



# **RULES OF PROCEDURE**

## **Proposed February 2021 amendments**

(New language is shown in underlined text  
and deleted language is shown in  
strikethrough text.)

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To be added when document is completed.

### MISSION

The Mental Health Services Oversight and Accountability Commission works through partnerships to catalyze transformational change across systems and ensure everyone who needs mental health care has access to and receives effective and culturally competent care.

### GOVERNANCE PHILOSOPHY

Integrity and sound stewardship in adherence to the Commission's Mission, Vision, and Core Principles are paramount in the governance of all Commission activities. The Commission will govern itself with an emphasis on the following:

- a. Collaborating with clients, their families, and underserved communities
- b. Advancing health equity and strategies to eliminate disparities
- c. Promoting mental wellness and supporting recovery and resiliency
- d. Advancing an objective understanding and incorporating diverse viewpoints
- e. Making decisions in a transparent, responsive, and timely manner
- f. Striving to improve results and outcomes
- g. Elevating transformative vision and strategic leadership
- h. Working collaboratively to drive system-scale improvements
- i. Being proactive

Specifically:

- a. ~~The MHSOAC will cultivate a sense of group responsibility. The MHSOAC will be responsible for excellence in governing. The MHSOAC will use the expertise of individual members to enhance the ability of the MHSOAC.~~
- b. ~~The MHSOAC will direct evaluate, and inspire the organization through the careful establishing written policies, procedures and directives.~~
- c. ~~The MHSOAC will enforce upon itself the necessary discipline to govern with excellence, including preparation and regular attendance at meetings, thorough preparation by each member for each meeting, adherence to its policymaking principles, and respecting the roles.~~
- d. ~~Continual development of the MHSOAC will include orientating of new members in the Commission's governance policies and processes, periodic re-orientation of existing members, and regular discussion of process improvement.~~
- e. ~~The MHSOAC will regularly discuss and evaluate its performance and take steps to improve its effectiveness.~~

## COMMISSIONERS

### 1.1 Terms of Commissioners

- A. The Commission consists of 16 voting members: the Attorney General or designee; the Superintendent of Public Instructions or designee; the Chairperson of the Senate Committee on Health, the Chairperson of the Senate Committee on Human Services, or another member of the Senate selected by the President pro Tempore of the Senate; the Chairperson of the Assembly Committee on Health or another member of the Assembly selected by the Speaker of the Assembly; and twelve members appointed by the Governor to specified seats: two individuals with lived experiences, two family members, a physician specializing in alcohol and drug treatment, a mental health professional, a county sheriff, a superintendent of a school district, a representative of a labor organization, a representative of an employer with less than 500 employees, a representative of an employer with more than 500 employees, and a representative of a health care services plan or insurer. (Welfare and Institutions Code Section 5845)
- B. Pursuant to Welfare and Institutions Code Section 5845, The term of each Commissioner is three years, to be staggered so that approximately one-third of the appointments expire in each year. A Commissioner may resign prior to the end of the Commissioner's term by submitting written notification to the appointing authority and sending a copy of the resignation to the Commission Chair and the Executive Director. A Commissioner who desires to serve after their term has expired shall notify the Commission Chair and the Executive Director in writing of their intention to serve until reappointed or replaced by a new appointee. Members shall Commissioners serve without compensation but shall be are reimbursed in accordance with the policy of the State of California for all actual and necessary expenses incurred in the performance of their duties. (Welfare and Institutions Code Section 5845)

If a Commissioner cannot attend a Commission meeting he or she will notify the Chair and the Executive Director of such absence in advance of the Commission meeting. If a Commissioner misses one (1) Commission meeting without notice or three (3) Commission meetings in a calendar year with notice the Chair shall notify the Commissioner and that Commissioner's appointing power in writing that the attendance record of the Commissioner be improved or that the Commissioner be replaced.

### 1.2 The Role of Commissioners

- A. Commissioners are expected to work collectively to accomplish the Commission's goals as adopted by the Commission and to attend Commission meetings in person or via teleconference.
- B. At the request of the Chair, Commissioners are expected to serve as a member of a committee, subcommittee, or other Commission body.
- C. At the request of the Chair, Commissioners are expected to represent the Commission in meetings, conferences, testimony in public hearings, and other speaking engagements.

- D. The Commissioner with the most seniority and present at the meeting is expected to preside at the Commission meeting when neither the Chair nor Vice Chair is available to run all or part of the meeting.
- E. The best decisions come out of unpressured collegial deliberations and the Commission MHSOAC seeks to maintain an atmosphere where the Commissioners ~~or Committee members~~ can speak freely, explore ideas before becoming committed to positions and seek information from staff and other members. To the extent possible the Commission MHSOAC encourages members to come to meetings without having fixed or committed their positions in advance.

### **1.3 Chair**

A. Election of the Chair

A.1. The Commission shall elect a Chair shall be elected at a MHSOAC Commission meeting preferably held in September but no later than during the last quarter of the calendar year. The Chair shall be elected by a majority of the members of the MHSOAC Commissioners present and voting consistent with the Rule 4.11A and shall assume all duties and presides at all MHSOAC meetings starting January 1, following the election. The Chair is elected to a one-year term. A Commissioner may be elected to serve more than one term as Chair. The term of the Chair shall be one year each.

A.2. In the event more than two candidates are nominated for Chair and no candidate receives a majority of the votes cast, the balloting shall continue, and another vote taken between the two candidates receiving the highest number of votes.

B. Duties of the Chair

B.1. The Chair, with input from Commissioners and staff, sets the Commission's meeting agenda, prioritizing and scheduling agenda items as appropriate, and conducts the meetings.

B.2. The Chair appoints Commissioners to Commission subcommittees, committees, or other bodies as necessary to conduct the Commission's business.

B.3. The Chair provides guidance and direction to the Executive Director on Commission business, including but not limited to: (a) advocating on legislation consistent with Commission Rule 2.5; (b) approving Innovation projects consistent with Commission Rule 2.6; and (c) placing items on the Commission agenda consistent with Commission Rule 4.5.

B.4. In the event the Chair is unable to continue with the Chair's duties due to resignation, death, incapacity, or no longer being a member of the Commission, the Vice Chair shall assume all of the responsibilities of the Chair until a successor is elected. The election shall be held within 60 days of the vacancy.

## 1.4 Vice Chair

### A. Election of the Vice Chair

A.1. The Commission shall elect the Vice Chair shall be elected at a MHSOAC Commission meeting preferably held in September but no later than during the last quarter of the calendar year. The Vice Chair shall be elected by a majority of the members of the MHSOAC Commissioners present and voting consistent with the Rule 4.11A and shall assume all duties and presiding at all MHSOAC meetings starting January 1, following the election. The Vice Chair is elected to a one-year term. A Commissioner may be elected to serve more than one term as Vice Chair.

A.2. In the event more than two candidates are nominated for Vice Chair, and no candidate receives a majority of the votes cast, the balloting shall continue, and another vote taken between the two candidates receiving the highest number of votes.

### B. Duties of the Vice Chair

B.1. The Vice Chair fulfills the role of Chair and presides at meetings in the absence of the Chair.

B.2. In the event the Vice Chair is unable to continue with the Vice Chair's duties due to resignation, death, incapacity, or no longer being a member of the Commission, an election for a successor shall be held within 60 days of the vacancy.

B.3. When neither the Chair nor Vice Chair is available to run all or part of the meeting, e.g., both officers may be absent, need to leave the room, or are disqualified from discussion and action on an item due to conflict of interest, the most senior Commissioner with the most seniority on the Commission who is present shall preside at the meeting.

## 1.5 Commission Member Vacancy

~~Commissioners may leave office at the end of their term or sooner.~~ When a vacancy occurs on the Commission, a successor is selected by the appointing ~~authority power~~.

## 1.6 Compensation and Expenses

Commissioners, ~~staff, agenda presenters, and active Committee members~~ will be reimbursed in accordance with State per diem laws. Also, any reasonable business expenses incurred will be reimbursed as authorized by law the Commission. ~~On a case by case basis the designee of a Committee member may also be reimbursed in accordance with the State per diem laws.~~

## 1.7 Training and Orientation

- A. New ~~Commissioners~~ ~~members~~ shall within 30 days of being appointed receive ~~training~~ and orientation in: (1) Commission governance, policies and procedures, including the Commission's Strategic Plan, Mission Statement, Vision Statement, Core Principles, and governance philosophy; (2) Commission strategic directives; (3) Mental Health Services Act (MHSA) programs and issues, including the principles of recovery, consumer and family-driven decision making, community collaboration, meaningful stakeholder outreach and engagement, cultural competence and the imperative to reduce disparities; and (4) relevant laws and statutes.
- B. At or before the orientation session, the new ~~Commissioner~~ ~~member~~ will receive the following documents:
- 1) The Bagley-Keene Open Meeting Act
  - 2) Information on the Political Reform Act and how it affects Commissioners
  - 3) The Commission's Conflict of Interest Code
  - 4) The Commission's Rules of Procedure
  - 5) List of Commission meeting dates and locations
  - 6) Any other documents that may be helpful to the Commissioner to fulfill the Commissioner's responsibilities on the Commission
    - 1) ~~Listing of names, addresses, and contact information for the Commission members;~~
    - 2) ~~Listing of names and contact information for MHSOAC Staff~~
    - 3) ~~Copy of the Rules of Procedure~~
    - 4) ~~Brief history and overview of MHSOAC including mission, purpose statement, and Proposition 63~~
    - 5) ~~Information about the Political Reform Act and how it affects the Commissioners~~
    - 6) ~~Information about the travel reimbursement procedures~~
    - 7) ~~List of meeting dates and locations~~
    - 8) ~~Copy of the Bagley-Keene Open Meeting Act~~
    - 9) ~~Summary of Robert's Rules of Order~~
    - 10) ~~Copy of the following documents:~~
      - a) ~~Mental Health Services Act Prevention and Early Intervention: County and State Level Policy Direction;~~

- ~~b) Recommendation to the MHSOAC for funding for Innovative Programs;~~
- ~~c) Eliminating Stigma and Discrimination Against Persons with Mental Health Disabilities;~~
- ~~d) Mental Health Services Oversight and Accountability Commission Report on Co-Occurring Disorders;~~
- ~~e) Mental Health Services Oversight and Accountability Commission Position Paper on Training and Education;~~
- ~~f) Any other policy paper adopted by the Commission~~

C. As required by Government Code Sections 11146 through 11146.4 and 12950.1, within six months of beginning service as a Commissioner and at least every two years thereafter, ~~members of the Commissioners~~ shall receive training on laws related to ethics, conflict of interest requirements, governmental transparency, open government, fair government processes, and sexual harassment and abusive conduct prevention.

### **1.8 Statement of Economic Interest – Form 700**

Each Commissioner is required by the California Political Reform Act and the corresponding regulations to file a Statement of Economic Interests, Form 700: (1) within 30 days of being appointed; (2) on a yearly basis as prescribed by law; and (3) within 30 days of ending Commission membership.

### **1.9 Conflict of Interest**

A. Presence of a conflict of interest prohibits Commissioners as public officials from participating in discussion about or taking action on an item. Provisions in California statutes, regulations, and case law define and provide guidelines related to conflict of interest. A Commissioner shall not make, participate in making, or in any way attempt to use ~~his or her~~ the Commissioner's official position to influence a Commission decision in which ~~he or she~~ the Commissioner knows or has reason to know the Commissioner has a financial interest (Government Code Section 87100). Additionally, Commissioners must be guided solely by the public interest, rather than by personal interest, when dealing with contracting in an official capacity (Government Code Section 1090 et seq.).

B. A Commissioner who has a financial conflict of interest ~~must~~ shall do the following:

- 1) Notify the Executive Director as soon as possible if any agenda item presents a potential conflict of interest. This will prepare the Chair to announce the Commissioner's nonparticipation in any discussion, deliberation or vote when the item comes up.
- 2) Publicly identify, in enough detail to be understood by the public, the financial interest that causes the conflict of interest or potential conflict of interest.
- 3) Recuse ~~himself or herself~~ themselves from discussing or voting on the matter or from attempting to use ~~his or her~~ their position to influence the decision.

~~The Commission will adopt for itself and adhere to an Incompatible Activities Policy.~~

### **1.10 Commission Representation**

- A. Every Commissioner ~~member of the MHSOAC~~ has retains the right to express ~~his or her~~ their opinion on any subject whenever the ~~member~~ Commissioner is acting as an individual and not on behalf of ~~or at the expense of~~ the Commission.
- B. Commissioners who agree to represent the Commission ~~in meetings, conferences, testimony in public hearings, speaking engagement, etc.~~, and do so at the request of the Commission, ~~with or without reimbursement,~~ agree also to represent only the officially approved positions of the Commission or a complete and accurate presentation of issues under consideration by the Commission. Commissioners whose personal positions are in conflict with the Commission's official positions must represent either the Commission's positions only or decline the request to represent the Commission.
- C. A Commissioner is considered to be acting officially on behalf of the Commission whenever ~~he or she~~ the Commissioner states or implies that ~~he or she~~ they are acting as a representative or member of the Commission, whenever the ~~member~~ Commissioner is authorized by the Commission to represent it, or the activity of the ~~member~~ Commissioner results in an expense ~~direct or indirect~~ to the Commission. Examples of such expenses include but are not limited to compensation for travel, per diem, phone calls, postage, use of Commission stationary, or other materials produced or furnished by the Commission.
- D. Nothing shall prevent ~~members of the~~ Commissioners from expressing their views as individuals in ~~regular or special meetings of the Commission~~ meetings or activities when these views bear directly upon policy issues under discussion.

## **EXECUTIVE DIRECTOR**

### **2.1 Duties of the Executive Director**

- A. The Executive Director is appointed and discharged by the Commission ~~MHSOAC~~. The Executive Director acts under the authority of, and in accordance with direction from the Commission ~~MHSOAC~~. ~~Commissioners should direct their requests for information or assistance from staff to the Executive Director.~~
- B. The Executive Director represents the Commission and advances its goals by working with California's constitutional officers, federal, state and local agencies, national and international organizations, private sector leaders, and other stakeholders, including but not limited to, consumers, families, and representatives of diverse communities.

~~The Executive Director also serves as the Commission's liaison with, county commissions, other mental health associations and stakeholder groups.~~



- C. The Executive Director presents to the Commission the annual budget and expenditures at the beginning of the fiscal year for Commission adoption, a mid-year expenditure report, and a close-of-year expenditure report.
- D. The Executive Director fulfills the responsibilities set forth in the Executive Director's duty statement and implements the delegated authority specified in the Rules of Procedure.
- a) ~~Achieving the results set forth in the Multi-Year Strategic Plan of the MHSOAC within the appropriate and ethical standards of business conduct set by the Commission and the State of California;~~
  - b) ~~Plan, organize, direct, and administer all activities, programs and functions of the MHSOAC;~~
  - c) ~~Respond to direction from the Chair to develop ideas for programs and/or initiatives reflecting the MHSOAC's goals.~~
  - d) ~~Direct the preparation of all reports to be submitted by the MHSOAC to the Governor and Legislature;~~
  - e) ~~Direct the preparation of the MHSOAC's annual budget for review by the Chair and submission to the Department of Finance, and/or the Legislative Analyst;~~
  - f) ~~Direct the implementation of all federal and state statutes and regulations and Commission policies that require action by staff, administer the civil service system (including hiring, evaluating and terminating all employees), attend meetings of the Commission and report on the general affairs of the Commission, and keep the Commission advised as to the needs of the MHSOAC.~~

## **2.2 Designation of Acting Executive Director**

When the Executive Director is absent or otherwise unavailable to perform the duties set forth in these Rules of Procedure, ~~of the office~~ the Executive Director may designate in writing another person to act on the Executive Director's behalf. Within 24 hours of such delegation the Executive Director shall notify the Chair and Vice Chair of the delegation including the scope and duration of the delegation.

## **2.3 Evaluation of Executive Director**

The Commission shall in closed session evaluate the Executive Director's performance on an annual basis. Prior to the closed session evaluation, the Chair and Vice Chair will provide the Executive Director with a performance review to be discussed in the closed session evaluation. The evaluation will be based on the ~~MHSOAC's accomplishment of the Commission's Multi-Year Strategic Plan;~~ performance goals and professional development objectives adopted ~~annually~~ by the Commission and the Executive Director's duty statement developed ~~and adopted~~ by the Commission.

**2.4 Contract Authority.** Pursuant to the MHSOAC Resolution adopted on March 24, 2011,

- A. The Executive Director has the authority to take all actions necessary to enter into contracts on the Commission's behalf of the MHSOAC in the amount of \$100,000 \$200,000 or less and to enter into Interagency Agreements in the amount of \$200,000 \$400,000 or less.
- B. The Executive Director, with the consent of the Chair and Vice Chair, has the authority to take all actions necessary to enter into contracts on the Commission's behalf in the amount of \$200,001 and \$500,000 and to enter into Interagency Agreements in the amount of \$400,001 and \$750,000.
- C. The Executive Director shall ensure that information on all contracts that the Commission has entered into, including contracts under this Rule 2.4, is included in the Commission's publicly reported budget information.

**2.5 Authority of the Executive Director to Advocate on Legislation.**

- A. The Commission is authorized to advise the Governor and Legislature regarding actions the State may take to improve the mental health care and services of Californians. As part of this authority, the Commission may advocate on legislation.
- B. The Executive Director, or ~~his or her~~ the Executive Director's designee, is authorized on behalf of the ~~MHSOAC~~ Commission to advocate on legislation: (1) when the legislation ~~is consistent with~~ advances a formally established position of the Commission; ~~or~~ (2) at the direction of the Chair and when the legislation furthers the interest of the Commission; ~~or~~ (3) after full discussion with and at the direction from the full Commission.
- C. The Executive Director shall give an update of all advocacy efforts, except confidential budget proposals, taken on behalf of the Commission at the next Commission meeting following the advocacy efforts.

**2.6. Authority to Approve Innovation Projects.**

- A. The Executive Director, with the consent of the Commission Chair, is authorized to approve a county Innovation plan that meets any of the following conditions:
  - 1) The county Innovation plan, plan extension or modification does not raise significant concerns or issues and includes total MHSA Innovation spending authority of \$1,000,000 or less.
  - 2) The county Innovation plan is substantially similar to a county Innovation proposal that has been approved by the Commission within the past three years, if in the judgement of the Executive Director,
    - a) differences in the county Innovation proposal and a previously approved plan are not material to concerns raised by the Commission in its previous review and are non-substantive, and
    - b) the new project furthers the ability of the previously approved Innovation plan to support statewide transformational change.

- B. The Executive Director shall publicly report to the Commission, at the next Commission meeting ~~at the first available opportunity~~ any county Innovation plan approved by the Executive Director on behalf of the Commission under this delegated authority.

## **2.6 Authority to Approve Additional Funding for Previously Approved Innovation Projects**

~~The Executive Director, or his or her designee, is authorized to approve a county's request to expend additional Mental Health Services funding in an amount not to exceed \$500,000 or 15% of the total project, whichever is less, for an Innovation project that has been previously approved.~~

## **LEGAL COUNSEL**

### **3.1 Duties of Chief Legal Counsel**

- A. Chief Counsel provides legal advice to the MHSOAC Commission and ~~The Chief Counsel~~ reports both to the MHSOAC Commission and to the Executive Director.
- B. Chief Counsel is responsible for, among other things, advising staff regarding all relevant legal matters and supporting the legal inquiries and meeting activities of the MHSOAC Commission.
- C. In situations where the Chief Counsel ~~would have~~ may have a conflict of interest, or where legal expertise outside the practice of Chief Counsel is imperative, the Commission may consult ~~consultation with~~ the office of the Attorney General or another state department ~~via an interagency agreement is available~~.
- D. Counsel shall not provide legal counsel to members of the Commission except in their role as members of the MHSOAC Commission.

### **3.2 Hiring Chief Counsel**

- A. The Executive Director is responsible for hiring and discharging the Chief Counsel.
- B. The Executive Director is responsible for evaluating the Chief Counsel's performance with input from the MHSOAC Commission and staff.

## **COMMISSION MEETINGS**

### **4.1 Frequency of Meetings**

- A. MHSOAC Commission meetings are to be held as often as is necessary to enable the Commission to fully and adequately perform its duties, but ~~it shall not meet~~ not less than once each quarter. ~~at any time and location convenient to the public as it may deem appropriate~~. All meetings shall be open to the public pursuant to the Bagley-Keene Open Meeting Act.

- B. The MHSOAC Commission meeting schedule for the ~~following~~ calendar year is approved in January of that calendar year.

#### **4.2 Robert's Rules of Order**

Robert's Rules of Order will be used as a guide at ~~the Commission and Committee~~ meetings.

#### **4.3 Open Meetings**

- A. Commission meetings are subject to the Bagley-Keene Open Meeting Act set forth in Government Code Sections 11120 et seq.
- B. The Bagley-Keene Open Meeting Act prohibits Commissioners from using direct communication, personal intermediaries, or technological devices to discuss, deliberate, or take action outside of an open meeting (Government Code Section 11122.5 (b)). Serial meetings are also prohibited. A serial meeting is a series of communications, each of which involves less than a quorum of the Commission, but which taken as a whole involves a majority of the Commission's members. (Government Code Section 11122.5)

~~The principal law that governs the meetings of the MHSOAC and its Committees is the Bagley-Keene Open Meeting Act which is set forth in Government Code Sections 11120 et seq.~~

#### **4.4 Serial Meetings**

#### **4.5 4.4 Agenda Items**

- A. A Commission meeting agenda may include action or information items.
- B. Action items that are non-controversial or pro forma may be placed on the consent calendar. All items on the consent calendar are voted upon as one unit and are not voted upon as an individual item. At the meeting any Commissioner may ask that a matter be removed from the consent agenda and that request shall be effective without further action. If a matter is removed from the consent agenda it ~~shall~~ may be discussed at a ~~point~~ the same meeting or at a different Commission meeting as deemed appropriate by the Commission. There shall be no discussion or presentations made concerning items that remain on the consent agenda.

Staff prepares briefing materials on each agenda item and provides Commissioners with those materials in advance of the meeting. These materials provide Commissioners with a detailed description of a proposed course of action, background information, fiscal impact, the pros and cons of taking the action, and similar information for alternative actions.

#### **4.6 4.5 Request for Item to be Placed on the Agenda**

- A. Agenda items are placed on the Commission's meeting agenda with the approval of the Chair and Executive Director. The final meeting agenda is approved by the Chair and the Executive Director after consultation with the Chief Counsel.
- B. Individual Commissioners wishing to place items on the agenda should contact the Chair or the Executive Director.
- C. Members of the public wishing to place items on the agenda should contact Commission staff.

~~Agenda items shall only be placed on the Commission's agenda at the request of (1) a Committee of the MHSOAC; (2) a member of the MHSOAC; or (3) MHSOAC staff with the approval of the Executive Director. Members of the public wishing to place items on the agenda must go through one of the above.~~

~~Before agenda and meeting packets are finalized, they shall be reviewed by the Chair of the Commission, the Executive Director, Chief Counsel. The Chair of the Commission, the Executive Director, and the Operations Committee shall work together to develop and set the Commission agendas.~~

#### **4.7 4.6 Exhibits and Handouts**

- A. Agendized presenters who are not associated with the Commission may provide exhibits and handouts related to their presentation for distribution at the Commission meeting and are encouraged to submit them to the Commission at least two weeks before the meeting. Additionally, they are encouraged to provide the materials in an electronic format that meets federal and state accessibility standards.
- B. The Commission will make the above-mentioned materials available to the public by publishing them on the Commission website in a format that meets federal and state accessibility standards. The Commission will also send a notice to the Commission's list-serve that the materials have been published on the website.
- C. If the above-mentioned materials were received by the Commission within a reasonable time before the meeting date, the Commission will also make those materials available in printed format for public inspection on the day of the meeting.

~~Presenters may provide exhibits and handouts for distribution to the Commissioners. Presenters are encouraged to provide sixteen copies to the Commission office for distribution to the Commissioners and staff. Staff at least two weeks before the Commission meeting. Staff will post the material on the Commission website and notice of the posting will be emailed to the MHSOAC list-serve. The materials will also be made available to the public at the meeting.~~

#### 4.8 4.7 Public Agenda Notice (PAN)

- A. A public agenda notice of any Commission meeting must be ~~given and~~ made available on the Commission's website at [www.MHSOAC.ca.gov](http://www.MHSOAC.ca.gov), at least 10 calendar days before the meeting. The PAN public agenda notice will also be emailed to the ~~MHSOAC Commission's~~ list-serve. A copy of the public agenda notice will also be sent to any person who requests one in writing ~~it a PAN in writing must be sent a copy.~~ (Government Code Section 11125).
- B. The PAN public agenda notice of a Commission meeting must include the name, address, and telephone number of the individual who can provide additional information prior to the meeting and the address of the internet site where notices are posted. (Government Code Section 11125)
- C. The PAN public agenda notice of a Commission meeting must also include a specific agenda for the meeting containing a brief description of the items of business to be transacted or discussed in either open or closed session. No agenda items may be added after the ten-day period begins, unless permitted by specific exceptions set forth in the Bagley-Keene Open Meeting Act. (Government Code Section 11125)
- D. ~~Upon request by a person with a disability the PAN~~ The public agenda notice of a Commission meeting shall also be made available in appropriate alternative formats as required by Section 202 of the American with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof. The PAN public agenda notice shall include information regarding how, to whom, and by when a request for any disability-related modification or accommodation including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting. (Government Code Section 11125)

#### 4.9 4.8 Availability of Commission Meeting Materials

- A. The PAN public agenda notice and all other materials distributed to the Commissioners prior to or at a Commission meeting are public records and as such are subject to disclosure, unless a recognized exemption applies under California Public Records Act, set forth in Government Code Sections 6250 et seq. or the Bagley-Keene Open Meeting Act set forth in Government Code Sections 11120 et seq. Commission meeting materials are available to the public at [www.MHSOAC.ca.gov](http://www.MHSOAC.ca.gov). ~~as attachments to the PAN~~ The Commission will also make meeting materials available for public inspection in printed format on the day of the meeting.
- B. The Bagley-Keene Open Meeting Act provides that unless a specific exemption applies, materials writings pertaining to agenda items that are public records and have been distributed to the Commission by the staff or individual Commissioners prior to or during the meeting must be made available for public inspection at the meeting. Materials pertaining to agenda items ~~or if prepared by a person other than staff or a Commissioner shall be made available after the meeting.~~ In addition, the materials writing shall be distributed to all persons who request or have requested copies of the materials writing and will be ~~made~~ available on the ~~MHSOAC~~ Commission's website.

#### **4.10 4.9 Closed Sessions**

- A. Any closed session must be noted on the meeting agenda and properly noticed, citing the statutory authority or provision of the Bagley-Keene Open Meeting Act that authorizes the closed session. The Commission may only hold closed sessions for the reasons set forth in the Bagley-Keene Open Meeting Act. ~~Pursuant to the Bagley-Keene Open Meeting Act, the following matters may be properly conducted in closed session:~~
- ~~• To consider the appointment, employment, evaluation of performance, discipline or dismissal, as well as to hear charges or complaints about a Commission employee's actions (Government Code Section 11126(a)(1)).~~
  - ~~• To confer with or receive advice from legal counsel regarding pending litigation when discussion in open session would prejudice the Commission's position in the litigation (Government Code Section 11126(e)(1)).~~
- B. Prior to convening a closed session, the Chair must publicly announce those issues that will be considered in closed session (Government Code Section 11126.3). This can be done by a reference to the item as properly listed on the agenda. After the closed session has been completed, the ~~MHSOAC~~ Commission must reconvene in public prior to adjournment (Government Code Section 11126.3). If the closed session involved a decision to hire or fire an individual the Chair is required to report the action taken, and any roll call vote taken.
- C. Chief Counsel will attend each closed session and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. These minutes are confidential, maintained ~~in a sealed envelope~~ by Chief Counsel, and are discoverable only to the Commission itself or to a reviewing court. The minutes may, but need not, consist of a recording of the closed session. (Government Code Section 11126.1)

#### **4.11 4.10 Teleconference Meetings**

Pursuant to the Bagley-Keene Open Meeting Act ~~provides that the MHSOAC Commission or committees~~ may hold a meeting by audio or audio-visual teleconference for the benefit of the public and the Commission ~~or committee~~. (Government Code Section 11123) All ~~PAN~~ public agenda notice requirements apply.

#### **4.12 4.11 Quorum**

- A. A simple majority of the Commission's statutory membership shall constitute a quorum for the transaction of business. The Commission's statutory membership is 16 members making nine members a quorum. When a quorum is present, a simple majority of those present and voting may act to bind the Commission.
- B. A meeting at which a quorum is initially present may continue, notwithstanding the withdrawal of Commissioners and the absence of a quorum. The only action that may be taken in the absence of a quorum is to fix the time to adjourn, recess, or take measures to obtain a quorum.

~~Every act or decision done or made by a majority of the Commissioners present at the meeting duly held at which a quorum is present, shall be regarded as binding. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of Commissioners below a quorum, if any action taken is approved by at least a majority of the required quorum for the meeting.~~

#### **4.13 4.12 Voting**

- A. After a motion is made, seconded, and public comment has been heard, the Commission may vote. A Commissioner must be present to vote.
- B. A Commissioner ~~member~~ who is disqualified in a matter because of financial contributions, financial interest, or another conflict is not entitled to vote. The Commissioner is required to announce at the meeting that the Commissioner ~~he or she~~ will not participate and disclose the reasons for the disqualification on the record. This information is noted in the meeting minutes.
- C. A Commissioner may “abstain” from voting, if the Commissioner ~~he or she~~ is entitled to participate but chooses not to. The reason for abstaining ~~participating~~ need not be disclosed on the record.
- D. Prior to voting on a policy project report, the Commission shall consider the report in at least one meeting prior to the meeting at which the motion to approve is considered.
- E. Approval of a policy project report by a subcommittee of the Commission constitutes the “first reading” of a policy project report.
- F. The Commission may determine that the timely release of a policy project report is in the public interest and may vote to suspend this rule in order to approve a policy project report in a single meeting.

~~Any proposed policy item on the agenda, along with its corresponding language/documents, shall be presented for discussion at a Commission meeting at least one (1) meeting prior to the meeting at which the vote on the issue is taken.~~

~~The Commission may take action, by a simple majority, on an agenda item at the same meeting that the item is presented if the Commission deems that there exists a need to take action.~~

~~Approval of county MHSA Innovation Plans is exempt from this review schedule and may be voted upon at the Commission meeting at which they are first presented by staff and need not be posted 30 days before the meeting.~~

#### **4.14 4.13 Public Comment**

- A. Opportunity is provided for the public to address the Commission on agenda items. The Commission may adopt reasonable procedures so that members of the public have an



opportunity to directly address the Commission on each agenda item before the Commission. These procedures may include limiting the total amount of time allocated for public comment on a specific agenda item ~~particular issues~~ and for each individual speaker. (Government Code Section 11125.7)

- B. If the agenda item has already been considered by a multi-member body committee composed exclusively of members of the Commission at a public meeting where interested members of the public were afforded the opportunity to address the multi-member body committee on the item, additional public comment opportunity at the Commission meeting need not be provided unless the item has been substantially changed since the multi-member body committee heard the item. (Government Code Section 11125.7)
- C. Members of the public who wish to provide public comment at a meeting are encouraged to complete a public comment card but are not required to do so. The meeting coordinator will request anyone planning to speak to complete a public comment card.

~~It is the policy of the Commission to vet issues as much as is practical through the MHSOAC standing committees before those issues are brought to the full Commission. It is the responsibility of the committee chair to engage stakeholder participation at the committee level and to report back to the full Commission. Public comment and stakeholder involvement at the committee level does not replace public comment at the Commission meetings.~~

#### **4.15 4.14 Access to Commission Meeting Sites**

Commission meeting sites are accessible to people with disabilities and should also be accessible by public transportation. Those who need special assistance may contact the meeting coordinator listed on the public agenda notice of the meeting.

#### **4.16 4.15 Minutes and Motion Summaries**

Minutes and motion summaries of each open session meeting are included in the meeting materials and posted on the Commission website at: [www.MHSOAC.ca.gov](http://www.MHSOAC.ca.gov). ~~distributed to Commissioners, the Executive Director, Chief Counsel, and selected staff for review. After review and Commission approval, minutes and motion summaries are published on the MHSOAC Commission website at: [www.MHSOAC.ca.gov](http://www.MHSOAC.ca.gov).~~

### **PUBLIC OUTREACH AND ENGAGEMENT**

- 5.1** The Commission is committed to ensure the perspective and participation of diverse community members – those with lived experiences and their family members, community advocacy organizations, county behavioral health agencies - are a significant factor in the Commission’s understanding, actions, decisions, and recommendations. The Commission ensures broad and inclusive community outreach and engagement through the following actions and other opportunities that may be identified going forward:

- Public meetings with open, informed, and transparent deliberation.
- Committee and subcommittee meetings that hear from community members and other subject matter experts to develop a shared understanding of the challenges and opportunities of topics specified by the Commission.
- Community forums that are organized to highlight and understand topics specified by the Commission and of concern to the community.
- Small group listening sessions to hear from individuals with lived experience on sensitive topics.
- Site visits that are organized to acquire first-hand knowledge and understanding of the challenges of specific topics and the existing efforts to address those challenges.
- Convening advisory bodies with expertise on topics specified by the Commission.
- Meetings with community-based organizations and local leaders.
- Use of surveys.

## COMMITTEES/SUBCOMMITTEES/OTHER MULTI-MEMBER BODIES

### 5.1 6.1 Committee Structure

A. The MHSOAC Commission shall ~~may~~ establish one or more ~~standing~~ committees as necessary to provide technical and professional expertise pursuant to Welfare and Institutions Code Section 5845 (d)(3)~~(d)(2)~~. Such committees provide guidance, review materials, and make recommendations to the MHSOAC Commission. ~~and, in rare instances, when given delegated authority by the Commission, make decisions on behalf of the MHSOAC.~~

A.1. The Commission Chair ~~elect~~ shall appoint a Chair and Vice Chair for each ~~standing~~ committee from among the Commission's membership who will assume their duties immediately upon appointment. ~~The Chair and Vice chair for each standing Committee will assume his or her duties in January following the year he or she was appointed. Each year the Commission Chair may reappoint a Committee Chair and Vice chair.~~

A.2. Each committee should have a maximum of 15 members. The committee chair and vice chair select committee members who have the desired expertise and experiences to advance the committee's goals. Committee members serve a one - year term unless that term is extended by the appointing authority. Each committee should include at least two consumers, two family members or care givers of consumers, and two experts on reducing disparities. The Commission shall strive to ensure committee membership reflects the demographic diversity, including race,

ethnicity, sexual orientation, and gender identity of California; the geographic diversity of California, and includes members with lived experience with mental health and/or the mental health system of care.

~~Ideally each standing committee shall have a maximum of 15 members and shall include public membership. At least two shall be consumers, at least two shall be family members or care givers of consumers, and at least two shall be members of underserved ethnic and cultural communities. Public membership of each committee shall be selected by the committee Chair and Vice Chair. In their recruitment and appointment committee Chair and Vice Chair shall pay special attention to issues related to cultural diversity and competency. Commission staff and/or consultants will staff each committee.~~

A.3. The committee Chair may establish one or more multi-member body consisting of committee members in order to further the work of the committee.

A.4. If a committee member cannot attend a committee meeting the member shall notify the committee Chair and the committee staff member of such absence in advance of the committee meeting. If a committee member misses more than one committee meeting without notice or three committee meetings in a calendar year with notice, the committee Chair has discretion to decide whether it is in the best interest of the committee to have that committee member replaced.

~~The membership of each Committee will be confirmed every other year in odd numbered years at the January MHSOAC meeting. In the intervening time each Committee Chair has discretion to modify the Committee membership based upon the needs of the Committee.~~

~~The MHSOAC may establish an Operations Committee that is composed of the Chair or the Vice chair of each standing Committee. The Commission Chair and Vice chair are the Chair and Vice chair of the Operations Committee. The Operations Committee is exempt from the public membership listed above and it is not authorized to take policy positions on behalf of the Commission unless the Commission specifically delegates such authority. Convenience~~

B. The Commission may establish any multi-member body (e.g. committee, subcommittee, taskforce) consisting of Commissioners appointed by the Chair as necessary to support the work of the Commission.

### **5.3 6.2 Bagley-Keene Open Meeting Act**

A. Meetings of a committee, subcommittee, and multi-member body are subject to the Bagley-Keene Open Meeting Act set forth in Government Code Sections 11120 et seq. The principal law that governs the meetings of the MHSOAC and its Committees is the Bagley-Keene Open Meeting Act which is set forth in Government Code Sections 11120 et seq.

- B. A public agenda notice of a committee, subcommittee, or multi-member body meeting must be given and made available on the MHSOAC website at [www.MHSOAC.ca.gov](http://www.MHSOAC.ca.gov), at least 10 calendar days before the meeting. The public agenda notice will also be emailed to the Commission's list-serve. A copy of the public agenda notice will be sent to any person who requests it in writing. ~~a PAN in writing must be sent a copy.~~
- C. The public agenda notice of a committee, subcommittee, or multi-member body meeting must include the name, address, and telephone number of the individual who can provide additional information prior to the meeting and the address of the internet site where notices are posted.
- D. The public agenda notice of a committee, subcommittee, or multi-member body meeting must also include a specific agenda for the meeting containing a brief description of the items of business to be transacted or discussed. No agenda items may be added after the ten-day period begins, unless permitted by specific exceptions set forth in the Bagley-Keene Open Meeting Act. (Government Code Section 11125)
- E. ~~Upon request by a person with a disability the PAN~~ The public agenda notice of a committee, subcommittee, or multi-member body meeting shall also be made available in appropriate alternative formats as required by Section 202 of the American with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof. The public agenda notice shall include information regarding how, to whom, and by when a request for any disability-related modification or accommodation including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting.
- F. A committee, subcommittee, or other multi-member body may hold a meeting by audio or audio-visual teleconference (Government Code Sections 11123 and 11123.5). All public agenda notice requirements apply.

### **5.2 6.3 Compensation and Expenses**

~~Commissioners, staff~~ Active members of committees, subcommittees or any other multi-member body and agendized presenters ~~and active Committee members will be~~ are eligible to be reimbursed in accordance with State per diem laws. ~~Also, any reasonable business expenses incurred will be reimbursed as authorized by the Commission. On a case by case basis a Committee member designee may also be reimbursed in accordance with the State per diem laws.~~

### **5.4 ~~Public Agenda Notice (PAN)~~**

~~A Notice of any Committee meeting must be given and made available on the MHSOAC website at [www.MHSOAC.ca.gov](http://www.MHSOAC.ca.gov), at least ten (10) calendar days before the meeting. The PAN will also be emailed to the MHSOAC list-serve. Any person who requests a PAN in writing must be sent a copy. The notice must include:~~

- ~~• Name, address, and telephone number of the individual who can provide additional information prior to the meeting~~

- ~~Address of the internet site where notices are posted~~
- ~~Specific agenda for the meeting containing a brief description of the items of business to be transacted or discussed.~~

~~Upon request by a person with a disability the PAN shall also be made available in appropriate alternative formats as required by Section 202 of the American with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof. The PAN shall include information regarding how, to whom, and by when a request for any disability related modification or accommodation including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting.~~

## **WORKGROUPS**

### **6.1 Establishment of Workgroups**

~~The MHSOAC and its committees may establish workgroups, to focus on a specific dimension of the Commission or Committees' work. The workgroup is project focused with specific time limited deliverables.~~

~~The membership of the Workgroups will consist of a smaller body of Committee members who volunteer or are appointed by the Committee Chair and Vice chair.~~