



CONTRA COSTA MENTAL HEALTH COMMISSION

1340 Arnold Drive, Suite 200 Martinez, CA 94553

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Mental Health Commission Executive Committee

Tuesday, January 24th, 2023, from 3:30 – 5:00 pm

Via: Zoom Teleconference:

https://cchealth.zoom.us/j/5437776481 Meeting number: 543 777 6481

Join by phone: 1 669 900 6833 US

Access code: 543 777 6481

AGENDA

- I. Call to Order/Introductions
- II. Public comments
- **III.** Commissioner comments
- IV. Chair announcements
- V. APPROVE minutes from the November 22nd, 2022, Executive Committee meeting
- VI. UPDATE on Behavioral Health Services (BHS) contracts discussion with BHS and County Counsel, Commissioner Barbara Serwin
- VII. UPDATE/DISCUSSION with Dr. Marie Scannell and onward funding for Contra Costa's Incompetent to Stand Trial (IST) population, Commissioner Douglas Dunn
- VIII. UPDATE on the effect of the 2020 pandemic on youth and adolescents, inclusive of sexual assault and suicide, Commissioner Leslie May
 - IX. DISCUSS priorities for the 2023-2024 BHS Budget, Commissioner Barbara Serwin and Commissioner Douglas Dunn
 - X. DISCUSS the need for Commissioner letters to persuade Gov. Newsom to keep in place the COVID-19 State of Emergency through at least June 30, 2023, Commissioner Douglas Dunn

(Agenda Continued on Page Two)



- XI. DISCUSS 2023 Mental Health Commission (MHC) meeting calendar and committee membership, Angela Beck, Executive Assistant
- XII. DISCUSS strategy/process for delivering MHC Orientation Modules and determine remaining orientation needs, Commissioner Laura Griffin and Commissioner Barbara Serwin

XIII. DETERMINE January 2023 MHC meeting agenda:

- CHAIR ANNOUNCEMENTS
 - Meeting Ground Rules: No interruptions; Limit two (2) minutes; Stay on Topic
 - ACR-150 African American Mental Health Awareness Week / AB 2242 and Senator Susan Eggman in the news!
 - Virtual Training for Clinicians and Administrators: Treatment for Autism and Developmental Disabilities Co-occurring with Behavioral Health Needs, 2/7/23
- "Get to know your Commissioner" Commissioner Kerie Dietz-Roberts
- Possible Presentation/Speaker: The effect of the 2020 pandemic on youth and adolescents, inclusive of sexual assault and suicide, Commissioner Leslie May
- RECEIVE Presentation: Behavioral Health Services (BHS) 2023-2024 budget, Dr. Suzanne Tavano and Pat Godley
- Behavioral Health Services Director's report, Dr. Suzanne Tavano

XIV. Adjourn

ATTACHMENTS:

- A. Guide to Brown Act Changes starting January 1, 2023
- B. Legal Update: Brown Act Virtual Meeting Requirements Memo No 19-2022(CC)
- C. Mental Health Commission (MHC) 2023 Meeting Calendar
- D. MHC Committee Rosters





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A Guide To Brown Act Changes Starting January 1, 2023



EDUCATION - DECEMBER 16, 2022

by Kevin M. Davis and Greta A. Proctor

The Legislature passed three bills in 2022 that made changes to the Ralph M. Brown Act ("Brown Act") effective January 1, 2023, summarized below. The Brown Act requires meetings of a local public agency's governing body to be open and public, including charter schools. The new changes address board members' remote participation in meetings (Assembly Bill 2449), removal of disruptive individuals from meetings (Senate Bill 1100), and circulation of public meeting materials (Assembly Bill 2647).

In addition, the Governor has announced that California's current COVID-19 state of emergency will end February 28, 2023. If and when the emergency ends, agencies will no longer be able to trigger Assembly Bill 361's remote meeting procedures in reliance on that emergency.

The upcoming changes are summarized below, to help schools and public agencies ensure they are prepared.

End of Current State of Emergency, and New Remote Participation Rules (Assembly Bill 2449)

As of December 2022, many local public agency boards continue to hold wholly virtual board meetings as a result of the COVID-19 pandemic. Boards are expressly allowed to do this during a state of emergency by making specific findings under Assembly Bill 361 (2021). However, Governor Newsom announced that the COVID-19 state of emergency will end on **February 28, 2023**. If and when the state of emergency ends, agencies will no longer be able to trigger AB 361's remote meeting procedures in reliance on that COVID-19 emergency.

Even after the state of emergency ends, board members may continue to participate remotely by telephone and/or videoconference under the Brown Act teleconference rules that existed before the pandemic. Those teleconference rules are found in Government Code section 54953(b).

Beginning January 1, 2023, Assembly Bill 2449 (AB 2449) also allows individual board members to participate in meetings remotely during "emergency cipstances," such as physical or family medical emergencies, or for "just cause," including childcare or caregiving needs, contagious illness, a disability, on official agency business. Unlike the traditional teleconference rules, AB 2449 allows a board member to remotely participate without as much

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- At least a **quorum of the board must participate in the meeting from a single physical location** that is identified on the notice and agenda, is open to the public, and is located within the jurisdiction. This is different from the traditional teleconference rules where a quorum of the board must be within the jurisdiction but not necessarily all at one physical location.
- The agenda must provide an option for members of the public to participate in the meeting remotely by phone and internet, e.g. a dial-in number and link, in addition to public participation at the physical location. It is permissible for third-party website or internet platform providers to require the public to register/log-in. The public must be able to comment in real-time, and the board cannot require submission of comments in advance.
- The board member using AB 2449 must notify the agency at the earliest opportunity possible, even at the start of the meeting. A separate request and disclosure is required for each meeting. The **disclosure must include a general description of the need to participate remotely**, provided that they need not disclose any medical diagnosis or disability, or personal medical information. At the meeting before any action is taken, the board member must **publicly disclose whether any adults are present in the room with the board member**, and the general nature of the person's relationship.
- The board member must participate remotely by audio and video.
- A board member may only participate remotely based on "just cause" for **two meetings per calendar year**.
- In addition, a board member may not participate remotely under AB 2449 for more than three consecutive months, or for 20 percent of the regular meetings within a calendar year. If the governing body meets 10 or fewer times per year, each board member may only use AB 2449 twice per year.
- If the broadcast of the meeting or the public's ability to comment via call-in or internet-based options is **disrupted**, **the board cannot take further action until restored**. Any actions taken during disruption may be challenged.

Because of the many conditions for using AB 2449, we expect the traditional teleconference rules under the Brown Act may continue to be the go-to rules for board members seeking to participate remotely in meetings. AB 2449 sunsets on January 1, 2026.

Distribution of Public Meeting Materials (Assembly Bill 2647)

Assembly Bill 2647 ("AB 2647") makes small changes to the requirements for agencies distributing board meeting materials to board members within 72 hours of a meeting. Currently, meeting materials distributed during the 72-hour window ahead of a regular meeting must be made available for public inspection at the office or agendized location at the same time they are distributed to a majority of the board, which can raise practical issues when documents are emailed and/or agencies are working remotely. AB 2647 gives agencies flexibility to instead post such materials online, so long as **all** of the following requirements are met:

- Posting online is only sufficient if the agency had previously posted an initial staff report or similar document with an executive summary and staff recommendation (if any) relating to the agenda item at least 72 hours before the meeting, at the office or meeting location identified on the agenda.
- The meeting materials are immediately posted on the website in a way that makes it clear they relate to the same agenda item for the upcoming meeting.
- The web address is listed on all meeting agendas.
- Physical copies of the meeting materials are made available for public inspection at the next regular business hours, at the office or meeting location designated in the agenda, and only if the next regular business hours commence within 24 hours (i.e., cannot be done from a Friday to a Monday).

Removal of Disruptive Individuals (Senate Bill 1100)

Senate Bill 1100 ("SB 1100") amends the Brown Act to authorize the presiding board member (e.g., the board chair) to remove disruptive individuals from a board meeting, so long as the individual is first warned by the presiding board member that their behavior is disrupting the meeting and failure to cease such behavior may result in removal. If the behavior does not promptly cease, the individual may be removed.

"Disrupting" is defined as engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. This includes failure to comply with regulations adopted by the board or engaging in behavior that constitutes the use of force or a true threat of force. "True threat of force" means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

SB 1100 is in addition to existing Brown Act procedures for clearing the room when meeting order cannot be restored, as well as existing rights for agencies to contact reasonable regulations on disruptive conduct.



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LEGAL UPDATE

November 8, 2022

To: Superintendents/Presidents/Chancellors, Member Community

College Districts

From: Jennifer Henry, Senior Associate General Counsel

Subject: Updated Brown Act Virtual Meeting Requirements (AB 2449)

Memo No. 19-2022(CC)

Assembly Bill ("AB") 2449, signed into law on September 13, 2022, amends Government Code section 54953 to provide authority and specific requirements for public agencies to allow individual board members to appear at meetings via videoconference for "just cause" and under "emergency circumstances" while remaining in compliance with the Brown Act (Gov. Code §§ 54950 *et seq.*). AB 2449 goes into effect on January 1, 2023, and sunsets on December 31, 2025. AB 2449's primary difference from the pre-pandemic Brown Act rules on teleconferencing is that the teleconference location does not have to be identified on the agenda or accessible to the public.

On the following pages, we have provided a chart comparing pre-pandemic ("traditional") teleconferencing requirements (which remain in effect and allow Board members to appear virtually for any reason, provided their location meets specific requirements) with AB 361 (which, while operative for the next two months, allows entire meetings to be held virtually under a statement of emergency), and the new AB 2449 rules for individual board members. Effective January 1, 2023, the Brown Act permits teleconferencing under any of the three options – traditional Brown Act teleconferencing, AB 361 state of emergency rules, and AB 2449 individual board member rules.

¹ We use "teleconferencing" herein to mean conference via telephone or video, as defined in the Traditional Brown Act statute.

A: Rules Regarding a Quorum

Traditional Brown Act Teleconferencing Requirements	AB 361	AB 2449
During teleconference meetings, at least a quorum of the members of the local public agency body must participate from locations within the boundaries of the territory over which the local public agency body exercises jurisdiction.	Quorum not required to be located within the boundaries of the territory.	A quorum must participate in person from a singular physical location identified in the agenda, that is open to the public, and within the boundaries of the LEA.

B: Qualifying Circumstances Permitting Teleconferencing

Traditional Brown Act Teleconferencing Requirements	AB 361	AB 2449
 The teleconference location must be noted on the agenda. The agenda must be posted at the remote location. Each teleconference location must be accessible to the public so the public may attend the remote location. Any vote must be done by roll call. A majority of the Board must be located within the territory of the district. 	 Only applies during a proclaimed state of emergency, where state or local officials have imposed or recommended measure to promote social distancing. The board must hold a meeting during the proclaimed state of emergency to decide by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. Board must make findings every 30 days that the qualifying circumstances continue. 	Individual board members may participate in board meetings remotely, if they notify the Board at their earliest opportunity, and have one of the following: - Just Cause: Individual board members can participate remotely when caregiving of a family member, a contagious illness, a physical or mental disability, or LEA-related travel prevents them from appearing in person; OR - May not be used more than two meetings per calendar year per Board member. Emergency Circumstances: Individual board members can participate remotely when

	there is a physical or family
	medical emergency that
	prevents them from appearing
	in person.
	- The board member must
	describe the emergency in
	approximately 20 words
	without disclosing any
	personal medical
	information.
	- Board must take action to
	approve the member's
	request.
	- A board member may not
	claim emergency
	circumstances more than
	three consecutive months
	OR 20 percent of the
	regular meetings within a
	calendar year

C: Agenda Requirements for Teleconferencing

Traditional Brown Act Teleconferencing Requirements	AB 361	AB 2449
Each teleconference location from which a member will be participating must be specifically identified in the meeting notice and agenda, including full address and	Public agency must only give notice and post agenda in accordance with the Brown Act provisions for in-person meetings.	The agenda must provide notice of how the public can access the meeting and provide comments. The agenda shall identify and include an opportunity for all persons to
room number. An agenda must be posted for the required period of time (24 or 72 hours) at each teleconference location from which a member will be participating.	The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.	attend via a call in option, an internet-based option, and an in-person option. The board may not require a member of the public to submit comments prior to the meeting. There is no requirement to disclose the teleconferencing

D: Teleconference Location

Traditional Brown Act Teleconferencing Requirements	AB 361	AB 2449
Each teleconference location	Public agencies do not have to	Teleconferencing members
must be physically accessible	let members of the public	must participate with both
to the public.	attend at each teleconference	audio and visual, i.e. only via
	location, but must allow the	videoconference.
Members of the public must be	public to access the meeting	
able to physically address the	via a call-in or an internet-	Videoconferencing members
body from each teleconference	based service option.	must disclose whether any
location.		individuals 18 years or older
	The public agency is not	are present in the same room
	required to provide a physical	and the nature of the
	location for the public to	relationship.
	attend or provide comments.	

E: Public Comment

Traditional Brown Act Teleconferencing Requirements	AB 361	AB 2449
Public Comment must be allowed at the in-person	The legislative body shall allow members of the public to	The legislative body must provide to the public a two-
meeting and from every teleconference location.	access the meeting and the agenda shall provide an opportunity for members of the public to address the	way audio-visual platform or a two-way telephonic service with live webcasting.
	legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda	The legislative body must provide a way for the public to remotely hear, visually observe, and remotely address the legislative body in real time.
	for the meeting is otherwise posted, <i>the legislative body</i>	
	shall also give notice of the means by which members of the public may access the	
	meeting and offer public comment. Gov. Code §	
	54953(e)(1)(B). The legislative body <i>shall not</i>	
	require public comments to be	

submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. Gov. Code § 54953(e)(1) (E).

An individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate. Gov. Code § 54953(e)(1)(F). [Note: *The Brown Act does not* allow a public agency to require a meeting attendee to provide their name and address as a condition of attendance and public agencies may need to consider whether pseudonyms will be *allowed*].

A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register until that timed public comment period has elapsed.

A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time

per agenda item to allow	
public members the opportunity to provide public	
comment, including time for	
members of the public to	
register, or otherwise be	
recognized for the purpose of	
providing public comment.	
A legislative body that	
provides a timed general	
public comment period that	
does not correspond to a	
specific agenda item shall not	
close the public comment	
period or the opportunity to	
register until the timed	
general public comment	
period has elapsed.	

F: Effective Dates

Brown Act Teleconferencing Requirements	AB 361	AB 2449
Government Code section	AB 361 went into effect on	AB 2449 goes into effect on
54953 was initially added in	October 1, 2021 and will	January 1, 2023 and sunsets on
1953, and amended in 1988 to	sunset on December 31, 2023.	December 31, 2025.
allow for teleconferencing,		
with various amendments		
throughout the years. There is		
no intended sunset date.		

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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Mental Health Commission

2023 Commission and Committee Meetings

The Mental Health Commission and Committee Meetings will be held via Online/Telephone Conference. Dates and times of meetings subject to change. For Information regarding meeting access, or updated information on meeting dates and times, please refer to the specific Committee Meeting Agenda (posted online on the Mental Health Commission website). If you have any questions, please contact the Mental Health Commission Office at (925) 313-9553. (**Indicates additional Committee meetings scheduled.)

	1		
January			
Mental Health Commission	4	4:30-6:30pm	Zoom Online/Telephone Conference
Finance/Justice Sys Committee	19	1:30-3:00pm	Zoom Online/Telephone Conference combined mtg
Quality of Care Committee	19	3:30-5:00pm	Zoom Online/Telephone Conference
Justice Systems (see Finance ^^)	19	1:30-3:00pm	Zoom Online/Telephone Conference combined mtg
Executive Committee	24	3:30-5:00pm	Zoom Online/Telephone Conference
February	1		
Mental Health Commission	1	4:30-6:30pm	Zoom Online/Telephone Conference
Finance Committee	16	1:30-3:00pm	Zoom Online/Telephone Conference
Quality of Care Committee	16	3:30-5:00pm	Zoom Online/Telephone Conference
Justice Systems Committee	21	3:30-5:00pm	Zoom Online/Telephone Conference
Executive Committee	28	3:30-5:00pm	Zoom Online/Telephone Conference
	1		
March			
Mental Health Commission	1	4:30-6:30pm	Zoom Online/Telephone Conference
Finance Committee	16	1:30-3:00pm	Zoom Online/Telephone Conference
Quality of Care Committee	16	3:30-5:00pm	Zoom Online/Telephone Conference
Justice Systems Committee	21	3:30-5:00pm	Zoom Online/Telephone Conference
Executive Committee	28	3:30-5:00pm	Zoom Online/Telephone Conference
	1		
April			
Mental Health Commission	5	4:30-6:30pm	Zoom Online/Telephone Conference
Justice Systems Committee	18	3:30-5:00pm	Zoom Online/Telephone Conference
Finance Committee	20	1:30-3:00pm	Zoom Online/Telephone Conference
Quality of Care Committee	20	3:30-5:00pm	Zoom Online/Telephone Conference
Executive Committee	25	3:30-5:00pm	Zoom Online/Telephone Conference
	1		
May			
Mental Health Commission	3	4:30-6:30pm	Zoom Online/Telephone Conference
Justice Systems Committee	16	3:30-5:00pm	Zoom Online/Telephone Conference
Finance Committee	18	1:30-3:00pm	Zoom Online/Telephone Conference
Quality of Care Committee	18	3:30-5:00pm	Zoom Online/Telephone Conference
Executive Committee	23	3:30-5:00pm	Zoom Online/Telephone Conference

Mental Health Commission

2023 Commission and Committee Meetings

June			
Mental Health Commission	7	4:30-6:30pm	Zoom Online/Telephone Conference
Finance Committee	15	1:30-3:00pm	Zoom Online/Telephone Conference
Quality of Care Committee	15	3:30-5:00pm	Zoom Online/Telephone Conference
Justice Systems Committee	20	3:30-5:00pm	Zoom Online/Telephone Conference
Executive Committee	27	3:30-5:00pm	Zoom Online/Telephone Conference
1.1.	l		
July	-	4.20 6.20	Zaraw Ouline /Zalawhana Canfanana
Mental Health Commission	5	4:30-6:30pm	Zoom Online/Telephone Conference
Justice Systems Committee	18	3:30-5:30pm	Zoom Online/Telephone Conference
Finance Committee	20	1:30-3:00pm	Zoom Online/Telephone Conference
Quality of Care Committee	20	3:30-5:30pm	Zoom Online/Telephone Conference
Executive Committee	25	3:30-5:00pm	Zoom Online/Telephone Conference
August	l		
Mental Health Commission	2	4:30-6:30pm	Zoom Online/Telephone Conference
	15	3:30-5:30pm	· · · · · · · · · · · · · · · · · · ·
Justice Systems Committee		· · · · · ·	Zoom Online/Telephone Conference
Finance Committee	17	1:30-3:00pm	Zoom Online/Telephone Conference
Quality of Care Committee	17	3:30-5:30pm	Zoom Online/Telephone Conference
Executive Committee	22	3:30-5:00pm	Zoom Online/Telephone Conference
September			
Mental Health Commission	6	4:30-6:30pm	Zoom Online/Telephone Conference
Justice Systems Committee	19	3:30-5:00pm	Zoom Online/Telephone Conference
Finance Committee	21	1:30-3:00pm	Zoom Online/Telephone Conference
Quality of Care Committee	21	3:30-5:00pm	Zoom Online/Telephone Conference
Executive Committee	26	3:30-5:00pm	Zoom Online/Telephone Conference
October			
Mental Health Commission	4	4:30-6:30pm	Zoom Online/Telephone Conference
Justice Systems Committee	17	3:30-5:00pm	Zoom Online/Telephone Conference
Finance Committee	19	1:30-3:00pm	Zoom Online/Telephone Conference
Quality of Care Committee	19	3:30-5:00pm	Zoom Online/Telephone Conference
Executive Committee	24	3:30-5:00pm	Zoom Online/Telephone Conference
LACCULIVE COMMITTEE	24	3.30-3.00piii	20011 Offine/ releptione conference

Mental Health Commission

2023 Commission and Committee Meetings

November			
Mental Health Commission	1	4:30-6:30pm	Zoom Online/Telephone Conference
Justice Systems Committee	21	3:30-5:00pm	Zoom Online/Telephone Conference
Finance Committee	16	1:30-3:00pm	Zoom Online/Telephone Conference
Quality of Care Committee	16	3:30-5:00pm	Zoom Online/Telephone Conference
Executive Committee	28	3:30-5:00pm	Zoom Online/Telephone Conference

December			
Mental Health Commission	6	4:30-6:30pm	Zoom Online/Telephone Conference
Justice Systems Committee	19	3:30-5:00pm	Zoom Online/Telephone Conference
Finance Committee	21	1:30-3:00pm	Zoom Online/Telephone Conference
Quality of Care Committee	21	3:30-5:00pm	Zoom Online/Telephone Conference
Executive Committee	26	3:30-5:00pm	Zoom Online/Telephone Conference

Committee Membership Roster:

MHC Executive*

Chair – Laura Griffin, District V

Vice-Chair - Cmsr. Douglas Dunn, District III

Cmsr. Leslie May, District V

Cmsr. Pamela Perls, District II

Cmsr. Barbara Serwin, District II

MHC Finance

Chair - Cmsr. Douglas Dunn, District III

Cmsr. Gerthy Loveday Cohen, District III

Cmsr. Leslie May, District V

Cmsr. Rhiannon Shires, District II

MHC Justice Systems

Cmsr. - Geri Stern, District I

Cmsr. Gerthy Loveday Cohen, District III

Cmsr. Kerie Dietz-Roberts, District IV

Cmsr. Tavane Payne, District IV

Cmsr. Pamela Perls, District II

Cmsr. Gina Swirsding, District I

MHC Quality of Care

Chair - Cmsr. Barbara Serwin, District II

Cmsr. Laura Griffin, District V

Cmsr. Joe Metro, District V

Cmsr. Pamela Perls, District II

Cmsr. Gina Swirsding, District I

K-12 Workgroup **

Chair – Laura Griffin, District V

Cmsr. Pamela Perls, District II

Cmsr. Rhiannon Shires, District II

Cmsr. Gina Swirsding, District I

^{*} Does not count toward committee participation

^{**} New subcommittee under Quality of Care (discuss possible add to meeting schedule)

Name	District	Position	Appointed	Expires
Gina Swirsding	I	Seat #2	8/8/2017	6/30/2023
Geri Stern	I	Seat #3	8/8/2017	6/30/2023
VACANT	I	Seat #1		
Barbara Serwin	II	Seat #2	9/13/2016	6/30/2025
Dr. Rhiannon Shires	II	Seat #3	9/14/2021	6/30/2024
Pamela Perls	II	Seat #1	9/13/2022	6/30/2025
VACANT	III	Seat #2		
Douglas Dunn	III	Seat #3	2/9/2016	6/30/2025
Gerthy Loveday Cohen	III	Seat #1	6/7/2022	6/30/2025
Tavane Payne	IV	Seat #2	4/26/2022	6/30/2024
Kerie Dietz-Roberts	IV	Seat #3	7/26/2022	6/30/2025
VACANT	IV	Seat #1		
Laura Griffin	V	Seat #2	2/25/2020	7/1/2025
Leslie May	V	Seat #3	2/13/2018	12/31/2023
Joe Metro	V	Seat #1	5/22/2018	07/01/2024
Representatives from the Board of Supervisors:				
Supv. Diane Burgis Representative	III			

NOTE:

Seat #1 = Member-at-Large

IV

Seat #2 = Consumer

Supv. Karen Mitchoff

Alternate Representative

Seat #3 = Family Member