

**MENDOCINO COUNTY ~~MENTAL-BEHAVIORAL~~ HEALTH ~~ADVISORY~~ BOARD**  
**BYLAWS**

**Article I**

**NAME**

The name of this Board shall be the Mendocino County Mental Health Advisory Board, herein referred to as ~~BHAB-the Board or MHB~~.

**Article II**

**AUTHORITY**

The authority of ~~this-the Board-BHAB (acting as a Mental Health Board)~~ is set forth in ~~s~~Sections 5604 ~~through 5607-et. seq.~~ of the California Welfare and Institutions Code (W&I Code) and resolutions of the Mendocino County Board of Supervisors.

**Article III**

**DUTIES**

The duties of ~~this-the Mendocino Behavioral Health Advisory~~ Board shall be as follows:

1. Review and evaluate ~~the community's~~ Mendocino County's (County) Behavioral Mental Health and Recovery Services (BHRS) treatment and prevention needs, services, facilities ~~and related problems, and special problems.~~
2. Review any County agreements entered into pursuant to W&I Code sSection 5650.
3. Advise the Governing Body, herein after the Mendocino County Board of Supervisors (BOS) and the local ~~Mental Health~~BHRS Director, as to any aspect of the local ~~Mental Health BHRS~~ 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 BOS~~ on the needs, challenges, and performance of the County's BHRS and BHRS-contracted services~~the County's Mental Health system.~~
6. Review, interview and make recommendations ~~on regarding~~ applicants seeking appointment as a BHRS Director prior to appointment by the BOS~~for the appointment of a local Director of Mental Health Services. The Board shall be included in the selection process prior to the vote of the Governing Body.~~

7. Review and comment on the County's performance outcome data and communicate its findings to the State-California Mental Health Planning Council (CMHPC) and/or other appropriate entities.

~~Approved by the Board of Supervisors July 27, 2010 item 15~~

8. ~~Nothing in this part shall be construed to limit the ability of the Governing Body to transfer additional duties or authority to a Mental Health Board.~~Assess the impact of realignment of services from the State of California to the County on mental health services delivered to consumers of MH services and the local community.
9. ~~It is the intent of the Legislature that, as part of its duties, the Board 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.~~Develop and amend bylaws.
- ~~9-10.~~ Recognize that the BOS can transfer additional duties or authority to the BHAB.

- ~~10. The local Mental Health Board shall develop Bylaws to be approved by the Governing Board.~~

Special Duties in connection with the Mental Services Act shall include but not be limited to:

1. BHAB shall conduct a public hearing on the Mental Health Services Act (MHSA) draft three-year program and expenditure plan and each annual update at the close of each mandated 30-day comment period.
2. The BHAB shall review the (MHSA) adopted plan or update and make recommendations pursuant to W&I Code 5848(b) and W&I Code section 5608.

#### ~~Mental Health Services Act Duties~~

- ~~1. Hold MHSA Plan and Plan annual update public hearings & forward public comment to the Mental Health Director.~~
- ~~2. Make recommendations to the Mental Health Director re the MHSA Plan and its annual updates (as per W&I Code #5608 (c) The Mental Health Director shall: Recommend to the Board of Supervisors, after consultation with the Mental Health Board, the provision of MHSA Plan services.).~~
- ~~3. Review and comment on the MHSA Plan's and the Plan's annual update performance outcome data and communicate findings to the California Mental Health Planning Council.~~
- ~~4. Review and approve the procedures used to ensure citizen and professional involvement at all stages of the MHSA Plan planning process.~~

~~State law also mandates that a broad based stakeholder group develops the MHSA Plan and its annual updates. It is also mandated that the following types~~

~~of stakeholders be a part of this group:~~

- ~~▪ adults with severe mental illness~~
- ~~▪ seniors with severe mental illness~~
- ~~▪ families of children with severe mental illness~~
- ~~▪ families of adults with severe mental illness~~
- ~~▪ families of seniors with severe mental illness~~
- ~~▪ law enforcement agencies~~
- ~~▪ education~~
- ~~▪ social services agencies~~
- ~~▪ other important interests~~

5. ~~Review county agreements/contracts with MHSA service providers. (Note: This means simply being knowledgeable about what services are being provided.)~~

6. ~~Include Mental Health Board actions on any/all of the above in the MHB's Annual Report to the Board of Supervisors.~~

## **Article IV**

### **MEMBERSHIP**

#### **SECTION 1.**

There shall be ~~165~~ members on the ~~MHB BHAB~~, plus including one non-voting representative from of the BOS, who serves as a non-voting, ex-officio member who shall not be counted for the purposes of establishing a quorum.

~~County Board of Supervisors, who is encouraged to participate fully in all MHB discussion, but who shall not be counted for purposes of establishing a quorum. (It is recommended that the Board of Supervisors appoint one representative and an alternate)~~

#### **SECTION 2.**

Each member of the BOS shall nominate three (3) members to the BHAB. The BHAB will interview and vote to recommend or not to recommend applicants. The Board of Supervisors appoints BHAB members. The Board of Supervisors may appoint anyone to the BHAB who meets the qualifications set forth in the W&I Code and these Bylaws, sections IV.3 and IV.6 whether the BHAB has recommended the person or not.

~~(Each Supervisor shall appoint three (3) members to the MHB. Applications will be accepted at the Board of Supervisors Office and then be forwarded to the MHB office to be given to the MHB Chair to contact the applicant(s) to schedule an interview at the earliest regular meeting of the MHB for the board to interview the applicant(s). The application(s) will be included in the appropriate agenda packet for members to review. At a meeting where an applicant(s) is interviewed the MHB will vote to approve or not to approve the applications(s) and the action minutes of that meeting will be submitted to the Clerk of the Board of Supervisors to continue processing the application(s). The Board of Supervisors will decide to appoint or not to appoint an MHB recommended applicant(s) at one of their regular meetings. The Board of Supervisors may appoint anyone to the MHB whether the MHB has recommended the person or not. Appointed~~

~~new members will be notified of appointment by the clerk of the Board who will arrange to swear in (or affirm by declaration) the new member(s) who cannot vote at an MHB meeting until that process is completed. Supervisors are encouraged to appoint those who have experience and knowledge of Mental Health systems. Board membership shall reflect the ethnic and geographic diversity of the client population of the county. Appointees shall be legally registered voters of Mendocino County.)~~

### SECTION 3.

~~Fifty (50%) of the Board BHAB membership shall be consumers, or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received, mental health services. At least twenty (20%) of the total BHAB membership shall be consumers, and at least twenty (20%) shall be families of consumers. Pursuant to W&I Code Section 5604(a)(1) the BHAB should reflect the ethnic diversity of the client population of the County. If an active search (documentation is advisable), does not secure the needed category, only then may the Supervisor substitute a representative from public interest. In all cases, the representation of consumers and family members should be proportional to the total membership.~~

### SECTION 4.

~~In accordance with W&I Code, The term of each position member of the MHB BHAB shall be for three (3) calendar years. The BOS shall equitably stagger the appointments so that approximately one-third of the appointments expire in each year. Appointed members are eligible to vote at the next regular or special meeting after being sworn in by a County Official. In case of an unscheduled vacancy, a new member shall be appointed to fill the unexpired term of their predecessor and may subsequently apply to be re-appointed to a new three-year term. Individuals appointed to the MHB fill the remaining time left in the position they have been appointed into. They may reapply after the term has ended. The governing body shall equitably stagger the appointments so that approximately one-third of the appointments expire in each year. This statute does not put "term limits" into place for Board members.~~

### SECTION 5.

~~Legally appointed BHAB members are in good standing unless they have three (3) consecutive absences in a calendar year 12-month period. The Chairperson may send written notice to the member of his/her default status. A copy of the notice will be provided to the BOS. Upon receipt of written notice, the defaulting member may re-engage with the BHAB, resign or be terminated by the BOS. A terminated defaulted BHAB member may reapply at any time. The Chairperson may pre-approve a leave of absence for up to three (3) meetings at his/her sole discretion, announced at a Regular or Special meeting. The Executive Committee shall review the situation, inform the Board of Supervisors, and send a letter of default to the absent Board member. The defaulted Board member may reapply at any time. Note: Common courtesy is to always notify the Chair of the MHB prior to absence from a regularly scheduled meeting.~~

### SECTION 6.

~~Except as provided in section 3, No appointed member of the Board BHAB or his/her spouse/domestic partner shall be an full-time or part-time County employee of thea County Mental Health Service BHRS, an employee of the State Department of California Mental Health Care Services (DCHS)/Mental Health Services Division (MHSD), an employee of a Mendocino~~

County mental health services contractor or their subcontractor, or an employee of the State Department of Mental Health, or a paid member of the governing body of, a mental health contract agency. However, a consumer of mental health services who has obtained employment with an employer described above and who holds a position in which he/she does not have any interest, influence, or authority over any financial or contractual matter concerning the employer may be appointed to BHAB. That member shall abstain from voting on any financial or contractual issue concerning his/her employer that may come before BHAB.

#### SECTION 7:

~~Local Mental Health Boards shall be subject to the provisions of Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the California Government Code, relating to meetings of local agencies.~~

### Article V

## OFFICERS

#### SECTION 1. OFFICERS

The officers of the ~~BHAB Board~~ shall be ~~a~~ Chairperson, ~~a~~ Vice-Chairperson, ~~Corresponding Secretary~~, and ~~a~~ Treasurer. They shall be elected ~~by the members~~ annually at the ~~Regular or Special~~ meeting in ~~January December~~, to take office immediately.

#### SECTION 2. EXECUTIVE COMMITTEE

The officers, ~~in addition to and the~~ Chairpersons of the standing committees, shall constitute an Executive Committee. The Chairman may appoint a member-at-large from the membership to serve for a term approved by a majority of the Executive Committee. This committee shall meet at the call of the Chairperson and shall only meet in closed session as per the guidelines of the Brown Act about closed sessions as per County Counsel's advice

#### SECTION 3. REMOVAL OF OFFICERS

Any officer may be removed from office and relieved of duties by a ~~M~~majority ~~V~~vote of the ~~Board BHAB~~ membership at any regular or special meeting with a quorum in attendance.

#### SECTION 4. DUTIES

##### 1. SUBSECTION (A) DUTIES OF THE CHAIRPERSON SHALL INCLUDE:

~~1. Administering operation of the Board and presiding at all meetings.~~

a. Administer the operation of the BHAB and preside at all meetings

~~a.b. Calling special meetings as necessary.~~

~~b.c. Appointing Establish committees members and establishing special appoint committees members to standing and ad hoc committees.~~

~~e.d. Finalize and forward the Annual Report to the Mendocino County Board of Supervisors BOS and BHRS directors.~~

~~d.e. Notify the Mendocino County Board of Supervisors BOS when vacancies or prolonged absences occur.~~

~~e.f. The Chairperson shall be in regular contact, consultation, and collaboration~~

with the ~~local Mental Health BHRS~~ Director(s).  
f.g. ~~Preparation and approve of the~~ monthly ~~meeting~~ agenda.

~~SUBSECTION (B) DUTIES OF THE VICE-CHAIRPERSON SHALL INCLUDE:~~

- a. Act as Chairperson in the ~~event of his/her~~ absence ~~of the Chairperson~~.
- b. ~~Establishment of quorum at all regular meetings~~ Monitor and work with the County Executive Office on membership issues.
- c. ~~Monitoring of planning process~~ Other duties as requested by the Chairperson.

~~SUBSECTION (C) DUTIES OF CORRESPONDING SECRETARY SHALL INCLUDE:~~

- a. Handle ~~all~~ correspondence as directed by the Chairperson.
- b. Establish a Quorum at regular and special meetings.
- ~~b.c. Publicity release to county papers, radio and TV stations~~ Prepare and process publicity releases.
- d. ~~Maintain a Minute Book~~ the Policies and Procedures Manual in consultation and with the assistance of the BHRS department and administrative staff.

~~SUBSECTION (D) DUTIES OF THE TREASURER~~

- a. ~~The Treasurer shall m~~ Monitor and account for any and all funds ~~received by or allocated to~~ and expended by the ~~Mental Health Board BHAB,~~ in accord with the rules of procedure established by the ~~Mendocino County Auditor and Treasurer.~~
- b. Report the BHAB's financial status at each ~~regularly scheduled Board~~ meeting.
- c. ~~Maintain an open ledger~~ Submit a timely annual BHAB budget request to the Chairperson and the BHRS Director(s) in accordance with W&I Code section 5604.3 and County policy.  
~~When called upon, report to the governing body.~~
- d. ~~Approve all expenditures and travel, along with the Chairperson and the director of Mental Health, in accordance with Section 5604.3 of the W&I Code and Board policy.~~

SECTION 5. VACANCIES OF OFFICES

Should the office of Chairperson be vacated, the Vice-Chairperson shall assume the Chair for the remainder of the term, or until ~~as soon as possible~~ a special election is approved at a Regular or Special meeting with a Quorum in attendance. ~~during a regular or special meeting with a quorum can be held after nominations are made from the floor can be held.~~ Vacancies in other offices shall be filled by appointment of the Chairperson subject to ratification by ~~the Board by simple a M~~ a Majority ~~V~~ ote of the BHAB membership at a Regular or Special meeting with a Quorum present.

SECTION 6. ELECTION OF OFFICERS

~~SUBSECTION (A)~~

~~Nominations for officers shall be made by a nominating committee appointed by the Chairperson in December and there may be nominations~~

~~made from the floor. A candidate shall be elected by simple majority.~~

#### ~~SUBSECTION (B)~~

~~Should the office of Chairperson be vacated, the Vice-Chairperson shall conduct the election of a new Chairperson.~~

#### ~~SUBSECTION (C)~~

~~In the event there is neither a Chair or Vice-Chair to conduct the meeting, the Board, by simple majority vote, shall select a Chair Pro-Tem.~~

## **Article VI**

### **MEETINGS**

#### **SECTION 1.**

1. The annual regular meeting for the BHAB shall be approved by the BHAB.
2. Meetings shall be scheduled in various geographic locations approved by the BHAB.
3. Regular and Special meetings shall be noticed and conducted in accordance with the provisions of the Government Code section 54950 et. seq., "The Brown Act."
4. BHAB Regular and Special meetings shall be conducted in accordance with the most recent version of the BHAB Policies and Procedures approved by a Majority Vote of the BHAB.

~~The regular meeting schedule for the Board shall be set by Minute Order at the organization meeting in January of each year. Meetings shall be conducted in accordance with the provision of Section 54950 et. seq. Of the Government Code (the Brown Act) and under Robert's Rules of Order. The meetings shall alternate between Ukiah, North County area and the Coast.~~

#### **SECTION 2. SPECIAL MEETINGS**

Special meetings of the ~~Board~~ BHAB may be called at any time by the Chairperson or by a Majority Vote of the members ~~of the Board at a Special or Regular meeting at which a Quorum is present.~~ Special meetings shall be noticed and conducted in conformance with the provisions of the Brown Act. ~~The notice of any special meeting shall be provided to all members of the Board and the public by giving 72 hours notice, by a call by the Chair to each member and appropriate media outlets. The notice shall specify the time, place and business to be transacted and no other business shall be considered.~~

#### **SECTION 3. QUORUM**

A Quorum is One-half, plus one of the duly appointed members currently serving on the BHAB.,, shall constitute a quorum. A majority vote shall be a majority of those members present and voting, but in no case less than five.

#### **SECTION 4. MAJORITY VOTE**

A Majority Vote shall be a majority of those members present and voting at a Regular or Special meeting at which a Quorum is present.

## SECTION 5. VOTING PROCEDURE

The Chairperson may request a vote by show of hands or a roll call vote.

## SECTION 4. AGENDA

~~The agenda for regular meetings shall be prepared by the Chairperson seven (7) days prior to such meeting. Agenda packets are to be prepared by the Corresponding Secretary and Administrative Assistant for distribution to each Board member no later than five (5) days before such meeting, accompanied by all agenda support materials to be considered. The agenda shall allow time for presentation of non-agenda items in accordance with the Brown Act.~~

~~Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, except those marked confidential, of any meeting of the Board at any time. If requested, the agenda and all non-confidential documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 CFR, Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The Board may establish a fee for mailing the agenda or agenda packet and the fee shall not exceed the actual cost of providing the service. The preparation and distribution of agendas and agenda packets shall be in accordance with the Brown Act.~~

~~Copies of the agenda for regular and special meetings shall be posted in appropriate public places as well as submitted to the County Administrative Office and the Board of Supervisors Office. Agendas are also to be distributed to all appropriate media outlets and community organizations. Agendas are to be posted and distributed at least seventy-two (72) hours before each meeting and twenty-four (24) hours for special meetings, in accordance with the Brown Act and under adopted Board policies.~~

## SECTION 5. AGENDA DEADLINE

~~All matters to be included on the printed agenda must be submitted to the Chairperson at least ten (10) days preceding the meeting.~~

## SECTION 6. AGENDA NOTICE

~~Copies of agenda for regular and special meetings shall be sent to the County Administrative Office and posted in appropriate public places.~~

## SECTION 7. VOTING PROCEDURE

~~When a roll call vote is called for by the Chairperson, clerical staff or their designee shall institute a roll call asking for a voice vote by each member. The votes of each member shall be recorded in the Minutes and made a matter of public record. This is to ensure the right of the public to know the position taken by each member on individual items.~~

## SECTION 8. RECORDING OF MEETINGS

~~Each meeting of the Board shall be recorded and the tapes shall be preserved for a period of no less than five (5) years.~~



## Article VII

### **COMMITTEES**

#### **SECTION 1. STANDING COMMITTEES**

~~The Chairperson may create one or more standing committees and appoint members at any time with the Majority Vote of the members. Standing committee meetings shall be noticed and conducted in conformance with the provisions of The Brown Act. Standing committees shall be Adult Services, Children's Services, Business Services, Forensic Services, and Mental Health Services Act (MHSA). Members of the public are hereby allowed to be appointed to the MHSA Committee.. Standing Committees shall be developed by the Board and can be changed and or added by a majority vote of the duly appointed Board members, but in no case less than five, at a regularly scheduled meeting. Standing Committees are allowed to have subcommittees to look into issues that might occur within the scope of the work of each committee.~~

#### **SECTION 2. AD HOC COMMITTEES**

~~The Chairperson may create ad hoc committees at any time. Ad hoc committees are of limited scope and duration, and address specific issues under consideration by the BHAB. Ad Hoc committees terminate no later than the submission of the Annual Report to the BOS. Ad Hoc Committees of the Board shall be appointed as needed and only exist until a final written report has been submitted to the Board. Members of the public are hereby allowed to be appointed to Ad Hoc Committees.~~

## Article VIII

### **BUDGET**

#### **SECTION 1.**

~~The Governing Board shall receive from the Mental Health Board a request for an annual allocation of funds to be allocated to the Mental Health Board to enable the Board to carry out the functions of the Board. All expenditures will be documented by the Treasurer and approved by the Board.~~

~~The Board shall submit to the Governing Board a proposed budget for the next fiscal year in a timely manner.~~

~~Reimbursement for travel and meals shall be in accord with the policies set by the Governing Board.~~

## Article IX

### **AMENDMENT OF THE BYLAWS**

#### **SECTION 1.**

Any proposed revision to these bylaws shall be received and approved for discussion by the BHAB Executive Committee prior to being placed on the BHAB agenda. These bylaws may then be amended by a Majority Vote at any Regular or Special meeting with a Quorum present.

~~BHAB-approved bylaws and amendments shall be forwarded to County Counsel for review prior to a vote by the BOS at a regular meeting. These Bylaws may be amended at any regular or special meeting by a majority vote of those present, provided that such proposed amendment has been presented in substance or completed text in writing to the Chairperson and read by the Chairperson at a regular or special meeting thereof held prior to the time proposed amendment is to be voted upon. Amendments to the Bylaws shall be forwarded to the Governing Body.~~

### **Article X**

#### ~~SECTION 1. ROBERT'S RULES OF ORDER~~

~~The Mendocino County Mental Health Board shall conduct its meetings in accord with Robert's Rules of Order, Modern Edition or newer.~~

~~Approved by the Board of Supervisors July 27, 2010 item 15~~