RESOLUTION NO. 65,945–N.S.

ESTABLISHING THE MENTAL HEALTH COMMISSION, PROVIDING FOR MEMBERSHIP AND APPOINTMENT PROCEDURES THEREOF, AND DEFINING THE POWERS AND DUTIES OF SAID COMMISSION, AND RESCINDING RESOLUTION NO. 57,078–N.S. AND ALL RESOLUTIONS AMENDATORY THEREOF

BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. CREATION OF MENTAL HEALTH COMMISSION.

Pursuant to the provisions of Section 5604 of the Welfare and Institutions Code of the State of California, a Mental Health Commission of the City of Berkeley is hereby established.

Section 2. MEMBERSHIP OF THE COMMISSION.

The Commission shall be composed of thirteen (13) members, appointed by the City Council of Berkeley, except as set forth in Section 2(1). The membership shall conform to the following:

(1) One (1) member of the Commission shall be the Mayor of the City of Berkeley. The City Council of the City of Berkeley may designate a person of its choice to serve instead of the Mayor as a member of the Commission.

(2) Two (2) members of the Commission shall be residents of the City of Albany. The remaining members shall be residents of the City of Berkeley. At least one (1) of the two (2) Albany members shall be representative of the Special Public Interest, as defined below. .

(3) Members of the Commission shall be persons representative of the public interest in mental health as follows:

a. Special Public Interest: Not less than seven (7) of the members representing the Public Interest shall be designated as Special Public Interest and shall be persons or the parents, spouses, siblings, or adult children of persons who are receiving or have received mental health services.

(i) At least three (3) of the members representing the special public interest shall be persons who are receiving or have received mental health services.

(ii) At least three (3) of the members representing the special public interest shall be the parents, spouses, sibling, or adult children of persons who are receiving or have received mental health services.

b. General Public Interest: The remaining five (5) members shall be designated as General Public Interest and shall be persons representing a broad range of disciplines, professions, and fields of knowledge.

(4) No member of the Commission or his or her spouse shall be a full-time or part-time City employee of a City mental health service, a full-time or part-time County employee of a County mental health service, or an employee of the State Department of Mental Health, an employee of or a paid member of the governing body of a mental health contract agency.

Section 3. TERMS OF OFFICE OF MEMBERS.

The term 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 this Commission, a member ceases to retain the status which qualified 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.

Section 4. APPOINTMENT PROCESS FOR MENTAL HEALTH COMMISSION MEMBERS.

Whenever a vacancy occurs on the Mental Health Commission, the following steps shall be taken:

(1) The Berkeley City Clerk will announce the existence of the vacancy on the City of Berkeley website. When the vacancy is a seat previously held by an Albany resident, the Secretary will forward the announcement in a timely manner to the Albany City Clerk.

(2) The Mental Health Commission shall publicize the vacancy and solicit applications for appointment. The announcement shall be distributed based on the priorities established by state and municipal law and priorities set by the Mental Health Commission. Depending on the specific category to be filled, announcements may also be sent to special interest organizations.

(3) *Albany Applicants only:* Applications from Albany residents for either of the two Albany seats shall be forwarded to the Albany City Clerk.

a. The Albany City Council will review the Albany applicants and make recommendations for appointment to the Commission.

b. The Albany City Council is responsible for communicating its recommendations in a timely manner to the Berkeley City Clerk for submission to the Commission Secretary.

c. While the Commission makes the recommendation to the Berkeley City Council for Commission appointments, the Albany City Council's recommendations have priority in the selection process.

(4) *(All applicants)* When an application is submitted, the Secretary will first review the application for eligibility pursuant to the criteria stated in this Resolution. The Secretary will then distribute applications from qualified applicants to the Commissioners and place them in the Communications (SB 343) binder for public viewing prior to the next Mental Health Commission meeting. Applicants are encouraged to attend Commission meetings prior to appointment so that they may become familiar with the work of the Commission.

(5) The Commission shall conduct interviews of qualified applicants. After the interview, the Commission shall decide whether to recommend the applicant to City Council for appointment. If the Commission decides to recommend the appointment, the Secretary will send a Consent Item to Council on behalf of the Commission.

Section 5. VACANCIES AND REMOVALS

Vacancies on the Commission, from whatever cause, except temporary vacancies as hereinafter provided, shall be filled 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 2: Membership of the Commission. 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 his or her term by a six-ninths (6/9) vote of the City Council.

Section 6. TEMPORARY VACANCIES

A member of the Commission may be granted a leave of absence by the City Council pursuant to Berkeley Municipal Code Section 3.02.030. A Commission member seeking a leave of absence must submit a request in writing to the Secretary. A request for a leave of absence will then be submitted on the Commission member's behalf to the City Council for consideration. If approved by the City Council, a temporary vacancy shall thereupon exist for the period of such leave of absence.

During the period of such temporary vacancy, the Council may fill such vacancy by a temporary appointment to said Commission; provided; however, that the period of such temporary appointment shall not exceed the period of the temporary vacancy.

At the expiration of a leave of absence so granted, the member shall automatically resume full membership on said Commission to the end of his or her appointed term.

Section 7. POWERS AND DUTIES OF COMMISSION

The Commission shall:

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

(2) Review any City agreements entered into pursuant to WIC §5650, if submission of a performance contract is required by the State.

(3) Advise the governing body and the local mental health director as to any aspect of the local mental health program.

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

(5) Submit an annual report to the governing body on the needs and performance of the City's mental health system.

(6) Review and make recommendations on applicants for the appointment of a local director of mental health services. The commission shall be included in the selection process prior to the vote of the governing body.

(7) Review and comment on the City's performance outcome data and communicate its findings to the State Mental Health Planning Council.

(8) Pursuant to WIC 5604.2(a)(8), the City Council may transfer additional duties or authority to the Commission.

(9) Develop By-Laws, in accordance with WIC §5604.5 and approved by City Council, including, at the discretion of the Commission, the creation of an Executive Subcommittee.

Section 8. MINORITY COMPOSITION OF COMMISSION

The composition of the Commission shall reflect the minority population found in the City. If under representation exists, a statement shall be included in the mental health performance contract, if submission of a performance contract is required by the State, as to the ways equitable representation will be achieved and a timetable for achieving equitable representation.

BET IT FURTHER RESOLVED that Resolution No. 57,078-N.S. is hereby rescinded.

* * * * * *

The foregoing Resolution was adopted by the Berkeley City Council on November 27, 2012 by the following vote:

Ayes: Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: Anderson.

Tom Bates, Mayor

Attest: Mark Numainville, CMC, Acting City Clerk

Exhibit A

RESOLUTION 08-50

A RESOLUTION OF THE ALBANY CITY COUNCIL REGARDING THE APPOINTMENT OF ALBANY REPRESENTATIVES TO THE BERKELEY MENTAL HEALTH COMMISSION

WHEREAS, mental health is essential to everyone's overall health, productivity and well-being; and

WHEREAS, the Berkeley/Albany Mental Health District was formed in 1962, in order to provide community mental health services to residents of Berkeley and Albany in addition to services offered by Alameda County; and

WHEREAS, the Berkeley/Albany Mental Health District is one of two city-based public mental health jurisdictions in California as defined in the California Welfare and Institutions Code; and

WHEREAS, the provision of public mental health services for the City of Albany is thereby within the purview of the Berkeley/Albany Mental Health District, which is advised by the Berkeley Mental Health Commission; and

WHEREAS, the Berkeley Mental Health Commission, created by the City of Berkeley in 1993 according to state statute, reviews and evaluates the mental health needs, resources and programs, for both the city of Berkeley and the City of Albany; and

WHEREAS, of the seventeen appointed members of the Berkeley Mental Health Commission, the enabling legislation requires that two members shall be residents of the City of Albany; and

WHEREAS, Pursuant to state law, one Albany member shall be selected from the general public interest category and one Albany member shall be selected from the special public interest category; and

WHEREAS, Resolution 57,078 creating the Berkeley Mental Health Commission places responsibility for all Commission appointments, including the Albany members, with the Berkeley City Council; and

WHEREAS, the City of Albany wishes to have the ability to make choices in representation of its interests on the Commission, in order to increase effective mental health services that promote mental health resilience and recovery in Albany;

NOW THEREFORE, BE IT RESOLVED that the City Council of Albany does hereby request the following with regard to the appointment procedure to the Berkeley Mental Health Commission:

1) That the Secretary of the Commission will notify the Albany City Clerk in a timely way of existing or anticipated vacancies of Albany seats on the Mental Health Commission and the category of the vacancy; and

2) That the City Clerk's Office will simultaneously direct applications from Albany residents to the Berkeley/Albany Mental Health Commission Secretary for consideration by the Mental Health Commission and to the City of Albany City Clerk's Office for consideration by the Albany City Council; and

3) That the Albany City Council review applications and select the recommended applicants for appointment to the Commission; and

4) That the Albany City Council be responsible for transmitting its recommended appointments to the City of Berkeley's City Clerk in a timely manner; and

5) That the Albany City Council recommended appointments have priority in recommendations to the Berkeley City Council regarding appointments to the Berkeley/Albany Mental Health Commission provided the recommendation is consistent with Mental Health Commission requirements.

Robert S. Lieber, Mayor

City of Albany

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CITY ATTORNEY
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- Environmental Resources
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- Planning

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1249 Marin Avenue
PH. (510) 524-9283
FAX (510) 528-8914
- Friendship Club/ Childcare Program PH. (510) 524-0135
- Senior Center PH. (510) 524-9122 FAX (510) 524-8940
- Teen Center PH. (510) 525-0576

RESOLUTION NO. 08-50

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 21st day of July ,20 08 , by the following votes:

AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 23rd

day of July , 2008 .

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community, and providing a safe, healthy environment now and in the future.

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