

**REVISED BYLAWS – CLEAN COPY**

**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) pursuant to 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 use disorder 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 (HHS) and Director of HHS, 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

Membership on the Advisory Board shall satisfy the qualifications and the terms provided in the California Welfare and Institutions Code Section 5604; 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. Each County Supervisor shall appoint four Members from the general public, for a total of twenty additional Members.
  - a) Members should have experience with and knowledge of the behavioral health system and should reflect the ethnic diversity of the County's population to the extent possible.
  - b) The Advisory Board may recommend appointees to the Board of Supervisors.
  - c) As stated in California Welfare and Institutions Code Section 5604, ten Members appointed to the Advisory Board shall be consumers, or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received mental health services. Section 5604 also requires that at least four of these ten Members shall be consumers of mental health services, and at least four shall be family members of consumers of mental health services. Each County Supervisor shall appoint two people who meet these requirements for Members representing mental health services.
  - d) The Advisory Board is also responsible for reporting to the Board of Supervisors on the needs of the County's residents with substance use disorder. To assist this part of the Advisory Board's work, each County Supervisor shall appoint one Member who is a recovered consumer of alcohol or other substance use disorder services.
  - e) To complete the Advisory Board, each Supervisor shall appoint one additional Member who has experience with and knowledge of the behavioral health system and needs in the County, such as an individual who regularly engages with residents that have behavioral health needs as a representative of local schools, health care providers, law enforcement, or community and nonprofit organizations that work with these populations, or such as a family member of consumers who are receiving or have received alcohol or other substance use disorder services.

Section C: Term of Office

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

1. Members 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 County 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.
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 of the Advisory Board 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 the 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.

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 as stated in California Welfare and Institutions Code Section 5604.2(a)(b):

1. Review and evaluate the community's public mental health needs, services, facilities, and special problems in any facility within the county where mental health evaluations or services are being provided, including, but not limited to, schools, emergency departments, and psychiatric facilities.
2. Review any county agreements entered into pursuant to California Welfare and Institutions Code Section 5650, and make recommendations to the Board of Supervisors regarding concerns identified within these agreements.
3. Advise the Board of Supervisors and the Director of BHS as to any aspect of the local mental health program. The Advisory Board may request assistance from the local patients' rights advocates when reviewing and advising on mental health evaluations or services provided in public facilities with limited access.
4. Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process. Involvement shall include individuals with lived experience of mental illness or substance use disorders and their families, community members, advocacy organizations, and mental health professionals. It shall also include other professionals that interact with individuals living with mental illnesses or substance use disorders on a daily basis, such as education, emergency services, employment, health care, housing, law enforcement, local business owners, social services, seniors, transportation, and veterans.
5. Submit an annual report to the 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 the Director of BHS. The Advisory 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 its findings to the California Behavioral Health Planning Council.
8. Review the County's plans and results for meeting its obligation under Welfare and Institutions Code 5848(a) to: (1) develop each Mental Health Services Act three-year program and expenditure plan and annual update with meaningful involvement from local stakeholders, including adults and seniors with severe mental illness, families of children, adults, and seniors with severe mental illness, providers of services, law enforcement agencies, education, social services agencies, veterans, representatives from veterans organizations, providers of alcohol and drug services, health care organizations, and other important interests; (2) demonstrate a partnership with constituents and stakeholders throughout the process that includes meaningful stakeholder involvement on mental health policy, program planning and implementation, monitoring, quality improvement, evaluation, and budget allocations; and (3) prepare and circulate a draft plan and update for review and comment for at least 30 days to representatives of stakeholder interests and any interested party who has requested a copy of the draft plans.
9. Pursuant to Welfare and Institutions Code 5848(b): (1) conduct a public hearing on the Mental Health Services Act draft three-year program and expenditure plan and annual updates at the close of the 30-day comment period required by Welfare and Institutions Code 5848(a); (2) review the County's adopted plan or update; and (3) if approved by a majority vote of the Advisory Board, make substantive recommendations to BHS for revisions to the plan or update.
10. Perform any other duties or exercise any other authority transferred to the Advisory Board by the Board of Supervisors or specified by statute.

### 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.
  - 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 substance use disorder who manages her/his recovery.

Section C: Officer Terms and Vacancies

1. Officers shall serve a one-year (1) term. Members can serve a second consecutive one-year term in the same Officer position if elected to do so by the Advisory Board. A Member may not serve more than two consecutive years in the same Officer position.
2. Members of the Advisory Board can serve up to a total of four years in each Officer position during their total years of membership on the Advisory Board, so long as they do not serve more than two consecutive years in a specific Officer position.
3. The Executive Committee may, by a majority vote, appoint a Member to fill any vacancy that occurs in an Officer position until the next annual election.

The Executive Committee 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.
  - 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.
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 appoint subcommittees 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. Each subcommittee's purpose and scope shall be described in writing by the Subcommittee Members prior to its first meeting and submitted to the Chairperson for approval.

2. Subcommittees shall be approved by the Advisory Board.
3. 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.
4. All Subcommittees shall report at Advisory Board meetings, as necessary. The reports may be oral or written, unless specified by the Chairperson.
5. 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 Chairs

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

#### Section C: Formation of Workgroups

1. Workgroups shall be formed as needed, with Members appointed by the Chairperson.
2. Each Workgroup's purpose and scope shall be described in writing by the Chairperson prior to its first meeting.
3. 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.
4. Workgroups shall cease to exist upon completion of their assignments.

## 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

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.
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  
March 2, 2021  
Agenda **Item #X**