

## RESOLUTION NO. 21-102

### RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ESTABLISHING BEHAVIORAL HEALTH AND RECOVERY SERVICES OF MENDOCINO COUNTY AS PUBLIC CONSERVATOR AND AGENCY DESIGNATED TO PROVIDE CONSERVATORSHIP INVESTIGATION UNDER THE REQUIREMENTS OF THE LANTERMAN-PETRIS-SHORT ACT

WHEREAS, beginning with Resolutions No. 70-5 and 71-283, the Board of Supervisors established the Public Guardian as the Conservator for conservatorships under the Lanterman-Petris-Short Act and appointed the same agency to provide conservatorship investigation; and

WHEREAS, the Public Guardian is the office and agency which is appointed for individuals (most often for adults with serious cognitive impairments) who are substantially unable to provide for their own basic needs for physical health, food, clothing, or shelter, and/or are substantially unable to manage their financial affairs or "resist fraud or undue influence" pursuant to Probate Code section 1800, *et seq.*; and

WHEREAS, the Public Conservator is the office and agency which is appointed for individuals with severe mental illness and whose mental illness makes them unable or unwilling to provide for their basic needs for food, clothing, or shelter pursuant to Welfare and Institutions Code section 5350, *et seq.* within the Lanterman-Petris-Short Act; and

WHEREAS, on behalf of the Public Conservator, the department of Behavioral Health and Recovery Services has historically managed the placement and mental health treatment for individuals conserved pursuant to the Lanterman-Petris-Short Act; and

WHEREAS, the department of Behavioral Health and Recovery Services is the logical entity to perform the duties of Public Conservator in cases in which conservatorship is recommended for persons who are "gravely disabled as a result of a mental health disorder" pursuant to Welfare and Institutions Code section 5350 of the Lanterman-Petris-Short Act; and

WHEREAS, Welfare and Institution Code Section 5351 specifies the governing board shall designate the agency or agencies to provide conservatorship investigation under the Lanterman-Petris-Short Act; and

WHEREAS, this Resolution names Jenine Miller, Psy.D., Behavioral Health and Recovery Services Director of Mendocino County, as Public Conservator for conservatorships under the Lanterman-Petris-Short Act; and

WHEREAS, this Resolution appoints the department of Behavioral Health and Recovery Services of Mendocino County as the agency to provide conservatorship investigation for such cases under the Lanterman-Petris-Short Act.


NOW THEREFORE, BE IT RESOLVED, that Jenine Miller, Psy.D., Behavioral Health and Recovery Services is hereby appointed Public Conservator for conservatorships for the "gravely disabled" under the Lanterman-Petris-Short Act, and the department of Behavioral Health and Recovery Services of Mendocino County is designated as the agency to provide conservatorship investigation under the same.

The foregoing Resolution was introduced by Supervisor Haschak, Seconded by Supervisor Williams, and carried this 13<sup>th</sup> day of July, 2021, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams  
NOES: None  
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

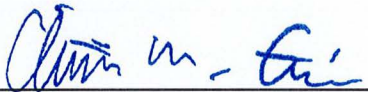
  
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DAN GJERDE, Chair  
Mendocino County Board of Supervisors

  
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Deputy

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

APPROVED AS TO FORM:  
CHRISTIAN M. CURTIS  
County Counsel

BY: CARMEL J. ANGELO  
Clerk of the Board

  
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Deputy