

MHR SB GOVERNANCE COMMITTEE MEETING

October 13, 2015

4:00 p.m.

Agenda

Item	Information Enclosed	Action Required	Allocation Required	Page
1. Call to Order				
2. Recognition of Visitors				
3. Meeting Minutes: August 11, 2015	✓	✓		1-4
4. Governance Charter	✓	✓		5-6
5. State Issue 3: Proposed Constitution Amendment Regarding Marijuana - Discussion	✓			7-12
6. Open Session				
7. Executive Session: Personnel Related Matter	✓			13
8. Adjournment				

GOVERNANCE COMMITTEE MEETING MINUTES

August 11, 2015

Governance Committee Members Present:

Audrey Weis-Maag	Pastor Perryman	Neema Bell
Linda Alvarado-Arce	Andre Tiggs	Linda Howe
Tony Pfeiffer	Lynn Olman	

Governance Committee Members Not Present:

Dr. Tim Valko

Other Trustee Members Attending:

Staff: Scott Sylak, Tom Bartlett, Donna Robinson, Tim Goyer, Karen Olnhausen.

Visitors: Richard Arnold; Jessi Broz, Rescue; Adam Nutt, Zepf; George Johnson, Rescue; Merisa Parker, Rescue; Geof Allan, UMADAOP; Brianna Stephan, BCR Intern.

Ms. Weis-Maag opened the meeting at 4:00 p.m., with introduction of visitors.

Meeting Minutes – June 9, 2015

There was consensus to approve the meeting minutes as presented.

Committee Assignments

Mr. Sylak congratulated all new members of the Governance Committee. He explained that the policy for committee assignments states that the new Board Chair will consult with the Committee Chairs and Vice Chairs to re-evaluate committee membership on a yearly basis. An email was sent to each proposed committee member and several trustees responded in agreement. However, the next step in the process was to contact the proposed members to verify if they are willing to serve on the proposed committee(s). Instead, the committee membership recommendations were put into the packet and two members were listed who indicated that they didn't wish to participate. Ms. Weis-Maag doesn't wish to serve on the P&S Committee and Ms. Howe requested to only serve the Governance Committee and Board, but not the P&F Committee.

Upon no further revisions to the proposed committee assignment terms of September 1, 2015 through August 31, 2017, Ms. Bell approved the new committee membership as presented on page five of the meeting packet with the revisions outlined above.

Trustee Recruitment Update

Mr. Sylak stated that recruitment efforts are underway to fill the two Board vacancies (state clinician AOD and county appointment) and once they are filled, committee membership may be realigned to add new members to either the P&F or P&S Committee. Discussion occurred with regard to what the Board representation should encompass. It was requested that engagement with the Diversity Workgroup for assistance in promoting the positions through the various cultural community connections with particular attention to Asian cultures.

FY 2016 Behavioral Health Juvenile Justice Allocation

Ms. Olnhausen stated that the MHR SB was recently notified from the Department of Youth Services (DYS) that Lucas County was the recipient of the FY 2016 Behavioral Health Juvenile Justice (BHJJ) grant in the amount of \$343,377, with its primary goal to decrease youth commitments to DHS by providing appropriate community and evidenced based programs.

For FY 2016-2017, the MHR SB along with Lucas County Juvenile Court and Family Council were required to reapply for the grant which resulted in a 16.7% reduction from the FY 2015 BHJJ project from DHS due to lack of available resources. As a result, the Lucas County Family Council wraparound services, Juvenile Sequential Intercept Mapping process, and dedicated services for workforce development training were defunded.

The following motions were recommended to the Board of Trustees for their consideration to allocate the \$343,377 grant award received from the Department of Youth Services:

The Mental Health and Recovery Services Board of Lucas County allocate \$287,307 to Zepf Center to administer the Multi-Systemic Therapy program, and authorize its Executive Director to execute a contract amendment to the FY 2016 Provider Agreement to reflect this change.

The Mental Health and Recovery Services Board of Lucas County allocate \$56,030 to the Lucas County Juvenile Court for one staff member (1.0 FTE) housed at the Juvenile Court's Assessment Center, and authorize its Executive Director to execute a FY 2016 Memorandum of Understanding to reflect this allocation.

There was consensus to move the motions forward to the Board of Trustees.

2014 Strategic Plan Update

Mr. Goyer referred to pages 7-17 of the meeting packet for a review of the MHR SB Strategic Plan approved by the Board on May 20, 2014. He indicated that the Strategic Plan is a guiding document for making funding recommendations and investing staff resources, and that it correlates with the Board's policy decisions while tracking the action steps taken by the Board and Staff under each of the identified strategies. Mr. Goyer provided highlights from each of the six identified strategies and related objectives, and reviewed progress-to-date and next steps. In January 2016, the Board will provide an update on completion of remaining actions steps in conjunction with the System-Wide Goals in preparation for creating a new Strategic Plan.

The Committee suggested that the approach to a review of the Strategic Plan should be to identify if the Board did what it said it was going to do and did it accomplish the goals set. In addition, the Strategic Plan should reflect the Diversity Workgroup and Families to Recovery sub-committee that apply to strategies in the Plan; any additional comments or questions

with regard to progress-to-date and the next steps should be directed to Mr. Sylak. Discussion followed with regard to adding timelines to the next steps which would show progress made for the Board members to see when evaluating and making recommendations to the Staff. Mr. Goyer stated that there are a number of plans that the Board has implemented and the Strategic Plan is a very detailed document with many components contained within in it.

Mental Health First Aid Legal Opinion

Mr. Sylak referred to page 17 of the meeting packet which outlines an email dated June 6, 2015 from Assistant Prosecutor, John Borell, that is in response to a question raised by a provider at the May 5, 2015 Planning & Finance Committee meeting with regard to the Board Staff providing Mental Health First Aid training. In summary, it is the opinion of the Assistant Prosecutor that the MHR SB may, under Ohio law, provide Mental Health First Aid training as the training does not provide services to clients and is considered education to the community of the signs of mental illness, the impact of mental and substance abuse disorders, teaches how to assess a situation, and provides the availability of local resources to trainees.

MHR SB Policy Update – Finance and Operations

Mr. Bartlett explained the 3-year cycle policy review schedule developed by Board Staff for the Governance Committee to follow in accordance with the MHR SB Promulgation of Policies and Procedures Policy. Board staff reviewed each of the Finance and Operations policies in advance and made a recommendation to delete the Board Administrative Budget Preparation and Execution Policy and proposed changes to seven policies stated in the meeting packet on page 19 for the Committee to review and provide feedback.

The Committee expressed concern with the proposed changes by staff to the Provider Eligibility of Board Funded Services Policy with regard to elimination of the Agency's continuous use of a line of credit from the policy and recommended leaving the policy as written and recommended not changing the policy.

Mr. Sylak clarified that the Promulgation of Policies and Procedures Policy states that the Governance Committee will review all policies once every three years. However, the Board Staff only presented the policies with proposed changes after reviewing every Finance and Operations policy. He asked the Committee if they wish to review every policy prior to any recommendations for changes be made by Board staff in the future. The Committee agreed that in the future, each policy will be reviewed by the corresponding Chair and Vice Chair, along with one committee member for the policies that pertain to P&F, P&S or Governance according to the 3-year review cycle.

GOVERNANCE COMMITTEE MEETING MINUTES

August 11, 2015

The following motions were presented for consideration:

The Mental Health & Recovery Services Board of Lucas County approves the Finance and Operations Policies contained in the Board packet effective September 1, 2015.

The Mental Health & Recovery Services Board of Lucas County approves the deletion of the Board Administrative Budget Preparation and Execution Policy, effective September 1, 2015.

There was consensus to approve the motion and move it forward to the Board of Trustees with no changes being made to the Provider Eligibility of Board Funded Service Policy.

Open Session

There were no comments made.

Executive Session – Personnel Related Matters

Ms. Bell reviewed the following motion presented to the Governance Committee for their consideration:

Move that the Governance Committee adjourn into Executive Session for the purpose of discussing changes to the existing MHR SB Table of Organization including the addition of positions, changes to existing positions and compensation levels where appropriate.

Mr. Olman made a motion and it was seconded by Pastor Perryman for the Committee to enter into an Executive Session for the purpose of discussing Board Staff Personnel Related Matters. Voting on the motion was: Ms. Alvarado-Arce-yes; Mr. Pfeiffer-yes; Mr. Olman-yes; Ms. Weis-Maag-yes; Ms. Howe-yes; Mr. Tiggs-yes; Pastor Perryman-yes.

It was moved that the Executive Session for the purposes of discussion of the personnel related matter adjourned at 5:53 p.m.

Adjournment

The meeting was adjourned at 5:54 p.m.

Governance Committee Charter

The Board Committees Policy includes the requirement that each committee establish a charter to define its leadership, structure, purpose, authority, scope of responsibilities, decision making process, membership requirements, and duration. The Governance Committee Charter was established in October 2012 with a requirement that it be reviewed at least annually. The last review of the Charter took place in September 2014. Board staff has reviewed the current Governance Committee Charter and is not recommending any changes at this time. A copy of the Charter is attached. If the Committee finds the Charter acceptable, it is recommended that it be approved by consensus.

Governance Committee Charter

October 13, 2015

Leadership Structure: The Chair of the Mental Health & Recovery Services Board of Lucas County will be the Chair of the Governance Committee. In the Chair's absence, the leadership structure will be as follows: Vice Chair, Treasurer, and then Secretary.

Authority: Ohio Revised Code Chapter 340 assigns the Mental Health & Recovery Services Board of Lucas County statutory responsibility for the planning, funding, implementation, monitoring, and evaluation of prevention, treatment and recovery support services within the county. In performing its duties, the Board may establish such rules, operating procedures, standards and bylaws, and perform such other duties as may be necessary or proper to carry out the purposes of ORC Chapter 340. The Governance Committee was established under this authority by the Mental Health & Recovery Services Board of Lucas County.

Purpose and Scope: To provide oversight for the implementation of the Strategic Plan, ensure the vision and mission of the organization is being fulfilled, evaluate the Executive Director and provide guidance on personnel related matters, policies and community relations.

Decision Making Process: The Governance Committee will make decisions by consensus of those committee members in attendance, except where otherwise established in Board Policy and/or ORC Chapter 340. Recommendations from the Governance Committee will be presented for final approval to the MHRSB at a regular or special meeting of the Board.

Membership: A minimum of at least 7 Trustees; including the Board Chair, Vice Chair, Treasurer, Secretary, Immediate Past Chair (if still a Trustee), Chair and Vice Chair of Programs and Services, Chair and Vice Chair of Planning & Finance. To the extent possible, membership should reflect the composition of the MHRSB Trustees as it relates to race and gender.

Duration: Reviewed at least once annually.

Schedule: The Governance Committee will meet: 1) At the discretion of the Committee Chair, with proper public notice required. 2) At the request of any two Governance Committee members, with proper public notice required.

State Issue 3 Proposed Constitutional Amendment Discussion

Related to previous conversations regarding State Issue 3, it has been requested that the MHRS Board re-engage their discussion regarding this issue. Attached is the official ballot language for Issue 3.

State Issue 3 would create a process for the commercial production and sale of marijuana for recreational and medicinal purposes. State Issue 3 is a proposed constitutional amendment proposed by Initiative Petition.

On the Lucas County Board of Elections web site, there are two one-page documents in favor and in opposition to State Issue 3. These one-page documents are attached, and should provide the Trustees with some information on this state issue.

Issue 3

Grants a monopoly for the commercial production and sale of marijuana for recreational and medicinal purposes

Proposed Constitutional Amendment

Proposed by Initiative Petition

To add Section 12 of Article XV of the Constitution of the State of Ohio.

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- Endow exclusive rights for commercial marijuana growth, cultivation, and extraction to self-designated landowners who own ten predetermined parcels of land in Butler, Clermont, Franklin, Hamilton, Licking, Lorain, Lucas, Delaware, Stark, and Summit Counties. One additional growth facility may be allowed for in four years only if existing facilities cannot meet consumer demand.
- Permit retail sale of recreational marijuana at approximately 1,100 locations statewide. Such retail establishments must have a state license that may be obtained only if the electors of the precinct where the store will be located approve the use of the location for such purpose at a local option election.
- Legalize the production of marijuana-infused products, including edible products, concentrates, sprays, ointments and tinctures by marijuana product manufacturing facilities.
- Allow each person, 21 years of age or older, to, grow, cultivate, use, possess, and share up to eight ounces of usable homegrown marijuana plus four flowering marijuana plants if the person holds a valid state license. Allow each person, 21 years of age or older, to purchase, possess, transport, use, and share up to 1 ounce of marijuana for recreational use. Authorize the use of medical marijuana by any person, regardless of age, who has a certification for a debilitating medical condition.
- Prohibit marijuana establishments within 1,000 feet of a house of worship, public library, public or chartered elementary or secondary school, state-licensed day-care center, or public playground, however: after a certain date, a new day-care, library, etc., cannot force a preexisting marijuana establishment to relocate by opening a new location within 1,000 feet of the business.

- Prohibit any local or state law, including zoning laws, from being applied to prohibit the development or operation of marijuana growth, cultivation, and extraction facilities, retail marijuana stores, and medical marijuana dispensaries unless the area is zoned exclusively residential as of January 1, 2015 or as of the date that an application for a license is first filed for a marijuana establishment.
- Create a special tax rate limited to 15% on gross revenue of each marijuana growth, cultivation, and extraction facility and marijuana product manufacturing facility and a special tax rate limited to 5% on gross revenue of each retail marijuana store. Revenues from the tax go to a municipal and township government fund, a strong county fund, and the marijuana control commission fund.
- Create a marijuana incubator in Cuyahoga County to promote growth and development of the marijuana industry and locate marijuana testing facilities near colleges and universities in Athens, Cuyahoga, Lorain, Mahoning, Scioto and Wood Counties, at a minimum.
- Limit the ability of the legislature and local governments from regulating the manufacture, sales, distribution and use of marijuana and marijuana products. Create a new state government agency called the marijuana control commission (with limited authority) to regulate the industry, comprised of seven Ohio residents appointed by the Governor, including a physician, a law enforcement officer, an administrative law attorney, a patient advocate, a resident experienced in owning, developing, managing and operating businesses, a resident with experience in the legal marijuana industry, and a member of the public.

	YES	SHALL THE AMENDMENT BE APPROVED?
	NO	

CERTIFICATION

Acting in my capacity as the secretary of the Ohio Ballot Board, I hereby certify to the Secretary of the State of Ohio that the foregoing text is the ballot language prescribed by the Ohio Ballot Board, acting pursuant to Article II, Section 1g of the Ohio Constitution and section 3505.062 of the Revised Code of Ohio, for this constitutional amendment proposed by petition for submission to the Ohio electorate at the election to be held on November 3, 2015.

In testimony whereof, I have subscribed my name in Columbus, Ohio, this 18th day of September, 2015.

A handwritten signature in cursive script, reading "Carrie Kuruc", is written over a horizontal line.

Secretary, Ohio Ballot Board

VOTE YES ON ISSUE 3

☞ VOTE YES FOR PERSONAL CHOICE. Issue 3 legalizes marijuana for medicinal and personal use in Ohio. It allows persons over age 21 to buy, possess, and grow a small amount of marijuana for their own use.

☞ VOTE YES FOR COMPASSIONATE CARE. Issue 3 authorizes non-profit dispensaries for medicinal marijuana, which Ohio doctors could prescribe to treat patients with cancer, Parkinson's, Alzheimer's, sickle cell anemia or other debilitating diseases; children with epilepsy; and veterans with post-traumatic stress disorder.

☞ VOTE YES FOR GOOD JOBS AND WELL-FUNDED LOCAL GOVERNMENT SERVICES. Issue 3 establishes an industry that will create tens of thousands of jobs in Ohio. It permits, regulates, and taxes marijuana sales by licensed growers and retailers. It will eventually generate more than \$550 million annually in tax revenue, 85% of which will go directly to local governments, which may spend these funds on public safety, economic development, road/bridge repair, and other infrastructure improvements.

☞ VOTE YES FOR A TIGHTLY REGULATED INDUSTRY. Issue 3 creates an independent commission that will regulate the growth and sale of marijuana and issue licenses to ten initial grow facilities. The commission may license additional grow facilities as necessary. The initial ten-license limit is consistent with recommended best practices, and avoids problems other states with more grow sites have encountered in maintaining quality, ensuring safety, tracking product, and collecting taxes. Contrary to unfounded charges, the market established by Issue 3 does not constitute a monopoly, cartel, or oligopoly, and the commission's authority prevents any from developing. These charges have been trumped up by the legislature, which failed for decades to vote on legalizing marijuana, not even for medicinal purposes, and now opposes letting tax revenue from Issue 3 bypass it and go directly to local governments, replacing funding that the legislature previously slashed.

Submitted by Committee in Charge of the Initiative Petition: Barbara Gould, Taylor Deutsche, Robert J. Letourneau, Rosemary Robinson and Patrick T. McHenry

Official Argument Against Issue 3
Filed with Ohio Secretary of State, August 17, 2015

VOTE NO ON ISSUE 3
No Marijuana Monopoly in Ohio's Constitution

Issue 3 cements in the Constitution a billion-dollar marijuana monopoly for a small group of wealthy investors.

- Issue 3 gives them exclusive rights to commercial marijuana profits in Ohio, and insulates them from any business competition or act of the legislature.
- The investors who wrote Issue 3 set their own preferential tax rates directly into the Constitution – rates that can't be changed by the Legislature like those on beer, wine, and tobacco.

Issue 3 puts our children at risk.

- Issue 3 legalizes marijuana-infused products like candy and cookies, which often have dangerously high levels of THC, and are highly tempting to children, including very young children.
- High limits on personal possession of marijuana will result in broad exposure of our children and underage high school and college students to marijuana.

Issue 3 will flood Ohio with marijuana.

- Proponents imply that Issue 3 allows small amounts of marijuana for recreational use. In reality, it allows every adult 21 or over in the state the right to possess as much as 9 ounces (more than half a pound) of marijuana, or about 500 average-sized marijuana joints. In addition, every adult could possess four flowering marijuana plants at home.
- Issue 3 allows 1,159 retail marijuana stores – that's more locations than Starbucks or McDonalds, and nearly three times the number of state liquor stores.

Republican and Democrat elected officials, children's health advocates, hospitals, doctors, addiction counselors, faith leaders, mental health professionals, parents, educators, law enforcement officials, farmers, chambers of commerce and leading business groups all urge a NO vote on Issue 3.

Stop the marijuana monopoly. Keep marijuana away from our children. Vote NO on Issue 3.

Signed by:

Eric Burkland, President, Ohio Manufacturers' Association
Reverend Dr. David Cobb, Pastor, Emanuel Baptist Church
Bill Denihan, CEO, ADAMHS Board Cuyahoga County
Jack Fisher, Executive Vice President, Ohio Farm Bureau Federation
Gordon Gough, President & CEO, Ohio Council of Retail Merchants
Élise Spriggs, Drug Free Action Alliance

Executive Session - Personnel Related Matter

Recently, the MHR SB staff has identified a personnel issue that should be brought to the attention of the MHR SB trustees. Given the sensitive nature of this personnel issue, it is recommended that the Governance Committee adjourn to Executive Session.

The following motion is presented for the Committee's consideration.

Move that the Governance Committee adjourn into Executive Session for the purpose of discussing a personnel issue.

As a reminder to the Committee members, the following information is provided:

This motion must be seconded, and passed by roll-call vote by a majority of a quorum. This vote must be recorded in the minutes.

NO VOTE MAY BE TAKEN IN EXECUTIVE SESSION

After the discussion and the Executive Session are completed, the Committee will go back into open session. The Open Session must begin with a motion to adjourn the Executive Session. The motion to adjourn the Executive Session should state:

Move that the Executive Session for the purpose of discussing a personal issue be adjourned.

The vote to adjourn may be by a show of hands and does not require a roll-call vote.