

Established: July 20, 1993; Resolution No. 93-82
Amended: July 5, 1994; Resolution No. 94-69
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Amended: August 23, 2005; Resolution No. 05-145
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Amended: June 16, 2009; Resolution 09-71 December
7, 2010; Resolution No. 2010-150 **Amended:**
September 25, 2012; Resolution No. 2012-139

**BYLAWS OF THE
[NAME] COUNTY MENTAL HEALTH BOARD**

ARTICLE I - NAME

The name of this Board shall be the [Name] County Mental Health Board (“Mental Health Board”).

ARTICLE II - AUTHORITY

The authority of the [Name] County Mental Health Board is established pursuant to the Bronzan-McCorquodale Act which may be found at Part 2 of Division 4.7 of the California Welfare and Institutions Code (commencing at section 5600 et seq.).

ARTICLE III - PURPOSE

The purposes of the Mental Health Board are as follows:

1. Review and evaluate the county’s mental health needs, services, facilities and special problems.
2. Review any county agreements entered into pursuant to Section 5650.
3. Advise the [Name] County Board of Supervisors and the [Name] County Mental Health Director as to any aspect of the county’s 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 [Name] County Board of Supervisors on the needs and performance of the mental health system of the County of [Name].
6. Review and make recommendations on applicants for appointment of the [Name] County Director of Mental Health Services. The Mental Health Board shall be included in the selection process prior to the vote of the [Name] County Board of Supervisors.
7. Review and comment on the County of [Name]’s performance outcome data and communicate its findings to the California Mental Health Planning Council.

8. Assess the impact of the realignment of services from the state to [Name] County on services delivered to clients and on the local community.
9. Perform such additional duties as may be assigned to the Mental Health Board by the [Name] County Board of Supervisors.

ARTICLE IV - MEMBERS OF MENTAL HEALTH BOARD

1. Number of Members of the Board. There shall be 15 members of the Mental Health Board. All members shall be voting members. The members shall consist of those individuals appointed by the [Name] County Board of Supervisors to the Mental Health Board. A quorum shall be one person more than one-half of the appointed members. Quorum is defined in accordance with California Welfare & Institutions Code Section 5604.5 (c).
2. Direction of the Mental Health Board Required. The activities and affairs of individual members of the Mental Health Board, acting as Board members, shall be conducted, and powers exercised, by and under the direction of the Mental Health Board and these Bylaws.
3. Terms of Office. Terms for each member of the Mental Health Board shall be three years. Members shall be limited to two consecutive three year terms unless waived by a majority vote of the [Name] County Board of Supervisors; provided, however, members serving on July 11, 2005, may be appointed to two additional three year terms without requiring a waiver from the Board of Supervisors. The foregoing provision for members serving on July 11, 2005 shall sunset on December 31, 2012.
4. Compensation. No member shall be compensated for duties performed as a member of the Mental Health Board. Notwithstanding the previous sentence, a member may be reimbursed for the actual costs of attending meetings, conferences or similar gatherings if attendance at the meeting, conference or similar gathering is approved in advance in writing by the Mental Health Board Chair and the [Name] County Mental Health Director.
5. Requirements Applicable to all Members. A member of the Mental Health Board must:
 - a. Be appointed by the [Name] County Board of Supervisors.
 - b. Take the Oath of Office administered by the Clerk of the [Name] County Board of Supervisors.
 - c. Serve on at least one Committee or Work Group of the Mental Health Board or serve as a Mental Health Board representative on a designated local, regional or state committee/commission or professional/service organization as approved or excused by the Executive Committee for good cause shown.
 - d. Maintain a satisfactory meeting attendance record to Mental Health Board meetings and other assignments as defined in Article XI of these Bylaws.
 - e. Comply with all applicable regulations of the Fair Political Practices Commission, including, but not limited to, preparing and filing FPPC Form 700, if required, within 30 days of appointment and annually prior to April 1st of each year.

- f. Keep any confidential information obtained while performing duties as a Mental Health Board member confidential.
- g. Participate in site visits of a mental health facility or program, at least once per year, unless excused by the Executive Committee.

ARTICLE V - QUALIFICATIONS OF MEMBERS

1. Qualification of Members. The members of the Mental Health Board shall be composed of the following:
 - a. One member of the [Name] County Board of Supervisors.
 - b. At least fifty percent of the Board membership shall be consumers, who are receiving or have received mental health services, or their family members as defined in exhibit A.
 - c. At least twenty percent of the Board membership shall be consumers.
 - d. At least twenty percent of the Board shall be family members of consumers.
 - e. Any members who are not consumers or family members of consumers shall be individuals who are interested and concerned citizens from the general public.

The composition of the Mental Health Board should reflect the ethnic diversity of the consumer population and the demographics of the county as a whole to the extent feasible.

2. Residents of the County Required; Exceptions. Members appointed should be residents of [Name] County if possible. If it is not possible to secure membership as specified from among persons who reside in the county, the [Name] County Board of Supervisors may substitute representatives of the public interest in mental health who are not full-time or part-time employees (except as noted below*) of the county mental health service, the State Department of Mental Health, or on the staff of, or a paid member of the governing body of, a mental health contract agency. *Section 5604 of the California Welfare and institutions Code (3) (d) (1) and (2) states that Consumers may be employed by county mental health services or mental health contract agency as long as they don't have any financial or contractual interest, and are not allowed to vote on any financial or contractual issues concerning their employer that may come before the Board.
3. Individuals Disqualified From Serving. The following individuals are disqualified from serving on the [Name] County Mental Health Board: Except as noted below*, no member of the Mental Health Board or his or her spouse shall be a full-time or part-time county employee of a county mental health service, an employee of the State Department of Mental Health, or an employee of, or a paid member of the governing body of, a mental health contract agency. *Section 5604 of the California Welfare and institutions Code (3) (d) (1) and (2) states that Consumers may be employed by county mental health services or mental health contract agency as long as they don't have any financial or contractual interest, and are not allowed to vote on any financial or contractual issues concerning their employer that may come before the Board.

ARTICLE VI - RECRUITMENT OF MEMBERS

1. Responsibility for Recruitment. Recruitment of prospective members of the [Name] County Mental Health Board shall be the responsibility of individual members of the [Name] County Board of Supervisors and members of the Mental Health Board. An effort will be made to recruit mental health professionals as well as individuals who have experience and knowledge of the mental health system.
2. Board of Supervisors Recruitment. Board Supervisors are encouraged to nominate individuals from their respective district to facilitate wider representation across [Name] County, for a total of five Mental Health Board members to be nominated and appointed by the Board of Supervisors. The Board of Supervisors may accept more than one nomination from each district based on interest and willingness of community members to serve.
3. Recruitment by the Mental Health Board. Interview and Recommendation. All applicants, except those nominated directly by the Board of Supervisors, shall initially be interviewed by at least two members of the Mental Health Board. Names of the applicants recommended shall be presented to the full Mental Health Board for its consideration. Those applicants recommended by the Mental Health Board shall then be referred to the Board of Supervisors with a recommendation they be appointed to the [Name] County Mental Health Board.

ARTICLE VII - MEETINGS

1. Annual Meetings. There shall be a regular meeting, which shall constitute the annual meeting of the Mental Health Board, to be held on the second Monday of July of each year at which time the officers will present their reports, a meeting schedule will be adopted for the next twelve months, and elections held. If the second Monday of July falls on a Holiday, the meeting shall be held on the third Monday of July.
2. Regular Meetings. Other regular meetings of the Mental Health Board may be held at such time and place as is established by the annual meeting schedule.
3. Special Meetings. Special meetings, for any purpose or purposes related to the business of the Mental Health Board, may be called at any time by the Chair of the Board or by a majority of the Board members.
4. Notice of Annual and Regular Meetings. Notice of the Annual Meeting shall be given to each member of the Mental Health Board by one of the following methods: (a) by personal delivery of written notice; (b) by first class mail, postage prepaid; (c) by fax transmittal or e-mail of written notice; or (d) by telephone, either directly to the member or to a person at the member's office who would reasonably be expected to communicate that notice promptly to the member. Notices sent by first class mail shall be deposited in the U.S. Mail not less than five days before the time set for the meeting. Notice given by personal delivery, fax, E-mail, or telephone shall occur at least 72 hours before the time set for the meeting. All such notices shall be given or sent to the members address or telephone number as shown on the records of the Board.

5. Notice of Special Meeting. A special meeting may be called at any time by the Chair of the Mental Health Board or by a majority of the Mental Health Board members. Notice of special meetings shall be given by delivering written notice to each member of the Mental Health Board and to each local newspaper of general circulation and radio or television station that has requested notice in writing. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the Board. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the Board a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

ARTICLE VIII - OFFICERS

1. Officers of the Board. The officers of the Board shall consist of a Chair and Vice-Chair.
2. Election of Officers. The offices of Chair and Vice-Chair shall be elected at the annual meeting of the Board and those elected shall serve for a term of at least one but not more than two consecutive years. It is the non-binding policy of the Board that the Vice-Chair will be the person that will normally be elected to serve as Chair in the year following service as Vice-Chair.

If the Chair's office is vacated prior to the end of the one year term, the Vice Chair shall assume the Chair's office and a replacement Vice Chair nominated at the next regularly scheduled meeting. The election vote for the new Vice Chair shall be held at the next regularly scheduled meeting following the nomination meeting.

ARTICLE IX - DUTIES OF OFFICERS AND OTHER BOARD POSITIONS

Duties of the Officers of the Board. The duties of the officers of the Mental Health Board shall be as follows:

1. Chair. It shall be the duty of the Chair to prepare the agenda for and preside over all regular and special meetings of the Board; to appoint Committee and Work Group chairs; coordinate existing Committees and Work Groups; serve as an ex-officio member of all Committees and Work Groups; call special meetings of the Board when necessary; and be in regular consultation with the [Name] County Director of Mental Health.
2. Vice-Chair. It shall be the duty of the Vice-Chair to assist the Chair in the execution of his or her office and to act in his or her stead during an absence. In case of resignation or death of the Chair, the Vice-Chair shall perform such duties as are imposed on the Chair until such time as the Mental Health Board elects a new Chair.
3. Upon the expiration of his or her term of office, or in the case of resignation, each Officer shall turn over to his or her successor, without delay, all records books and other materials pertaining to the office.

Duties of Other Board Positions. The duties of other positions shall be as follows:

4. Secretary. The Mental Health Board shall be supported by a Secretary. The Director of [Name] County Health & Human Services Agency or her/his representative shall designate staff to serve as Secretary to the Board. It shall be the duty of the Secretary to keep a record of all annual, regular and special meetings of the Mental Health Board. The Secretary shall perform such secretarial duties and responsibilities as defined by mutual agreement of the Chair and the Director of Mental Health.

ARTICLE X - COMMITTEES

1. The following Standing Committee is created:

An Executive Committee. The Executive Committee, will be composed of the current and past Chair, Vice Chair, and three Members-at-Large. The term of Executive Committee members shall coincide with their terms as members of the Board. The Executive Committee shall be responsible for the overall management of the activities and business of the Mental Health Board. This includes, but is not necessarily limited to, the following:

- a. Establishing and overseeing of Ad Hoc Committees and Work Groups; coordinating selection and implementation of site visits; approving Mental Health Board agendas; drafting policies and procedures for Mental Health Board approval; and selecting Work Group and Committee chairs on the recommendation of the Mental Health Board Chair.
 - b. Selection of Members-at-Large. Any member of the Mental Health Board, other than the Chair, Vice-Chair and past Chair, can potentially be a Member-at-Large. In July of each year, the Chair, Vice-Chair and past Chair, will make recommendations for three Members-at-Large to be approved by vote of the Mental Health Board each August. Prior to the vote on these recommendations, the floor will be open to Board members for additional nominations. Members-at-Large will attend and participate in Executive Committee meetings. Members-at-Large will have voting rights during Executive Committee meetings.
2. Standing Committees may be established or eliminated by the Mental Health Board. Standing Committees have ongoing responsibilities concerning a particular subject matter that is not time limited. Committees and Work Groups will conduct meetings in accordance with the Brown Act (Government Code Section 54950 et seq.) to the extent applicable.

ARTICLE XI – ATTENDANCE & VACANCIES ON THE BOARD

1. All Mental Health Board members are required to contact the Mental Health Board Chair or Secretary prior to a meeting if they are unable to attend. Failure to do so will result in an unexcused absence.
2. A Board member may be deemed by the Executive Committee to have ceased to discharge the duties of a Mental Health Board member based on attendance and/or performance of other assigned duties. If after review, the Executive Committee determines the member should be removed, a recommendation will be made to the full Mental Health Board. Upon a two thirds vote the Mental Health Board may recommend the removal of the member to the Board of Supervisors.
3. If a vacancy occurs due to the occurrence of any of the events described in section 1770 of the California Government Code, the Secretary shall advise the Board and the Executive Committee will commence the recruitment for a replacement.

ARTICLE XII - RESIGNATIONS AND LEAVES OF ABSENCE

1. Any member may resign effective upon giving written notice to the County Executive Office with a copy to the Chair, the Vice Chair or the Secretary of the Mental Health Board. A notice which specifies a later time shall be effective upon the date of the resignation set forth in said notice.
2. A Board member, who does not wish to resign and who needs leave from board commitments, may request a leave of absence for personal reasons. The request must be submitted in writing to the Chair of the Mental Health Board. The Executive Committee may approve his or her request for a period of time not to exceed 6 months. A member on leave may request an extension in writing to the Chair and such extension is subject to the approval of the Executive Committee. The request for extension will be reviewed by the Executive Committee as to the reasonableness of the extension and the overall impact on the Board in carrying out its responsibilities.

ARTICLE XIII - MEETINGS, QUORUMS, AND RULES OF ORDER

1. The Mental Health Board shall meet monthly or as scheduled on the Board's approved annual calendar of meetings. A quorum shall consist of one person more than one-half of the appointed members. Members who are on an approved leave of absence will not count toward establishing a quorum.
2. Meetings of the Mental Health Board shall be governed by The Standard Code of Parliamentary Procedure (Sturgis 4th Edition) as modified to allow open participation of the Chair and to comply with the Brown Act.

ARTICLE XIV - AMENDMENTS TO BYLAWS

These bylaws may be amended at any meeting of the Mental Health Board by a two-thirds vote of the membership of said Board when reasonable advance notice has been given as described below.

The Mental Health Board shall use the following procedure when amending the Bylaws.

- a. Proposals for change shall be noticed on the Mental Health Board agenda and a written copy sent to all [Name] County Mental Health Board members a minimum of five days prior to the meeting date on which proponents wish consideration and a vote on the change.
- b. The Mental Health Board must approve the change by a two-thirds majority of those members in attendance at a regular or special meeting at which a quorum is present.
- c. The change, as approved, is to be signed and dated by the Mental Health Board Chair.
- d. The changed and revised copy of the Bylaws is then forwarded to the [Name] County Board of Supervisors for their review and approval/disapproval and signature by the Board of Supervisors Chair or designated representative.
- e. A copy of approved changed Bylaws is to be provided to each [Name] County Mental Health Board member at the next regularly scheduled meeting.
- f. An original copy, signed by the Mental Health Board Chair and the Board of Supervisors, of the approved changed Bylaws is to be filed with the Mental Health Board Secretary. Additionally, an appropriate historical log of all Bylaw changes and the date of the change are to be maintained by the Mental Health Board Secretary. The historical log is to be distributed to all Mental Health Board members whenever "Proposals for Changes" are distributed.
- g. All members will be provided with a set of the current Mental Health Board Bylaws and Policies and Procedures.

ARTICLE XV - POLICIES AND PROCEDURES

The Mental Health Board may establish Policies and Procedures on matters not covered by these Bylaws.

[Name] County Mental Health Board:

By: _____
[Insert First and Last Name], Chair

Date of Mental Health Board Approval:

EXHIBIT “A”

Section 5604 of the California Welfare and Institutions Code provides in pertinent part:

5604 (a)(I) Each community mental health service shall have a mental health board consisting of 10 to 15 members, depending on the preference of the county, appointed by the governing body except that boards in counties with a population of less than 80,000 may have a minimum of five members. One member of the board shall be a member of the local governing board. Any county with more than five supervisors shall have at least the same number of members as the size of its board of supervisors. Nothing in this section shall be construed to limit the ability of the governing body to increase the number of members above 15. Local mental health boards may recommend appointees to the county supervisors. Counties are encouraged to appoint individuals who have experience and knowledge of the mental health system. The board membership should reflect the ethnic diversity of the client population in the county.

(2) Fifty percent of the board membership shall be consumers or the parents, spouse, sibling, or adult children of consumers, who are receiving or have received mental health services. At least 20 percent of the total membership shall be consumers, and at least 20 percent shall be families of consumers.

PERCENTAGE TABLES

	11 Members:		12 Members:		13 Members:	
CONSUMER	20%	=3	20%	=3	20%	=3
FAMILY MEMBER OF CONSUMER	20%	=3	20%	=3	20%	=3
COMBINED NUMBER OF FAMILY MEMBERS OF CONSUMER AND CONSUMERS	50%	=6	50%	=6	50%	=7
BOARD OF SUPERVISORS	1	=1	1	=1		= 1
	14 Members:		15 Members:			
CONSUMER	20%	=3	20%	=3		
FAMILY MEMBER OF CONSUMER	20%	=3	20%	=3		
COMBINED NUMBER OF FAMILY MEMBERS OF CONSUMER AND CONSUMERS	50%	=7	50%	=8		
BOARD OF SUPERVISORS	1	=1	1	=1		