

**MONTEREY COUNTY**  
**MENTAL HEALTH 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 Mental Behavioral Health Commission ~~has been established as ("Behavioral Health Commission")~~. The Behavioral Health Commission is the local advisory commission reviewing mental health ~~board for 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 Monterey County Supervisors").

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

Per Welfare and Institutions Code Section 5604.2:

- a) The ~~local mental health board~~ 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 ~~governing body~~ Board of Supervisors and the local ~~mental health director~~ 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 ~~governing body~~ 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 ~~director of mental health services~~ Behavioral Health Director. The Commission shall be included in the selection process prior to the vote of the ~~governing body~~ 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 governing body Board of Supervisors to transfer additional duties or authority to the Mental Behavioral Health Commission.
- b)     Assessment of Realignment:

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52 It is the intent of the Legislature that, as part of the duties pursuant to subdivision  
53 (a), the Commission shall assess the impact of the realignment of services from  
54 the State to the County on services delivered to clients and on the local  
55 community.

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58 **Section 1.03** MentalBehavioral Health Commission Member Job  
59 DescriptionResponsibilities  
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61 The jobresponsibilities of a MentalBehavioral Health Commission member is to:  
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- 63 a) Function as an active and responsible member of the MentalBehavioral Health  
64 Commission and attend all MentalBehavioral Health Commission meetings;  
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66 b) Participate in the deliberations and decisions of the MentalBehavioral Health  
67 Commission;  
68  
69 c) Assume such responsibilities and undertake such actions as may be required by law,  
70 by the Articles and By-Laws of the MentalBehavioral Health Commission, and/or by  
71 specific MentalBehavioral Health Commission decisions and assignments specified in  
72 Section 5604 (a)-(f) of the Welfare and Institutions Code;  
73  
74 d) Accept responsibility for making informed decisions and policies by requesting  
75 accurate information, asking questions, probing, analyzing and, finally, supporting  
76 publicly the decisions made collaboratively;  
77  
78 e) Act as a clientconsumer/community advocate for local mentalbehavioral health  
79 services;  
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81 f) Act as an official representative of the MentalBehavioral Health Commission only with  
82 the formal sanction of the Behavioral Health Commission;  
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84 g) Serve on at least one subcommittee or task force and attend the subcommittee or task  
85 force meetings, committing a minimum of ten (10) hours per month to MentalBehavioral  
86 Health Commission activities;  
87  
88 h) Bring concerns regarding the Commission's functioning to MentalBehavioral Health  
89 Commission meetings where they can be dealt with openly and productively;  
90  
91 i) Work collaboratively within the defined structure of the MentalBehavioral Health  
92 Commission and with local mentalbehavioral health staff to improve the delivery of  
93 mentalbehavioral health services in accordance with the official direction provided by  
94 the Monterey County Board of Supervisors.  
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96 **ARTICLE 2** Composition  
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98 **Section 2.01** The MentalBehavioral Health Commission shall consist of 16 individuals  
99 plus one member of the Board of Supervisors for a total of 17 members appointed by the  
100 Board of Supervisors.  
101

- 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 mentalbehavioral 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 mentallocal behavioral health system;
- c) Law Enforcement Member: The Board of Supervisors, ~~in consultation with the Mental Health Commission, may~~ shall 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 a member in accordance with the provisions of this Article regarding the composition of the MentalBehavioral Health Commission and as required by law. The local law enforcement agency member shall be a voting member of the MentalBehavioral 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 MentalBehavioral 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~~ 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 MentalBehavioral 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~~ descriptionresponsibilities 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~~ members.

**Section 2.02** The MentalBehavioral Health Commission shall make every effort to ensure that the composition of the MentalBehavioral 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 Mental Behavioral 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~~:

a) Except as provided in paragraph (b), no member of the ~~board~~Behavioral Health Commission or his or her spouse shall be a full-time or part-time ~~county~~ employee of ~~a county mental health service~~the Behavioral Health Bureau, an employee of the State Department of Mental Health Care Services, or an employee of, or a paid member of, the governing body of, a ~~Brennan-McCorquedale~~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~~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 2.0405** The Mental Behavioral Health Commission, consistent with Welfare and Institutions Code 5604(a)(1), "may recommend appointees to the County Supervisors." ~~county supervisors.~~ Under the same section, 5604(a)(1), "Counties are encouraged to appoint individuals who have experience with and knowledge of the mental local behavioral health system."

**Section 2.0506** Members of the Mental 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 Mental 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 ~~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 Behavioral Health Commission Chairperson and the appointing Supervisor accepts the resignation in writing;

2) When a member fails to attend is absent a total of four (4) meetings in a calendar year;

2)3) When a member is absent from two consecutive regular meetings or three regular(2) meetings in any one calendar year, unless a leave without providing prior notification of each absence has been approved for that member. Exclusion to this would be if to the regular Commission Secretary by noon on the Wednesday before the scheduled meeting date has been changed;

3)4) When a member's death, disability, or any other circumstancecircumstances prevents him/her from completing a term;

5) When a member's term has expired;

6) 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 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 Mental Behavioral Health Commission Chairperson shall forthwith notify the Board of Supervisors in writing.

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

A member ~~has the right to~~may request a "leave of absence" from the Mental Behavioral Health Commission ~~that involves~~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 Mental Behavioral Health Commission at ~~it sits~~ next regularly scheduled meeting. Majority recommendation of the Mental Behavioral Health Commission will be communicated to the appointing Supervisor who will make the final decision. Factors taken into account by the Mental Behavioral Health Commission in reviewing a request for leave of absence will include the number of vacancies on the Mental 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 Mental 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 Mental Behavioral Health Commission business.

246 The ~~MentalBehavioral~~ Health Commission may grant a ~~Consumer Commissioner~~member a  
247 leave of absence not to exceed ~~one year. The leave of absence removes the consumer~~  
248 ~~from the number of Commissioners required for a quorum.~~6 months. To grant such a leave,  
249 the Chairperson shall announce it at a ~~MentalBehavioral~~ Health Commission meeting and  
250 notify the appointing Supervisor. The leave of absence will become effective at the meeting  
251 at which it is announced. The leave of absence waives the limitation of other types of  
252 absences stated in this article. If the ~~Commissioner's~~member's term expires during a leave  
253 of absence, the ~~Commissioner~~member must reapply for membership to the  
254 ~~MentalBehavioral~~ Health Commission.  
255  
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## 257 **ARTICLE 4     Meetings**

259 **Section 4.01** The ~~MentalBehavioral~~ Health Commission shall meet a minimum of ten  
260 times a year. ~~The Regular meetings shall not be scheduled in July and December. Regular~~  
261 meetings shall be held during the last week of each calendar month at 5:0030 p.m. The  
262 meeting place shall be moved around the County, at various sites in different parts of the  
263 County. ~~Meeting sites shall be determined at the last meeting of the calendar year, and~~  
264 ~~subsequent~~In September of each calendar year, the Behavioral Health Commission shall  
265 set the date and place of its regularly scheduled meetings for the upcoming calendar year.]  
266 Subsequent Public Notice of the yearly calendar shall be made thereafter.  
267

268 Any amendment to the time and place of the regularly scheduled meetings of the  
269 ~~MentalBehavioral~~ Health Commission shall be determined by a majority vote of the  
270 ~~MentalBehavioral~~ Health Commission. All ~~MentalBehavioral~~ Health Commission meetings  
271 shall be held at locations freely accessible to all members of the public and shall, as much  
272 as possible, be accessible to any physically handicapped person.  
273

274 **Section 4.02** The agenda of the meetings of the ~~MentalBehavioral~~ Health Commission  
275 shall be posted in a place available to the public at least 72 hours prior to the meeting. The  
276 agenda shall contain a brief general description of each item of business to be transacted  
277 or discussed, and no action is to be taken on non-agenda items unless:  
278

- 279 a) By a majority vote a determination is made that an emergency situation exists  
280 (emergency situation means work stoppage or other activity which severely impairs  
281 health, safety or both, or a crippling disaster which severely impairs public health, safety  
282 or both);  
283
- 284 b) By a determination of two thirds of the members, or if less than two thirds of the  
285 members are present, then by a unanimous vote of the members present, that the need  
286 to take action arose subsequent to the agenda being posted;  
287
- 288 c) By the item being continued from a prior meeting held less than five days previously,  
289 at which time the item was posted.  
290

291 **Section 4.03** Every agenda shall provide an opportunity for members of the public to  
292 directly address the ~~MentalBehavioral~~ Health Commission on items of interest to the public  
293 that are within the subject matter jurisdiction of the ~~MentalBehavioral~~ Health Commission.

The Mental 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 Mental 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 Mental Behavioral Health Commission may hold an emergency meeting without compliance within the 24-hour notice requirement. The Mental 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 ~~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 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 Mental Behavioral Health Commission action.

## **ARTICLE 5     Officers**

### **Section 5.01**

#### Officers

~~Mental~~ All members of the Behavioral Health Commission ~~Executive Committee~~

- a) ~~The Mental Health Commission Executive Committee~~ shall be comprised of the eligible to be elected officers of the Mental Behavioral Health Commission;

### ~~Section 5.02~~ Officers

- b) The officers of the Mental Behavioral Health Commission shall be Chairperson, Chairperson-Elect, Past Chairperson, and Committee Chairpersons;

- c) ~~Officers~~ The Chairperson-Elect shall be elected during the first meeting of the calendar year. ~~Officers~~

343 d) The Chairperson shall serve for two years. The Chairperson may run for re-election at  
344 the annual election;

345  
346 e)e) Officers to serve as Committee Chairpersons shall be elected during the first meeting  
347 of the calendar year or at any time when the Chairperson proposes to form a Committee  
348 to carry out the responsibilities of the Commission, shall serve for one year, and may  
349 run for re-election at the annual election;  
350

351 ~~All members of the Mental Health Commission shall be eligible to be elected officers of~~  
352 ~~the Mental Health Commission.~~  
353

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

355  
356 a) The Chairperson shall be the Chief Executive Officer of the MentalBehavioral Health  
357 Commission and preside at all general membership ~~and Executive Committee~~  
358 meetings;  
359

360 b) The Chairperson shall establish the agenda for MentalBehavioral Health Commission  
361 meetings;  
362

363 c) The Chairperson is responsible for interpretation, implementation, and enforcement of  
364 the By-Laws; sets policies in accordance with the By-Laws, and recommends policies to  
365 the Behavioral Health Commission for approval  
366

367 e)d) The Chairperson is the official spokesperson for the MentalBehavioral Health  
368 Commission ~~at the direction of the Executive Committee;~~  
369

370 d)e) The Chairperson shall be in consultation with the local ~~mental health~~  
371 directorBehavioral Health Director;  
372

373 e)f) The Chairperson shall appoint standing committees and act as an ex-officio member  
374 of each of these committees, ~~with confirmation of the Executive Committee;~~  
375

376 f)g) The Chairperson shall have the authority to appoint all appointive positions,  
377 committees and committee members not otherwise provided for, and may call on any  
378 ~~general member~~Officer of the ~~Executive Committee for~~Commission for assistance in the  
379 implementation of the duties assigned to the ~~Executive Committee~~Officers, or the  
380 general membership of the MentalBehavioral Health Commission;  
381

382 g)h) The Chairperson shall sign all official documents approved by the Executive  
383 ~~Committee for the MentalBehavioral~~ Health Commission or delegate such responsibility  
384 as necessary ~~with~~to staff, and shall initiate and pursue communication with members  
385 and outside individuals, organizations, agencies or other entities, as may be required;  
386

387 h)i) The Chairperson is ultimately responsible for the production of, and submission to, the  
388 Monterey County Board of Supervisors and the County Administrative Officer, by July  
389 30 of each year, ~~six copies of~~ a short, concise, ~~fiscal year~~ annual report which shall  
390 contain a summary of the MentalBehavioral Health Commission's preceding fiscal  
391 years' activities and projects, a list of individual MentalBehavioral Health Commission



members and their responsibilities with the MentalBehavioral Health Commission, and any other information requested by the Board of Supervisors.;

~~h)j)~~ The Chairperson shall attend the State wide annual meeting of the California Association of Local MentalBehavioral Health Boards and Commissions. If the Chairperson is unable to attend the aforementioned meeting, the Chairperson shall appoint another memberOfficer of the Executive-CommitteeCommission 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 specialad hoc committee assignments being met as outlined in the Mental Health Commission Goals and Objectives.

#### ~~Section 5.07 Duties of the Executive Committee~~1.02 Purpose, Power and Authority.

~~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;~~

~~e)~~—~~The Executive Committee shall conduct business only when the members are present;~~

~~—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 SpecialandAd Hoc Committees**

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

**Section 6.02** Special-and-ad-hocAdhoc committees may be appointed by the Chairperson as required to further the goals purpose, power and authority of the

[MentalBehavioral](#) Health Commission. These committees shall serve at the discretion of the Chairperson and confirmation of the [Executive Committee Officers of the Commission](#).

**Section 6.03** Members of standing and [specialad hoc](#) committees need not be [MentalBehavioral](#) Health Commission members, except that the [MentalBehavioral](#) Health Commission Chairperson shall designate [MentalBehavioral](#) Health Commission members to serve on said committees.

**Section 6.04** The standing and [specialad hoc](#) committees shall be authorized to help carry out the duties and functions of the [MentalBehavioral](#) Health Commission. The actions and recommendations of these committees shall not be deemed the action of the [MentalBehavioral](#) Health Commission and shall in no way bind the [MentalBehavioral](#) 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 [MentalBehavioral](#) Health Commission minutes.

## **ARTICLE 7     Administrative Secretary**

**Section 7.01** The Director of Behavioral Health shall designate an employee of the Behavioral Health [DivisionBureau](#) 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 [MentalBehavioral](#) 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 [MentalBehavioral](#) Health Commission;
- c) Cause to be issued notices of regular and special meetings of the [MentalBehavioral](#) Health Commission;
- d) Maintain a record of attendance of [MentalBehavioral](#) Health Commission members.

## **ARTICLE 8     Expenses**

**Section 8.01** The members of the [MentalBehavioral](#) Health Commission ~~shall be entitled to reimbursement~~[may seek compensation](#) for driving to and from [MentalBehavioral](#) 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 driving-and-otherreasonable](#) expenses must be approved [in writing](#) by the [MentalBehavioral](#) 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](#)

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494  
495 **ARTICLE 9    Rules of Order**  
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497 **Section 9.01** Except when State laws or regulations, County ordinances, County Counsel  
498 [ruling recommendation](#), or these By-Laws apply, procedures of the [Mental Behavioral](#) Health  
499 Commission shall be governed by Robert's Rules of Order.  
500

501 **ARTICLE 10   Amendments**  
502

503 **Section 10.01** These By-Laws may be amended by majority vote at any meeting called in  
504 accordance with the By-Laws provided notice of the proposed amendment was given, in  
505 advance, with the call for the meeting. [Proposed amendments to the By-Laws shall be](#)  
506 [reviewed by County Counsel prior to the noticed meeting.](#)  
507

508 **Section 10.02** These By-Laws, and any amendments thereto, shall take effect immediately  
509 upon their approval by the Board of Supervisors.  
510

511 \_\_\_\_\_  
512 Original:    January 1995  
513 Revised:    October 1996  
514               November 1996  
515               November 2004  
516               August 2007  
517               December 2009  
518               July 2010  
519 [January 2018](#)  
520

521 **Approved as to [Legal](#) Form:**  
522

523  
524 **By:** \_\_\_\_\_  
525               **Deputy County Counsel**  
526

527 **Date:** \_\_\_\_\_  
528

