



Office of the City Manager

RECESS ITEM
CONSENT CALENDAR
 September 11, 2007

To: Honorable Mayor and
 Members of the City Council

From: Carol Patterson, Secretary, Mental Health Commission

Submitted by: Fred Medrano, Director, Health and Human Services

Subject: Request for Additional Meeting of the Mental Health Commission

RECOMMENDATION

Ratify the action of the City Manager taken during recess to approve an additional meeting of the Mental Health Commission on August 30, 2007.

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS

This meeting is requested to avoid a late submission of the City's Mental Health Services Act (MHSA) Implementation Progress Report. The deadline for submitting the Progress Report to the California Department of Mental Health (DMH) is August 31, 2007. State guidelines require a 30-day public comment period followed by a public hearing held by the Mental Health Commission prior to submission. City Council approval is not a requirement for submission of the Progress Report.

The City's MHSA Implementation Progress Report was released for public comment on July 27, 2007. As a result, the 30-day public comment period ends on August 26, 2007, and the required public hearing must be held sometime between August 27 and August 30, 2007.

It is the understanding of staff that there is no direct penalty for submitting a late report. However, the information from the reports will be used to design state technical assistance resources. If the City's report is late, staff are concerned that crucial technical assistance may also be delayed to Berkeley's Mental Health programs. Since there will be additional funding from DMH through MHSA, a late report could negatively impact the working relationship with DMH.

FISCAL IMPACTS OF RECOMMENDATION

The recommended action will cost the City up to \$240 for Commissioner stipends, plus staff time associated with having an additional meeting, which is expected to be an hour in length. Staff time will be covered through budgeted salaries.

CURRENT SITUATION AND ITS EFFECTS

DMH requires that the Mental Health Board or Commission, for each locality receiving MHSA funds, host a public hearing to receive public comments on the initial Implementation Progress Report covering the period September through December 2006. The public hearing is to be held by the Mental Health Board or Commission after a 30-day public comment period to ensure adequate opportunity for the public to review and comment on the report. The public comment is then compiled and submitted with the Implementation Progress Report to DMH. The final deadline for submission of the report is August 31, 2007.

The City's MHSA Implementation Progress Report was released for public comment on July 27, 2007. The 30-day public comment period ends on August 26, 2007, and the required public hearing by the City's Mental Health Commission must be held prior to August 31, 2007. The required public hearing is scheduled for August 30, 2007.

Resolution No, 63,472–N.S., the 2007 meeting frequency schedule, authorizes the Mental Health Commission to hold a maximum of ten meeting per year and requires that the commission submit a request to the City Council for approval of extra meetings. In compliance with Resolution No, 63,472–N.S., the Commission Secretary submitted the list of 2007 Mental Health Commission meetings to Council in December 2006. According to the approved meeting schedule, the Mental Health Commission meets monthly on the 4th Thursday with the exception of the months of August and November. In order to meet the submission requirements for the MHSA Implementation Progress Report, an additional meeting in the month of August must be authorized for the Mental Health Commission.

BACKGROUND

In May 2007, the Mental Health Commission Secretary was notified that DMH was requiring Mental Health Boards and Commissions to hold public hearings on the mandated Implementation Progress Reports. At that time it was expected the report would be completed so that the required public hearing could be held in conjunction with the regular July meeting of the Mental Health Commission. However, the report was not completed on schedule and the opening of the public comment period then dictated the date of the public hearing. The Mental Health Commission Secretary was notified that the report would not be completed until July, and an item was added to the Commission's July agenda to schedule the public hearing for August in order to meet the deadline.

At the regular meeting of July 26, 2007, the Mental Health Commission passed the following motion:

M/S/C (Gresher/Dixon) To hold the public hearing [on the MHSA Implementation Progress Report] at 7:00 p.m. on August 30, 2007. Ayes: Unanimous; Absent: Diehl, King, Moore, Smith.

RATIONALE FOR RECOMMENDATION

The recommended action will enable the Mental Health Division to submit the City's initial MHSA Implementation Progress Report on time. Since the information in the report will be used to design technical assistance resources, Berkeley's Mental Health programs will be more likely to receive technical assistance that is relevant and timely. As it is expected there will be additional funding from the State through MHSA, the Mental Health Division will maintain a reputation of getting work completed on time.

ALTERNATIVE ACTIONS CONSIDERED

An unacceptable option would be to hold the required public hearing at the September 2007 regular meeting of the Mental Health Commission. However, DMH has already extended the statewide deadline once and will not be offering further extensions. This alternative action would result in a late submission of the Implementation Progress Report.

Another option would be to hold the August 2007 meeting in lieu of a future Commission meeting, thus keeping to the allotted ten meetings per year. Unfortunately with the influx of MHSA funds, there has been an increased need for Commission input. The Commission believes this extra meeting is necessary to complete its work.

A recommendation for possible future Council action would be to amend Resolution No, 63,472–N.S. to change the Mental Health Commission from Category B to Category A, so that the Commission would be able to fulfill its legal obligations without the need to request Council approval for additional meetings. This is not a solution for the current situation but is a request the Mental Health Commission may make in a future report to Council.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Harvey Tureck, Manager of Mental Health, 981-5213
Carol Patterson, Secretary, Mental Health Commission, 981-5217

