

**MENTAL HEALTH EXECUTIVE COMMITTEE
MONTHLY MEETING MINUTES
March 23, 2021 - FINAL**

Agenda Item / Discussion	Action /Follow-Up
<p>I. Call to Order / Introductions Chair, Cmsr. G. Wiseman, called the meeting to order @ 3:33 pm</p> <p><u>Members Present:</u> Chair, Graham Wiseman, District II Vice-Chair, Cmsr. B. Serwin, District II Cmsr. Laura Griffin, District V Cmsr. John Kincaid, District II Cmsr. Leslie May, District V</p> <p><u>Other Attendees:</u> Cmsr. Kathy Maibaum, District IV Colleen Awad Angela Beck Jennifer Bruggeman Enid Mendoza Dom Pruett (Supv. Andersen’s Office) Stephanie Regular Kristine Suchan</p>	Meeting was held via Zoom platform
II. PUBLIC COMMENTS: None	
III. COMMISSIONERS COMMENTS: None	
<p>IV. COMMITTEE CHAIR ANNOUNCEMENTS/COMMENTS: Chair Graham Wiseman welcomed new Cmsr. Kathy Maibaum to the commission and invited her to tell her story and what brought her to serve the commission. She represents District IV and is a mother and Family member advocate.</p>	
<p>V. APPROVE minutes from February 23, 2021 meeting:</p> <ul style="list-style-type: none"> • J. Kincaid motioned to approve the minutes as written. • Seconded by L. Griffin <p>Vote: 5-0-0 Ayes: G. Wiseman (Chair), B. Serwin (Vice-Chair), L. Griffin, J. Kincaid, L. May Abstain: none</p>	http://cchealth.org/mentalhealth/mhc/agendas-minutes.php
<p>VI. RECEIVE update on the first county-wide Crisis Intervention Rapid Improvement Event (RIE), Commissioner Barbara Serwin</p> <p>The first county-wide Crisis Intervention Rapid Improvement Event (RIE) is in process. These will be occurring throughout the summer and into the fall. There are three RIEs and we are in the midst of the first event. This RIE has been preceded by a research and design phase that included 20-25 participants broken out into teams researching various aspects of the crisis intervention system, from dispatch and triage to handing off a client to law enforcement, fire, a mobile crisis team or the crisis intervention line and keeping dispatch up to date until that call is resolved, either on site by the mobile crisis team, by the crisis support line or in the community with peer supported environment. I have been researching on best practices through the SAMHSA guidelines for crisis intervention that were published in 2020. There are some very interesting sites in Arizona, New Mexico and Texas that are cutting edge. I am on the team that is looking at dispatch assessment.</p>	

The actual RIE will be conducted next week. We will be testing various scenarios that can be improved, collecting data and testing aspects of the new and improved system and then out of that with recommendations to build on prior to the next RIE event later this summer. It is a process moving through these RIE, building the prototype in stages. Most of the team are behavioral health staff or other county staff. There are a few external people, Gigi Crowder (NAMI), me and a few others. It is a tremendous time commitment, 5 hours at least a day, next week it is a 40-hour commitment. This will go in through the summer and into the fall. It is a great opportunity for us, as a commission, to have input. I encourage everyone, whether it is committee agenda items or commissioner comment, just email to me any suggestions or concerns you have about the crisis intervention system we have or the planning. I highly encourage as I am in a position to bring those suggestions into the process. For example, we just had the justice meeting and Laura Rettagliata had a comment that, based on the death of the young man in Danville a couple weeks ago, she spoke about the importance of improvements in crisis intervention team training for law enforcement and the importance of notifying families when (law enforcement or crisis intervention) encounters the individual so that family can respond in some way. That doesn't necessarily happen now.

- (Cmsr. Leslie May) I read the Antioch Police Department (PD) was going to be contacting the county for this sort of thing. Have you heard from them? If not, are you at the point where you can reach out to them? (RESPONSE) I just heard yesterday we were looking to someone from the Antioch PD to join this team. There are representatives from approximately five police departments on the team and we are looking to broaden that scope.
- (Cmsr. Leslie May) Is Pittsburg on the team? They just had an incident Sunday night and it was resolved (7:00 pm through Monday 2:00pm). The hostages were released and the person was not harmed and taken into custody. (RESPONSE) This would be drawing on law enforcement from those communities to participate in this process. I am unsure about Pittsburg, but San Ramon, Danville, and Concord are. I will look into it and get back to you.
- (Cmsr. Laura Griffin) Is this RIE including children, as well? (RESPONSE) Yesterday and today, someone on my team triage and assessment raised that point. Included in the guidelines is a technical paper in crisis intervention for children and youth. There are different needs and requirements for youth and children and have assigned someone to review the paper and summarize the similarities and differences with the adults.

VII. DISCUSS Civil Grand Jury inquiry posed to the Mental Health Commission The Contra Costa County Civil Grand Jury is requesting information pertinent to our work. As you are aware, Grand Jury proceedings are confidential. The sources of information we gather will not be revealed outside the Grand Jury.

- I received a letter from the Grand Jury foremen to answer some questions. As you know, I have not been on the Commission very long and asked for the ability to consult with Barbara Serwin (which was granted) and will be going through and answering questions together to provide the best information we can to the Grand Jury.

Discussion:

- (Cmsr. J. Kincaid) Should we know more about this or is it confidential and confidential and can't discuss it? Is this just the Mental Health Commission or does it involve Commissions in general?
- (Cmsr. G. Wiseman) It is confidential. I am unaware of any other departments.

<ul style="list-style-type: none"> (Cmsr. B. Serwin) It is confidential, at the same time, we can reach out to any party we need to discuss with. For example, there are some issues we will need information from Behavioral health services and specifically the Mental Health Services Act. <p>VIII. DISCUSS communications with Supervisor Karen Mitchoff regarding process for selection of new MHC Commissioners</p> <p>On March 11, 2021, my conversation with Supervisor Karen Mitchoff regarding the appointments she put forth for the Mental Health Commission and discussion of the by-laws under Section 4. Vacancies and Recruitment:</p> <p><i>4.1 Role of the Commission</i> <i>At the discretion of and to the extent requested by the Board, the Commission shall be involved in the recruitment and screening of applicants. When an application is received, the Commission will appoint an Ad Hoc Applicant Interview Committee, pursuant to Article VIII, Section 5.1. Following an interview by the Ad Hoc Applicant Interview Committee, it will forward its recommendation to the Commission .After Commission vote and approval , the recommendation for nomination of the applicant shall be forwarded to the appropriate member of the Board of Supervisors for that Supervisor's consideration.</i></p> <p>The disagreement (from Supv. Mitchoff's office) is that the first sentence is the only one of merit. The following are just an advisory position for the Board. The conversation ended still in disagreement. The discussion is put for commissioner input. As we review this section of the by-laws, it calls for an Ad Hoc committee. We have 15 applications to screen. My hope is that we can continue with the instructions as written in the by-laws, review the applicants between our next full meeting and the executive committee meeting.</p> <p>Discussion:</p> <ul style="list-style-type: none"> (Cmsr. Leslie May) The fact is, applications are just sitting there. We, as commissioners, have a right to be part of the selection those that have applications to serve on this commission. We should have a chance to interview and getting a selection in place quickly. This is important to the work we are doing and these people have a great amount of input to help. (Cmsr. Barbara Serwin) My recollection, early in my tenure with the commission, Supervisor Mitchoff was on the Board and was an important issue to her and raised the issue of wanting to be solely in charge of selecting commissioners. As I recall, it was just for her district, but it just happened at the commission level. I do not believe it was taken to the Board of Supervisors but we need to check this. I don't believe all the supervisors feel they don't want any input from the commission. One way to move forward is to look further into which Supervisors are open to MHC recommendations and form the ad hoc committee and interview applicants for districts other than those districts not wanting input. (Cmsr. John Kincaid) We have been discussion this attendance issue for months and now we are talking about other provisions in the by-laws that may or may not have an impact on it. We are also talking about language in the by-laws that the Supervisor doesn't agree with because we advisory to the Supervisors. The Supervisors appoint us and then there is this language that the commission is going to advise the Supervisor on who to appoint. I can understand why the Supervisor might have issue. Maybe we need to revamp the by-laws in a way that isn't piecemeal. In the end it is all going to the BoS to be approved and instead of every little change be approved, the better way to look at it would be overall. (Cmsr. Graham Wiseman) That is a really good point. There is no conflict that the MHC are appointed by the Supervisor. This is clear. However, there is this additional language regarding forming a committee to review 	
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applicants. One of the reasons we started this discussion is we had one community-based organization (NAMI-Contra Costa) that was bringing in every district and the Supervisors may not have been aware of this activity, which it is good to have a review process. But the words used by the Supervisor was that this is dangerous, not congruent with any other advisory committee within the county and that even bringing it up, it was meddlesome and unproductive. That is the view of one Supervisor. I do not know the view of the other Supervisors. We can either spend time going through an ad hoc committee and adhering to what is written or delete and hope the Supervisors do a good job. It is up to us as a commission to make a decision, Do we want to interview people and recommend to the BoS, people we think would be a good fit in attending. Of those 15 applicants. Only two have ever attended a Commission meeting. I am calling into question people being appointed without even attending a meeting and not even know what they are signing up for. I question the motivation; I question the drive. I want to look into this at further depth and would like the Executive Committee to vote on whether we should bring this to the full commission meeting for discussion, and if so, what is our goal?

- (Cmsr. Barbara Serwin) I just wanted to point out, Commissioner Kincaid, the by-laws were re-written in 2018 . In terms of precedent, when I applied for the commission, I was interviewed by an ad hoc committee which recommended my appointment to the Supervisor Andersen.
- (Cmsr. Laura Griffin) The by-laws don't need to be totally looked at again, from 2018? Not that long ago. Just the sections we are looking at we should think about revising and I am in favor of an ad hoc review for new commissioners and also reviewing the attendance. We should bring it to the full commission.
- (Cmsr. Leslie May) Who gave Supervisor Mitchoff autonomy on the Board of Supervisors? Is she the only one who decides what our role is and what we should do? Why is she appointing people who haven't even attended the meetings?
- (Cmsr. Graham Wiseman) This will be discussed at the next Executive Committee Meeting after more research and we can discuss this and vote to take to the full commission meeting to say this is what we are recommending as we look at our by-laws to ensure they congruent with the rest of the county and we are serving the members of our district how we should. Agreed? All in agreement.

Public Comment:

- (Colleen Awad) Just want to reiterate that the Supervisor's understanding of the by-laws is the beginning phrase does require a request be made to the Commission and that she did not make a request for her applicants. We have made other appointments since the current version of the by-laws has been passed where the process of an ad hoc committee was not implemented and/or followed. Our vacancies were actually filled on today's BoS agendas and there are no longer vacancies for District IV.
- (Enid Mendoza) Just to clarify, I hear a lot of questions about the by-laws and clarification about the processes. I work in the County Administrators office and Sarah Kennard works very closely to me. We are your resource and the County Administrators office. If there is ever questions that come up regarding by-laws or processes, Angela and staff are more than welcome to bring them to our attention and can provide support in any way we need to. As I am hearing revisions coming up, we usually have county counsel review by-laws if they are significant changes. Please know we are a resource to. Just any communications or needs the commission can forward them through Angela. We would be happy to support you in that way. Some of the comments that Cmsrs. Serwin /

Kincaid made are aligned with what our understanding in this office are of the by-laws. They are appointed by the Board. It seems to be the practice. Ultimately, it does say ‘at the discretion of and to the extent requested by the Board’ and we don’t have a record of that specifically, that ad hoc committee piece being something recommended by the Board. I don’t understand it to be the adoption of the bylaws activates anything that states ‘at the discretion of the full Board’. If that is the direction you would like to take, I would suggest a by-law change. I know there is a different process for District II but I don’t know that all other District offices follow the same procedure.

- (Cmsr. Graham Wiseman) Thank you. We will be taking advantage of that, because in an entire section there is a misinterpretation. There is no confusion that the Supervisors recruit and screen applicants; however, it continues and the continuation is the responsibility of the MHC to review applicants received and to make recommendations. We do not appoint or recruit, just review and offer advisement. That is why I am startled by the overreaction of the commission fulfilling the roll as it has been identified. That is what I want to bring up, because if our input is not valid on this, it calls into question if any of our input is valid. Something as fundamental as members of the commission, we have no input? Then what is actually the reason for us to have this other than the 1968 law that mandates there be one? I am quite firm, that as the by-laws are written, we must adhere to them. If we don’t like it, then change it but it can’t be ignored and specific Supervisors may not elect which ones they choose adhere to. It is all or nothing.

IX. DISCUSS and Vote on proceeding with 4.1 Ad-Hoc Committee to review applicants

- **Moved to next month’s agenda.**

X. DISCUSS proposed by-law to permit absences to Mental Health Commission meetings due to unforeseen, extraordinary circumstances, proposal submittal by Commissioner Leslie May, dated February 24th, 2021

Cmsr. Leslie May wrote this by-law after thinking about the past few years and absences, I felt the original proposal we were to present to the Board of Supervisors was a little stringent and almost punitive. I wanted to change it to allow for extraordinary circumstances. For example, this last January and the insurgence on the capital and the state around the country that day as we feared activity against our family as African-Americans. There are so many communities experiencing racial threats and violence, feeling threatened. I felt, as a commissioner, we should not be held accountable for missing a meeting due to social unrest, a loved one facing a sudden health issue (i.e., COVID). I wanted to ensure there was a contingency and possible alternatives to step in if a commissioner needs to take a leave of absence for three months or so and they want to return after such a crisis. We should have an alternate that can step in. I feel the current language is too punitive and should have some concessions if a commissioner feels they will not be able to represent their district for a few months. Rather than the commissioner having to resign and go through the process of interviewing and appointing a new commissioner as that can be a much longer process than a temporary leave of absence.

(Cmsr. Kathy Maibaum) Is there someone (like a substitute) that we can assign, so the seat is not empty and a contribution is still being made? Is that an option or not? (RESPONSE – Cmsr. Barbara Serwin) Right now, we don’t have any provision for that. The provision is that someone is considered resigned if they miss up to four meetings per calendar year. There has been quite a bit of flexibility with that, in fact, only once has someone resigned in the past six year. The issue that occurs to me is commissioners are appointed

<p>by of the Supervisor of their District. The BoS would want to go through the same process of interviewing. I don't see that they would be in alignment with who the commission (or the commissioner) puts forth to sub. It is about the process and it is very difficult to get up to speed, unless it is possibly a past commissioner?</p> <p>(Cmsr. Leslie May) The idea came to me because I have been observing, there are quite a few people that attend every meeting. The idea that Barbara has a past commissioner that could perhaps come in and fill the seat temporarily. This proposal is a rough draft to put the issue forward. My concern is (1) having a quorum (2) an alternative would be an individual that has attended the meetings all along and are very well aware what is happening in the community and are up to speed on what the commission is working on and could stand in. If you can't serve, you should step down; however, if it is a few months until the situation passes, there should be an option.</p> <p>(Cmsr. Graham Wiseman) I took a brief look at the by-laws, each district is represented by three commissioners, so typically a district would not be 'unrepresented' if one of the commissioners had to step aside for a while and that is something that each commissioner should check with their supervisor that appointed them and the supervisor can appoint an alternate. It is up to each supervisor for each district. If there is an issue, the commissioner should speak to their respective supervisor and arrange for an alternate.</p> <p>(Cmsr. Barbara Wiseman) Is it in the by-laws to have a provision for an alternate? It never registered that before. That adds some flexibility.</p> <p>(Cmsr. Graham Wiseman) Yes, it does add some flexibility. Is this something we want to have further discussion on? Or something we want to take to the full board for discussion? Commissioner May?</p> <p>(Cmsr. Leslie May) I think now that I have that explanation, I can tweak this document a bit and take it to the full board. It is simple and to the point. Just ask for an approval, especially since I know they can assign an alternate.</p> <p><This has been tabled to the next meeting due to time, review the bylaws in place and check other commissions in our county to see what they have and what we are working on is congruent with them, as well as refinement to the proposal language></p>	
<p>XI. DETERMINE April 2021 Mental Health Commission Meeting Agenda</p> <ul style="list-style-type: none"> • "Get to know your Commissioner" • RECEIVE presentation on the 9/29/20 County settlement with the Prison Law Office regarding improvements at the Martinez and West County jails, including in the area of mental health, required medical and mental health plans to improve treatment of inmates, and improvement already made to date, David Seidner, Mental Health Program Chief, Detention Health (from Justice Systems Mtg) • RECEIVE update on the first Crisis Intervention Rapid Improvement Event (RIE), speaker (preferably) Duffy Newman, Health Services and/or Aisha Banks (not sure what department), if not available, Erika Jennsen, Health Services, and if not available, Commissioner Barbara Serwin • RECEIVE update on Hume site visit test and work on building a site list, Commissioner Laura Griffin and Commissioner Barbara Serwin, Quality of Care Committee • DISCUSS and VOTE on by-laws changes: <ul style="list-style-type: none"> ✓ Mandatory committee membership ✓ By-law change in how period of absences is defined ✓ Potential by-law on excused absence from MHC meeting due to unforeseen, extraordinary circumstances • Behavioral Health Services Director's Report <p>Agenda items agreed/approved.</p>	

<p>Discussion:</p> <ul style="list-style-type: none"> • (Cmsr. Laura Griffin) Requested reinstatement of the Commission Orientation and Training. Commissioner Barbara Serwin to look into missing sections and creation of binders and the training scheduled. • (Cmsr Graham Wiseman) Reminder to be cognizant of peoples calendars being very full and that when we do schedule someone to speak to give them flexibility and time and ask far enough in advance to enable them to make room on their calendar to come and speak to us. • (Cmsr. Leslie May) Requests the agenda to not be jam packed with presentations to leave room for Commission Business. • (Cmsr. Graham Wiseman) Agreed. I actually crossed off the Agenda item for David Seidner to speak at a later meeting. • (Cmsr. John Kincaid/Cmsr. Barbara Serwin) Advise to not put it off too long as this has been an issue, we have been trying to get information on this for over a year. (Cmsr. Graham Wiseman) This will be added to the April Agenda. Cmsr. Serwin to reach out and invite. 	
<p>XII. Adjourned meeting at 5:00 pm</p>	