

# **MONTEREY COUNTY MENTAL HEALTH COMMISSION BY-LAWS**

## **ARTICLE 1    Name, Purpose, Powers, and Authority**

### **Section 1.01    Name**

The Monterey County Mental Health Commission has been established as the local mental health board for Monterey County pursuant to Welfare and Institutions Code Section 5604 by Resolutions Nos. 80-12 and 86-76 of the Board of Supervisors of Monterey County.

### **Section 1.02    Purpose, Powers, and Authority**

Per Welfare and Institutions Code Section 5604.2:

a) The local mental health board shall do all 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 Welfare and Institutions Code 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 on the needs and performance of the County's mental health system;
- 6) Review and make recommendations on applicants for the appointment of the local director of mental health services. The Commission 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 the Mental Health Commission.

b) Assessment of Realignment:

- 1) It is the intent of the Legislature that, as part of the duties pursuant to subdivision (a), the Commission 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.

### **Section 1.03    Mental Health Commission Member Job Description**

The job of a Mental Health Commission member is to:

- a) Function as an active and responsible member of the Mental Health Commission and attend all Mental Health Commission meetings;
- b) Participate in the deliberations and decisions of the Mental Health Commission;
- c) Assume such responsibilities and undertake such actions as may be required by law, by the Articles and By-Laws of the Mental Health Commission, and/or by specific Mental Health Commission decisions and assignments specified in Section 5604 (a)-(f) of the Welfare and Institutions Code;
- d) Accept responsibility for making informed decisions and policies by requesting accurate information, asking questions, probing, analyzing and, finally, supporting publicly the decisions made collaboratively;
- e) Act as a client/community advocate for local mental health services;
- f) Act as an official representative of the Mental Health Commission only with the formal sanction of the Commission;
- g) Serve on at least one subcommittee or task force and attend the subcommittee or task force meetings, committing a minimum of 10 hours per month to Mental Health Commission activities;
- h) Bring concerns regarding the Commission's functioning to Mental Health Commission meetings where they can be dealt with openly and productively;
- i) Work collaboratively within the defined structure of the Mental Health Commission and with local mental health staff to improve the delivery of mental health services in accordance with direction provided by the Monterey County Board of Supervisors.

## **ARTICLE 2    Composition**

**Section 2.01** The Mental Health Commission shall consist of 16 individuals plus one member of the Board of Supervisors for a total of 17 members appointed by the Board of Supervisors.

- a) At least 50% of the membership shall be consumers or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received mental health services. At least 20% of the total membership shall be consumers, and at least 20% shall be family members of consumers;
- b) The remaining members shall be selected from individuals who have experience or knowledge of the mental health system;
- c) The Board of Supervisors, in consultation with the Mental Health Commission, may appoint up to one member who is a Chief law enforcement officer with a local law enforcement agency from within the geographic boundaries of Monterey County. In making recommendations to the Board of Supervisors for appointment of the local law

enforcement agency member, the Mental Health Commission may consider the recommendation of the Monterey County Police Chiefs Association. Appointment of the local law enforcement agency member shall be in accordance with the provisions of this Article regarding the composition of the Mental Health Commission and as required by law. The local law enforcement agency member shall be a voting member of the Mental Health Commission;

- d) The Board of Supervisors may appoint up to five associate members between the ages of 15 and 18 years to bring the perspectives of youth to the Mental Health Commission. These associates will have no voting privileges but will have the right to participate in all other matters of the board, with the exception of training conducted in areas outside the county. The members of this class serve a term of one year. Terms will expire on December 31 of each year;
- e) The Mental Health Commission will also consist of Non-Voting Commission Members ("Non-Voting Members"), with no more than one member from each supervisorial district. Interested community members shall be considered for appointment as Non-Voting Members whenever there are no current vacancies on the Commission. The process for appointment of Non-Voting Members shall be the same as for Commission members. Non-Voting Members' job description shall be the same as Commission members, as described in Section 1.03 above. Non-Voting Members shall be allowed to sit with the Commission and participate in discussions of agenda items, but shall not be allowed to move, second, or vote on any matter coming before the Commission or any committee of the Commission. A Non-Voting Member may not be elected as an officer of the Commission. Non-Voting Members shall not be counted for purposes of establishing a quorum. Non-Voting Members shall observe all rules, regulations and policies applicable to Commissioners.

**Section 2.02** The Mental Health Commission shall make every effort to ensure that the composition of the Mental Health Commission represents the demographics of the County as a whole. When a Commission member resigns or is not reappointed, the Mental Health Commission shall remind the appointing power of Section 5604.5(b) of the Welfare and Institutions Code which states that the Mental Health Commission By-Laws shall, "Ensure that the composition of the mental health board represents the demographics of the county as a whole, to the extent feasible," and Welfare and Institutions Code Section 5604(a) which states that, "The board membership should reflect the ethnic diversity of the client population in the county."

**Section 2.03** Consistent with Welfare and Institutions Code Section 5604(d), "No member of the board or his or her spouse shall be a full-time or part-time county employee of a county mental health service, an employee of the State Department of Mental Health, or an employee of, or a paid member of, the governing body of a Bronzan-McCorquodale contract agency," and Section 5604(e), "Members of the board shall abstain from voting on any issue in which the member has a financial interest as defined in Section 87103 of the Government Code."

**Section 2.04** The Mental Health Commission, consistent with Welfare and Institutions Code 5604(a), "may recommend appointees to the County Supervisors." Under the same section, 5604(a), "Counties are encouraged to appoint individuals who have experience and knowledge of the mental health system."

**Section 2.05** Members of the Mental Health Commission shall receive no compensation for their services.

### **ARTICLE 3 Terms of Office (Vacancies and Replacements)**

#### **Section 3.01 Terms of Office**

The term of each member of the Mental Health Commission shall be three years. The terms of the members shall be staggered so that the terms of five members appointed by the individual Supervisors expire each year. The terms shall run from June 1 of the year of appointment until May 31 three years later.

#### **Section 3.01 Vacancies and Replacements**

- a) A vacancy shall exist when the Mental Health Commission declares that a vacancy exists based on the occurrence of any of the following:
- 1) When a member submits a written resignation to the Mental Health Commission Chairperson and the appointing Supervisor accepts the resignation in writing;
  - 2) When a member fails to attend two consecutive regular meetings or three regular meetings in any one calendar year, unless a leave of absence has been approved for that member. Exclusion to this would be if the regular meeting date has been changed;
  - 3) When a member's death, disability, or any other circumstance prevents him/her from completing a term;
  - 4) When a member no longer resides in the County, or otherwise does not meet the qualifications of appointment.
- b) Upon majority recommendation of the Mental Health Commission, any member may be removed from office by a majority vote of the Board of Supervisors favoring such removal.
- c) When a prospective vacancy is imminent, or when a member resigns, the Mental Health Commission Chairperson shall forthwith notify the Board of Supervisors in writing.

#### **Section 3.03 Leave of Absence**

A member has the right to request a "leave of absence" from the Mental Health Commission that involves more than two consecutive absences or three absences in a calendar year. Requests for a leave of absence shall be submitted in writing to the Chairperson who will submit the request to the Mental Health Commission at its next regularly scheduled meeting. Majority recommendation of the Mental Health Commission will be communicated to the appointing Supervisor who will make the final decision. Factors

taken into account by the Mental Health Commission in reviewing a request for leave of absence will include the number of vacancies on the Mental Health Commission at that time and the requesting member's past history of attendance. A leave of absence will only be considered by the Mental Health Commission if the reason for the leave is due to an emergency, extraordinary or extenuating circumstance and the member is able to offer a definite date of return to Mental Health Commission business.

The Mental Health Commission may grant a Consumer Commissioner a leave of absence not to exceed one year. The leave of absence removes the consumer from the number of Commissioners required for a quorum. To grant such a leave, the Chairperson shall announce it at a Mental Health Commission meeting and notify the appointing Supervisor. The leave of absence will become effective at the meeting at which it is announced. The leave of absence waives the limitation of other types of absences stated in this article. If the Commissioner's term expires during a leave of absence, the Commissioner must reapply for membership to the Mental Health Commission.

#### **ARTICLE 4    Meetings**

**Section 4.01** The Mental Health Commission shall meet a minimum of ten times a year. The meetings shall be held during the last week of each calendar month at 5:00 p.m. The meeting place shall be moved around the County, at various sites in different parts of the County. Meeting sites shall be determined at the last meeting of the calendar year, and subsequent Public Notice of the yearly calendar shall be made thereafter.

Any amendment to the time and place of the regularly scheduled meetings of the Mental Health Commission shall be determined by a majority vote of the Mental Health Commission. All Mental Health Commission meetings shall be held at locations freely accessible to the public and shall, as much as possible, be accessible to any physically handicapped person.

**Section 4.02** The agenda of the meetings of the Mental Health Commission shall be posted in a place available to the public at least 72 hours prior to the meeting. The agenda shall contain a brief general description of each item of business to be transacted or discussed, and no action is to be taken on non-agenda items unless:

- a) By a majority vote a determination is made that an emergency situation exists (emergency situation means work stoppage or other activity which severely impairs health, safety or both, or a crippling disaster which severely impairs public health, safety or both);
- b) By a determination of two thirds of the members, or if less than two thirds of the members are present, then by a unanimous vote of the members present, that the need to take action arose subsequent to the agenda being posted;
- c) By the item being continued from a prior meeting held less than five days previously, at which time the item was posted.

**Section 4.03** Every agenda shall provide an opportunity for members of the public to directly address the Mental Health Commission on items of interest to the public that are within the subject matter jurisdiction of the Mental Health Commission. The Mental Health Commission may make reasonable rules and regulations limiting the time allocated for public testimony on issues and for each individual speaker.

**Section 4.04** A special meeting may be called, consistent with the Brown Act, at any time by either the Chairperson of the Mental Health Commission or a majority of its members. This shall be done by delivering personally, or by mail, written notice to each member and each local newspaper, radio, or TV station which requests written notice. That notice must be received at least 24 hours prior to the meeting. The notice shall include the time and place of the meeting and the business to be transacted. No other business shall be considered at these meetings. In the case of an emergency situation, the Mental Health Commission may hold an emergency meeting without compliance within the 24-hour notice requirement. The Mental Health Commission must, however, attempt to notify by telephone, at least one hour prior to the start of the meeting, any media that has requested notice of special meetings.

**Section 4.05** No executive session or any meeting excluding the public may be held without first advising County Counsel of the specific purpose or purposes of such meetings and receiving written advice from County Counsel that it is legal to hold such a session or meeting. County Counsel will use his/her discretion as to whether he/she will be represented at any executive sessions held by the Mental Health Commission.

**Section 4.06** Mental Health Commission action may be taken by a majority of those present and voting and by no less than a majority of a quorum. A roll call vote shall be taken when requested by any member in attendance.

**Section 4.07** A quorum shall be defined as one person more than one-half of the appointed members. The definition of appointed members excludes unfilled positions and those vacated by resignation or removal. A quorum must be present for any Mental Health Commission action.

## **ARTICLE 5 Officers**

### **Section 5.01** Mental Health Commission Executive Committee

The Mental Health Commission Executive Committee shall be comprised of the officers of the Mental Health Commission.

### **Section 5.02** Officers

- a) The officers of the Mental Health Commission shall be Chairperson, Chairperson-Elect, Past Chairperson, and Committee Chairpersons;
- b) Officers shall be elected during the first meeting of the calendar year. Officers shall serve for one year and may run for re-election at the annual election;
- c) All members of the Mental Health Commission shall be eligible to be elected officers of the Mental Health Commission.

### **Section 5.03** Duties of the Chairperson

- a) The Chairperson shall be the Chief Executive Officer of the Mental Health Commission and preside at all general membership and Executive Committee meetings;
- b) The Chairperson shall establish the agenda for Mental Health Commission meetings;
- c) The Chairperson is the official spokesperson for the Mental Health Commission at the direction of the Executive Committee;
- d) The Chairperson shall be in consultation with the local mental health director;
- e) The Chairperson shall appoint standing committees and act as an ex-officio member of each of these committees, with confirmation of the Executive Committee;
- f) The Chairperson shall have the authority to appoint all appointive positions, committees and committee members not otherwise provided for, and may call on any general member of the Executive Committee for assistance in the implementation of the duties assigned to the Executive Committee, or the general membership of the Mental Health Commission;
- g) The Chairperson shall sign all official documents approved by the Executive Committee for the Mental Health Commission or delegate such responsibility as necessary with staff, and shall initiate and pursue communication with members and outside individuals, organizations, agencies or other entities, as may be required;
- h) The Chairperson is ultimately responsible for the production of, and submission to, the Monterey County Board of Supervisors and the County Administrative Officer, by July 30 of each year, six copies of a short, concise, fiscal year annual report which shall contain a summary of the Mental Health Commission's preceding years' activities and projects, a list of individual Mental Health Commission members and their responsibilities with the Mental Health Commission, and any other information requested by the Board of Supervisors.
- i) The Chairperson shall attend the State wide annual meeting of the California Association of Local Mental Health Boards. If the Chairperson is unable to attend the aforementioned meeting, the Chairperson shall appoint another member of the Executive Committee to attend said meeting.

### **Section 5.04** Duties of the Chairperson-Elect

The Chairperson-Elect assists the Chairperson as requested by the Chairperson and, in the absence, disability, or resignation of the Chairperson, functions as the Chairperson until the next election.

### **Section 5.05** Duties of the Past Chairperson

The Past Chairperson assists the Chairperson as requested by the Chairperson, and in the absence, disability, or resignation of the Chairperson-Elect, functions as the Chairperson-Elect until the next election.

**Section 5.06 Duties of Committee Chairpersons**

- a) The Committee Chairpersons shall be responsible for their respective standing and/or special committee assignments being met as outlined in the Mental Health Commission Goals and Objectives.

**Section 5.07 Duties of the Executive Committee**

- a) The Executive Committee is responsible for reviewing and approving the membership of committees required by these By-Laws;
- b) The Executive Committee is responsible for interpretation, implementation, and enforcement of the By-Laws; sets policies in accordance with the By-Laws, and recommends policies to the Mental Health Commission for approval;
- c) The Executive Committee shall conduct business only when the members are present;
- d) The Executive Committee shall, in conjunction with the Chairperson, be responsible for the production of an annual report to be submitted to the Board of Supervisors and the Chief Executive Officer of the County of Monterey by June 30 of each year.

**ARTICLE 6 Standing Committees and Special Committees**

**Section 6.01** Standing Committees shall be designated by the Chairperson with the approval of the Mental Health Commission.

**Section 6.02** Special and ad-hoc committees may be appointed by the Chairperson as required to further the goals of the Mental Health Commission. These committees shall serve at the discretion of the Chairperson and confirmation of the Executive Committee.

**Section 6.03** Members of standing and special committees need not be Mental Health Commission members, except that the Mental Health Commission Chairperson shall designate Mental Health Commission members to serve on said committees.

**Section 6.04** The standing and special committees shall be authorized to help carry out the duties and functions of the Mental Health Commission. The actions and recommendations of these committees shall not be deemed the action of the Mental Health Commission and shall in no way bind the Mental Health Commission and its members. The establishment and dissolution of all such committees not represented in the By-Laws shall be reported to the Board of Supervisors in the Mental Health Commission minutes.

**ARTICLE 7 Administrative Secretary**

**Section 7.01** The Director of Behavioral Health shall designate an employee of the Behavioral Health Division as his/her representative to be the Administrative Secretary.

**Section 7.02** The Administrative Secretary shall:



- a) Be responsible for final presentation of the minutes to the Mental Health Commission, the Board of Supervisors, and the County Administrative Officer;
- b) Cause to be kept, a full and true record of all meetings of the Mental Health Commission;
- c) Cause to be issued notices of regular and special meetings of the Mental Health Commission;
- d) Maintain a record of attendance of Mental Health Commission members.

**ARTICLE 8    Expenses**

**Section 8.01** The members of the Mental Health Commission shall be entitled to reimbursement for driving to and from Mental Health Commission meetings and reasonable expenses necessarily incurred to conduct official County business. All such reimbursements for driving and other expenses must be approved by the Mental Health Director before such expenses are incurred. Standard rates allowed County personnel shall be paid for reimbursement.

**ARTICLE 9    Rules of Order**

**Section 9.01** Except when State laws or regulations, County ordinances, County Counsel ruling, or these By-Laws apply, procedures of the Mental Health Commission shall be governed by Robert's Rules of Order.

**ARTICLE 10    Amendments**

**Section 10.01** These By-Laws may be amended by majority vote at any meeting called in accordance with the By-Laws provided notice of the proposed amendment was given, in advance, with the call for the meeting.

**Section 10.02** These By-Laws, and any amendments thereto, shall take effect immediately upon their approval by the Board of Supervisors.

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Original:    January 1995  
 Revised:    October 1996  
               November 1996  
               November 2004  
               August 2007  
               December 2009  
               July 2010

Approved as to Form:

By:   
       Deputy County Counsel

Date: 7/9/10