

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 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 ("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 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 Board of Supervisors and the local Behavioral 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 Board of Supervisors 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 Behavioral Health Director. The Commission shall be included in the selection process prior to the vote of the Board of Supervisors;
- 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 Board of Supervisors to transfer additional duties or authority to the Behavioral Health Commission.

b) Assessment of Realignment:

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 Behavioral Health Commission Member Responsibilities

The responsibilities of a Behavioral Health Commission member is to:

- a) Function as an active and responsible member of the Behavioral Health Commission and attend all Behavioral Health Commission meetings;
- b) Participate in the deliberations and decisions of the Behavioral Health Commission;
- c) Assume such responsibilities and undertake such actions as may be required by law, by the Articles and By-Laws of the Behavioral Health Commission, and/or by specific Behavioral 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 consumer/community advocate for local behavioral health services;
- f) Act as an official representative of the Behavioral Health Commission only with the formal sanction of the Behavioral Health Commission;
- g) Serve on at least one subcommittee or task force and attend the subcommittee or task force meetings, committing a minimum of ten (10) hours per month to Behavioral Health Commission activities;
- h) Bring concerns regarding the Commission's functioning to Behavioral Health Commission meetings where they can be dealt with openly and productively;
- 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.

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: 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 behavioral health services. At least 20% of the total membership shall be consumers, and at least 20% shall be family members of consumers;

- b) Other Members: The remaining members shall be selected from individuals who have experience with or knowledge of the local behavioral health system;
- c) Law Enforcement Member: The Board of Supervisors shall appoint a local law enforcement 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 agency member shall be a voting member of the Behavioral Health Commission;
- d) 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;
- e) Non-Voting Members: The Behavioral 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' responsibilities 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 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 which states that the Behavioral 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):

- 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 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 matter concerning the employer may be appointed to the board. The member shall abstain from voting on any financial or contractual issue concerning his or her employer that may come before the board.

Section 2.04 Consistent with Welfare and Institutions Code 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 2.05 The Behavioral Health Commission, consistent with Welfare and Institutions Code 5604(a)(1), "may recommend appointees to the county supervisors." Under the same section, 5604(a)(1), "Counties are encouraged to appoint individuals who have experience with and knowledge of the local behavioral health system."

Section 2.06 Members of the Behavioral Health Commission shall receive no compensation for their services except as provided for under Article 8, Section 8.01.

ARTICLE 3 Terms of Office (Vacancies and Replacements)

Section 3.01 Terms of Office

The term of each member of the Behavioral Health Commission shall be three years. The terms of the members shall be staggered so that the terms of at least 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 based on the occurrence of any of the following:
 - 1) When a member submits a written resignation to the Behavioral Health Commission Chairperson and the appointing Supervisor accepts the resignation in writing;
 - 2) When a member is absent a total of four (4) meetings in a calendar year;
 - 3) When a member is absent from two (2) meetings in a calendar year without providing prior notification of each absence to the Commission Secretary by noon on the Wednesday before the scheduled meeting;
 - 4) When a member's death, disability, or any other circumstances prevents him/her from completing a term;

197 5) When a member's term has expired;

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199 6) When a member no longer resides in the County, or otherwise does not meet the
200 qualifications of appointment.
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202 b) Upon majority recommendation of the Behavioral Health Commission, any member
203 may be removed from office by a majority vote of the Board of Supervisors favoring such
204 removal.
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206 c) When a prospective vacancy is imminent, or when a member resigns, the Behavioral
207 Health Commission Chairperson shall forthwith notify the Board of Supervisors in writing.
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209 **Section 3.03** Leave of Absence

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211 A member may request a "leave of absence" from the Behavioral Health Commission
212 consisting of more than two consecutive absences or more than three absences in a
213 calendar year. Requests for a leave of absence shall be submitted in writing to the
214 Chairperson who will submit the request to the Behavioral Health Commission at its next
215 regularly scheduled meeting. Majority recommendation of the Behavioral Health
216 Commission will be communicated to the appointing Supervisor who will make the final
217 decision. Factors taken into account by the Behavioral Health Commission in reviewing a
218 request for leave of absence will include the number of vacancies on the Behavioral Health
219 Commission at that time and the requesting member's past history of attendance. A leave
220 of absence will only be considered by the Behavioral Health Commission if the reason for
221 the leave is due to an emergency, extraordinary or extenuating circumstance and the
222 member is able to offer a definite date of return to Behavioral Health Commission business.
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224 The Behavioral Health Commission may grant a member a leave of absence not to exceed
225 6 months. To grant such a leave, the Chairperson shall announce it at a Behavioral Health
226 Commission meeting and notify the appointing Supervisor. The leave of absence will
227 become effective at the meeting at which it is announced. The leave of absence waives the
228 limitation of other types of absences stated in this article. If the member's term expires
229 during a leave of absence, the member must reapply for membership to the Behavioral
230 Health Commission.
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232 **ARTICLE 4** **Meetings**

233 **Section 4.01** The Behavioral Health Commission shall meet a minimum of ten times a
234 year. Regular meetings shall not be scheduled in July and December. Regular meetings
235 shall be held during the last week of each calendar month at 5:30 p.m. The meeting place
236 shall be moved around the County, at various sites in different parts of the County. In
237 September of each calendar year, the Behavioral Health Commission shall set the date and
238 place of its regularly scheduled meetings for the upcoming calendar year. Subsequent
239 Public Notice of the yearly calendar shall be made thereafter.
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241 Any amendment to the time and place of the regularly scheduled meetings of the
242 Behavioral Health Commission shall be determined by a majority vote of the Behavioral
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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 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. The definition of appointed members excludes

unfilled positions and those 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 5.03 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 5.04 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

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 Adhoc 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 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.

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;
- d) Maintain a record of attendance of Behavioral Health Commission members.

ARTICLE 8 Expenses

Section 8.01 The members of the Behavioral Health Commission may seek compensation for driving to and from Behavioral Health Commission meetings, and by seeking such compensation, understand this compensation will be reported as taxable income. Members may also seek reimbursement for reasonable expenses necessarily incurred to conduct official County business. Members must adhere to the County of Monterey's established Travel and Business Expense Reimbursement Policy. All such reimbursements for reasonable expenses must be approved in writing by the Behavioral Health Director before such expenses are incurred. Standard rates allowed County personnel shall be paid for reimbursement; all claims are subject to the approval by the County Auditor-Controller

ARTICLE 9 Rules of Order

Section 9.01 Except when State laws or regulations, County ordinances, County Counsel recommendation, or these By-Laws apply, procedures of the Behavioral 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. Proposed amendments to the By-Laws shall be reviewed by County Counsel prior to the noticed meeting.

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

Original: January 1995
Revised: October 1996
November 1996
November 2004
August 2007
December 2009
July 2010
January 2018

Approved as to Legal Form:

By: _____
Deputy County Counsel

Date: _____