

CONSENT CALENDAR
January 22, 2013

To: Honorable Mayor and Members of the City Council

From: Christine Daniel, City Manager

Submitted by: Jane Micallef, Director, Health, Housing & Community Services

Subject: Reclassify Mental Health Commissioner Dan Virkstis as a Berkeley

Special Public Interest Commissioner

## RECOMMENDATION

Adopt a Resolution reclassifying Dan Virkstis as a Berkeley Special Public Interest member on the Mental Health Commission.

# FISCAL IMPACTS OF RECOMMENDATION None.

## **CURRENT SITUATION AND ITS EFFECTS**

At its November 27, 2012 meeting, City Council adopted an amendment to the Mental Health Commission's enabling resolution (65,945-N.S.) that reduces the size of the Commission from seventeen (17) to thirteen (13) seats and changes the definition of consumer and family member to be as broad as the State's definition (WIC § 5604). This change also impacts the number of General Public Interest and Special Public Interest commission seats.

Currently, there are five (5) general public interest Commissioners. With the amendment to the enabling resolution, there are now four (4) general Public Interest seats on the commission. However, there is a current commissioner in a general public interest seat who qualifies as a special public interest commissioner under the new broader definition. Mr. Dan Virkstis had experience as a family member and is now qualified to be appointed to a Special Public Interest seat.

## **BACKGROUND**

California State law requires that appointees to the Mental Health Commission meet specific categories and may serve up to nine years in three, three-year consecutive terms. The general public interest category may include anyone who has an interest in and some knowledge of mental health services. The special public interest category includes direct consumers of public mental health services and family members of consumers, which together must constitute at least fifty percent or seven of the commission seats. Direct consumers and family members shall each constitute at least 20% of the commission membership.

## RATIONALE FOR RECOMMENDATION

This reclassification would enable to the Mental Health Commission to retain all its current members and be in compliance with WIC § 5604 as well as for Mr. Virkstis' expertise to be recognized.

## **ALTERNATIVE ACTIONS CONSIDERED**

Allowing the Commission to come into compliance through attrition was considered. However, utilizing this method to come into compliance would mean that the Commission could be out of compliance with State law for an undetermined length of time.

## **CONTACT PERSON**

Carol Patterson, Commission Secretary, HH&CS, (510) 981-5217

## **ATTACHMENT**

1. Resolution

#### RESOLUTION NO. ##,###-N.S.

# RECLASSIFICATION OF DAN VIRKSTIS AS A BERKELEY SPECIAL PUBLIC INTEREST MENTAL HEALTH COMMISSIONER

WHEREAS, when Mr. Virkstis applied to the Mental Health Commission he did not meet the definition of family member under Resolution No. 57,078-N.S. and was appointed to an existing General Public Interest seat; and

WHEREAS, the Mental Health Commission enabling resolution was amended on November 27, 2012, reducing the number of seats and changing the definition of consumer and family member; and

WHEREAS, Mr. Virkstis meets the new definition of family member under the amended enabling resolution; and

WHEREAS, without this re-classification the Mental Health Commission will not be in compliance with state law (WIC § 5604.)

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Commissioner Dan Virkstis be reclassified as a Special Public Interest member of the Mental Health Commission.