



Office of the City Manager

CONSENT CALENDAR
March 24, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing, and Community Services Department

Subject: Rescinding Resolution No. 65,945–N.S. and Establishing the Behavioral Health Commission in Compliance with the Behavioral Health Services Act (SB 326)

RECOMMENDATION

Adopt a Resolution rescinding Resolution No. 65,945–N.S. and establishing the Behavioral Health Commission. This action updates the Commission's enabling legislation to comply with the State of California's Behavioral Health Services Act (SB 326), integrates substance use disorder oversight, and formally dissolves the joint commission agreement with the City of Albany.

FISCAL IMPACTS OF RECOMMENDATION

There are no direct fiscal impacts associated with the restructuring of the commission. However, failure to align the commission with SB 326 requirements could jeopardize the City's eligibility for Behavioral Health Services Act (formerly MHSA) funding, which supports a significant portion of the Health, Housing, and Community Services Department, Mental Health Division's budget.

CURRENT SITUATION AND ITS EFFECTS

In March 2024, California voters approved Proposition 1, which enacted the Behavioral Health Services Act (BHSA). This state mandate requires all local "Mental Health Boards" to be renamed "Behavioral Health Boards/Commissions" and expands their oversight to include Substance Use Disorder (SUD) services.

Specifically, Senate Bill 326 (SB 326) amended Welfare and Institutions Code (WIC) Section 5604, mandating new membership categories that are not present in Berkeley's current 2012 resolution. The City is now legally required to include:

- A Youth member (age 25 or younger).
- A representative from a Local Education Agency (LEA) (e.g., BUSD).

- A specific balance where at least 50% of members are consumers or family members of consumers.
- A veteran or veteran advocate.

Furthermore, the City of Berkeley and the City of Albany have historically shared a commission. However, the two cities reached a mutual understanding in 2019 that Berkeley will move forward with an independent commission focused exclusively for Berkeley residents.

BACKGROUND

The Mental Health Commission was last structured by Resolution No. 65,945–N.S. in 2012. That resolution explicitly included the City of Albany as a joint partner. The Berkeley and Albany municipalities researched and agreed to undergo a transition that resulted in Berkeley proceeding with behavioral health services and an independent commission focused exclusively on Berkeley residents. Similarly, Albany would participate in Alameda County’s behavioral health services and behavioral health board.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts from this administrative action.

RATIONALE FOR RECOMMENDATION

1. Legal Compliance: The City must comply with WIC Section 5604.2 by the state-mandated implementation deadline.
2. Service Integration: Including SUD oversight allows the commission to provide holistic feedback on the integrated care models now required by the state.
3. Local Control: Dissolving the Albany partnership allows Berkeley to focus its oversight resources strictly on Berkeley’s unique service population and the Berkeley Unified School District.

ALTERNATIVE ACTIONS CONSIDERED

1. Take no action and retain the existing Mental Health Commission structure.
This alternative is not recommended because the current commission does not comply with the Behavioral Health Services Act (SB 326), including changes required to commission name, scope, and membership composition. Failure to take action would place the City at risk of noncompliance with state law and could jeopardize eligibility for Behavioral Health Services Act funding.
2. Delay action pending further state guidance.
This alternative is not recommended because SB 326 has already amended Welfare and Institutions Code Section 5604, and local compliance is required by the state implementation deadline. Delaying action would increase legal and fiscal risk without providing any operational benefit.

3. Maintain a joint behavioral health commission with the City of Albany.
This alternative is not recommended because Berkeley and Albany have mutually agreed to dissolve the joint commission arrangement and pursue separate behavioral health oversight structures aligned with each jurisdiction's service delivery model. Continuing a joint commission would complicate compliance with SB 326 and limit Berkeley's ability to focus on its local service population and the Berkeley Unified School District.

CONTACT PERSON

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Attachments:

1: Resolution

RESOLUTION NO. ##,###-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.

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.