

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Behavioral Health and Recovery Services

BOARD AGENDA # *B-2

Urgent

Routine

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AGENDA DATE November 18, 2008

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval and Adoption of Proposed Second Amendment to the Mental Health Board Bylaws

STAFF RECOMMENDATIONS:

Approve and adopt the proposed amendments to the Mental Health Board Bylaws.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-790

On motion of Supervisor O'Brien, Seconded by Supervisor Grover
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR AND PLACED ON
NON-CONSENT FOR DISCUSSION AND CONSIDERATION

ATTEST:

Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

File No. BD-31-C-32

DISCUSSION:

In July 2008, the Mental Health Board appointed an ad hoc committee to review the Mental Health Board Bylaws, particularly those sections dealing with membership and attendance. Proposed changes to the Bylaws were discussed and reviewed at the August and September meetings and were adopted by the Mental Health Board at its regularly scheduled meeting in October. As the Bylaws have not been updated since 2006, members felt the amended bylaws more accurately reflect current practices and the current committee structure.

Proposed changes to the Mental Health Board Bylaws are as follows:

- Addition of a clause that prohibits County employees from being members.
- Addition of a clause that addresses the fact that there shall be no compensation; however, members can be reimbursed for expenses.
- Addition that members can provide advance notice of absences negating their being counted as an unexcused absence and clarifying language for who should be notified.
- Addition of a provision that would sever an unlawful or conflicting position.

The amended Bylaws are attached.

POLICY ISSUES:

Board of Supervisor approval and adoption is required to amend the Mental Health Board Bylaws. Approval and adoption of the Bylaws supports the Board of Supervisors' priorities of *Effective partnerships* and the *Efficient delivery of public services* by ensuring that the Bylaws reflect current statute, regulations and the structure, operation, composition, purposes and activities of the Mental Health Board.

STAFFING IMPACT:

There are no staffing impacts associated with this item.



STANISLAUS COUNTY MENTAL HEALTH BOARD

BYLAWS

ARTICLE I Name

The name of the body shall be the STANISLAUS COUNTY MENTAL HEALTH BOARD. Wherever the term "SCMHB" is used in these Bylaws, it shall mean the Stanislaus County Mental Health Board.

ARTICLE II Authority

The authority of the formation and operation of the SCMHB is set forth in Part 2, Chapter 1, Section 5604 of the *Welfare and Institutions Code*.

ARTICLE III Purpose

The purpose of the SCMHB shall be as stated in Part 2, Chapter 1, Section 5604.2 of the *Welfare and Institutions Code*, attached hereto as Attachment 1, and incorporated herein as part of these Bylaws.

ARTICLE IV Membership

Section 1. Composition.

The composition of the SCMHB is 15 members and an ex officio member from the Stanislaus County Board of Supervisors. There shall be an equal number of appointees by each member of the Board of Supervisors. The SCMHB membership should reflect the ethnic diversity of the client population in the County. Fifty percent of the SCMHB membership shall be consumers or the parents, spouse, sibling or adult children of consumers, who are receiving or have received mental health services. At least 20 percent of the total SCMHB membership shall be consumers and at least 20 percent shall be families of consumers. If it is not possible to secure membership as specified from among persons who reside in the County, the Board of Supervisors may substitute representatives of the public interest in mental health.

Section 2. Prohibited Membership

No member of the SCMHB or his/her spouse shall be a full-time or part-time employee of Stanislaus County Behavioral Health and Recovery Services, an employee of the State Department of Mental Health or an employee of, or a paid member of the governing body of, a mental health contract agency.

Section 23.

The SCMHB shall make recommendations to the Board of Supervisors as to the appointment of new members to the SCMHB through the Executive Committee.

Section 4. Compensation

Members of SCMHB shall serve without compensation, but may be reimbursed for any actual and necessary expenses incurred incident to the performance of their official duties and functions. The expenses may include travel, lodging, and meals while on official business in accordance with the County travel policy.

Section 35. Length of Term.

The term of each SCMHB member shall be for three years. The terms shall be equitably staggered so that approximately one-third of the appointments expire in each year. The initial length of term for each SCMHB member shall be determined by lot for each supervisorial district.

Section 46. Attendance at Meetings.

Members are expected to attend all meetings of the SCMHB. Each member of the SCMHB is also required to attend the meetings of at least one standing committee. Attendance at standing committee meetings shall be dealt with in accordance to regular SCMHB meeting policy. A member who is unable to attend a given meeting shall give advance notice of his/her inability to attend to the Administration Office of the Stanislaus County Behavioral Health and Recovery Services, the SCMHB Chairperson for SCMHB meetings or the Committee Chairperson for committee meetings. Members who provide such advance notice will be excused from attendance and the absence shall be considered an excused absence.

Section 57. Unexcused Absences.

A member who has four unexcused absences from meetings of the SCMHB ~~or four absences from the required standing committee meetings~~ in any twelve-month period shall be deemed to have automatically resigned from the SCMHB. In such event, the member's status will be noted at the next scheduled meeting and recorded in the SCMHB's minutes. Following the meeting that it was recorded that the member had resigned, the Chairperson, without further direction from the SCMHB, shall notify the Board of Supervisors of the member's resignation and recommend the appointment of a replacement. The Chairperson shall also write a letter to the resigned member indicating the action taken (citing authority) and thanking him/her for the service rendered the SCMHB. This letter shall be sent by certified mail, with a return receipt.

When a member has three absences in a twelve-month period, he/she shall be contacted by the Chairperson or his/her designee before a fourth absence can be recorded.

**ARTICLE V
Officers**

Section 1. Officers.

The officers of the SCMHB shall consist of a Chairperson and a Vice Chairperson who shall be elected annually. Officers shall be elected to serve for one year or until their successors are elected. The Chairperson shall serve no more than two consecutive terms.

Section 2. Election of Officers.

Election of officers shall be held no later than the regularly scheduled meeting of the SCMHB in November of each calendar year.

Section 3. Nominations.

Nominations shall be submitted by the Ad Hoc Nominating Committee in October. Nominations may also be made from the floor.

Section 4. Removal from Office.

The Chairperson or the Vice Chairperson may be removed from office and relieved of duties by a majority vote of the membership.

Section 5. Filling Vacant Offices.

Upon resignation or removal of the Chairperson, the Vice Chairperson shall ascend to the office of the Chairperson. An election for the vacant office of the Vice Chairperson shall be conducted at the next regularly scheduled meeting.

**ARTICLE VI
Meetings**

Section 1. Frequency and Time of Meetings.

There shall be eleven regular meetings annually at an hour, day and place as determined by the SCMHB.

Section 2. Special Meetings.

Special meetings may be called by the Chairperson or a majority of the SCMHB members.

Section 3. Public Participation.

All meetings of the SCMHB and meetings of all committees, subcommittees and joint committees shall be open to the public as provided for by Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code, relating to meetings of public agencies.

**ARTICLE VII
Committees**

Section 1. Committees.

There shall be six standing committees and an Executive Committee: (1) Children's System of Care, (2) Adult/Older Adult System of Care, (3) Administrative and Fiscal Management, (4) Stanislaus Behavioral Health Center/Managed Care, (5) Criminal Justice Oversight Committee and (6) Impact Committee. Each member of the SCMHB is required to be a member of at least one standing committee. Attendance at the standing committee meetings is subject to regular SCMHB meeting policy. Any standing committee may have a subcommittee.

Membership on each System of Care Committee, the Impact Committee and the Criminal Justice Oversight Committee shall be from the general membership of the SCMHB and interested persons from the general public.

Membership on the Administrative and Fiscal Management Committee shall be one SCMHB member from each of the standing committees.

Membership on the Executive Committee shall be the Chairperson and Vice Chairperson of the SCMHB and the Chairpersons of each of the standing committees.

Section 2. Joint Committees.

The SCMHB may establish joint committees as necessary with other agencies or boards within the County.

Section 3. Ad Hoc Committees.

The SCMHB or the Chairperson of the SCMHB may appoint ad hoc committees to address specific needs of the Board as necessary to carry out its work.

**ARTICLE VIII
Conduct of Meetings**

Section 1. Authority.

The meetings of the SCMHB shall be conducted in accordance with *Robert's Rules of Order*

Section 2. Operating Procedures and Policies.

The business of the SCMHB shall be conducted in accordance with the Operating Procedures and Policies as adopted and amended by the SCMHB.

Section 3. Quorum.

A quorum shall be one person more than one half of the appointed members. A sign-in sheet at each meeting shall be distributed to determine a quorum and attendance.

Section 4. Conflict of Interest.

In any case when a motion is being considered or voted upon by the SCMHB that involves potential financial regard to or the review of an agency with which the individual SCMHB member(s) is affiliated, the SCMHB member(s) shall abstain from such vote and remove himself/herself from the meeting room.

ARTICLE IX
Adoption and Amendment

Section 1. Adoption.

These Bylaws shall become effective immediately upon approval by a majority of the membership of the SCMHB and approval by a majority of the members of the Stanislaus County Board of Supervisors.

Section 2. Amendment.

These Bylaws are subject to amendment in accordance with *Robert's Rules of Order*. The Bylaws may be amended by a two-thirds (2/3) vote of a quorum of the SCMHB and subsequent approval by a majority of the members of the Stanislaus County Board of Supervisors, provided that fifteen (15) days prior to the meeting, the full SCMHB is notified of the language of such change(s) and of the time, day and place of the intended voting on such change(s).

Section 3.

Should any amendment in these Bylaws be unlawful or be in conflict with any statute or regulation pertinent to structure, operation, composition, purposes or activities of SCMHB, said amendment will be severed from the Bylaws and will have no force or effect.

Welfare and Institutions Code

Part 2. THE BRONZAN-MCORQUODALE ACT

Chapter 1. GENERAL PROVISIONS

5604.2 (a) The local mental health board shall do all of the following:

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

(2) Review any county agreements entered into pursuant to Section 5650.

(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 in the needs and performance of the county's mental health system.

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

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

(8) Nothing in this part shall be construed to limit the ability of the governing body to transfer additional duties or authority to a mental health board.

(b) It is the intent of the Legislature that, as part of the duties pursuant to subdivision (a), the board shall assess the impact of the realignment of services from the state to the county, on services delivered to clients and on the local community.