RESOLUTION NO. 72,164-N.S.

MODERNIZING AND UPDATING THE BEHAVIORAL HEALTH COMMISSION FOR BEHAVIORAL HEALTH SERVICES ACT

WHEREAS, the State of California passed Senate Bill 326 (Eggman), known as the Behavioral Health Services Act (BHSA), which was subsequently approved by voters as Proposition 1 in March 2024; and

WHEREAS, SB 326 modernizes the Mental Health Services Act (MHSA) by expanding the scope of local oversight to include substance use disorders (SUD) and renaming local "Mental Health Boards" to "Behavioral Health Boards or Commissions"; and

WHEREAS, California Welfare and Institutions Code (WIC) Section 5604 has been amended to require specific membership representation, including individuals 25 years of age or younger and representatives from local education agencies; and

WHEREAS, for several decades, the City of Berkeley and the City of Albany operated a joint Mental Health Commission pursuant to a shared service environment; and

WHEREAS, the City of Berkeley and the City of Albany have mutually determined that a separate oversight structure is more appropriate and Alameda County Behavioral Health Care Services agreed that the funding for City's mental health services was designated only for Berkeley residents and further agreed to assume responsibility for individuals presenting for mental health services from Albany in the future; and

WHEREAS, the City of Berkeley remains committed to a robust, stakeholder-driven oversight process that ensures accountability, transparency, and equity in the delivery of behavioral health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that

Section 1. Creation of the Berkeley Behavioral Health Commission

Pursuant to the provisions of Welfare and Institutions Code Section 5604, a Behavioral Health Commission of the City of Berkeley is hereby established. This Commission shall replace and succeed the Mental Health Commission established by Resolution No. 65,945–N.S.

Section 2. Dissolution of Joint Jurisdiction with Albany.

The City of Berkeley hereby terminates the joint membership arrangement with the City of Albany for the purpose of this Commission. All members of the Commission shall be residents of the City of Berkeley, with the exception of specific professional seats as permitted by state law where a local resident is unavailable.

Section 3. Membership and Composition of the Commission

Membership and Composition of the Commission shall consist of thirteen (13) members appointed by the City Council, composed as follows:

- 50% Consumer & Family Seats: At least 50% of the board (7 members) shall be consumers, or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received behavioral health services.
    - Youth Requirement: At least one (1) member of this group shall be an individual who is 25 years of age or younger.
    - Consumer/Family Balance: At least 20% of the total membership shall be consumers, and at least 20% shall be families of consumers.
- Education Agency Seat: At least one (1) member shall be an employee of a local education agency (LEA), such as the Berkeley Unified School District.
- City Council Member: One member shall be a member of Berkeley City Council or a person of the Council's choice.
- One member shall be a Veteran or Veteran Advocate.
- Public Interest Seats: The remaining members shall be representative of the general public interest in behavioral health.

Section 4. Terms of office of members

The terms of each member of the Commission shall be for three (3) years. Appointments shall be equitably staggered so that approximately one-third of the appointments expire each year.

If, prior to the expiration of a term of service on the Commission, a member ceases to retain the status which qualifies the person for appointment on the Commission, the person's membership on the Commission shall terminate and there shall be a vacancy on the Commission.

For the purposes of determining term limits under BMC Section 3.02.040, a commissioner's service on the Mental Health Commission shall be counted toward their service on the Berkeley Behavioral Health Commission.

Section 5. Vacancies and Removals

Vacancies on the Commission, from whatever cause, except temporary vacancies as hereinafter provided, shall be filled in by appointment by the City Council for the unexpired term or for a full term. The Council shall, at the time of appointment, designate the category such an appointee shall occupy pursuant to Section 3. Membership and Composition. The Commission member's designation may be changed only by action of

the City Council. Any member of the Commission may be removed from the Commission prior to expiration of their term by a six-ninth (6/9) vote of the City Council.

Section 6. Power and duties in accordance with WIC Section 5604.2, the Commission shall:

1. Review and evaluate the community's behavioral health needs, services, facilities, and special problems.

2. Review and comment on the City's performance outcome data and the City's Behavioral Health Outcomes, Accountability, and Transparency Report.

3. Advise the City Council and the Manager of Mental Health Services as to any aspect of the local behavioral health program.

4. Review and approve the procedures used to ensure citizen and professional involvement in all stages of the planning process.

5. Submit an annual report to the City Council on the needs and performance of the City's behavioral health system.

6. Develop By-Laws, in accordance with eh WIC 5604.5 and approved by City Council, including, at the discretion of the Commission, the creation of an Executive Ad-Hoc Committee.

BE IT FURTHER RESOLVED that that Resolution No. 65,945–N.S. is hereby rescinded.

The foregoing Resolution was adopted by the Berkeley City Council on March 24, 2026, by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

Adena Ishii, Mayor

Attest:
Mark Numainville, City Clerk