

DEPARTMENT: Human Services/BHRS

BY: Cheryle Rutherford-Kelly
PHONE: (209) 966-2000

RECOMMENDED ACTION AND JUSTIFICATION:

The Mental Health Board respectfully requests that your Board approve the by-laws as amended on June 5, 2007. The amended language is shown in italics for your convenience.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

See attached Board Memo.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: _____	\$ _____	List Attachments, number pages consecutively
Additional Funding Needed: _____	\$ _____	Board Memo, page 1
Source:		MHB By-Laws, pages 2-8
Internal Transfer _____		_____
Unanticipated Revenue _____	4/5's vote	_____
Transfer Between Funds _____	4/5's vote	_____
Contingency _____	4/5's vote	_____
() General () Other		_____

CLERK'S USE ONLY:

Res. No.: 07-346 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 () Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

CAO: WJB



MARIPOSA COUNTY

HUMAN SERVICES DEPARTMENT

P.O. Box 99 • Mariposa, CA 95338 • (209) 966-2000 • Fax (209) 966-8251

□ Behavioral Health and Recovery Services □ Community Action □ Housing Authority □ Public Guardian/Conservator □ Social Services
CHERYLE RUTHERFORD-KELLY, MSW, DIRECTOR

July 17, 2007

TO: Members, Board of Supervisors
Richard Benson, CAO
FROM: Cheryle Rutherford-Kelly
RE: Mental Health Board By-Laws

Recommendation

It is respectfully requested that your Board ratify the by-laws of the Mental Health Board as amended on June 5, 2007.

Background/Current Situation

The Mental Health Board has been active in the community as outlined in the annual report previously forwarded to your Board. They are also attempting to strengthen their internal functions in terms of attendance requirements, formation of various sub-committees and their by-laws. A subcommittee of the Mental Health Board has met several times to research, develop and strengthen the by-laws that govern this board.

The requested modifications in the by-laws, shown in bold and italics, for your convenience, are as follows:

- Clarification of number of members required for board.
- Clarification of role and duties of Membership Committee.
- Change in requirements to address the board at meetings.
- Deletion of the Corresponding Secretary position.
- Clarification of minutes/agenda distribution timeline.
- Further definition of Order of Business at regular meetings.

The department concurs with the duties of the Staff Secretary because such services are currently being provided. The department would like to support the Advisory's Boards endeavors due to their dedication to the children and adults of this County.

Financial

The amendment of the Mental Health Board by-laws has no financial impact.

**BY-LAWS OF THE
MENTAL HEALTH BOARD
FOR MARIPOSA COUNTY**

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1. Authority. The Mental Health Board is established by Part 2, Chapter 1, Sections 5602.2, 5604 a-f, and 5606.1 of the California Welfare and Institutions Code (W&IC), and by Mariposa County Board of Supervisors Resolution 93-60, dated January 26, 1993.

SECTION 2. Role and Function. As mandated by Section 5604.2 of the California Welfare and Institutions Code, the Mental Health Board shall:

1. Review and evaluate the community's mental health needs, services, facilities and special problems.
2. Review any county agreements entered into pursuant to W&IC Section 5650.
3. Advise the Mariposa County Board of Supervisors and the local mental health director as to any aspect of the local mental health program.
4. Review and approve the procedures used to insure citizen and professional involvement at all stages of the planning process.
5. Submit an annual report to the Mariposa County 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 a local director of mental health services. The Mental Health Board 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 the findings to the California Mental Health Planning Council. W&IC 5604.2(a) (7)
8. Nothing in this part shall be construed to limit the ability of the Board of Supervisors to transfer additional duties or authority to a mental health board.

**ARTICLE II
MEMBERSHIP**

SECTION 3. Composition. The composition of the Mental Health Board, the membership of which is appointed by the Mariposa County Board of Supervisors is mandated under W&IC 5604 (a) (1-3).

SECTION 4. Number. The Mental Health Board shall consist of *from five to 15* members, one of whom shall be a member of the Mariposa County Board of Supervisors. W&IC 5604. (a) (1)

SECTION 5. Membership. The Mental Health Board shall strive to meet the following membership criteria. Fifty percent of the Mental Health Board 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 percent of the total membership shall be consumers, and at least twenty percent shall be families of consumers. W&IC 5604. (a) (2) and 5604. (a) (3) (B)

SECTION 6. Restrictions. No member of the Mental Health Board or his or her spouse shall be a full or part-time county employee of the mental health service, an employee of the State Department of Mental Health, or an employee of a Bronzan-McCorquodale contract facility. W&IC 5604 (a) (3) (D) Members of the Mental Health 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. W&IC 5604 (a) (3) (e)

SECTION 7. Residence Requirement. All Mental Health Board members shall be residents of Mariposa County. If it is not possible to secure membership as specified from among persons who reside in the county, the Board of Supervisors may substitute representatives of the public interest in mental health, within the restrictions as stated in section 6 and W&IC 5604 (a) (3) (f).

SECTION 8. Appointments. The Mental Health Board may recommend appointees to the Board of Supervisors. The Board of Supervisors is encouraged to appoint individuals who have experience and knowledge of the mental health system. The Mental Health Board membership should reflect the ethnic diversity of the client population in the county. W&IC 5604 (a) (1)

SECTION 9. Term of Appointment. The term of each member of the Mental Health Board shall be for three (3) years as mandated. At the end of each *member's* three year term, *the Membership Committee*, after consulting with *that* member regarding a continued desire and commitment to serve an additional term, will *bring their recommendation to the Mental Health Board for a vote.* The Board of Supervisors shall equitably stagger the appointments so that approximately one-third of the appointments expire each year. W&IC 5604 (a) (3) (B) (b)

SECTION 10. Vacancies. The Chairperson shall declare that a vacancy exists if a member resigns or declares his/her intent to cease participating in board activities. Vacancies *and recommended applicants* shall be communicated in writing to the Chairperson of the Board of Supervisors with a request to fill the position of the unexpired term.

ARTICLE III MEETINGS

SECTION 11. Regular Meetings. Meetings of the Mental Health Board are held monthly. If the regular meeting date falls upon a legal holiday, that meeting may be held on a date selected at the regular meeting preceding the holiday.

SECTION 12. Open Meetings. All meetings of the Mental Health Board and all meetings of the committees appointed by the Mental Health Board shall be open to the public, excepting executive sessions as provided by law.

SECTION 13. Adjourned Meetings. Any meeting may be adjourned, for good cause, from time to time to meet at a specified time, but not after the time of the next regular meeting.

SECTION 14. Special Meetings. Special meetings of the Mental Health Board may be called at any time by the Chairperson or by a majority of the members of the Mental Health Board. The notice of the special meeting shall specify the time, place and business to be transacted and no other business shall be considered.

SECTION 15. Place of Meetings. The place of the meeting will be designated by the Chairperson.

SECTION 16. Quorum. A quorum shall consist of a majority (one-half plus one) of the membership.

SECTION 17. Decision and Actions of the Mental Health Board. All actions and decisions shall be by a majority vote of a quorum. In the event of a tie, the vote of the Chairperson shall decide the motion.

SECTION 18. Addressing the Mental Health Board. Any person wishing to address the Mental Health Board, when recognized by the Chairperson, *may provide* their name and address for the record. The Chairperson may limit the amount of time a person may use in addressing the Mental Health Board.

SECTION 19. Attendance. Members of the Mental Health Board are expected to regularly attend and participate in the regular Mental Health Board meetings so that the residents of Mariposa County may be fully served by someone both interested and able to invest his/her time in such public service.

Absence of members at two consecutive meetings, throughout any calendar year of their appointment, without just cause and advance notice of such cause (by 10:00 a.m. the morning of the meeting) given to the staff secretary or Chairperson shall constitute grounds for removal from the Mental Health Board. When a member fails to attend three meetings in any calendar year, the Mental Health Board will assess that member's ability and desire to remain on the Mental Health Board. Exceptions to the above rules may be granted under extenuating circumstances upon unanimous approval of members of the Executive Committee.

The Chairperson of the Mental Health Board shall submit the recommendation for the removal of any member from the Mental Health Board based on the above criteria to the Board of Supervisors, who shall in turn act upon this recommendation.

**ARTICLE IV
ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**

- SECTION 20. Nominating Committee.** The Executive Committee of the Mental Health Board shall appoint no less than 3 members to the Nominating Committee. The Nominating Committee shall select a slate of officers, obtain the verbal consent to serve of those nominated and report their results to the full Mental Health Board.
- SECTION 21. Election.** The Chairperson *and* Vice-Chairperson shall be elected each year at the regular meeting in June of the Mental Health Board. The Chairperson of the Nominating Committee shall assume the full Mental Health Board Chair for the purpose of conducting the election
- SECTION 22. Consecutive Terms.** No member shall hold office of Chairperson for more than two (2) consecutive terms, but said persons shall be eligible for office after a period of one (1) year.
- SECTION 23. Removal.** The Chairperson *and/or* Vice-Chairperson may be removed from office and relieved of duties by a majority of the Mental Health Board membership.

**ARTICLE V
DUTIES OF CHAIRPERSON AND VICE-CHAIRPERSON**

- SECTION 24. Chairperson.** The Chairperson shall preside at all meetings of the Mental Health Board and perform duties consistent with the procedures outlined herein. The chairperson shall be in consultation with the Mental Health Director. W&IC 5604.5 (d)
- SECTION 25. Vice-Chairperson.** In absence of the Chairperson or in the case of inability to act, the Vice-Chairperson shall preside at all sessions of the Mental Health Board.
- SECTION 26. Vacancy.** Upon resignation or removal of the Chairperson, the Vice-Chairperson shall move up to the office of the Chairperson with the concurrence of a majority of the Mental Health Board members. An election for the vacant office of Vice-Chairperson shall be conducted.
- SECTION 27. Temporary Chairperson.** In the absence of or inability to act of both the Chairperson and the Vice-Chairperson, the members shall, by order duly entered in their minutes, elect one of their number to act as Chairperson pro tem.
- SECTION 28. Presiding Chairperson.** The presiding officer shall maintain order and decorum and decide questions of procedure, in which case the final decision will be by majority vote of the Mental Health Board members present. The Chairperson shall call the meeting to order promptly at the appointed hour and conduct the meeting as prescribed by those procedures and the laws of the State of California.

**ARTICLE VI
DUTIES OF THE STAFF SECRETARY**

SECTION 29. Meetings. The Secretary to the Mental Health Board will attend all meetings of the Mental Health Board, and also committee meetings when requested, if scheduling permits.

SECTION 30. Records. The Secretary to the Mental Health Board shall maintain a record of all sessions and Mental Health Board attendance in addition to the following duties:

- Arrange for the distribution of minutes to members of the Mental Health Board within *seven days prior to the next* meeting.
- Arrange for each meeting to be noticed in the local paper seven (7) days prior to the meeting.
- Maintain and make available the By-laws, roster, committee lists, and Robert's Rules of Order at each meeting. In the event of her or his absence, the Vice-Chairperson should have this information available.
- Be responsible for the attendance list at each meeting, keeping an annual record of each member's attendance.
- Be responsible for mailing flyers and bulletins passed out during the meeting to those members who were absent, as requested.
- Furnish all Mental Health Board members with a roster and list of committee members semi-annually.

SECTION 31. Agenda. The agenda for regular meetings shall be prepared at the direction of the Chairperson and distributed by the Secretary to each Mental Health Board member and publicly posted at least *72 hours* prior to the meeting. Copies of the agenda shall be made available at each meeting for the public. The agenda shall allow time for presentation of non-agenda items *to be discussed at a future meeting.*

SECTION 32. Agenda Deadline. All matters included on the printed agenda must be submitted to the Secretary eight (8) days preceding the meeting. The Chairperson should be notified prior to the start of the meeting of any and all non-printed agenda items.

**ARTICLE VII
DUTIES OF MENTAL HEALTH SERVICE STAFF**

SECTION 33. Agenda Items. When an item is on the agenda, the appropriate Mental Health Services staff members shall provide information to the Mental Health Board as required, five (5) days prior to the meeting.

SECTION 34. Mental Health Board Actions. The Mental Health Board shall inform the Director of Mental Health Services, or his or her designee, of Mental Health Board action requiring further implementation. The Mental Health Services staff shall report to the Mental Health Board on actions implemented.

**ARTICLE VIII
ORDER OF BUSINESS**

SECTION 35. Regular Meetings All regular meeting of the Mental Health Board shall be conducted according to Roberts Rules of Order modified to allow open participation of the Chairperson. Meetings shall be conducted so far as protocol in the following order:

- a) Roll Call
- b) Approval of Minutes of previous meeting(s)
- c) *Announcement concerning public comment*
- d) *Agenda items in order listed*
- e) *Special Items Not on Agenda*
- f) Adjournment

SECTION 36. Suspension of Order of Business. The regular order of business may be amended or suspended at any time by the Chairperson unless overruled by a majority of members of the Mental Health Board present.

**ARTICLE IX
Executive Sessions**

SECTION 37. Executive Sessions of the Mental Health Board. The Mental Health Board may conduct *closed*, executive sessions during any regular, adjourned regular or special meeting to consider those matters allowed by law to be heard in this manner. Executive Sessions will be conducted in accordance with the Brown Act (Section 54954, 54954.2 of the Government Code.)

**ARTICLE X
COMMITTEES, TASK FORCES, OTHER BOARDS**

SECTION 38. Committees and Task Forces. The Mental Health Board may create standing committees, Ad-Hoc Committees and/or Task Forces. Staff shall serve in an advisory capacity only to any committee or task force.

SECTION 39. Committee Appointments. The Chairperson shall appoint Mental Health Board members and members of the general public to committees with the concurrence of the individual appointed. The Chairperson of the Mental Health Board shall appoint the Chairperson of each committee.

SECTION 40. Task Force Appointments. A Task Force must include not less than one Mental Health Board member appointed by the Mental Health Board Chairperson. Other task force members shall be from the community. The task force shall elect its own Chairperson. A Mental Health Board member will serve as liaison to the Mental Health Board.

SECTION 41. Executive Committee. If an Executive Committee is desired, members of the executive committee shall include, but not be limited to, the Chairperson or Vice-Chairperson of the Mental Health Board and the chairperson of each standing committee. The Chairperson may request the Mental Health Board to authorize the executive committee to act in its place, when occasion demands.

SECTION 42. Other Advisory Boards. The Mental Health Board shall maintain linkage with other County Boards and Committees (duly established and appointed as specified by law) concerned with alcohol and drug abuse and other related mental health areas.

**ARTICLE XI
BY-LAWS AMENDMENTS**

SECTION 43. Amendments. These By-laws and Rules of Procedure of the Mental Health Board may be amended by a majority vote of a quorum, meeting in a regularly scheduled meeting, as defined in Article III, Section 17 of these By-laws. Before By-laws amendments can be considered and/or voted on by the Mental Health Board they shall be submitted, in writing, to the membership at least 30 days prior to the meeting at which they are considered.

ADOPTED BY THE MENTAL HEALTH ADVISORY BOARD FOR MARIPOSA COUNTY ON 12-15-80
AMENDED BY THE MENTAL HEALTH BOARD FOR MARIPOSA COUNTY ON 5-04-93
AMENDED BY THE MENTAL HEALTH BOARD FOR MARIPOSA COUNTY ON 9-10-02
AMENDED BY THE MENTAL HEALTH BOARD FOR MARIPOSA COUNTY ON 6-5-07