



MARIPOSA COUNTY

Clerk of the Board of Supervisors · (209) 966-3222



RESOLUTION - ACTION REQUESTED 2018-126

MEETING: March 27, 2018

TO: The Board of Supervisors

FROM: Rene LaRoche, Clerk of the Board

RE: Amend Bylaws of the Mariposa County Behavioral Health Board

RECOMMENDATION AND JUSTIFICATION:

Amend Bylaws of the Mariposa County Behavioral Health Board.

The Mariposa County Behavioral Health Board (BHB) is a relatively new board having been created by the Board of Supervisors (BOS) on May 16, 2017, with the BHB Bylaws being approved by the BOS on June 6, 2017. Since that time, the BHB members have noted areas of their Bylaws that are either insufficient or need to be changed. The amended Bylaws that the BOS is now being asked to approve will add language regarding special meetings, will reduce the number of members on the Executive Committee to a level below that of a BHB quorum, and will reduce the submission time for Bylaws amendments (from 30 days before a meeting to 15.)

The amendments being requested at this time were approved by the BHB at their February 7, 2018, meeting.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

May 16, 2017 - the BHB was established with BOS Resolution 17-289.

June 6, 2017 - the BHB Bylaws were adopted with BOS Resolution 17-340.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve and the BHB will be forced to operate under their current Bylaws; or the Board may suggest different language.

ATTACHMENTS:

BHB Bylaws Amendment - Proposed (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

**BYLAWS OF THE
MARIPOSA COUNTY
BEHAVIORAL HEALTH BOARD**

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1 Authority

The Behavioral Health Board is established by Part 2, Chapter 1, Sections 5602 and 5604 of the California Welfare and Institutions Code (W&IC), and by Mariposa County Board of Supervisors Resolution 17-289, dated May 16, 2017.

SECTION 2 Role and Function

1. As mandated by W&IC Section 5604.2, the Behavioral Health Board shall:
 - a) Review and evaluate the community's mental health needs, services, facilities and special problems.
 - b) Review any county agreements entered into pursuant to W&IC Section 5650.
 - c) Advise the Mariposa County Board of Supervisors and the local mental health director as to any aspect of the local mental health program.
 - d) Review and approve the procedures used to insure citizen and professional involvement at all stages of the planning process.
 - e) Submit an annual report to the Mariposa County Board of Supervisors on the needs and performance of the county's mental health system.
 - f) Review and make recommendations on applicants for the appointment of a local director of mental health services. The Behavioral Health Board shall be included in the selection process prior to the vote of the Board of Supervisors.
 - g) Review and comment on the county's performance outcome data and communicate the findings to the California Mental Health Planning Council.

2. As mandated by the W&IC Section 5848(b), the Behavioral Health Board shall conduct a public hearing on the draft three-year plan and annual updates required by W&IC 5847 at the close of the 30-day comment period required by W&IC 5848. Each adopted plan and update shall include any substantive written recommendations for revisions. The adopted plan or update shall summarize and analyze the recommended revisions. The Behavioral Health Board shall review the adopted plan or update and make recommendations to the Department of Human Services for revisions.

3. The Behavioral Health Board shall review and make recommendations to the Board of Supervisors on application and licensure of County DUI programs. (9 CCR §§ 9805, 9810.)

4. The Behavioral Health Board shall review, make recommendations and submit proof of review to the Board of Supervisors of the multi-year and annual update of the County Alcohol Plan. (9 CCR § 9418.)

5. The Behavioral Health Board shall review and make recommendations to the Board of Supervisors regarding the Substance Abuse Treatment Trust Fund (SATTF) and the

Substance Abuse Treatment and Testing Accountability (SATTA) County Plan. (9 CCR § 9515.)

6. Nothing herein shall be construed to limit the ability of the Board of Supervisors to transfer additional duties or authority to the Behavioral Health Board.

ARTICLE II MEMBERSHIP

SECTION 1 Number

The Behavioral Health Board shall consist of from 5 to 15 members appointed by the Mariposa County Board of Supervisors. One member shall be a member of the Mariposa County Board of Supervisors who shall have the right to vote as a member of a quorum of the Behavioral Health Board.

SECTION 2 Composition

Fifty (50) percent of the Behavioral Health Board membership shall be consumers or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received behavioral health services. At least twenty (20) percent of the total membership shall be consumers, and at least twenty (20) percent of the total membership shall be families of consumers. W&IC 5604 (a)(2) and 5604 (a)(3)(B)

SECTION 3 Restrictions

No member of the Behavioral Health Board or his or her spouse shall be a full-time or part-time employee of Mariposa County Department of Human Services, an employee of the State Department of Health Care Services, or an employee of, or a paid member of the governing board of a mental health contract agency. A consumer of mental health services who has obtained employment with an employer described in the preceding sentence and who holds a position in which he or she does not have any interest, influence, or authority over any financial or contractual matter concerning the employer may be appointed to the board. The member shall abstain from voting on any financial or contractual issue concerning his or her employer that may come before the board. Members of the Behavioral 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.

SECTION 4 Residence Requirements

If it is not possible to secure membership as specified herein from among persons who reside in Mariposa County, the Board of Supervisors may substitute representatives of the public interest in mental health, who are not full-time or part-time employees of the Mariposa County Department of Human Services, the State Department of Health Care Services, or on the staff of, or a paid member of the governing body of, a mental health contract agency.

SECTION 5 Appointments

The Behavioral Health Board may recommend appointees to the Board of Supervisors. The Board of Supervisors is encouraged to appoint individuals who have experience with and

knowledge of the mental health system. The Behavioral Health Board membership should reflect the ethnic diversity of the client population in the county.

SECTION 6 Term of Appointment

The term of each member of the Behavioral Health Board shall be for three (3) years. The Board of Supervisors shall equitably stagger the appointments so that approximately one-third of the appointments expire each year. At the end of each member's three (3) year term, the Executive Committee will bring its recommendation to the Behavioral Health Board for a vote.

SECTION 7 Attendance

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

SECTION 8 Vacancies

The Chairperson shall declare that a vacancy exists if a member resigns, passes away, 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.

SECTION 9 Removal

Absence of a member at two (2) 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 Behavioral Health Board. When a member fails to attend three (3) meetings in any calendar year, the Behavioral Health Board will assess that member's ability and desire to remain on the Behavioral Health Board. Exceptions to the above rules may be granted under extenuating circumstances upon unanimous approval of the members of the Executive Committee.

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

**ARTICLE III
MEETINGS**

SECTION 1 Brown Act

All meetings must conform to the Brown Act.

SECTION 2 Regular Meetings

The Behavioral Health Board will meet monthly on the first Wednesday of the month. 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 2.1 Special Meetings

Special meetings may be called by the Chair, by the Vice-Chair in the Chair's absence, or by concurrence of the Board to consider special items including but not limited to review of applicants for a local director of mental health services as mandated by W&IC 5604.2(6), provided that notice is given as required by Section 54956 of the California Government Code.

SECTION 3 Quorum

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

SECTION 4 Order of Business

All regular meetings of the Behavioral Health Board shall be conducted according to Rosenberg's Rules of Order modified to allow open participation of the Chairperson. The order of business shall be as follows:

1. Roll call
2. Approval of minutes of previous meeting(s)
3. Announcement concerning public comment
4. Agenda items in order listed
5. Adjournment

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

SECTION 1 Election

The Chairperson and Vice-Chairperson shall be elected each year at the regular meeting in June.

SECTION 2 Consecutive Terms

No member shall hold the office of Chairperson for more than two (2) consecutive terms, but said person shall be eligible for office after one (1) year following his/her last term as Chairperson.

SECTION 3 Removal

The Chairperson and/or Vice-Chairperson may be removed from office and relieved of duties by a majority vote of the Behavioral Health Board membership.

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

SECTION 1 Chairperson

The Chairperson shall preside at all meetings of the Behavioral Health Board and perform duties consistent with the procedures outlined herein. The Chairperson shall be in consultation with the Director of Human Services.

SECTION 2 Vice-Chairperson

In the temporary absence of the Chairperson or in the case of inability to act, the Vice-Chairperson shall perform the duties of the Chairperson.

SECTION 3 Vacancy

Upon resignation or removal of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. An election for the vacant office of Vice-Chairperson shall be conducted.

SECTION 4 Temporary Chairperson

In the absence of, or the inability to act of both the Chairperson and the Vice-Chairperson, the members shall elect one of their number to act as Chairperson pro tem. The member representing the Board of Supervisors shall chair the meeting(s) until that election is completed.

SECTION 5 Presiding Chairperson

The Chairperson shall call the meeting to order promptly at the appointed hour and conduct the meeting as prescribed by these procedures and the laws of the State of California.

**ARTICLE VI
COMMITTEES**

SECTION 1 Committees

The Behavioral Health Board may create Committees. Staff of Behavioral Health Services shall only serve in an advisory capacity to any Committee.

SECTION 2 Committee Appointments

The Chairperson shall appoint Behavioral Health Board members and members of the general public to committees with the concurrence of the individual appointed. The Chairperson may appoint the Chairperson of each committee.

SECTION 3 Executive Committee

The Behavioral Health Board shall develop an Executive Committee. The members of the Executive Committee shall include, but not be limited to, the Chairperson and Vice-Chairperson of the Behavioral Health Board and the chairperson of any standing committee. The number of Executive Committee members shall be less than a quorum of the Board.

SECTION 4 Other Advisory Boards

The Behavioral Health Board shall maintain linkage with other duly appointed county boards and committees concerned with alcohol and drug abuse and other related behavioral health areas.

**ARTICLE VII
AMMENDMENTS**

SECTION 1 Amendments

These bylaws may be amended by a majority vote of a quorum at a regularly scheduled meeting. Before any amendment can be considered and/or voted on by the Behavioral Health Board, it

shall be submitted in writing to the membership at least fifteen (15) days prior to the meeting at which it is to be considered.