BEHAVIORAL HEALTH ADVISORY BOARD (BHAB)

Article VI of the BHAB Bylaws Draft

Article VI Bylaws Subcommittee has drafted the following document as an informational Items to BHAB

Please note: Draft is currently under County Council Review.

COUNTY OF SAN DIEGO BEHAVIORAL HEALTH ADVISORY BOARD BYLAWS

ARTICLE I
Purpose and Authority

Section A: Establishing Authority
On December 2, 2014, the San Diego County Board of Supervisors established the County of San Diego Behavioral Health Advisory Board (Advisory Board). The establishing authority may be found in California Welfare and Institutions Code Section 5604 and California Health and Safety Code Section 11805.

Section B: Mission
The mission of the Advisory Board is to review and evaluate San Diego County's behavioral health needs, services, programs, facilities, special problems, and impacts of realignment. "Behavioral health needs" shall be understood to mean the needs of the County's mental health and substance abuse populations.

Section C: Advisory Capacity
The Advisory Board shall act in an advisory capacity only to the San Diego County Board of Supervisors and the County of San Diego's (County) Chief Administrative Officer, Director of Health and Human Services (HHSA) and Director of HHSA, Behavioral Health Services (BHS). It is not empowered by ordinance, establishing authority or policy to render a decision of any kind on behalf of the County or its appointed or elected officials.

Section D: Lack of Affiliation
The Advisory Board is a non-partisan, non-sectarian, non-profit making organization. It shall not officially take part in, nor lend its influence to, any political issues.

ARTICLE II
Membership, Appointment, Term of Office, Absences, Vacancies, Exclusions

Section A: Membership
The Advisory Board shall satisfy the qualifications and the terms as provided in Section 5604 (a) through (g) of the California Welfare and Institutions Code; the California Health and Safety Code Section 11805; and the County of San Diego Administrative Code Article LVI.

Section B: Appointment of Advisory Board Members
Advisory Board members (Members) shall be appointed by the Board of Supervisors as follows:

1. The Advisory Board shall be limited to twenty-one Members.

2. The Board of Supervisors shall designate one County Supervisor as a full voting Member.

3. The Board of Supervisors shall appoint twenty Members from the general public, consisting of four (4) members per supervisorial district. All appointees shall have experience with, and knowledge of, the behavioral health system and should reflect the ethnic diversity of the County's population. The four nominations of each Supervisor shall consist of one member each from the following categories:

Person in Recovery	An individual with a mental illness and/or an addiction experience and manages his or her recovery.
Family Member	Parents, spouses, siblings, or adult children of individual(s) who are receiving, had received or are in need of services for their illness and/or addiction.
Prevention Specialist	An individual who may have a major interest on all matters related to the prevention or intervention of mental health and substance use disorder. It does not require certification or licensing. The individual may be a member of the community concerned with behavioral health issues in the county (e.g. educator, law enforcement, primary care practitioner).
Treatment and Recovery Specialist	Mental health and/or substance abuse practitioner may include but is not limited to State licensed or certified specialists with disciplines in behavioral health as well as other experienced practitioners.

Section C: Term of Office

The terms of office for Advisory Board members are as follows:

1. Members nominated by each Supervisor shall serve a term of three years, unless terminated earlier pursuant to Sections C:3, C:4 or C:5 below.

2. No Member shall serve more than three consecutive terms.

3. Members shall serve their terms at the pleasure of the appointing Supervisor.

4. If a Member has three unexcused absences in a calendar year, she/he shall be subject to removal. An unexcused absence is a failure of a Member to notify BHS staff by phone or in writing of her/his absence and provide a reasonable reason for the absence. After three unexcused absences, a Member's attendance will be reviewed individually by the Advisory Board's Executive Committee and the BHS Director, with any recommendation of removal hereunder made to the Board of Supervisors by the BHS Director.

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5. If a Member fails to materially fulfill her/his duties and responsibilities set forth in Article III, she/he shall be subject to removal. The Advisory Board's Executive Committee and the BHS Director will review a Member's failure to materially fulfill her/his duties and responsibilities, with any recommendation of removal hereunder made to the Board of Supervisors by the BHS Director.

Section D: Vacancies
Advisory Board vacancies and recruitment shall be administered as follows:

1. Any vacancy shall be filled by appointment by the Board of Supervisors in accordance with Board of Supervisors Policy and the County Administrative Code.

2. In accordance with Section 881.5 of the San Diego County Administrative Code, any Member whose term has expired may, at the discretion of the Chairperson and the BHS Director and concurrence of the Member, continue to discharge his/her duties until reappointed or a successor has been appointed.

Section E: Exclusions
Exclusions to Advisory Board membership shall include:

1. Except where permitted by California Welfare and Institutions Code Section 5604, no Member or his/her spouse shall be a full-time or part-time employee of BHS, or an employee of, or a paid member of, the governing body of a BHS contract agency, or in the service of, or an employee of, the California Department of Health Care Services.

2. No Member shall be a member of any other advisory body to, or a person who holds any similar position or title on a compensated or non-compensated basis in a program that seeks or possesses a license pursuant to Chapter 9 of the California Health and Safety Code, commencing with Section 11836.

Section F: Conflict of Interest
In regard to a potential conflict of interest situation, the following shall apply:

1. Members of the Advisory Board shall disclose to the Clerk of the Board of Supervisors in writing any outside employment or activity engaged in for compensation which relates to their duties or to their functions and responsibilities as an Advisory Board member. No member of the Advisory Board shall make, participate in making or in any way attempt to use her/his position as a member of an advisory board to influence a decision in which she/he knows or has reason to know that she/he has a financial interest, except in those cases where the member is appointed to represent an entity or group having a financial interest in a matter coming within the Advisory Board's area of responsibility.

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2. No person shall be appointed to, or serve on, the Advisory Board who participates in the making of County contracts in which such person is financially interested within the terms of Government Code Section 1090 et seq. This prohibition is not applicable to persons with "remote interests" as defined in subdivision (b) of Government Code section 1091, provided that the person discloses the interest in accordance with subdivision (a) of Government Code section 1091 and the person does not influence or attempt to influence other Advisory Board members to act favorably in respect to the contract in which the person has a remote interest.

ARTICLE III
Duties and Responsibilities of Advisory Board Members

Section A: Duties

Members shall have the following duties:

1. Review the County's behavioral health contracts and grants awarded to support services and review initiatives administered through BHS;

2. Review and comment on BHS reports to the Board of Supervisors and other entities as necessary and appropriate regarding the needs and performance of County funded behavioral health programs;

3. Review and evaluate the County's behavioral health needs, related services, programs, facilities, and special problems as they arise;

4. Review any County agreements entered into pursuant to Section 5650 of the California Welfare and Institutions Code;

5. Advise the BHS Director and follow communication protocol as described in HHSA E-7 policy to inform the Board of Supervisors as to any aspect of County behavioral health programs;

6. Submit an annual report to the Board of Supervisors on the needs and performance of the County behavioral health system;

7. Review and make recommendations on applicants for the appointment of the BHS Director. The Advisory Board shall be included in the selection process prior to appointment;

8. Review and comment on the County's performance outcome data, as it relates to behavioral health matters, and communicate its findings to the California Behavioral Health Planning Council;

9. Assess the impact of the realignment of services from the State to the County on behavioral health services delivered to clients and on the local community.

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10. Review and comment on the procedures used to ensure citizen and professional involvement at all stages of the County's behavioral health planning process.

Section B: Responsibility of Members
Each Member has the responsibility to:

1. Attend regularly scheduled meetings.
2. Notify BHS staff in advance of the need for any excused absence.
3. Accurately perform any filing obligations in a timely manner with the Clerk of the Board of Supervisors, as notified by BHS staff.
4. Complete required ethics training in a timely manner, as notified by BHS staff.
5. Know all State and local laws, the Bylaws, and rules governing the Advisory Board that are provided by BHS staff.
6. Understand she/he does not represent the Advisory Board in an individual capacity or in any political activity.
7. Expand his/her knowledge of the continuum of behavioral health services.
8. Prepare for all meetings in advance by reviewing related materials provided by BHS staff prior to the meetings.
9. Abstain from voting on any issue in which the Member has a financial interest as defined in Section 87103 of the California Government Code.

ARTICLE IV
Officers

Section A: Election of Officers
The following process shall be followed:

1. Annually, in September, the Chairperson of the Advisory Board shall appoint, and the full Advisory Board shall confirm, a Nominating Committee of not less than three Members.
2. Following appointment, the Nominating Committee shall select a slate of officers for the coming year, secure the verbal consent of those selected and, in October, present the slate of officers to the Advisory Board. At the time of presentation, the Advisory Board shall accept any additional nominations made by Members from the floor.

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a. In November, the full Advisory Board shall vote on the presented slate of officers and any additional nominations made by the Members from the floor, if verbal consent is given by the nominee to do so at that time. The Chairperson shall call for a single vote of the Advisory Board for all positions for which there is only one candidate. In the event there is more than one candidate for a position, the Chairperson shall call for a separate vote on each such position and the candidate who receives the most votes shall be elected to the office. The vote shall be open and recorded by BHS staff.

b. Elected officers shall take office in December.

Section B: Election of Officers

1. The elected officers shall be: Chairperson, 1st Vice-Chairperson, 2nd Vice-Chairperson and two Members-at-Large (Officers).

2. One Member-at-Large shall represent the alcohol and substance abuse community and one Member-at-Large shall represent the mental health community.

3. One of the Officers shall be a Person in Recovery. A Person in Recovery shall be defined as an individual with a mental illness and/or an addiction who manages her/his recovery.

Section C: Term and Vacancies

1. Officers shall serve a one-year term.

2. The maximum length of time a Member can serve in a given elected office shall be two consecutive terms.
3. Special elections shall be called by the Executive Committee, If needed

Section D: Officers and Their Duties

1. The Chairperson shall:

   a. Be the principal executive officer and the official spokesperson of the Advisory Board.
   b. Attend all meetings of the Executive Committee.
   c. Preside at meetings of the Advisory Board and the Executive Committee and carry out the policies of the Advisory Board and the Executive Committee.
   d. Make all committee appointments with the exception of the Nominating Committee.
   e. Subject to the approval of the Advisory Board, be an ex-officio member of all committees, except the Nominating Committee, and vote only in the case of committee ties.

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f. Have the general powers and duties of management usually vested in the office of the Chairperson and the powers and duties as prescribed in these Bylaws.
g. Consult with the BHS Director.
h. Make appointments of Members to represent areas of special interest as advocates. Advocates will be determined as needed in areas of concern such as Older Adults, Children's Issues, Multi-Ethnic Concerns, and others.

2. The 1st Vice-Chairperson shall:

   a. Do everything necessary to assist the Chairperson in the performance of her/his duties.
   b. Exercise the powers of the Chairperson when and if the Chairperson is absent.
   c. Be bound by any voting restraints of the Chairperson, when and if the Chairperson is absent.
   d. Attend meetings of the Executive Committee.

3. The 2nd Vice-Chairperson shall:

   a. Do everything necessary to assist the Chairperson and the 1st Vice-Chairperson in the performance of their duties.
   b. Exercise the powers of the Chairperson when and if the Chairperson and the 1st Vice-Chairperson are absent.
   c. Be bound by any voting restraints of the Chairperson.
   d. Attend meetings of the Executive Committee.

4. Members-at-Large shall:
   a. Do everything necessary to assist the Chairperson in the performance of her/his duties.
   b. Attend meetings of the Executive Committee.

ARTICLE V

Executive Committee

Section A: Purpose

The purpose of the Executive Committee shall be to:

1. Establish the policy and direction of the Advisory Board, with due consideration given to the input received from Members.
2. Set the agendas for Advisory Board regular and retreat meetings, with due consideration given to input received from Members.
3. Assist the Advisory Board to carry out and complete its duties and responsibilities.
4. Assist Members new to the Advisory Board in becoming active and informed Members.

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5. Inform the Advisory Board about policies, areas of interest, and developments that affect matters subject to the Advisory Board's duties and responsibilities.

6. When appropriate, recommend Advisory Board actions and votes on relevant issues.

ARTICLE VI
Subcommittees and Workgroups

Section A: Formation of Subcommittees

1. The Advisory Board may establish~~appoint~~ ~~s~~Subcommittees to carry out defined functions and duties of the Advisory Board. A Subcommittee may study an issue, gather information, and develop recommendations within its approved scope. ~~comprised of Members for the purpose of carrying out specific and limited functions and duties of the Advisory Board (Subcommittee).~~ Actions and recommendations of Subcommittees shall not be deemed actions and recommendations of and shall not bind the Advisory Board until voted on by the full Advisory Board.

~~1.~~2. Each ~~s~~Subcommittee shall be approved by the Advisory Board before its first meeting. The Advisory Board's action shall identify the Subcommittee as permanent or temporary and approve its~~'s~~ purpose, ~~and~~ scope, goals, membership, and Chair and Vice Chair, and when applicable, completion or sunset date. ~~shall be described in writing by the Subcommittee Members prior to its first meeting and submitted to the Chairperson for approval.~~

~~2.~~3. ~~Subcommittees shall be approved by the Advisory Board.~~

4. The Advisory Board may establish two types of Subcommittees: permanent Subcommittees and temporary Subcommittees.

a. Permanent Subcommittees

~~3.~~i. ~~A permanent~~ Subcommittees of the Advisory Board shall consist of only Members and have no fewer than three nor more than five Members. ~~One Member shall be selected by the Chairperson to act as Chair of the Subcommittee.~~

ii. A permanent Subcommittee has continuing ~~subject-matter~~ jurisdiction, with a defined scope, and a fixed meeting schedule formed by formal action of the Advisory Board and shall continue until dissolved by the Advisory Board.

iii. The Executive Committee is a permanent Subcommittee governed by Article V of these Bylaws.

iv. A permanent Subcommittee of the Advisory Board shall consist of only Members and have no fewer than three nor more than five Members.

b. Temporary Subcommittees

i. A temporary Subcommittee may be established annually as part of the Advisory Board's work-planning process or as needed during the year to examine a specific issue, complete a defined assignment, or develop recommendations for consideration by the Advisory Board.

ii. A temporary Subcommittee shall include no fewer than three Advisory Board Members, but less than a quorum of the full Advisory Board. If the number of Advisory Board Members interested in serving would equal or exceed a quorum of the Advisory Board, the Chairperson shall appoint a smaller number of Advisory Board Members.

iii. Each temporary Subcommittee shall have a distinct purpose, scope, goal(s), or

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deliverable(s), Chair and, when appropriate, a Vice Chair, and completion or sunset date approved by the Advisory Board.

iv. Temporary Subcommittees shall seek and be open to public and stakeholder input appropriate to their approved scope. The Chair and Vice Chair may also invite members of the public, people with lived experience, family members, service providers, advocates, subject-matter experts, and other community stakeholders to provide information and input. Other invited participants are not Subcommittee members, do not count toward its quorum, and do not vote.

v. The Chair, in consultation with the Vice -Chair, may identify speakers, subject-matter experts, community participants, documents, and other information needed to complete the Subcommittee's approved work. Invitations or requests involving County employees or made on behalf of the County shall follow applicable County protocols.

vi. The Chair, in consultation with the Vice-Chair, shall identify and request to BHS staff the level of staff support reasonably needed to complete the Subcommittee's approved work. This may include meeting scheduling and logistics, distribution and posting of materials including agendas and resources, audiovisual assistance, records, coordination of requested speakers, and any public notice, including formal recommendations to the Advisory Board, or accessibility requirements applicable to the Subcommittee.

vii. BHS staff shall provide the identified support consistent with applicable law, County policy, and available resources. If the identified level of support cannot be provided, BHS staff shall promptly notify the Chair and Vice Chair so they may discuss reasonable adjustments to the scope, timeline, meeting format, or support requested.

viii. A temporary Subcommittee shall cease to exist when it completes its assignment, submits its final report, or reaches its sunset date, whichever occurs first, unless extended by the Advisory Board.

5. General Provisions

~~4.~~a. All Subcommittees shall report at Advisory Board meetings~~, as necessary~~. The reports may be oral or written, unless specified by the Chairperson.

~~5.~~6. ~~A Subcommittee shall cease to exist upon the completion of the purpose and scope set forth in its prior written description approved by the Chairperson.~~

Section B: Duties and Responsibilities of Subcommittee Chair and Vice Chair~~s~~

1. Subcommittee Chair duties include:
   a. Call Subcommittee meetings to order and run meetings.
   b. Keep records of all actions and reports of the Subcommittee.
   c. Submit actions and reports to BHS staff at least one week prior to regular meetings of the Advisory Board.
   d. Report to the Advisory Board on Subcommittee meetings and actions taken, as necessary.

2. The Vice Chair shall assist the Chair as needed, and perform the Chair's duties when the Chair is absent or unable to serve.

~~2.~~3. A Subcommittee Chair or Vice Chair shall not act as spokesperson for the Advisory Board unless authorized to do so in writing by the Chairperson.

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Section C: Formation of Workgroups

1. The Advisory Board Chairperson may establish Workgroups to carry out defined functions and duties of the Advisory Board. A Workgroup may study an issue, gather information and community input, support BHS or BHAB activities, and develop recommendations, complete assignments, or work plans within its scope. Actions and recommendations of a Workgroup shall not be deemed actions and recommendations of and shall not bind the Advisory Board until voted on by the full Advisory Board.
2. Workgroups shall be formed as needed, with BHAB Members, behavioral health stakeholders, and BHS staff recommendations appointed by the Chairperson. Workgroups may be composed of BHAB members only, or include members of the public based on its charge. Robert's Rules of Order, the Ralph M. Brown Act, these Bylaws, and any other rules adopted by the Advisory Board shall be applied appropriately to these bodies.
3. Each Workgroup's purpose, and scope, duration, and reporting expectations shall be outlined described in writing by the Chairperson prior to its first meeting.
4. Workgroups shall include at least one Member and may include behavioral health stakeholders and members of the BHS Director's staff recommended by the Director to the Chairperson.
5. Workgroups shall cease to exist upon completion of their assignments, or designated duration.

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ARTICLE VII
Organization & Procedures

Section A: Rules of Governance

1. Robert's Rules of Order and the Brown Act shall govern the operation of the Advisory Board, the Executive Committee and Subcommittees in all cases not covered by these Bylaws.

2. The Advisory Board shall prepare and adopt Bylaws and other rules which may be necessary for the conduct of its business.

Section B: Quorum and Voting

1. A quorum of the Advisory Board and the Executive Committee shall be one person more than one-half of the appointed Members.

2. An affirmative vote of a majority of members in attendance shall be required for the passage of any business or matter before the Advisory Board and the Executive Committee.

3. Voting shall be one vote per person and no proxy, telephone or absentee voting shall be permitted.

4. Chairperson shall vote only in the cases of breaking tie votes at the Advisory Board, participating in Advisory Board elections and serving on the Executive Committee.

Section C: Meetings

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1. Public Meetings and Notice of Agenda:

   All meeting of the Advisory Board, Executive Committees and Subcommittees shall be open to the public and shall be held in accessible, public places. Notices and agendas of all regular and retreat meetings shall be emailed to Members and posted in a publicly accessible place for a period of 72 hours prior to the meeting. Special meetings shall require 24 hours prior notice to Members and posted in a publicly accessible place for 24 hours. Notice to Members may be waived if the entire Advisory Board is present when the meeting is called.

2. Regular Meetings of the Advisory Board and the Executive Committee:

   A minimum of 10 regular meetings per year of the Advisory Board and Executive Committee, each, shall be held.

3. Special Meetings:

   Special meetings may be called in a signed writing, which shall include an agenda, by the Chairperson or by a majority of the Executive Committee or by not less than one third of the members.

4. Retreats:

   The Advisory Board shall conduct one retreat per year for the purpose of reviewing prior Advisory Board performance and discussing policy and priorities for future Advisory Board actions. The retreat shall be scheduled by the Executive Committee. A retreat shall not count as a regular meeting.

Section D: Minutes of Meetings

1. Minutes of meetings of the Advisory Board, Executive Committee and Subcommittees shall be prepared by BHS staff.

2. Minutes shall be in summarized form and approved minutes shall be posted publicly.

Section E: Amendments

1. Recommendations to amend these Bylaws may be made and approved at any regular meeting of the Advisory Board by a majority vote of the existing membership. Following review and approval by County Counsel, the recommended amendments shall be communicated by BHS staff to the Board of Supervisors for their review and adoption.

Section F: Compensation and Expenses

Members shall:

1. Serve without compensation.

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2. Be reimbursed for expenses incurred in performing their duties pursuant to these Bylaws, including mileage reimbursement, in accordance with County Administrative Code Section 471.

Section G: Effective Date

1. These Bylaws shall become effective upon approval of the Board of Supervisors.

Approved by the
Board of Supervisors

Agenda Item #____

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