

# CBHPC Executive Committee Meeting

## October 18, 2023

### 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.