

ORDINANCE NO. _____ (N.S.)

AN ORDINANCE AMENDING PROVISIONS IN THE SAN DIEGO COUNTY
ADMINISTRATIVE CODE RELATING TO THE COUNTY OF SAN DIEGO BEHAVIORAL
HEALTH ADVISORY BOARD

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Section 881.3 of the San Diego County Administrative Code is amended as follows:

SEC. 881.3. MEMBERSHIP AND SELECTION.

- (a) The Advisory Board shall be limited to twenty-one (21) members.
- (b) 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:
 - (1) Mental Health Consumer: an individual who is a consumer of mental health treatment services
 - (2) Family Member: parents, spouses, siblings, or adult children of consumers of mental health services.
 - (3) Substance Use Recovery: an individual in recovery from a substance use disorder and who has been a consumer of services related to their disorder.
 - (4) 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.
- (c) 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.
- (d) The Advisory Board may recommend persons for appointment.

Section 2. Section 881.5 of the San Diego County Administrative Code is amended as follows:

SEC. 881.5. VACANCIES.

A vacancy shall occur as a result of any of the following events before the expiration of the term:

- (a) If a member has three unexcused absences in a calendar year, such member shall be ineligible to remain as an Advisory Board member.
- (b) The death of a member.
- (c) The resignation of a member.

(d) Removal.

Any member whose term has expired pursuant section (a) above, may at the discretion of the Chair of the Advisory Board and concurrence of the Behavioral Health Director and the member, continue to discharge the duties as a member until a successor has been appointed hereunder.

Section 3. Section 881.6 of the San Diego County Administrative Code is amended as follows:

SEC. 881.6. EXCLUSIONS.

(a) Except as provided in paragraph (b), 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.

(b) A consumer of mental health services who has obtained employment with an employer described in paragraph (a) 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.

(c) 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 4. Section 881.7 of the San Diego County Administrative Code is amended as follows:

SEC. 881.7. CONFLICT OF INTEREST.

(a) 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.

(b) 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.

(c) 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.

(d) 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.

Section 5. Section 881.8 of the San Diego County Administrative Code is amended as follows:

SEC. 881.8. DUTIES.

The Advisory Board shall have the following duties:

- (a) Review the County's Behavioral Health contracts and grants awarded to support services and initiatives administered through the Behavioral Health Services Division.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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 illness 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.
- (g) Submit an annual report to the Board of Supervisors on the needs and performance of the County behavioral health system.
- (h) 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.
- (i) 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.
- (j) 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.
- (k) 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.
- (l) 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.

(m) Any other duty assigned by the Board of Supervisors.

Section 6. Section 881.10 of the San Diego County Administrative Code is amended as follows:

SEC. 881.10. ESTABLISHMENT OF COMMITTEES.

(a) Executive Committee. Executive Committee duties are to provide organizational direction on behalf of the Advisory Board and advise the Advisory Board on decisions and business matters. They will consult with the BHS director for agenda setting. At the initial meeting of the Advisory Board, nominations from the floor will be accepted to establish a slate of officers for the Executive Committee. A special meeting will be called in the same month following the initial meeting for the sole purpose of electing officers. For subsequent elections, the Advisory Board bylaws will define the election process.

(b) Sub-Committees. The Advisory Board may create standing or ad hoc subcommittees to direct studies, conduct research or make recommendations to the Board of Supervisors. Actions and recommendations of subcommittees shall not be deemed actions and recommendations of the Advisory Board and shall not bind the Advisory Board or its members.

Section 7. Section 881.12 of the San Diego County Administrative Code is amended as follows:

SEC. 881.12. ADVOCATES AND REPRESENTATIVES.

The Chairperson shall, subject to approval by the Advisory Board, make the following advocate and representative appointments to represent areas of special Advisory Board interest and to make recommendations to the Advisory Board. The advocates are not members of the Advisory Board and do not vote.

(a) Person in Recovery Advocate

It shall be the duty and responsibility of the Person in Recovery Advocate to make recommendations on behavioral health matters relating to or affecting the recovering population.

(b) Child Advocate

It shall be the duty and responsibility of the Child Advocate to make recommendations on behavioral health matters relating to or affecting children, youth and families.

(c) Advocate for Multi-Ethnic Concerns

It shall be the duty and responsibility of the Advocate for Multi-Ethnic Concerns to make recommendations on behavioral health matters relating to or affecting the multi-ethnic population.

(d) Older Adult Advocate

It shall be the duty and responsibility of the Older Adult Advocate to make recommendations on behavioral health matters relating to or affecting the older adult population.

(e) Representative to the California Association of Local Behavioral Health Boards/Commissions (CALBHB/C)

The representative to CALBHB/C shall represent the Advisory Board to the CALBHB/C and required regional and state-wide meetings as appropriate and provide reports to the Advisory Board.

(f) Additional Advocates

Additional advocates shall be selected as determined by the Advisory Board and designated by the Chairperson.

Section 8. Section 1 of this ordinance amending Section 881.3 of the San Diego County Administrative Code (Membership and Selection) shall only apply to appointments occurring after the effective date of this ordinance and does not prohibit members appointed before the effective date from completing their term.

Section 9. Effective Date. This ordinance shall take effect thirty (30) days after its adoption. Within fifteen (15) days after the date of adoption of this ordinance, a summary shall be published once with the name of those members voting for and against the same in a newspaper of general circulation published in San Diego County.