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MONTEREY COUNTY BEHAVIORAL HEALTH COMMISSION BY-LAWS

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

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Section 1.01 Name

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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 Board of Supervisors for the County of Monterey (“Board of Supervisors”).

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Section 1.02 Purpose, Powers, and Authority

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Per Welfare and Institutions Code Section 5604.2:

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- a) The Behavioral Health Commission shall do all the following:
 - 1) Review and evaluate the community’s public 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 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 behavioral health system;

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- 6) Review and make recommendations on applicants for the appointment of the local Behavioral Health Director. The Behavioral Health 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 Behavioral 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 under Welfare and Institutes Code section 5604.2(b), that, as part of the duties pursuant to subdivision (a), the Behavioral Health 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, as needed, and attend community events and/or task force meetings, committing one (1) or more hours per month to Behavioral Health Commission activities;
- h) Bring concerns regarding the Behavioral Health 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 Board of Supervisors.

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102 j) Complete all Clerk of the Board requirements for service on a Brown Act Commission,
103 including mandatory Ethics training.
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106 **ARTICLE 2 Composition**
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108 **Section 2.01** The Behavioral Health Commission shall consist of 17 members appointed
109 by the Board of Supervisors.
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- 111 a) Consumer, Family Member: Pursuant to Welfare and Institutions Code section
112 5604(a)(2)(B), at least 50% of the membership shall be consumers or the parents,
113 spouses, siblings, or adult children of consumers, who are receiving or have received
114 behavioral health services. At least 20% of the total membership shall be consumers,
115 and at least 20% shall be family members of consumers. Effective January 1, 2025,
116 one of these members shall be an individual who is 25 years of age or younger;
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- 118 b) Veteran or Veteran Advocate. Pursuant to Welfare and Institutions Code section
119 5604(a)(2)(C), at least one member of the Behavioral Health Commission shall be a
120 veteran or veteran advocate. The Department of Health shall notify the Monterey
121 County Military & Veterans Affairs Office of a vacancy. "Veteran advocate" means a
122 parent, spouse, or adult child of a veteran, or an individual who is part of a veterans
123 organization, including the Veterans of Foreign Wars or the American Legion.
124
- 125 c) Employee of Local Education Agency. Pursuant to Welfare and Institutions Code
126 section 5604(a)(2)(D) and effective January 1, 2025, at least one member of the
127 Behavioral Health Commission shall be an employee of a local education agency. The
128 Department of Health shall notify the Monterey County Office of Education of a vacancy;
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- 130 d) Supervisor from the Board of Supervisors. The Board of Supervisors shall appoint one
131 of its members to serve on the Behavioral Health Commission as a voting member and
132 one of its members to serve as an alternative on the Behavioral Health Commission;
133
- 134 e) First Responder Member: The Board of Supervisors may appoint a local First
135 Responder agency member in accordance with the provisions of this Article regarding
136 the composition of the Behavioral Health Commission and as required by law. The local
137 First Responder agency member shall be a voting member of the Behavioral Health
138 Commission;
139
- 140 e) Other Members: The remaining members shall be selected from individuals who have
141 experience with or knowledge of the local behavioral health system;
142
- 143 f) Associate Members: The Board of Supervisors may appoint up to five associate
144 members between the ages of 15 and 18 years to bring the perspectives of youth to the
145 Behavioral Health Commission. These associates will have no voting privileges but will
146 have the right to participate in all other matters of the board, with the exception of
147 training conducted in areas outside the County. Associate Members shall not be
148 counted for purposes of establishing a quorum. Associate Members shall observe all

149 rules, regulations and policies applicable to members. The members of this class serve
150 a term of one year. Terms will expire on December 31 of each year;

- 151
- 152 g) Non-Voting Members: The Behavioral Health Commission will also consist of Non-
153 Voting Behavioral Health Commission Members (“Non-Voting Members”), with no more
154 than one member from each supervisorial district. Interested community members shall
155 be considered for appointment as Non-Voting Members whenever there are no current
156 vacancies on the Behavioral Health Commission. The process for appointment of Non-
157 Voting Members shall be the same as for Behavioral Health Commission members.
158 Non-Voting Members’ responsibilities shall be the same as Behavioral Health
159 Commission members, as described in Section 1.03 above. Non-Voting Members shall
160 be allowed to sit with the Behavioral Health Commission and participate in discussions
161 of agenda items, but shall not be allowed to move, second, or vote on any matter
162 coming before the Behavioral Health Commission or any committee of the Behavioral
163 Health Commission. A Non-Voting Member may not be elected as an officer of the
164 Behavioral Health Commission. Non-Voting Members shall not be counted for
165 purposes of establishing a quorum. Non-Voting Members shall observe all rules,
166 regulations and policies applicable to members.
167

168 **Section 2.02** The Behavioral Health Commission shall make every effort to ensure that
169 the composition of the Behavioral Health Commission represents the demographics of the
170 County as a whole, to the extent feasible. When a Commission member resigns or is not
171 reappointed, the Behavioral Health Commission shall remind the appointing power of
172 Welfare and Institutions Code Section 5604.5(b) which states that the Behavioral Health
173 Commission By-Laws shall, “Ensure that the composition of the behavioral health board
174 represents the demographics of the county as a whole, to the extent feasible,” and Section
175 5604(a) which states that, “The board membership should reflect the ethnic diversity of the
176 client population in the county to the extent possible.”
177

178 **Section 2.03** Consistent with Welfare and Institutions Code Section 5604(d):
179

- 180 a) Except as provided in paragraph (b), no member of the Behavioral Health
181 Commission or his or her spouse shall be a full-time or part-time employee of the
182 Behavioral Health Bureau, an employee of the State Department of Health Care
183 Services, or an employee of, or a paid member of the governing body of, a behavioral
184 health contract agency;
185
- 186 b) A consumer of behavioral health services who has obtained employment with an
187 employer described in paragraph (a) and who holds a position in which he or she
188 does not have any interest, influence, or authority over any financial or contractual
189 matter concerning the employer may be appointed to the board. The member shall
190 abstain from voting on any financial or contractual issue concerning his or her
191 employer that may come before the Behavioral Health Commission.
192

193 **Section 2.04** Consistent with Welfare and Institutions Code Section 5604(e), members of
194 the Behavioral Health Commission shall abstain from voting on any issue in which the
195 member has a financial interest as defined in Section 87103 of the Government Code.

196
197 **Section 2.05** The Behavioral Health Commission, consistent with Welfare and Institutions
198 Code 5604(a)(2), “may recommend appointees to the county supervisors.” Under the
199 same section, 5604(a)(2), “Counties are encouraged to appoint individuals who have
200 experience with and knowledge of the local behavioral health system.”
201

202 **Section 2.06** Members of the Behavioral Health Commission shall receive no
203 compensation for their services except as provided for under Article 8, Section 8.01.
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206 **ARTICLE 3 Terms of Office (Vacancies and Replacements)**
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208 **Section 3.01** Terms of Office
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210 The term of each member of the Behavioral Health Commission shall be three years. The
211 terms of the members shall be staggered so that the terms of at least five members
212 appointed by the individual Supervisors expire each year. The terms shall run from June 1
213 of the year of appointment until May 31 three years later.
214

215 **Section 3.02** Vacancies and Replacements
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- 217 a) A vacancy shall exist based on the occurrence of any of the following:
218
219 1) When a member submits a written resignation to the Behavioral Health
220 Commission Chairperson and the appointing Supervisor accepts the resignation in
221 writing;
222
223 2) When a member is absent a total of four (4) meetings in a calendar year;
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225 3) When a member is absent from two (2) meetings in a calendar year without
226 providing prior notification of each absence to the Commission Secretary by noon
227 on the Wednesday before the scheduled meeting;
228
229 4) When a member’s death, disability, or any other circumstances prevents him/her
230 from completing a term;
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232 5) When a member’s term has expired;
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234 6) When a member no longer resides in the County, or otherwise does not meet the
235 qualifications of appointment.
236
- 237 b) Upon majority recommendation of the Behavioral Health Commission, any member
238 may be removed from office by a majority vote of the Board of Supervisors favoring such
239 removal.
240
- 241 c) When a prospective vacancy is imminent, or when a member resigns, the Behavioral
242 Health Commission Chairperson shall forthwith notify the Board of Supervisors in writing. If
243 the vacancy is for the position of Veteran Advocate, the Department of Health shall notify
244 the Monterey County Military & Veterans Affairs Office of the vacancy, pursuant to Welfare
245 and Institutions Code section 5406(a)(2).
246

247 **Section 3.03** Leave of Absence
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249 A member may request a “leave of absence” from the Behavioral Health Commission
250 consisting of more than two consecutive absences or more than three absences in a
251 calendar year. Requests for a leave of absence shall be submitted in writing to the
252 Chairperson who will submit the request to the Behavioral Health Commission at its next
253 regularly scheduled meeting. Majority recommendation of the Behavioral Health
254 Commission will be communicated to the appointing Supervisor who will make the final
255 decision. Factors taken into account by the Behavioral Health Commission in reviewing a
256 request for leave of absence will include the number of vacancies on the Behavioral Health
257 Commission at that time and the requesting member’s past history of attendance. A leave
258 of absence will only be considered by the Behavioral Health Commission if the reason for
259 the leave is due to an emergency, extraordinary or extenuating circumstance and the
260 member is able to offer a definite date of return to Behavioral Health Commission business.
261

262 The Behavioral Health Commission may grant a member a leave of absence not to exceed
263 6 months. To grant such a leave, the Chairperson shall announce it at a Behavioral Health
264 Commission meeting and notify the appointing Supervisor. The leave of absence will
265 become effective at the meeting at which it is announced. The leave of absence waives the
266 limitation of other types of absences stated in this Article. If the member’s term expires
267 during a leave of absence, the member must reapply for membership to the Behavioral
268 Health Commission.
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271 **ARTICLE 4** Meetings
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273 **Section 4.01** The Behavioral Health Commission shall meet a minimum of ten times a
274 year. Regular meetings shall not be scheduled in July and December. Regular meetings
275 shall be held during the last week of each calendar month at 5:30 p.m. The meeting place
276 shall be moved around the County, at various sites in different parts of the County. In
277 September of each calendar year, the Behavioral Health Commission shall set the date and
278 place of its regularly scheduled meetings for the upcoming calendar year. Subsequent
279 Public Notice of the yearly calendar shall be made thereafter.
280

281 Any amendment to the time and place of the regularly scheduled meetings of the
282 Behavioral Health Commission shall be determined by a majority vote of the Behavioral
283 Health Commission. All Behavioral Health Commission meetings shall be held at locations
284 freely accessible to all members of the public.
285

286 **Section 4.02** The agenda of the regular meetings of the Behavioral Health Commission
287 shall be posted in a place available to the public at least 72 hours prior to the meeting. The
288 agenda shall contain a brief general description of each item of business to be transacted
289 or discussed, and no action is to be taken on non-agenda items unless:
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- 291 a) By a majority vote a determination is made that an emergency situation exists
292 (emergency situation means work stoppage or other activity which severely impairs
293 health, safety or both, or a crippling disaster which severely impairs public health, safety
294 or both);
295

- 296 b) By a determination of two thirds of the members, or if less than two thirds of the
297 members are present, then by a unanimous vote of the members present, that the need
298 to take action arose subsequent to the agenda being posted;
299
300 c) By the item being continued from a prior meeting held less than five days previously, at
301 which time the item was posted.
302

303 **Section 4.03** Every agenda shall provide an opportunity for members of the public to
304 directly address the Behavioral Health Commission on items of interest to the public that
305 are within the subject matter jurisdiction of the Behavioral Health Commission. The
306 Behavioral Health Commission may make reasonable rules and regulations limiting the
307 time allocated for public testimony on issues and for each individual speaker.
308

309 **Section 4.04** A special meeting may be called, consistent with the Brown Act, at any time
310 by either the Chairperson of the Behavioral Health Commission or a majority of its
311 members. This shall be done by delivering personally, or by mail, written notice to each
312 member and each local newspaper, radio, or TV station which requests written notice.
313 That notice must be received at least 24 hours prior to the meeting. The notice shall
314 include the time and place of the meeting and the business to be transacted. No other
315 business shall be considered at these meetings. In the case of an emergency situation, the
316 Behavioral Health Commission may hold an emergency meeting without compliance within
317 the 24-hour notice requirement. The Behavioral Health Commission must, however,
318 attempt to notify by telephone, at least one hour prior to the start of the meeting, any media
319 that has requested notice of special meetings.
320

321 **Section 4.05** No meeting excluding the public may be held without first advising County
322 Counsel of the specific purpose or purposes of such meetings and receiving written advice
323 from County Counsel that it is legal to hold such a session or meeting.
324

325 **Section 4.06** Behavioral Health Commission action may be taken by a majority of those
326 present and voting and by no less than a majority of a quorum. A roll call vote shall be
327 taken when requested by any member in attendance.
328

329 **Section 4.07** A quorum shall be defined as one person more than one-half of the
330 appointed members. When the number of appointed members is an odd number, this
331 requirement is satisfied by dividing the number of appointed members in half, and then
332 rounding that quotient to the next whole number. The definition of appointed members
333 excludes unfilled positions, including partially appointed members who have not completed
334 all requirements of the Clerk of the Board's Office, such as mandated Ethics training, and
335 those positions vacated by resignation or removal. A quorum must be present for any
336 Behavioral Health Commission action.
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348 **ARTICLE 5 Officers**

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350 **Section 5.01**

351 **Officers**

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354 a) All members of the Behavioral Health Commission shall be eligible to be elected officers
355 of the Behavioral Health Commission;
- 356
357 b) The officers of the Behavioral Health Commission shall be Chairperson, Chairperson-
358 Elect, Past Chairperson, and Committee Chairpersons;
- 359
360 c) The Chairperson-Elect shall be elected during the first meeting of the calendar year.
- 361
362 d) The Chairperson shall serve for two years. The Chairperson may run for re-election at
363 the annual election;
- 364
365 e) Officers to serve as Committee Chairpersons shall be elected during the first meeting of
366 the calendar year or at any time when the Chairperson proposes to form a Committee to
367 carry out the responsibilities of the Commission, shall serve for one year, and may run
368 for re-election at the annual election.

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370 **Section 5.02 Duties of the Chairperson**

- 371
372 a) The Chairperson shall be the Chief Executive Officer of the Behavioral Health
373 Commission and preside at all general membership;
- 374
375 b) The Chairperson shall establish the agenda for Behavioral Health Commission
376 meetings;
- 377
378 c) The Chairperson is responsible for interpretation, implementation, and enforcement of
379 the By-Laws; sets policies in accordance with the By-Laws, and recommends policies to
380 the Behavioral Health Commission for approval
- 381
382 d) The Chairperson is the official spokesperson for the Behavioral Health Commission;
- 383
384 e) The Chairperson shall be in consultation with the local Behavioral Health Director;
- 385
386 f) The Chairperson shall appoint standing committees and act as an ex-officio member of
387 each of these committees;
- 388
389 g) The Chairperson shall have the authority to appoint all appointive positions, committees
390 and committee members not otherwise provided for, and may call on any Officer of the
391 Commission for assistance in the implementation of the duties assigned to the Officers,
392 or the general membership of the Behavioral Health Commission;
- 393
394 h) The Chairperson shall sign all official documents approved by the Behavioral Health
395 Commission or delegate such responsibility as necessary to staff, and shall initiate and
396 pursue communication with members and outside individuals, organizations, agencies
397 or other entities, as may be required;
- 398

- 399 i) The Chairperson is ultimately responsible for the production of, and submission to, the
400 Board of Supervisors and the County Administrative Officer, by July 30 of each year, a
401 short, concise, annual report which shall contain a summary of the Behavioral Health
402 Commission's preceding fiscal years' activities and projects, a list of individual
403 Behavioral Health Commission members and their responsibilities with the Behavioral
404 Health Commission, and any other information requested by the Board of Supervisors;
405
406 j) The Chairperson shall attend the State wide annual meeting of the California
407 Association of Local Behavioral Health Boards and Commissions. If the Chairperson is
408 unable to attend the aforementioned meeting, the Chairperson shall appoint another
409 Officer of the Commission to attend said meeting.
410

411 **Section 5.03** Duties of the Chairperson-Elect

412
413 The Chairperson-Elect assists the Chairperson as requested by the Chairperson and, in the
414 absence, disability, or resignation of the Chairperson, functions as the Chairperson until the
415 next election.
416

417 **Section 5.04** Duties of the Past Chairperson

418
419 The Past Chairperson assists the Chairperson as requested by the Chairperson, and in the
420 absence, disability, or resignation of the Chairperson-Elect, functions as the Chairperson-
421 Elect until the next election.
422

423 **Section 5.05** Duties of Committee Chairpersons

424
425 The Committee Chairpersons shall be responsible for their respective standing and/or ad
426 hoc committee assignments being met as outlined in Section 1.02 Purpose, Power and
427 Authority.
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430 **ARTICLE 6** **Standing Committees and Ad Hoc Committees**

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432 **Section 6.01** Standing committees shall be designated by the Chairperson with the
433 approval of the Behavioral Health Commission.
434

435 **Section 6.02** Ad hoc committees may be appointed by the Chairperson as required to
436 further the purpose, power and authority of the Behavioral Health Commission. These
437 committees shall serve at the discretion of the Chairperson and confirmation of the Officers
438 of the Behavioral Health Commission.
439

440 **Section 6.03** Members of standing and ad hoc committees need not be Behavioral
441 Health Commission members, except that the Behavioral Health Commission Chairperson
442 shall designate Behavioral Health Commission members to serve on said committees.
443

444 **Section 6.04** The standing and ad hoc committees shall be authorized to help carry out
445 the duties and functions of the Behavioral Health Commission. The actions and
446 recommendations of these committees shall not be deemed the action of the Behavioral
447 Health Commission and shall in no way bind the Behavioral Health Commission and its
448 members. The establishment and dissolution of all such committees not represented in the

449 By-Laws shall be reported to the Board of Supervisors in the Behavioral Health
450 Commission minutes.

451
452 **Section 6.05** Pursuant to Welfare and Institutions Code section 5604.5(e), the Behavioral
453 Health Commission shall have an executive committee comprising an odd numbers of
454 members, three (3) members or more, including the Chairperson, the Chairperson-Elect,
455 and all other members necessary to help carry out the duties and functions of the
456 Behavioral Health Commission, particularly the annual report to the Board of Supervisors
457 on the needs and performance of the County’s behavioral health system. The actions and
458 recommendations of this committee shall not be deemed the action of the Behavioral
459 Health Commission and shall in no way bind the Behavioral Health Commission and its
460 members.

461 **ARTICLE 7 Administrative Secretary**

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

465
466 **Section 7.02** The Administrative Secretary shall:

- 467
468 a) Be responsible for final presentation of the minutes to the Behavioral Health
469 Commission, the Board of Supervisors, and the County Administrative Officer;
470
471 b) Cause to be kept, a full and true record of all meetings of the Behavioral Health
472 Commission;
473
474 c) Cause to be issued notices of regular and special meetings of the Behavioral Health
475 Commission and all steps necessary to comply with the Brown Act;
476
477 d) Maintain a record of attendance of Behavioral Health Commission members;.
478
479 e) Coordinate with the Clerk of the Board on the appointment and vacancy of Behavioral
480 Health Commission members;
481
482 f) Coordinate collaboration with community members.

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485 **ARTICLE 8 Expenses**

486
487 **Section 8.01** The members of the Behavioral Health Commission may seek
488 compensation for driving to and from Behavioral Health Commission meetings, and by
489 seeking such compensation, understand this compensation will be reported as taxable
490 income. Members may also seek reimbursement for reasonable expenses necessarily
491 incurred to conduct official County business, including travel, lodging, childcare, and meals.
492 Members must adhere to the County of Monterey’s established Travel and Business
493 Expense Reimbursement Policy. All such reimbursements for reasonable expenses must
494 be approved in writing by the Behavioral Health Director before such expenses are
495 incurred. Standard rates allowed County personnel shall be paid for reimbursement; all
496 claims are subject to the approval by the County Auditor-Controller.

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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
_____ 2025

Approved as to Legal Form:

By: _____
Office of County Counsel

Date: _____