

Executive Committee Agenda

Wednesday, January 17, 2024

8:30am to 10:10am

Courtyard San Diego Old Town

2435 Jefferson Street, San Diego, CA 92110

Cabrillo

[Zoom Meeting Link](#)

Join by phone: + 1 669 900 6833

Meeting ID: 882 1389 8143 Passcode: 485786

8:30am	Welcome and Introductions <i>Deborah Starkey, Chairperson</i>	
8:35am	Approve October 2023 Meeting Minutes (Action) <i>Tony Vartan, Chairperson-Elect</i>	Tab 1
8:40am	Council Membership Update <i>Naomi Ramirez, Chief of Operations</i>	Tab 2
8:50am	Report from CA Coalition for Mental Health <i>Daphne Shaw</i>	
8:55am	Report from CA Association of Local Behavioral Health Boards and Commissions <i>Theresa Comstock</i>	
9:00am	Attendance Policy (Action Item) <i>Deborah Starkey, Chairperson</i>	Tab 3
9:20am	Public Comment on Attendance Policy <i>Deborah Starkey, Chairperson</i>	
9:25am	Break	
9:35am	Expenditure Reports & Allotment Updates <i>Naomi Ramirez, Chief of Operations</i>	Tab 4
9:40am	Annual Report <i>Jenny Bayardo, Executive Officer</i>	Tab 5
9:45am	General Public Comment <i>Deborah Starkey, Chairperson</i>	
9:55am	Transparency Statement (Action Item) <i>Naomi Ramirez, Chief of Operations</i>	Tab 6

10:00am **Wrap-Up and Plan for Next Meeting**
Deborah Starkey, Chairperson

10:10am **Adjourn**

Notice: All agenda items are subject to action. Scheduled times on the agenda are estimates and subject to change. **For questions or if Reasonable Accommodation is needed, please call 916.701.8211 by January 10, 2024**, in order to meet the request.

Executive Committee Members

Officers: Deborah Starkey, Chairperson Tony Vartan, Chair-Elect Noel O'Neill, Past Chair

Housing/Homelessness: Monica Caffey, Chairperson Deborah Starkey, Chair-Elect

Legislation: Veronica Kelley, Chairperson Barbara Mitchell, Chair-Elect

Patients' Rights: Daphne Shaw, Chairperson Mike Phillips, Chair-Elect

Systems and Medicaid: Karen Baylor, Chairperson Uma Zykovsky, Chair-Elect

Workforce and Employment: Vacant, Chairperson

Performance Outcomes: Susan Wilson, Chairperson Noel O'Neill, Chair-Elect

At-Large: Arden Tucker

Liaisons: **CBHDA:** Veronica Kelley/Tony Vartan **DHCS:** Erika Cristo

CCMH: Daphne Shaw

TAB 1**California Behavioral Health Planning Council
Executive Committee****Wednesday, January 17, 2024****Agenda Item:** Approve October 18, 2023 Meeting Minutes**Enclosures:** Draft Executive Committee Minutes for October 18, 2023 Meeting**Background/Description:**

Attached are the draft meeting minutes for the Executive Committee's review and approval.

CBHPC Executive Committee Meeting

October 18, 2023

Draft

Committee Members Present:

Deborah Starkey
Karen Baylor
Uma Zykofsky
Noel O'Neill
Barbara Mitchell
Ronnie Kelley

Monica Caffey
Daphne Shaw
Mike Phillips
Susan Wilson
Erika Cristo*
Arden Tucker

*=Remote Attendance

Committee Members Absent: Tony Vartan

Staff Present: Jenny Bayardo, Naomi Ramirez

Welcome and Introductions

Chairperson Deborah Starkey called the meeting to order, welcoming Council Members. Attendees introduced themselves. A quorum was established.

Approval of the June 2023, Executive Committee Meeting Minutes (Action)

Deborah Starkey called for a motion on the June Executive Committee meeting minutes.

MOTION: Barbara Mitchell moved approval of the June 14, 2023, Executive Committee Meeting Minutes, seconded by Karen Baylor. The motion passed by voice vote with no "Opposed". Ronnie Kelley and Noel O'Neill Abstained.

FY 22-23 Expenditure Report & FY 23-24 Allotments

Chief of Operations, Naomi Ramirez, reported she only has the expenditure report for Fiscal Year 2023-2024 as she is still new in her role and is having issues accessing the database used to pull fiscal data.

CBHPC has \$829,468 in the Mental Health Block Grant (MHBG) funds to be utilized for program expenses. CBHPC plans to use \$439,000 on staff salaries and benefits. This is an increase over last year as the Executive Officer position was vacant for 8 months. We also promoted Justin Boese who is paid out of the MHBG. It is estimated we will spend \$127,472 in General Expenses and \$60,000 on travel. CBHPC staff has inquired about the MHBG increase statewide and the council allotment as it relates to this increase. CBHPC staff and DHCS MHBG staff will meet to discuss this further.

CBHPC has \$1,132,115 of the total Mental Health Service Act (MHSA) allotment to be utilized for program expenses. CBHPC plans to use \$739,161 on staff salaries and benefits. The General Operation Expenses allotment is \$76,148. CBHPC also has \$40,000 for In-state Travel and \$15,000 for training. There is \$184,145 set aside for consultants and external contracts.

Naomi reviewed some of the expenses to date including payments for conferences and trainings attended to date by Council Members.

Barbara Mitchell asked if the Council has considered the financial implications on our budget if the Behavioral Health Services Act passes. Jenny Bayardo stated that we anticipate needing more staff and have already begun discussing this with the administration. Jenny Bayardo also invited Council members to share any recommendations they have. Jenny Bayardo shared there is already a need for more staff as a result of the increased deliverables from each committee and anticipates a greater need if the BHSA passes. CBHPC has been requesting more positions for the past two years and will ask for positions again out of the MHSA/BHSA.

Karen Baylor asked about the attachment on page 13 of the meeting packet. Jenny Bayardo explained the document is the allotments from DHCS for the CBHPC and pointed out which number represented each funding source (MHBG & MHSA). Naomi Ramirez pointed out that a significant amount of each allotment includes distributed costs that are not available for use.

BH Modernization Proposal (Information Only)

Deborah Starkey asked Executive Officer Jenny Bayardo to provide the update on Behavioral Health Modernization in Chairperson Tony Vartan's absence.

Jenny Bayardo shared that Senate Bill 326 and Assembly Bill 531 passed through the legislature and have been signed by the Governor. The two bills are being packaged together as Proposition 1 (Prop 1) for the March 2024 ballot. CBHPC staff will track the progress of Prop 1 and will share information about the proposition as it becomes available. Information about the Behavioral Health Modernization proposal from the Health and Human Services Agency provided in the packet was reviewed, including the presentation about the last round of amendments to SB 326.

Jenny Bayardo stated that the Legislation and Public Policy Committee will discuss Proposition 1 during their meeting. Barbara Mitchell, Legislation and Public Policy Committee Chairperson-elect, shared that there is an agenda item at 4:05 pm to discuss the next steps and encouraged members interested in the topic, but not on the committee, to join them at that time.

Attendance Policy (Action Item)

Chairperson Deborah Starkey acknowledged the committee has been discussing attendance requirements for quite some time and then requested Jenny Bayardo provide some background for the Attendance Policy agenda item. Jenny Bayardo reminded the committee that in June members started to discuss attendance requirements as the current policy does not address virtual attendance options. It was acknowledged that active participation and consistent attendance of Council members is crucial to the Council conducting business. Lack of attendance can result in committees not meeting quorum and therefore being unable to take action. The existing attendance policy was created when members could only attend in person.

In June, committee members had questions about Bagley-Keene meeting requirements. Naomi Ramirez consulted with DHCS legal and provided an update to the committee. CBHPC is an advisory body and therefore can use special meeting rules to meet remotely but a quorum of the body in person is still required. Per DHCS legal the new laws recently passed amending Bagley-Keene do not change that requirement. DHCS legal also confirmed that council members attending remotely may vote and their votes count. DHCS legal also confirmed that if we hold a hybrid meeting, we must allow virtual public comment. A Teleconference meeting is still allowed, and the meeting locations must be published.

The committee discussed the current attendance policy, the future needs of the Council, Bagley-Keene requirements, and virtual attendance options.

Key points of discussion included.

- There is currently no requirement for committee meeting attendance.
- Do we need to specify virtual vs in-person attendance?
- Virtual Public Comment in committees has not been a challenge.
- General Session logistics make it difficult to hold hybrid meetings and public comment for virtual attendees may be challenging.
- If the Council holds a virtual meeting where Council Members are allowed to participate virtually, we must allow the public to participate virtually and participate in Public Comment.
- Virtual attendance standards may need to be established.
- Council members no longer need to publish their home addresses.
- Remote members cannot be used to establish a quorum.
- Concerns about monitoring external comments by remote attendees who may intentionally join the meeting to be disruptive.
 - The responsibility of quickly responding would be on the council staff.
 - More staff would be required to monitor.
- Council members asked the Chief of Operations to seek clarification on teleconference rules for the in-between meetings.
 - Can we still hold teleconferences next year?
 - Do we have to publish everyone's address/location for regular teleconference meetings?

- Can we use one meeting type for in-between meetings and a different one for the Quarterly Meetings?
- Can we take positions during the in-between meetings specifically, if so, which meeting rules would we need to use?
- Confirm that we need to have a quorum of the body in person when using special meeting rules to take a vote.
- In-person attendance should be required to ensure we meet quorum
- There should be exceptions to the in-person requirement for disabilities or illnesses such as COVID-19 where one must quarantine to keep others safe.
- Rules of conduct should be developed if we have public attendance virtually.
- If we hold General Session hybrid, we must have a staff person devoted only to monitoring the virtual meeting-staff request required.
- We must have public comment on any action item and have time for the public to discuss issues pertinent to the body.
- We need a process to ensure that we have more than 50% of the Council present at each meeting.
- Council Members should be required to request virtual attendance.
 - 1 remote slot per year out of 4 per Council Member.
 - Special accommodations can be made for individuals with disabilities to allow more virtual attendance if needed.
 - Additional virtual attendance allowable for COVID-19.

The Chief of Operations (COO) will seek additional clarification where needed and bring this information back to the committee in January. The COO will ask specifically about the requirements as they relate to in-between meetings. Council staff will draft the attendance policy proposed language. The Executive Officer summarized what most agreed on which was, that we should continue to meet in person, we should apply the special meeting rules when possible, and expect in-person attendance for most meetings to ensure we meet quorum.

VOTE: The vote for this agenda item is postponed to the January 2024 meeting.

CBHPC Public Forums

Jenny Bayardo provided a brief update on the Public Forums held in August in response to the Behavioral Health Modernization Proposal, SB 326. Summaries of all 7 events are posted on the Council webpage. Susan Wilson provided an update on the Public Forums discussion held during the Performance Outcomes Committee meeting.

Council Membership Update

Naomi Ramirez, Chief of Operations, provided an update on council member appointment and recruitment efforts.

Report from CA Coalition for Mental Health

Daphne Shaw reported that during the most recent CA Coalition for Mental Health (CCMH) meeting they discussed the passage of SB 326 and AB 531 which have been packaged together as Prop 1. CCMH presentation from Adrienne Shilton from the California Alliance of Child and Family on addressing the disparities in clinical exam rates for behavioral health. CCMH also decided to meet with someone from the agency to discuss Proposition 1.

Report from CA Association of Local Mental Health Boards

Executive Director, Theresa Comstock, shared CalBHB/C's meeting calendar and identified the topics for each of the upcoming Quarterly meetings. In January 2024 they will focus on criminal justice, and in April 2024 they will focus on Community-Defined Evidence (CDE) practices. Theresa also shared how Proposition 1 could change the composition of the Boards and Commissions membership.

Public Comment

Wrap-Up and Plan for Next Meeting

The attendance policy will be revisited in January when the committee is expected to take a vote on an updated policy.

Adjourn

The meeting was adjourned at 10:15 a.m.

TAB 2**California Behavioral Health Planning Council
Executive Committee****Wednesday, January 17, 2024****Agenda Item:** Council Membership Update**Enclosures:** [Council Appointment List](#) (as of December 7, 2023)
Parent Recruitment Flyer
Direct Consumer Recruitment Flyer
Family Member Recruitment Flyer
State Representative Overview**Background/Description:**

To ensure fulfillment of the provisions in Welfare and Institution Code Section 5771, Council staff updates the Executive Committee on appointments at each quarterly meeting. The Executive Committee reviews membership needs and identifies any actions needed.

There are currently one (1) vacancy in the Parent of a Child with SED, two (2) in the Direct Consumer category, and three (3) State Representative vacancies. The Chief of Operations continues to meet with partner organizations to request assistance with recruitment for parent and consumer vacancies. Copies of the recruitment materials created are included in this enclosure.

In recent months, seven (7) new Council Members have been appointed. On December 11th and 12th, the Council hosted a New Member Orientation to onboard the new members. Some topics included in orientation were an overview of the public behavioral health system, the history and role of the Council, and the role of Council Members including their responsibilities.

Council staff continues to work with other behavioral health advocacy organizations including the California Youth Empowerment Network (CAYEN) and Council on Criminal Justice and Behavioral Health (CCJBH) to recruit potential applicants.

January 2024 Summary of Council Member Activity:**October:****Separations**

Cindy Wang, California Department of Social Services (State Representative)

Vera Calloway, Direct Consumer

Christine Frey, Direct Consumer

New Members

Don Morrison, Direct Consumer

Maria Sierra, Family Member

Jessica Miller, Family Member

Susie Baker, Parent/Family Member of SED Child

Kimberly Chen, Health & Human Services Agency (State Representative)

November:**New Member**

Bill Stewart, Direct Consumer

December:**New Member**

Danielle Sena

Council Member Recruitment Plan

The recruitment plan was adopted in 2019. All Council Members and staff will be familiar with the recruitment plan and current appointment needs. The primary goal is to fill current vacancies timely with qualified candidates whose strengths align with the Mission and Vision of the Council. This recruitment plan will also aid the Council in filling future vacancies as they become available. The Executive Committee will monitor the effectiveness of the plan quarterly and revise as needed.

Current Vacancies: As of January 2024 we have the following vacancies: 1 Family Member Parent of SED child, 2 Direct Consumers, and 3 State Representatives (Department of Education, Department of Housing and Community Development, and Department of Social Services).

Mission and Vision of the California Behavioral Health Planning Council (CBHPC)

Vision: The CBHPC envisions a behavioral health system that makes it possible for individuals to lead full and productive lives. The system incorporates public and private resources to offer community-based services that embrace recovery and wellness. The services are client and family-driven, responsive, timely, culturally competent, and accessible to ALL of California's populations.

Mission: The CBHPC evaluates the behavioral health system for accessible and effective care. It advocates for an accountable system of responsive services that are strength-based, recovery-oriented, culturally and linguistically responsive, and cost-effective. To achieve these ends, the Council educates the general public, the behavioral health constituency, and legislators.

Recruitment Process

The Executive Officer along with the Officer Team (Chairperson, Past-Chair and Chair-Elect) will regularly assess membership to identify membership composition needs in order to ensure compliance with WIC Sec 5771 and discuss this with the Executive Committee. The Executive Committee will ensure the Council's composition is demographically, geographically and culturally and linguistically balanced and reflects Council priorities and areas of interest. Our recruitment efforts will include:

1. Targeted recruitment efforts for regions under-represented on the Council
 - a. Identify members on the Council in these areas to solicit lists of organizations for potential recruitment
2. Targeted recruitment of members representative of California's diverse population
3. Targeted recruitment of individuals with SMI/SUD and family members of persons with SMI/SUD.
4. Targeted recruitment around areas of membership composition needs identified by the Executive Committee
 - a. Identify, prioritize and come to consensus on current areas of interest to focus on when recruiting new members for current vacancies

Recruitment Strategies

Immediate:

1. Engage all current Council Members in the recruitment process as appropriate and when needed. Council Members are encouraged to:
 - a. Identify opportunities for partnership
 - b. Participate in relationship building
 - c. Make direct referrals
 - d. Post event photos, event announcements or articles of interest to the Council's Facebook Page or submit these items to CBHPC staff for posting
 - e. Assist with staffing CBHPC recruitment tables at conferences and other mental/behavioral health events
2. Identify and develop Council members who will establish new relationships and expand existing partnership within the identified targeted areas in order to assemble a pool of potential applicants for current and future vacancies.
 - a. CBHPC staff will collect information about Council Member's current partnerships
 - b. CBHPC staff will develop a "crosswalk" of Council Member partnerships including organization descriptions and identification of the organizations area of expertise
 - c. Executive Committee can/will utilize "crosswalk" to identify and recruit Council Members to assist with recruitment of new members to be considered for appointment by the Department of Health Care Services (DHCS)
3. Engage existing partners in the recruitment process as appropriate and when needed.

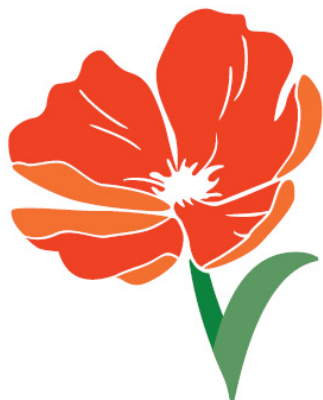
Ongoing:

4. As an ambassador of the California Behavioral Health Planning Council, the Executive Officer **must** have the ability to represent the Council state-wide in order to advance the Mission and Vision of the Council as well as fulfill our federal requirements and state mandates. It is essential that the Council partner with local behavioral health organizations. The Executive Officer will re-establish and strengthen existing partnerships as follows:
 - a. Attend local behavioral health meetings in target areas as appropriate
 - b. Identify and attend mental/behavioral health advocacy meetings across the state
 - c. Develop new relationships with various mental/behavioral health organizations (Consumer run, Tribal, Parent/Family)
5. The CBHPC staff shall engage in recruitment activities by actively participating in

meetings, events and conferences identified by the Executive Committee. The Council should have tables at conferences that attract persons with lived experience, SMI/SUD advocates and family members.

Recruitment tools and other deliverables:

- Brochure and other materials to distribute to prospective Council Members
- Facebook Content: CBHPC staff, under the direction of the Chief of Operations, will create pre-approved recruitment post to share when vacancies occur in each appointment category
- CBHPC staff will work with Executive Committee to create standardized messaging about the Council's responsibilities, membership composition and needs
- Photo Library of Council Member activities to use in marketing efforts (social media posts, brochures, website)
- Council Member videos that tell our story and inspire others to get involved that can be posted online or shared via social media
- Letter to DHCS regarding the need for Council staff to engage in state-wide activities directly related to the mission, vision and mandates of the Council.
- Social Media Disclosure Statements and photo consent forms for members



California Behavioral Health Planning Council

ADVOCACY • EVALUATION • INCLUSION

Apply to be appointed as a Council Member!

ABOUT THE COUNCIL

The California Behavioral Health Planning Council (CBHPC) is a 40-member advisory body that evaluates the behavioral health system for accessible and effective care. It advocates for an accountable system of responsive services that are strength based, recovery-oriented, culturally, and linguistically competent, and cost effective. To achieve these ends, the CBHPC educates the public, the behavioral health constituency, and legislators.

We are actively recruiting for

(2) Two vacancies for Family Member/Parent of SED Child

A family member or parent of a child with the presence of a diagnosable mental, behavioral, or emotional disorder that substantially interferes with or limits the child's role or functioning.

Council Members:

- Are volunteers appointed by the Department of Health Care Services.
- Lead the work of the CBHPC.
- Meet in person quarterly around the state for approximately 3 days.
- Make recommendations that influence policies and regulations that directly impact persons with SMI and children with SED.

The Council:

- Arranges and covers travel for all Council activities.
- Provides meal reimbursements or advances if needed.
- Offers opportunities to attend conferences and trainings.

For more information about the Council, visit our [website](#). For questions or to request an application, please contact us via email at Inbox@cbhpc.dhcs.ca.gov or by phone at (916) 701-8211.



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Two (2) Direct Consumer Vacancies

We are seeking persons with lived experience of mental illness who are receiving or have received behavioral health services in California.

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Individuals who represent any areas identified below are **strongly** encouraged to apply:

- *Transitional Age Youth (TAY)*
- *Persons who are justice-involved*
- *Persons with co-occurring substance use disorder*
- *Residents of Counties not currently represented on the Council including:*

- Del Norte	- Sierra	- San Mateo	- Alpine
- Siskiyou	- Nevada	- San Francisco	- Tuolumne
- Modoc	- Lake	- San Benito	- Mono
- Humboldt	- Colusa	- San Diego	- Mariposa
- Trinity	- Sonoma	- San Joaquin	- Madera
- Lassen	- Napa	- Amador	- Kings
- Plumas	- Marin	- Calaveras	- Inyo
- Tehama	- Alameda	- El Dorado	
- Glenn	- Santa Clara		

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We are actively recruiting for Two (2) Family Members

A family member of a person with mental illness/ substance use disorder who is currently receiving or has received behavioral health services in California.

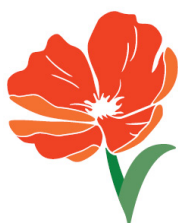
Council Members:

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- Lead the work of the CBHPC.
- Meet in person quarterly around the state for approximately 3 days.
- Make recommendations that influence policies and regulations that directly impact persons with SMI and children with SED.

The Council:

- Arranges and covers travel for all Council activities.
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California Behavioral Health Planning Council

ADVOCACY • EVALUATION • INCLUSION

About the Council:

The [California Behavioral Health Planning Council](#) (CBHPC) is mandated in [Public Law 103-321](#) to exist as a condition of the Mental Health Block Grant funding distributed by the Federal government to the state of California and receives its authority from [Welfare and Institutions Code \(WIC\)](#).

Key responsibilities of the CBHPC are to:

- Advise the Department of Health Care Services (DHCS), the Administration, and the Legislature on priority issues and provide feedback on behavioral health policy and regulations.
- Review and evaluate the public behavioral health system.
- Advocate on behalf of persons with lived experience of Serious Mental Illness (SMI), children with Serious Emotional Disturbances (SED), and their families.

Council Composition:

To represent the diverse interests of the behavioral health constituency and comply with federal requirements for its composition, the CBHPC consists of thirty-two members appointed by the DHCS and eight state department representatives, as outlined in [Public Law 103-321](#).

Council Meeting Requirements:

Typically, the CBHPC holds three-day meetings four times a year in January, April, June, and October across four different regions of the state including San Diego, Southern California, the Bay Area, and Sacramento. The Quarterly meetings convene on the third Wednesday afternoon of the month in which we meet, and end at noon on that Friday. Currently, there is a virtual option for Council Members due to the exception in place to the Bagley-Keene Act.

State representatives are requested to attend General Session, which is currently two half days, and to actively participate in two committees and/or workgroups relevant to their Department. Currently there are six standing committees and three workgroups organized around the priority areas identified by the Council. The Committees are as follows:

- [Legislation Committee](#)
- [Workforce and Employment Committee](#)
- [Housing and Homelessness Committee](#)
- [Systems and Medicaid Committee](#)
- [Patients' Rights Committee](#)
- [Executive Committee](#)
- [Performance Outcomes Committee](#)

The typical Quarterly Meeting schedule is as follows:

Tuesday:

- Performance Outcomes Committee- 2:00 pm to 5:00 pm

Wednesday AM:

- Executive Committee- 8:30 am to 10:15 am
- Patients' Rights Committee- 10:30 am to 12:15 pm
- Children's Workgroup-10:30 to 12:00 pm

Wednesday PM:

- Legislation Committee- 1:30 pm to 5:00 pm
- Workforce and Employment Committee- 1:30 pm to 5:00 pm

Thursday AM:

- Housing and Homelessness Committee- 8:30 am to 12:00 pm
- Systems and Medicaid Committee- 8:30 am to 12:00 pm

Thursday PM:

- Reducing Disparities Workgroup- 12:10 pm to 1:10 pm
- Substance Use Disorder Workgroup- 12:10 pm to 1:10 pm
- General Session- 1:30 pm to 5:00 pm

Friday AM:

- General Session- 8:30 am to 12:00 pm

The Council is committed to meeting its statutory requirements and strongly believes that participation by the State agencies mandated in Welfare and Institutions Code is essential to the success of the CBHPC. State agency representatives inform the Council of critical issues to consider and their collaboration in developing policy and regulation recommendations adds significantly to the value, quality, and effectiveness of our recommendations.

TAB 3**California Behavioral Health Planning Council
Executive Committee****Wednesday, January 17, 2024****Agenda Item:** Attendance Policy (Action Item)**Enclosures:** CBHPC Attendance Policy (Section 11 [Operating Policies & Procedures](#))

Responses from DHCS Legal

Draft Attendance Policy Language

Background/Description:

The Executive Committee discussed the current attendance policy in June of 2023. The committee did not take a vote as more information and clarification regarding the Bagley-Keene Open Meeting Act was needed. In October 2023, the committee reviewed the information provided by DHCS legal regarding the Bagley-Keene Open Meeting Act. Additional clarification regarding in-between meetings requested in October will be provided during this agenda item.

Enclosed is the proposed language for the updated attendance policy based on committee discussion and recommendations made at the October 2023 meeting. The committee is expected to adopt a revised attendance policy at this meeting.

Things to consider and decide upon during this agenda item include:

- Quarterly Committee meeting format
- Quarterly General Session meeting format
- In-between meeting format

The Officer team recommends that General Session meetings be held using the regular Open Meeting Act rules which require a quorum of the body in person. Committee meetings can be hybrid and require a quorum of the body in person, as well as public participation by teleconference.

The Officer team will make their proposal and the Executive Committee will discuss the options. The committee will then vote on the future meeting format and the appropriate attendance policy to accompany the agreed upon meeting structure.

- A member is doing paid work for the federal government that may be related to federal Substance Abuse and Mental Health Services Administration (SAMHSA) Act Block Grant activities
- A member is doing paid work for a contractor of the DHCS
- A member is doing paid work for a county when that work is likely to be reviewed by the CBHPC

11. Attendance Policy

Planning Council meetings are an integral part of how the Planning Council conducts business, the bulk of the Council's work is done during these meetings. The attendance policy ensures that the Planning Council operates effectively with the voice of the members. Attendance records for Quarterly Council meetings and Committee meetings are maintained by the Executive Officer.

The full Planning Council meets four times a year (quarterly). All members are notified a year in advance of the meeting schedule each calendar year. Planning Council members are expected to attend all quarterly meetings each year which includes committee meetings and General Session.

The normal Quarterly Meeting schedule is as follows:

Tuesday:

- Performance Outcomes Committee- 2:00 pm to 5:00 pm

Wednesday:

- Executive Committee- 8:30 am to 10:15 am
- Patients' Rights Committee- 10:30 am to 12:15 pm
- Legislation Committee- 1:30 pm to 5:00 pm
- Workforce and Employment Committee- 1:30 pm to 5:00 pm

Thursday AM:

- Housing and Homelessness Committee- 8:30 am to 12:00 pm
- Systems and Medicaid Committee- 8:30 am to 12:00 pm

Thursday PM:

- General Session- 1:30 pm to 5:00 pm

Friday AM:

- General Session- 8:30 am to 12:00 pm

11.1 Quarterly Meeting Attendance Requirements

- a. All Council members are required to contact the Executive Officer if they plan to miss a quarterly meeting. Full attendance at Council meetings is required.
- b. Council Members are to attend all quarterly meetings in their entirety. When a pattern of non-participation occurs, it will be addressed by the Council Chairperson and Executive Officer. Should the non-participation continue, the member will not be eligible for reappointment.

11.2 Committee Meeting Attendance Requirements

In addition to the quarterly committee meetings, committee meetings can be scheduled, as needed. Meetings held outside of the quarterly meetings are scheduled based on members' availability to insure maximum participation. Committee members are expected to attend as many committee meetings as possible.

Attendance records from each committee meeting will be maintained. If a committee has difficulty achieving a quorum due to the continued absence of a committee member, the committee chairperson will discuss with the member the reasons for their absence. If the problem persists, the committee chairperson can request that the Officer Team remove the member from the committee.

11.3 Leave of Absence

A request for a leave of absence must be submitted in writing to the Executive Officer and must include the duration of the leave. The request is approved or denied by the Officer Team. A leave of absence can only last three meetings.

12. Reimbursements

The Executive Committee is charged with reviewing and monitoring the Council's budget and expenditures including travel. Planning Council members are reimbursed for expenses incurred within the following parameters:

1. The Planning Council's budget may necessitate limitations on travel and require the Executive Officer, in consultation with the Chief of Operations and Chairperson, to prioritize the types of travel that are authorized.
2. Reimbursement is governed by California Department of Personnel Administration and DHCS Travel Rules and Policy Memos, and applicable Government Code. Reimbursement amounts are limited to actual and necessary expenses as specified at the following link:

[CalHR Travel Reimbursements Page](#)

Department of Health Care Services- Office of Legal Services (OLS) Bagley Keene Guidance

Attendance

The attendance requirements for Planning Council members depends on the Bagley-Keene teleconferencing rules the Planning Council decides to implement for **each** meeting.

The following are the Council's options:

1. **Government Code Section 11123:** Under these rules, **at least one member of the Planning Council** must be present at each teleconference location specified in the council's meeting notice.
2. **Government Code Section 11123.2 (Effective 1/1/2024 until 1/1/2026):** Under these rules, **a majority of the members** of the Planning Council must be physically present at the same teleconference location. However, a member participating remotely may count towards the majority that must be physically present at a teleconference location if certain conditions are met.
3. **Government Code Section 11123.5 (Effective 1/1/2024 until 1/1/2026):** Under these rules, **at least one staff member of the Planning Council** must be present at the primary physical meeting location during the meeting.
4. **Government Code Section 11123.5 (Effective 1/1/2026):** Under these rules, a **quorum of the members of the Planning Council** shall be in attendance at the primary physical meeting location.

Attendance Analysis

As of January 1, 2024 until January 1, 2026, the Planning Council may hold meetings by teleconference pursuant to the following three Government Code Sections: Section 11123, Section 11123.2 and Section 11123.5.¹ Effective January 1, 2026, the Planning Council may hold meetings by teleconference pursuant to Sections 11123 and 11123.5.

We understand that Sections 11123 and 11123.2 are considered regular teleconference rules and Section 11123.5 are special teleconference rules. (See California Department of Justice, Bagley-Keene Open Meeting Act Guide 2023, p. 24.) The Planning Council,

¹ We note that the authority to conduct teleconference meetings pursuant to Government Code Section 11123.5 only applies to advisory bodies. (Gov't Code § 11123.5(b), stating that "In addition to the authorization to hold a meeting by teleconference pursuant to subdivision (b) of Section 11123 or Section 11123.2, any state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body may hold an open meeting by teleconference as described in this section..."

as an advisory body, may choose to conduct its meetings pursuant to either the regular teleconference rules or the special teleconference rules. (*Id.*)

Regular Teleconferencing Rules Pursuant to Government Code Section 11123:

Section 11123 grants state bodies like the Planning Council general authority to hold open or closed meetings by teleconference consistent with the requirements specified in the section. (See Gov. Code §§ 11121(a), defining the term “state body,” and 11123(b).) Pursuant to subdivision (b) of Section 11123, if the Planning Council conducts a meeting by teleconference, “[e]ach teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public...” and “[a]t least one member of the state body shall be physically present at the location specified in the notice of the meeting.” (Gov. Code §§ 11123 (b)(1)(C) and (F).) (Emphasis added.) As applied, a teleconference meeting held pursuant to Government Code section 11123 requires that at least a single member of the Planning Council (not a majority) be present at each location specified in the meeting notice. However, each teleconference location must be (1) specified in the meeting notice and (2) the teleconference location must be publicly accessible.

Alternative Teleconferencing Rules Pursuant to Government Code Section 11123.2

a) A majority of members must be physically present at the same teleconference location.

Government Code Section 11123.2 applies to all state bodies and is effective from January 1, 2024 until January 1, 2026. (See Senate Bill 544, Laird, Chapter 216, Statutes of 2023, Section 1.) The Planning Council has the discretion to hold meetings pursuant to this section beginning January 1, 2024 for a two-year period.

Teleconference meetings held pursuant to Section 11123.2 require that “[a]t least one member of the state body shall be physically present at each teleconference location.” (Gov. Code § 11123.2(i).) In addition, “a majority of the members of the state body shall be physically present at the same teleconference location. Additional members of the state body in excess of a majority of the members may attend and participate in the meeting from a remote location. A remote location is not required to be accessible to the public. The notice and agenda shall not disclose information regarding a remote location.” (Gov. Code § 11123.2(j)(1).) (Emphasis added.) As applied, a majority of the Planning Council’s members must be in-person at the same physical meeting location unless a member meets certain conditions described below.

b) A member participating remotely may count towards the majority that must be physically present at a teleconference location under specified conditions.

Government Code section 11123.2 permits a member's remote participation if the member has a need to participate remotely due to a "physical or mental disability" that cannot be reasonably accommodated under the Americans with Disability Act and "the member notifies the state body at the earliest opportunity possible...of their need to participate remotely, including providing a general description of the circumstances relating to their need to participate remotely at the given meeting." (Gov. Code § 11123.2(j)(2).) **Under these conditions, the remotely participating member would be counted toward the majority of members required to be physically present at the same teleconference location. (*Id.*)**

If a member notifies the Planning Council of the need to attend and participate remotely, the Planning Council must take action to approve the exception and must request a general description of the member's circumstance requiring remote participation. (Gov. Code § 11123.2(j)(3).)

Special Teleconferencing Rules Pursuant to Government Code Section 11123.5 Effective January 1, 2024

Government Code section 11123.5 applies to "any state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body," which includes the Planning Council. Beginning January 1, 2024 until January 1, 2026, the Planning Council has the discretion to hold meetings pursuant to a version of Section 11123.5 that would permit Planning Council members to participate in meetings remotely and does not require the majority of members to meet in-person at the same location (See Senate Bill 544, Laird, Chapter 216, Statutes of 2023, Section 2.)

Pursuant to this version of Section 11123.5, a state body must "designate the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting, observe and hear the meeting, and participate. **At least one staff member of the state body shall be present at the primary physical meeting location during the meeting.** The state body shall post the agenda at the primary physical meeting location, but need not post the agenda at a remote location." (Gov. Code § 11123.5(f).) (Emphasis added.) We read this section to explicitly require, at a minimum, the in-person attendance of a single staff member of the Planning Council at the primary physical meeting location.

Special Teleconferencing Rules Pursuant to Government Code Section 11123.5 Effective January 1, 2026

Beginning January 1, 2026 and ongoing, the Planning Council has the discretion to hold meetings pursuant to a version of Section 11123.5 that requires a state body to "designate the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. **A quorum of the members of the state body shall be in attendance at the primary physical**

meeting location, and members of the state body participating remotely shall not count towards establishing a quorum.” (Gov. Code § 11123.5(e).) (Emphasis added.)

The Bagley-Keene Act and the state laws governing the Planning Council do not define what constitutes a quorum. However, according to a state Attorney General opinion, “a “quorum” is commonly understood to mean “[t]he minimum number of members (usually a majority of all the members) who must be present for a deliberative assembly to legally transact business.” (94 Cal. Op. Att’y Gen. 100 (2011).) Based upon this general rule, we think a majority of Planning Council members must be present at a primary physical meeting location to meet the quorum requirements of Section 11123.5.

Voting

The rules outlined for teleconferencing are silent on whether remote attendees can vote, however OLS believes they are permitted to. The full analysis of each section is below:

1. Government Code Section 11123.2 (Effective 1/1/2024 until 1/1/2026):

The code does not explicitly state that a member of the Planning Council that participates remotely is prohibited from voting, but does not expressly authorize members appearing remotely to vote either. The voting requirements pursuant to subdivision (l) of Section 11123.2 provide that “[a]ll votes taken during the teleconferenced meeting shall be by roll call.” In addition, subdivision (m) of Section 11123.2 provides that a “state body shall publicly report any action taken and the vote or abstention on that action of **each** member present for the action.” (Emphasis added.)

Taking action through “roll call vote or a specific tally” helps to satisfy vote reporting requirements by identifying each member’s vote or abstention. (See *New Livable Cal. v. Assn. of Bay Area Governments* (2020) 59 Cal. App. 5th 709, 712, fn. 2.) This procedure allows each member’s vote or abstention to be publicly reported in the state body’s official meeting minutes or other written summary of the body’s decisions. (California Department of Justice, Bagley-Keene Open Meeting Act Guide 2023, p. 22.)

Because Section 11123.2 would require a public report of the vote of each member of a state body present at the meeting, without any limitations regarding virtual or physical presence, we think the Planning Council members participating remotely would be permitted to vote in meetings held pursuant to Section 11123.2. However, we note that the statute is silent on this issue and you may wish to seek guidance from the Attorney General’s Office.

2. Government Code Section 11123.5 (Effective 1/1/2024 until 1/1/2026):

The version of Section 11123.5 effective from January 1, 2024, through January 1, 2026 does not include any procedural requirements pertaining to voting by each member or include requirements to publicly report each member’s vote. However, subdivision (b) of Section 11123.5 provides that “any state body that is...a multimember advisory body may hold an open meeting by teleconference as described in this section, provided the meeting complies with all of the section’s requirements and...it **also complies with all**

other applicable requirements of this article.” Subdivision (c) of Section 11123 is an applicable requirement and provides that “The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.”

Because Section 11123.5 would require a record of the vote of each member of a state body present at the meeting, without any limitations regarding virtual or physical presence, we think the Planning Council members participating remotely would be permitted to vote during meetings held pursuant to Section 11123.5. However, we note that the statute is silent on this issue and you may wish to seek guidance from the Attorney General’s Office.

3. *Government Code Section 11123.5 (Effective 1/1/2026):*

The version of Section 11123.5 effective on January 1, 2026, provides that “[a]ll decisions taken during a meeting by teleconference shall be by rollcall vote.” Moreover, as discussed above, the requirement to publicly report each member’s vote (without regard to physical or virtual attendance) pursuant to subdivision (c) of Section 11123 would remain applicable. As such, we think the Planning Council members participating remotely would be permitted to vote during meetings held pursuant to Section 11123.5 in effect from January 1, 2026 ongoing. However, as stated above, we note that the statute is silent on this issue and you may wish to seek guidance from the Attorney General’s Office.

Public Comment

The Council must provide members of the public attending a teleconference meeting an opportunity to address the Council, including individuals participating remotely. The full analysis of each section is below:

1. *Government Code Section 11123.2 (Effective 1/1/2024 until 1/1/2026):*

Pursuant to Section 11123.2, a “state body shall provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, ***remotely address the body***, or ***attend the meeting*** by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for each teleconference location. The telephonic or online means provided to the public to access the meeting shall be equivalent to the telephonic or online means provided to a member of the state body participating remotely.” (Subd. (d)(1).) This requires the Council to provide a “telephonic or online” mechanism for the public to attend and speak virtually at meetings; and the mechanism provided for the public must be equivalent to the mechanism used by Council members participating remotely.

2. *Government Code Section 11123.5 (Effective 1/1/2024 until 1/1/2026):*

Section 11123.5 is silent regarding whether the public must be allowed to address the Council virtually, but it requires all meetings conducted pursuant to Section 11123.5 to comply with other requirements of Article 9 (of Chapter 1, Part 1 of Division 3 of Title 2

of the Government Code). Section 1125.7, which is part of Article 9, sets forth rules regarding public participation in meetings held by public bodies, and therefore, applies to meetings held pursuant to Section 11123.5. Subdivision (a) of Section 11125.7 provides that a “state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body’s discussion or consideration of the item.” We think this provision requires the Council to provide members of the public an opportunity to address the Council, including individuals participating remotely.

3. *Government Code Section 11123.5 (Effective 1/1/2026):*

Subdivision (f) of Section 11123.5 that goes into effect on January 1, 2026, includes similar language requiring state bodies to provide a mechanism for the public to listen and observe a meeting when a member participates remotely. We think the same analysis in paragraph 5 above applies such that members of the public participating virtually must be provided the means to address the CBHPC.

Proposed Attendance Policy Options

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***Additions are shown with underlined text

Option 1: Hybrid-Teleconference Meetings

11.1 Quarterly Meeting Attendance Requirements

a. The Council will apply Bagley-Keene Special Teleconferencing meeting rules outlined in Government Code section 11123.5 to the quarterly meetings. In-person attendance is requested by all who can attend to ensure a quorum of the body at the meeting location is met. All Council members are required to attend three (3) of the four (4) Quarterly meetings each calendar year. Council Members must contact the Executive Officer if they plan to miss a quarterly meeting. Full attendance at Council meetings is required. Council Members may request to attend one meeting per year virtually for any reason with advance approval of the Executive Officer. The Executive Officer will track requests for virtual attendance and submit them to the Officer Team for approval to ensure a majority of the body will be in attendance for each quarterly meeting.

b. Council Members may request an exemption from the above in-person attendance requirement as a reasonable accommodation. Accommodations will be approved by the Officer Team in accordance with Government Code 11123.2 and re-evaluated on an annual basis.

~~b~~ c. Council Members are to attend all quarterly meetings in their entirety. When a pattern of non-participation occurs, it will be addressed by the Council Chairperson and Executive Officer. Should the non-participation continue, the member will not be eligible for reappointment.

Option 2: Hybrid Committee Meetings and In-person General Session

a. The Council will apply Bagley-Keene Special Teleconferencing meeting rules outlined in Government Code section 11123.5 to the committee meetings and the regular meeting rules outlined in Government Code section 11122.5 to the General Session meetings. In-person attendance is required at General Session to ensure a quorum of the body is met so the Council may conduct its business. All Council members are required to attend three (3) of the four (4) Quarterly meetings each calendar year. Council Members must contact the Executive Officer if they plan to miss a quarterly meeting. Full attendance at Council meetings is required. Council Members may request to attend committee meetings virtually once per year for any reason with advance approval of the Executive Officer. Approved virtual attendance does not count as an absence for the Council Member.

Note: Sections “b” and “c” of the attendance policy are the same for both meeting options and are outlined above.

TAB 4**California Behavioral Health Planning Council
Executive Committee****Wednesday, January 17, 2024****Agenda Item:** Expenditure Reports & Allotment Updates**Enclosures:** Fiscal Year 23-24 Expenditure Report (Please contact Naomi Ramirez at naomi.ramirez@cbhpc.dhcs.ca.gov for a copy of this document.)**Background/Description:**

The Fiscal Year 23-24 expenditure report to date is enclosed for your review. The Chief of Operations, Naomi Ramirez, will provide an overview of this report and the Fiscal Year 22-23 closeout report.

At the October 2023 meeting, Naomi Ramirez reported that the Department of Health Care Services received an increase in Mental Health Block Grant (MHBG) funding for Fiscal Year 2023-24. On October 23, 2023, Naomi Ramirez and Executive Officer, Jenny Bayardo met with the Federal Grants Section, within the Department of Health Care Services to request that the Council receive an increased MHBG allotment as a result of the increased funding. During this agenda item, the committee will also receive an update on the outcome.

TAB 5**California Behavioral Health Planning Council
Executive Committee****Wednesday, January 17, 2024****Agenda Item:** Annual Report**Enclosures:** 2023 Annual Report**Background/Description:**

Each year the Council creates a Year End Report to chronicle its activities and accomplishments. This report is presented to the DHCS, the Legislature, and the MHSOAC as well as other organizations to highlight and promote the work of the Council.

This report is shared with the Executive Committee for review and comment.

TAB 6**California Behavioral Health Planning Council
Executive Committee****Wednesday, January 17, 2024****Agenda Item:** Transparency Statement (Action Item)**Enclosures:** Updated 2023-2024 Transparency Statement**Background/Description:**

Several Council Members were appointed after the 2023-2024 Transparency Statement was approved in June of 2023. Enclosed is the updated Transparency Statement for Executive Committee review and approval.

10.5 Transparency Policy

To facilitate open communication and understanding on all projects conducted by the California Behavioral Health Planning Council (CBHPC) among its members who may or may not be involved in paid employment related to CBHPC business, Planning Council members will notify the Executive Officer, who will place a transparency statement notification on the Executive Committee agenda to be included in the Executive Committee minutes when the following occurs:

- A member is doing paid work for the California Department of Health Care Services (DHCS) or other state agencies whose work may be reviewed by the CBHPC
- A member is doing paid work for the federal government that may be related to federal Substance Abuse and Mental Health Services Administration (SAMHSA) Act Block Grant activities
- A member is doing paid work for a contractor of the DHCS
- A member is doing paid work for a county when that work is likely to be reviewed by the CBHPC

Date Reported	Council Member Name	Activity	Date of Executive Committee Approval
6/14/23	John Black	Contractor, MHSA-funded project, Merced County	6/14/23
6/14/23	Walter Shwe	Employee, Behavioral Health Concepts, EQRO Contractor of DHCS	6/14/23
6/14/23	Veronica Kelley	Director, Orange County Mental Health & Recovery Services	6/14/23
6/14/23	Steve Leoni	Contractor, Progress Foundation San Francisco	6/14/23
6/14/23	Deborah Starkey	Employee, Turning Point Community Programs contracts with Butte, Nevada, Placer, Sacramento, San Joaquin, Stanislaus, Solano, Sonoma and Yolo counties.	6/14/23
6/14/23	Tony Vartan	Director, Stanislaus County Behavioral Health	6/14/23
6/14/23	Arden Tucker	Employee, Behavioral Health Concepts, EQRO Contractor of DHCS	6/14/23

Date Reported	Council Member Name	Activity	Date of Executive Committee Approval
6/14/23	Barbara Mitchell	Consultant, California Association of Social Rehabilitation Agencies (CASRA)	6/14/23
6/14/23	Javier Moreno	Employee, Aegis Treatment Centers LLC contracted with 44 (3/4) of the counties statewide	6/14/23
12/20/23	Don Morrison	Employee, Youth For Change, program contracted to Sutter-Yuba Behavioral Health	
12/20/23	Maria Sierra	Employee, Victor Community Support Services, a contractor for San Joaquin County	
12/20/23	Susie Baker	Employee, Kern Behavioral Health and Recovery Services	
12/20/23	Danielle Sena	Employee, SoCal Detox	