

# **REDLINED MONTEREY COUNTY BEHAVIORAL HEALTH COMMISSION BY-LAWS**

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

### **Section 1.01     Name**

The name of this legislative body is the Monterey County Behavioral Health Commission ("Behavioral Health Commission"). The Behavioral Health Commission is the local advisory commission reviewing "behavioral health," meaning mental health and substance use disorder, needs and services in Monterey County pursuant to Welfare and Institutions Code Section 5604 by Resolutions Nos. 80-12 and 86-76 of the ~~Monterey County~~ Board of Supervisors for the County of Monterey ("Board of Supervisors").

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

Per Welfare and Institutions Code Section 5604.2:

a) The Behavioral Health Commission shall do all the following:

- 1) Review and evaluate the community's public ~~mental~~ behavioral health needs, services, facilities and special problems in any facility within the county or jurisdiction where behavioral health evaluations or services are being provided, including, but not limited to, schools, emergency departments, jail, juvenile hall, and psychiatric facilities;
- 2) Review any County agreements entered into pursuant to Welfare and Institutions Code Section 5650. The Behavioral Health Commission may make recommendations to the governing body regarding concerns identified within these agreements;
- 3) Advise the Board of Supervisors and the local Behavioral Health Director as to any aspect of the local ~~mental~~ behavioral health program. The Behavioral Health Commission may request assistance from the local patients' rights advocates when reviewing and advising on behavioral health evaluations or services provided in public facilities with limited access;
- 4) Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process. Involvement shall include individuals with lived experience of behavioral illness and their families, community members, advocacy organizations, and behavioral health professionals. It shall also include other professionals that interact with individuals living with behavioral illnesses on a daily basis, such as education, emergency services, employment, health care, housing, law enforcement, local business owners, social services, seniors, transportation, and veterans;
- 5) Submit an annual report to the Board of Supervisors on the needs and performance of the County's ~~mental~~ behavioral health system;

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52 6) Review and make recommendations on applicants for the appointment of the  
53 local Behavioral Health Director. The Behavioral Health Commission shall be  
54 included in the selection process prior to the vote of the Board of Supervisors;  
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56 7) Review and comment on the County's performance outcome data and  
57 communicate its findings to the California ~~Mental~~Behavioral Health Planning  
58 Council;  
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60 8) Nothing in this part shall be construed to limit the ability of the Board of  
61 Supervisors to transfer additional duties or authority to the Behavioral Health  
62 Commission.

63 ~~b)~~ Assessment of Realignment:  
64 ~~c)~~

65 ~~d)~~b) It is the intent of the Legislature under Welfare and Institutes Code section 5604.2(b),  
66 that, as part of the duties pursuant to subdivision (a), the Behavioral Health Commission  
67 shall assess the impact of the realignment of services from the State to the County on  
68 services delivered to clients and on the local community.

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71 **Section 1.03 Behavioral Health Commission Member Responsibilities**  
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73 The responsibilities of a Behavioral Health Commission member is to:  
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- 75 a) —Function as an active and responsible member of the Behavioral Health Commission  
76 and attend all Behavioral Health Commission meetings;  
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78 b) —Participate in the deliberations and decisions of the Behavioral Health Commission;  
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80 c) —Assume such responsibilities and undertake such actions as may be required by law,  
81 by the Articles and By-Laws of the Behavioral Health Commission, and/or by specific  
82 Behavioral Health Commission decisions and assignments specified in Section 5604  
83 (a)-(f) of the Welfare and Institutions Code;  
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85 d) —Accept responsibility for making informed decisions and policies by requesting  
86 accurate information, asking questions, probing, analyzing and, finally, supporting  
87 publicly the decisions made collaboratively;  
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89 e) —Act as a consumer/community advocate for local behavioral health services;  
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91 f) —Act as an official representative of the Behavioral Health Commission only with the  
92 formal sanction of the Behavioral Health Commission;  
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94 g) —Serve on at least one subcommittee or task force, as needed, and attend ~~the~~  
95 subcommittee community events and/or task force meetings, committing one a minimum  
96 of ten- (10) or more hours per month to Behavioral Health Commission activities;  
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98 h) —Bring concerns regarding the Behavioral Health Commission's functioning to  
99 Behavioral Health Commission meetings where they can be dealt with openly and  
100 productively;  
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i) –Work collaboratively within the defined structure of the Behavioral Health Commission and with local behavioral health staff to improve the delivery of behavioral health services in accordance with the official direction provided by the Monterey County Board of Supervisors.

j) Complete all Clerk of the Board requirements for service on a Brown Act Commission, including mandatory Ethics training.

## ARTICLE 2 Composition

**Section 2.01** The Behavioral 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) –Consumer, Family Member: Pursuant to Welfare and Institutions Code section 5604(a)(2)(B), aAt least 50% of the membership shall be consumers or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received behavioral health services. At least 20% of the total membership shall be consumers, and at least 20% shall be family members of consumers. Effective January 1, 2025, one of these members shall be an individual who is 25 years of age or younger;
- b) Veteran or Veteran Advocate. Pursuant to Welfare and Institutions Code section 5604(a)(2)(C), at least one member of the Behavioral Health Commission shall be a veteran or veteran advocate. The Department of Health shall notify the Monterey County Military & Veterans Affairs Office of a vacancy. “Veteran advocate” means a parent, spouse, or adult child of a veteran, or an individual who is part of a veterans organization, including the Veterans of Foreign Wars or the American Legion.
- c) Employee of Local Education Agency. Pursuant to Welfare and Institutions Code section 5604(a)(2)(D) and effective January 1, 2025, at least one member of the Behavioral Health Commission shall be an employee of a local education agency. The Department of Health shall notify the Monterey County Office of Education of a vacancy;
- d) Supervisor from the Board of Supervisors. The Board of Supervisors shall appoint one of its members to serve on the Behavioral Health Commission as a voting member and one of its members to serve as an alternative on the Behavioral Health Commission;
- e) Law EnforcementFirst Responder Member: The Board of Supervisors may appoint a local ~~law enforcement~~First Responder agency member in accordance with the provisions of this Article regarding the composition of the Behavioral Health Commission and as required by law. The local ~~law enforcement~~First Responder agency member shall be a voting member of the Behavioral Health Commission;
- e) Other Members: The remaining members shall be selected from individuals who have experience with or knowledge of the local behavioral health system;

f) Associate Members: 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 Behavioral 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. Associate Members shall not be counted for purposes of establishing a quorum. Associate Members shall observe all rules, regulations and policies applicable to members. The members of this class serve a term of one year. Terms will expire on December 31 of each year;

ge) Non-Voting Members: The Behavioral Health Commission will also consist of Non-Voting Behavioral Health 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 Behavioral Health Commission. The process for appointment of Non-Voting Members shall be the same as for Behavioral Health Commission members. Non-Voting Members' responsibilities shall be the same as Behavioral Health Commission members, as described in Section 1.03 above. Non-Voting Members shall be allowed to sit with the Behavioral Health Commission and participate in discussions of agenda items, but shall not be allowed to move, second, or vote on any matter coming before the Behavioral Health Commission or any committee of the Behavioral Health Commission. A Non-Voting Member may not be elected as an officer of the Behavioral Health 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 members.

**Section 2.02** The Behavioral Health Commission shall make every effort to ensure that the composition of the Behavioral Health Commission represents the demographics of the County as a whole, to the extent feasible. When a Commission member resigns or is not reappointed, the Behavioral Health Commission shall remind the appointing power of ~~Section 5604.5(b) of the Welfare and Institutions Code~~ Section 5604.5(b) which states that the ~~Mental Behavioral~~ Health Commission By-Laws shall, "Ensure that the composition of the ~~mental behavioral~~ 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 to the extent possible."

**Section 2.03** Consistent with Welfare and Institutions Code Section 5604(d):

- a) -Except as provided in paragraph (b), no member of the Behavioral Health Commission or his or her spouse shall be a full-time or part-time employee of the Behavioral Health Bureau, an employee of the State Department of Health Care Services, or an employee of, or a paid member of the governing body of, a behavioral health contract agency;
- b) -A consumer of ~~mental behavioral~~ health services who has obtained employment with an employer described in paragraph (a) and who holds a position in which he or she does not have any interest, influence, or authority over any financial or contractual

197 matter concerning the employer may be appointed to the board. The member shall  
198 abstain from voting on any financial or contractual issue concerning his or her  
199 employer that may come before the ~~board~~Behavioral Health Commission.  
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201 **Section 2.04** Consistent with Welfare and Institutions Code Section 5604(e), members of  
202 the Behavioral Health Commission~~board~~ shall abstain from voting on any issue in which the  
203 member has a financial interest as defined in Section 87103 of the Government Code.  
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206 **Section 2.05** The Behavioral Health Commission, consistent with Welfare and Institutions  
207 Code 5604(a)(~~24~~), “may recommend appointees to the county supervisors.” Under the  
208 same section, 5604(a)(~~24~~), “Counties are encouraged to appoint individuals who have  
209 experience with and knowledge of the local behavioral health system.”  
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211 **Section 2.06** Members of the Behavioral Health Commission shall receive no  
212 compensation for their services except as provided for under Article 8, Section 8.01.  
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### 215 **ARTICLE 3 Terms of Office (Vacancies and Replacements)**

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

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219 The term of each member of the Behavioral Health Commission shall be three years. The  
220 terms of the members shall be staggered so that the terms of at least five members  
221 appointed by the individual Supervisors expire each year. The terms shall run from June 1  
222 of the year of appointment until May 31 three years later.  
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#### 224 **Section 3.0~~12~~4 Vacancies and Replacements**

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- 226 a) A vacancy shall exist based on the occurrence of any of the following:  
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- 228 1) When a member submits a written resignation to the Behavioral Health  
229 Commission Chairperson and the appointing Supervisor accepts the resignation in  
230 writing;  
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  - 232 2) When a member is absent a total of four (4) meetings in a calendar year;  
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  - 234 3) When a member is absent from two (2) meetings in a calendar year without  
235 providing prior notification of each absence to the Commission Secretary by noon  
236 on the Wednesday before the scheduled meeting;  
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  - 238 4) When a member’s death, disability, or any other circumstances prevents him/her  
239 from completing a term;  
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  - 241 ~~5)~~ When a member’s term has expired;  
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  - 244 ~~6)~~  
245 7)6) 6) When a member no longer resides in the County, or otherwise does not meet  
246 the qualifications of appointment.



b) Upon majority recommendation of the Behavioral 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 Behavioral Health Commission Chairperson shall forthwith notify the Board of Supervisors in writing. If the vacancy is for the position of Veteran Advocate, the Department of Health shall notify the Monterey County Military & Veterans Affairs Office of the vacancy, pursuant to Welfare and Institutions Code section 5406(a)(2).

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

A member may request a "leave of absence" from the Behavioral Health Commission consisting of more than two consecutive absences or more than 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 Behavioral Health Commission at its next regularly scheduled meeting. Majority recommendation of the Behavioral Health Commission will be communicated to the appointing Supervisor who will make the final decision. Factors taken into account by the Behavioral Health Commission in reviewing a request for leave of absence will include the number of vacancies on the Behavioral Health Commission at that time and the requesting member's past history of attendance. A leave of absence will only be considered by the Behavioral 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 Behavioral Health Commission business.

The Behavioral Health Commission may grant a member a leave of absence not to exceed 6 months. To grant such a leave, the Chairperson shall announce it at a Behavioral 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 aArticle. If the member's term expires during a leave of absence, the member must reapply for membership to the Behavioral Health Commission.

## **ARTICLE 4** **Meetings**

**Section 4.01** The Behavioral Health Commission shall meet a minimum of ten times a year. Regular meetings shall not be scheduled in July and December. Regular meetings shall be held during the last week of each calendar month at 5:30 p.m. The meeting place shall be moved around the County, at various sites in different parts of the County. In September of each calendar year, the Behavioral Health Commission shall set the date and place of its regularly scheduled meetings for the upcoming calendar year. 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 Behavioral Health Commission shall be determined by a majority vote of the Behavioral Health Commission. All Behavioral Health Commission meetings shall be held at locations freely accessible to all members of the public.

**Section 4.02** The agenda of the regular meetings of the Behavioral 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 Behavioral Health Commission on items of interest to the public that are within the subject matter jurisdiction of the Behavioral Health Commission. The Behavioral 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 Behavioral 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 Behavioral Health Commission may hold an emergency meeting without compliance within the 24-hour notice requirement. The Behavioral 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 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.

**Section 4.06** Behavioral 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. When the number of appointed members is an odd number, this requirement is satisfied by dividing the number of appointed members in half, and then rounding that quotient to the next whole number. The definition of appointed members excludes

unfilled positions, including partially appointed members who have not completed all requirements of the Clerk of the Board's Office, such as mandated Ethics training, and those positions vacated by resignation or removal. A quorum must be present for any Behavioral Health Commission action.

## **ARTICLE 5     Officers**

### **Section 5.01**

#### **Officers**

- a) –All members of the Behavioral Health Commission shall be eligible to be elected officers of the Behavioral Health Commission;
- b) –The officers of the Behavioral Health Commission shall be Chairperson, Chairperson-Elect, Past Chairperson, and Committee Chairpersons;
- c) –The Chairperson-Elect shall be elected during the first meeting of the calendar year.
- d) The Chairperson shall serve for two years. The Chairperson may run for re-election at the annual election;
- e) Officers to serve as Committee Chairpersons shall be elected during the first meeting of the calendar year or at any time when the Chairperson proposes to form a Committee to carry out the responsibilities of the Commission, shall serve for one year, and may run for re-election at the annual election.

### **Section 5.0~~2~~3** Duties of the Chairperson

- a) –The Chairperson shall be the Chief Executive Officer of the Behavioral Health Commission and preside at all general membership;
- b) –The Chairperson shall establish the agenda for Behavioral Health Commission meetings;
- c) The Chairperson is responsible for interpretation, implementation, and enforcement of the By-Laws; sets policies in accordance with the By-Laws, and recommends policies to the Behavioral Health Commission for approval
- d) –The Chairperson is the official spokesperson for the Behavioral Health Commission;
- e) –The Chairperson shall be in consultation with the local Behavioral Health Director;
- f) –The Chairperson shall appoint standing committees and act as an ex-officio member of each of these committees;
- g) –The Chairperson shall have the authority to appoint all appointive positions, committees and committee members not otherwise provided for, and may call on any



Officer of the Commission for assistance in the implementation of the duties assigned to the Officers, or the general membership of the Behavioral Health Commission;

- h) –The Chairperson shall sign all official documents approved by the Behavioral Health Commission or delegate such responsibility as necessary to staff, and shall initiate and pursue communication with members and outside individuals, organizations, agencies or other entities, as may be required;
- i) –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, a short, concise, annual report which shall contain a summary of the Behavioral Health Commission's preceding fiscal years' activities and projects, a list of individual Behavioral Health Commission members and their responsibilities with the Behavioral Health Commission, and any other information requested by the Board of Supervisors;
- j) –The Chairperson shall attend the State wide annual meeting of the California Association of Local Behavioral Health Boards and Commissions. If the Chairperson is unable to attend the aforementioned meeting, the Chairperson shall appoint another Officer of the Commission to attend said meeting.

#### **Section 5.034** 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 5.045** 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 5.056** Duties of Committee Chairpersons

The Committee Chairpersons shall be responsible for their respective standing and/or ad hoc committee assignments being met as outlined in Section 1.02 Purpose, Power and Authority.

### **ARTICLE 6     Standing Committees and Ad Hoc Committees**

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

**Section 6.02** Ad\_hoc committees may be appointed by the Chairperson as required to further the purpose, power and authority of the Behavioral Health Commission. These committees shall serve at the discretion of the Chairperson and confirmation of the Officers of the Behavioral Health Commission.

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

**Section 6.04** The standing and ad hoc committees shall be authorized to help carry out the duties and functions of the Behavioral Health Commission. The actions and recommendations of these committees shall not be deemed the action of the Behavioral Health Commission and shall in no way bind the Behavioral 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 Behavioral Health Commission minutes.

**Section 6.05** Pursuant to Welfare and Institutions Code section 5604.5(e), the Behavioral Health Commission shall have an executive committee comprising an odd numbers of members, three (3) members or more, including the Chairperson, the Chairperson-Elect, and all other members necessary to help carry out the duties and functions of the Behavioral Health Commission, particularly the annual report to the Board of Supervisors on the needs and performance of the County's behavioral health system. The actions and recommendations of this committee shall not be deemed the action of the Behavioral Health Commission and shall in no way bind the Behavioral Health Commission and its members.

## **ARTICLE 7     Administrative Secretary**

**Section 7.01** The Director of Behavioral Health shall designate an employee of the Behavioral Health Bureau 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 Behavioral 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 Behavioral Health Commission;
- c) –Cause to be issued notices of regular and special meetings of the Behavioral Health Commission and all steps necessary to comply with the Brown Act;
- d) –Maintain a record of attendance of Behavioral Health Commission members;
- e) Coordinate with the Clerk of the Board on the appointment and vacancy of Behavioral Health Commission members;
- ~~d)f)~~ Coordinate collaboration with community members.

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496 **ARTICLE 8     Expenses**  
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498 **Section 8.01** The members of the Behavioral Health Commission may seek  
499 compensation for driving to and from Behavioral Health Commission meetings, and by  
500 seeking such compensation, understand this compensation will be reported as taxable  
501 income. Members may also seek reimbursement for reasonable expenses necessarily  
502 incurred to conduct official County business, including travel, lodging, childcare, and meals.  
503 Members must adhere to the County of Monterey's established Travel and Business  
504 Expense Reimbursement Policy. All such reimbursements for reasonable expenses must  
505 be approved in writing by the Behavioral Health Director before such expenses are  
506 incurred. Standard rates allowed County personnel shall be paid for reimbursement; all  
507 claims are subject to the approval by the County Auditor-Controller.  
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516 **ARTICLE 9     Rules of Order**  
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518 **Section 9.01** Except when State laws or regulations, County ordinances, County Counsel  
519 recommendation, or these By-Laws apply, procedures of the Behavioral Health  
520 Commission shall be governed by Robert's Rules of Order.  
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523 **ARTICLE 10    Amendments**  
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525 **Section 10.01** These By-Laws may be amended by majority vote at any meeting called in  
526 accordance with the By-Laws provided notice of the proposed amendment was given, in  
527 advance, with the call for the meeting. Proposed amendments to the By-Laws shall be  
528 reviewed by County Counsel prior to the noticed meeting.  
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530 **Section 10.02** These By-Laws, and any amendments thereto, shall take effect immediately  
531 upon their approval by the Board of Supervisors.  
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533 Original: January 1995  
534 Revised: October 1996  
535 November 1996  
536 November 2004  
537 August 2007  
538 December 2009  
539 July 2010  
540 January 2018  
541 2025

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544 **Approved as to Legal Form:**

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By: \_\_\_\_\_  
Deputy Office of County Counsel

Date: \_\_\_\_\_