

## 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 (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

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

1. The Advisory Board shall be limited to twenty-one (21) Members.
2. The Board of Supervisors shall appoint twenty (20) members from the general public, consisting of four (4) Members per supervisorial district and the Board of Supervisors will designate a Supervisor for the 21st seat. The supervisorial appointees from each district shall consist of one member each from the following categories:

- a. Mental Health Consumer: an individual who is a consumer of mental health treatment services.
  - b. Family Member: parents, spouses, siblings, or adult children of consumers of mental health services.
  - c. Substance Use Recovery: an individual in recovery from a substance use disorder and who has been a consumer of services related to their disorder.
  - d. Community Member: an individual with experience and knowledge of the behavioral health system and needs in the County, such as an individual who regularly engages with individuals living with mental illness in the course of daily operations, such as representatives of local schools, hospitals, health care providers, law enforcement, or community and nonprofit organizations that work with these populations.
2. Members should have experience and knowledge of the behavioral health system and should reflect the diversity and demographics of the county as a whole, and the diversity of the client population, to the extent feasible.
  3. The Advisory Board may recommend persons for appointment. The Advisory Board is committed to diversity, equity, and inclusion, and appointed Members should reflect the diversity of the communities served especially matching the racial, sexual, gender and orientation, language, cultural, and any other range of identities that have been historically, disproportionately, disadvantaged, and underrepresented.

#### 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 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 County Administrative Code, any Member whose term has vacated under that Section may, at the discretion of the Chairperson of the Advisory Board and the concurrence of the BHS Director and the Member, continue to discharge their duties until reappointed or a successor has been appointed.

#### Section E: Exclusions

Exclusions to Advisory Board membership shall include:

1. Except as provided in paragraph (2), no member of the Advisory Board or the member's spouse shall be a full-time or part-time employee of BHS, an employee of the California Department of Health Care Services, or an employee of, or a paid member of the governing body of a BHS contract agency.
2. A consumer of mental health services who has obtained employment with an employer described in paragraph (1) and who holds a position in which the consumer does not have any interest, influence, or authority over any financial or contractual matter concerning the employer may be appointed to the Advisory Board. The member shall abstain from voting on any financial or contractual issue concerning the member's employer that may come before the Advisory Board.
3. No member of the Advisory Board shall be an employee, officer, or serve in an official advisory capacity on either a compensated or non-compensated basis to 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.
2. Members of the Advisory Board shall abstain from voting on any issue in which the member has a financial interest as defined in Government Code Section 87103.
3. No member of the Advisory Board shall make, participate in making or in any way attempt to use their position as a member of the advisory board to influence a decision in which the member knows or has reason to know that they have a financial interest.

4. 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

The Advisory Board shall have the following duties:

1. Review the County's Behavioral Health contracts and grants awarded to support services and initiatives administered through the Behavioral Health Services Division including those entered into pursuant to Section 5650 of the California Welfare and Institutions Code Section 5650-;
2. Review and comment on 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 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.
4. Review any County agreements entered into pursuant to California Welfare and Institutions Code Section 5650. The Advisory Board may make recommendations to the Board of Supervisors regarding concerns identified within these agreements.
5. 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.
6. 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.

7. Submit an annual report to the Board of Supervisors on the needs and performance of the County behavioral health system.
8. Review and make recommendations on applicants for the appointment of the Behavioral Health Services Director. The Advisory Board shall be included in the Director's selection process prior to appointment.
9. Review and comment on County's performance outcome data, as it relates to behavioral health matters, and communicate its findings to the California Behavioral Health Planning Council.
10. 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.
11. Review the County's plans and outcomes for developing the three-year program and expenditure plan and updates pursuant to Welfare and Institutions Code Section 5848.
12. Pursuant to Welfare and Institutions Code Section 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 Section 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.
13. Any other duties assigned by the Board of Supervisors or required by State law.

#### 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.

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.

2. 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.

### 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.
- 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:

- i. Do everything necessary to assist the Chairperson in the performance of her/his duties.
- j. Exercise the powers of the Chairperson when and if the Chairperson is absent.
- k. Be bound by any voting restraints of the Chairperson, when and if the Chairperson is absent.

- l. 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.
5. 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.
3. All Subcommittees shall report at Advisory Board meetings, as necessary. The reports may be oral or written, unless specified by the Chairperson.
4. 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.
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, the Ralph M. Brown Act, these Bylaws, and any other rules adopted by the Advisory Board shall govern the operation of the Advisory Board, the Executive Committee, permanent Subcommittees, and Workgroups formed by the Advisory Board.

#### 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.

#### Section C: Meetings

1. Public Meetings and Notice of Agenda:

All meeting of the Advisory Board, Executive Committees and standing 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, Workgroups, and standing Subcommittees shall be prepared by the Clerk of the Advisory Board or delegate.
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

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