



Legislation Text

File #: 10-1306, **Version:** 3

Clerk of the Board of Supervisors recommending the Board consider the following pertaining to the Board appointment to the Mental Health Commission:

- 1) Receive information regarding the Board appointment to the Mental Health Commission;
- 2) Rescind the Board's action taken on January 4, 2011 of the appointments of Norma Santiago and Ron Briggs; and
- 3) Appoint one (1) Board member to the Mental Health Commission for a term ending January 1, 2014. (Est. Time: 10 Min.)

Background

On January 4, 2010 the Board appointed Ron Briggs as the West Slope member and Norma Santiago as the East Slope member to the Mental Health Commission "Commission". There was discussion at that time about whether the Board had the authority to appoint two members from the Board to the Mental Health Commission.

The Mental Health Commission's composition is defined within the By-laws adopted on February 29, 2000 and Welfare and Institutions Code section 5604.

The Clerk of the Board requested an opinion from County Counsel to verify whether the Board can appoint two members. County Counsel responded that after review of the By-laws and WIC section 5604, it seems that only one member of the Board may be appointed to the Mental Health Commission by the Board of Supervisors.

However, the By-laws do provide a mechanism whereby a second member of the Board could be appointed as the first Board member's designee for participation at the Council meetings or a second member of the Board could be appointed as an associate member to serve on Mental Health Commission Committees.

One Member - Board of Supervisors

The By-laws state the Commission "shall consist of sixteen (16) regular members appointed by the Board of Supervisors in accordance with California Welfare and Institutions Code section 5604. The sixteenth member shall be a member of the County Board of Supervisors and selected by that body. Additionally, Associate Members may be appointed by either of the Council Chairs to serve on Mental Health Commission committees." *Article IV. A.*

Welfare and Institutions Code section 5604 discusses the composition of the Mental Health Board (although referred to in the statute as the Mental Health Board, the statute makes clear that the Mental Health Board can be established as an advisory board or commission 5604(g)). That section provides that "One member of the board shall be a member of the local governing body." 5604(a)(1).

Member's Designee

Article IV.G. provides provide a method whereby the Supervisor appointed to the Commission could designate another member of the Board to attend the Council meetings as the first Board member's designee. It is not clear that the Board member's designee could attend the twice annual Countywide Mental Health Commission meetings as a member of the Commission because there is no provision for a designee to attend the Countywide meetings.

Associate Members

There is a provision which allows the Chair of either Council to appoint Associate members to serve on Commission committees. *Article IV.A.* Associate members may not vote in Council meetings or Countywide meetings, but they may otherwise fully participate in the activities of these meetings, including all discussions. *Article VII.*

Recommendation

Clerk of the Board of Supervisors recommending the Board consider the following pertaining to the Board appointment to the Mental Health Commission:

- 1) Receive report regarding the Board appointment to the Mental Health Commission;
- 2) Rescind the action taken on January 4, 2011:
 - a) Reappoint Norma Santiago - Member - 1/1/2014 - (East Slope)
 - b) Appoint Ron Briggs - Member - 1/1/2014 - (West Slope)
- 3) Appoint a Board member to the Mental Health Commission for a term ending 1/1/2014.