordable housing, *and will send letters as time permits.* Change plank to: **Support expanding supportive affordable housing.**
- New Plank: **Support expanding employment options for people with psychiatric disabilities.**
- Do we want to amend “Support any proposal that augments mental health funding, consistent with the principles of least restrictive care and adequate access” with as long as it doesn't take funds from other services?
- “Remain neutral or watch all legislation related to expanding the scope of professional licensure except when it affects quality of care.” Should this be removed? **Move to Tricky issue list.** All legislation relating to expanding the scope of professional licensure... **This will require a vote of the full Council.**
- “Oppose any proposal that reduces benefits or entitlements for mental health clients” Should this be amended? Leave it – it has not been a problem. Could amend to: **Support initiatives that provide comprehensive health care and oppose any elimination of health benefits for low income beneficiaries.**
- “Support any proposal that advocates for blended funding for programs serving clients with a dual diagnosis of mental illness and substance abuse.” (Should this be moved to Sticky Issues given earlier discussion on dilution of funding).
- “Support any proposal that advocates for providing more services in the criminal and juvenile justice systems for persons with serious mental illnesses or children, adolescents, and transition-aged youth with serious emotional disturbances, including clients with dual diagnoses”. ***Maybe we could try to flesh out or restructure more of a platform plank for all of criminal justice issues – this will require a more in-depth decision in order to develop specific bullet items.*** Maybe NEXT meeting.

This proposal for amended platform and “sticky Issues list” will need to go through Executive Committee prior to being voted on at the General Session.

Suggestions for next steps:

- Move “remain neutral or watch all legislation related to expanding the scope of professional licensure except when it affects quality of care” to the “sticky issues” list.
- We should revisit this platform once the Advocacy group is formed. The Council should identify which policy issues are uppermost and generating the most legislation. This list could/should serve as the basis for the next discussion.
- Flesh our Criminal Justice services to reflect Realignment's impact.

Change/Amend the Platform to read:

- Support expanding supportive, affordable housing for low-income persons.

- Support employment options for persons with psychiatric disabilities.
- Support any initiative that promotes or provides for comprehensive healthcare for all people with psychiatric disabilities.

Next steps:

Send amended platform (attached) to Executive committee to vet in order to present to General Session in October.

SB 1220 – Housing Opportunity and Market Stabilization (HOMeS) Trust Fund

Zack Olmstead, Housing California

Mr. Olmstead provided an overview of the affordable housing situation in California, and more particularly, the efforts of Housing California to pass the HOMeS Trust Fund legislation. The Housing Trust Fund would have been funded through a “signing” fee on real estate documents, excluding sales and transfers (so that home buyers would not be affected). However, the current law perceives that signing fee as a tax, and thus required a 2/3 votes from both houses. This was very important legislation in light of the dissolution of Redevelopment Agencies, who were required to set aside 20% of their funding for affordable housing. Initially, there was legislation to preserve those funds for housing, but ultimately those funds were appropriated for the State Budget. The Bill only failed by about two votes, and even garnered a few Republican “aye” votes, so Housing California considered the effort a success and feels optimistic about future efforts. Mr. Olmstead noted that the vacancy rate in California is at less than 5% in spite of the perceived housing glut, so the signing fees would have coincided with the next “boom” cycle of development. Bond fees, which are a significant source of housing funding, are a double edged sword because they promote development of housing but not supportive services, which are key to successful residency for many participants. Bonds are also a drain on General Fund, so the signing fee would have been revenue neutral. Had SB 1220 passed, it would have generated an average of \$500 million and 24,000 jobs in the first year. Housing California is waiting to see how the composition of the Legislature changes before deciding whether to sponsor the Bill again, and has not ruled out sponsoring an initiative in 2014. While the bill did not specify *amounts* for components, it did attempt to protect the funds from raids by specifying the populations and services that would be eligible for funding. When asked whether the Coalition had anticipated and planned for NIMBYism, Mr. Olmstead responded that the anti-tax sentiment overshadowed the local territorialism, but that the NIMBYism was more an issue of education.

Review Bill File & Revisit Potential Sponsorship of Legislation

Should the committee consider sponsoring legislation to lessen or remove the barriers of consumers seeking employment due to prior arrest records? This prevents the hiring of peer counselors by licensed facilities.

Should the committee propose legislation legitimizing the designation and protection of housing for mentally ill populations? This may not be time to pursue the housing issue.

- Licensing issues are starting to get addressed at the local, county level. It is a highly contentious issue which we may want to consider very carefully before jumping in. This can only be changed through legislation.
- Should we see how the Council feels about this licensing issue?
- Voted to oppose AB 2031, seconded, 1 abstain, motion passes to oppose AB 2031. Executive Committee will be apprised of the committee vote.
- One of the drawbacks to sponsoring legislation is the lack of partners. The group may need to develop partnerships prior to embarking on sponsoring legislation.

AB 2371 Butler – Authorizing courts to take extenuating circumstances into account when hearing cases – Watch. AB 1693 – Mental Health – ISTs and restore competency in county jails instead of state hospital. Research further and act if urgent. (Note: this became part of the enacted budget).

Develop “Report Out” items for General Session

Report on revised strike team procedure
Discuss intent to revise the platform

W³ and Plan for Next Meeting

Look at the committee structure and consider breaking into subcommittees.
Look at other organizations’ legislative platform to see how they address criminal justice issues. The PC’s revised platform should be distributed to Exec. Committee prior to October meeting, and voted on in GS in October.

Try to find a speaker in October to address how much money should be spent on mental health services in the jail.

Invite The American Friends Service Committee to speak on treatment in jail vs. out of jail

Delta/Plus

Excellent Facilitation

Respectfully Submitted,

Andi Murphy