

ALAMEDA COUNTY MENTAL HEALTH ADVISORY BOARD

BYLAWS

ARTICLE I

SECTION I - NAME

The name of this Board shall be the Alameda County Mental Health Advisory Board.

SECTION II - AUTHORITY AND PURPOSE

The authority of the Alameda County Mental Health Advisory Board is established by California Welfare and Institutions Code Section 5600 et seq. In accordance with Welfare and Institutions Code Section 5604.2, the Mental Health Advisory Board shall:

- A. Review and evaluate the community's public mental health needs, services, facilities, and special problems in any facility within the county or jurisdiction where mental health evaluations or services are being provided, including, but not limited to, schools, emergency departments, and psychiatric facilities.
- B. Review any county agreements entered into pursuant to Welfare and Institutions Code Section 5650 and make recommendations regarding concerns identified within those agreements.
- C. Advise the Alameda County Board of Supervisors and the Alameda County Behavioral Health Care Services Director as to any aspect of the local mental health program. The Mental Health 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.
- D. 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 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 on a daily basis, such as education, emergency services, employment, health care, housing, law enforcement, local business owners, social services, seniors, transportation, and veterans.
- E. Submit an annual report to the Alameda 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 the Alameda County Behavioral Health Care Services Director. The Mental Health Advisory Board shall be included in the selection process prior to the vote of the Alameda County Board of Supervisors.
- G. Review and comment on the county's performance outcome data and communicate its findings to the California Behavioral Health Planning Council.
- H. Assess the impact of the realignment of services from the state to the county on services delivered to clients and on the local community.
- I. Perform such additional duties as may be assigned to the Mental Health Advisory Board by the Alameda County Board of Supervisors.

SECTION III – RELATIONSHIP TO ALAMEDA COUNTY BOARD OF SUPERVISORS

The Alameda County Board of Supervisors shall appoint members to the Mental Health Advisory Board in accordance with Section IV, and shall rely on the collective judgement of the Mental Health Advisory Board for input on all mental health-related issues.

SECTION IV – MEMBERSHIP

The Alameda County Board of Supervisors shall appoint 16 members to the Mental Health Advisory Board, one of whom shall be the Chair of the Board of Supervisors or his/her designee. In accordance with Welfare and Institutions Code Section 5604:

- A. The Mental Health Advisory Board may recommend appointees to the Board of Supervisors. The membership of the Mental Health Advisory Board should reflect the diversity of the client population in Alameda County to the extent possible, and represent all geographic regions in the County and their demographics.
- B. Fifty percent of the Mental Health Advisory Board members shall be consumers, or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received mental health services. At least 20 percent of the total membership shall be consumers, and at least 20 percent shall be families of consumers.
- C. In addition to consumers and family members referenced in paragraph B, the Board of Supervisors is encouraged to appoint individuals who have experience with and knowledge of the mental health system. This would include members of the community that engage with individuals living with mental illness in the course of daily operations, such as representatives of county offices of education, large and small businesses, hospitals, hospital districts, physicians practicing in emergency departments, city police chiefs, county sheriffs, and community and nonprofit service providers.
- D. The term of each member of the Mental Health Advisory Board shall be three years. The Board of Supervisors shall equitably stagger the appointments so that approximately one-third of the appointments expire in each year.
- E. Except as provided in paragraph F., a member of the Mental Health Advisory Board or the member's spouse shall not be a full-time or part-time county employee of Alameda County Behavioral Health Care Services, an employee of the State Department of Health Care Services, or an employee of, or a paid member of the governing body of, a mental health contract agency.
- F. A consumer of mental health services who has obtained employment with an employer described in paragraph E. 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 Mental Health Advisory Board. The member shall abstain from voting on any financial or contractual issue concerning the member's employer that may come before the Board.
- G. Members of the Mental Health Advisory 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.

- H. Members of the Mental Health Advisory Board shall reside in Alameda County. If it is not possible to secure membership as specified in this section from among persons who reside in the 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 Alameda County Behavioral Health Care 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.

Mental Health Advisory Board members shall not serve more than three consecutive terms. If prior to the expiration of a term of appointment a member ceases to retain the status which qualified such member for appointment to the Board, such membership shall terminate and there shall be a vacancy.

SECTION V - MEETINGS

Mental Health Advisory Board meetings shall be subject to the provisions of Chapter 9 (commencing with Section 54950) of Part I of Division 2 of Title 5 of the Government Code, relating to meeting of local agencies (The Brown Act).

Regular meetings shall be held at least 10 times a year. Special meetings shall be convened at the request of the Chair or a majority of Board members and public notification of such meetings shall be sent at least 24 hours in advance of the meetings.

SECTION VI – OFFICERS

The officers of the Mental Health Advisory Board shall consist of a Chair and Vice-Chair. Officers shall serve for a term of one year, or until their successor is elected, and be subject to election in June for terms beginning July 1 of the fiscal year. **(Note: Should we change officer terms to two years for leadership training and continuity? Or might this pose a problem if a person is elected officer in year two of his/her three-year board term and then doesn't continue on the board?)**

SECTION VII – ELECTION OF OFFICERS

A Nominating Committee shall be appointed by the Chair in May of each year. The Chair and Vice-Chair shall not sit as ex-officio members of the Nominating Committee. The Nominating Committee shall select a slate of officers for the coming year, secure the verbal consent to serve of those selected and report back to the full board in June with a slate of officers for the coming fiscal year (July 1 through June 30). The chair of the Nominating Committee shall assume the duties of the Mental Health Advisory Board Chair to accept further nominations and conduct the election of officers during the June meeting of the year. **(Revise if the term is changed to two years.)**

SECTION VIII – TERMS OF OFFICE

New officers shall begin their terms on July 1 and serve for one year **(for two years ?)**. No member shall hold more than three consecutive terms in the same office.

SECTION 1X – VACANCIES IN OFFICE

In the event any officer resigns from his or her office or resigns from the Mental Health Advisory Board or is disqualified from serving due to a change in status during the term of his or her office, the Board may hold an election to fill any vacancy occurring in any elective office during an

unexpired term. In the event the Chair resigns during his or her term, the Vice-Chair shall become Chair.

SECTION X – POWERS & RESPONSIBILITIES OF OFFICERS

The Chair of the Mental Health Advisory Board shall be the principal executive officer and carry out the policies of the Board and the Executive Committee. The Chair shall prepare the agenda for and preside over all regular and special Board meetings, appoint Committee Chairs, and be in regular consultation with the Director of Behavioral Health Care Services.

(Note: the last sentence was expanded upon based on the language of the Model Bylaws.)

The Vice-Chair shall assist the Chair in the performance of his/her duties. The Vice-Chair shall exercise all the powers of the Chair in the event of the Chair's absence.

SECTION XI – REMOVAL OF OFFICERS

An officer may be removed from office, for cause, by the majority vote of all members of the Mental Health Advisory Board at an official Board meeting at which a quorum is present. Adequate formal notice, in writing and in person or by U.S. certified mail, must be given to any officer of such an impending removal action.

SECTION XII – VACANCIES

When a vacancy occurs, other than in an elective officer position, the Chair shall contact the Board of Supervisors to determine if there is a candidate for the vacancy and/or if the member would consider recommendations from the Mental Health Advisory Board. All such vacancies shall be filled by appointment by the appropriate County Supervisor.

SECTION XIII – QUORUM

A quorum is one person more than one-half of the appointed members of the Mental Health Advisory Board.

SECTION XIV – COMMITTEES

- A. Committees shall be created as needed to do the work of the Mental Health Advisory Board. Each member of the Mental Health Advisory Board shall serve on at least one committee and/or serve as a Mental Health Advisory Board liaison to another entity or organization.
- B. The existing standing committees are the Executive Committee, which plans the Board agenda and may act on behalf of the full Board under emergency circumstances or as directed by the majority of the full Board; the Adult Committee; the Children's Committee; and the Criminal Justice Committee. Other standing committees may be created with the approval of the Mental Health Advisory Board as needed to fulfill its statutory responsibilities.

- C. The Executive Committee is composed of the Chair, Vice-Chair and Chairs of the standing committees of the Mental Health Advisory Board. Any Board member may attend the Executive Committee meetings as a member of the public.
- D. Each standing committee shall be chaired by a Mental Health Advisory Board member and conducted in accordance with the Brown Act.
- E. Ad hoc committees shall be created or dissolved by the Board Chair to reflect the interest and responsibilities of the Mental Health Advisory Board.
- F. The Chair of the Mental Health Advisory Board shall appoint the Chair of each standing and ad hoc committee. Mental Health Advisory Board members may choose the committee upon which they wish to serve, or shall be appointed to a committee or liaison role by the Board Chair. Committees must include at least two Board members, but may not include more than a quorum of the full Board.
- G. Committee goals will be discussed by the Mental Health Advisory Board at its annual strategy meeting. The function of a committee is to study an issue and advise the full Board of its findings and recommendations. **Committees shall not make recommendations directly to the Board of Supervisors without the approval of the full Mental Health Advisory Board. (This is a new idea. Do we want to allow committees to communicate with the BOS? If so, should an exception be made to the requirement for advance board approval when an issue is time sensitive and when the communication is approved by the Executive Committee or the Chair and Vice-Chair?)**
- H. The Chair may appoint a member of the Mental Health Advisory Board as a liaison to another entity or organization to reflect the interests and responsibilities of the Mental Health Advisory Board
- I. The Chair, with the approval of the full Mental Health Advisory Board, may appoint a non-voting representative from another entity or organization to reflect the interests and responsibilities of the Board not already represented by Board members appointed by the Board of Supervisors. Such a non-member representative may provide agenda reports or presentations to the Board at its meetings, in compliance with the Brown Act. **(Clarify. Appoint to a committee or the Mental Health Advisory Board?)**

SECTION XV – REMOVAL FROM THE BOARD

Mental Health Advisory Board members shall contact the Chair and staff designated by the Director of Behavioral Health Care Services to serve as secretary to the Board prior to a meeting if they are unable to attend. Failure to do so will result in an unexcused absence. Absence at three consecutive Board meetings without just cause and advance notice shall be grounds for summary removal of a Mental Health Advisory Board member. The Chair will contact the Board of Supervisors in the event that removal is deemed necessary.

A Mental Health Advisory Board member may also be removed by the Board of Supervisors in

accordance with Section 2.68.060 of the Alameda County Administrative Code, which states: "In cases of misconduct, inability or willful neglect in the performance of his duties, any member may be removed by the affirmative vote of four members of the Board of Supervisors. Such member sought to be removed shall be given an opportunity to be heard in his own defense at a public hearing, and shall have the right to appear by counsel and to have process issued to compel the attendance of witnesses, who shall be required to give testimony, if such member of the advisory board so requests. A full and complete statement of the reasons for such removal, if such member be removed, together with the findings of fact made by the Board of Supervisors, shall be filed by the Board of Supervisors, with the County Clerk and made a matter of public record."

SECTION XVI – CONFLICT OF INTEREST

Appointments to the Mental Health Advisory Board will be subject to state and federal conflict of interest laws.

SECTION XVII – RULES OF ORDER

Meetings of the Mental Health Advisory Board shall be conducted in accordance with the Brown Act, the Mental Health Advisory Board bylaws, and Roberts Rules of Order to allow open participation. The Chair may also set discussion time limits as appropriate. If in conflict, the Brown Act will take precedence, followed by the Mental Health Advisory Board bylaws, and then Roberts Rules of Order, respectively.

SECTION XVIII – EXPENSES

Pursuant to California Welfare and Institutions Code Section 5604.3 and the Alameda County Administrative Code, the Board of Supervisors may pay from any available funds the actual and necessary expenses of the members of the Mental Health Advisory Board incident to the performance of their official duties and functions. The expenses of Mental Health Advisory Board members may include travel, lodging, child care, and meals for Mental Health Advisory Board Members while on official business as approved by the Behavioral Health Care Services Director and the Mental Health Advisory Board. A yearly finance report shall be presented to the Mental Health Advisory Board so that expenses can be reviewed and approved.

Welfare and Institutions Code Section 5604.3 states further that: "Governing bodies are encouraged to provide a budget for the local mental health board, using planning and administrative revenues identified in subdivision (c) of Section 5892, that is sufficient to facilitate the purpose, duties, and responsibilities of the local mental health board."

ARTICLE II

SECTION I – AMENDMENTS TO THE BYLAWS

These bylaws may be amended at any meeting of the Mental Health Advisory Board by a two-thirds vote of the appointed membership. The bylaws shall be reviewed periodically to ensure that they comply with state law and adequately address the needs of the Alameda County community.

(Note: The Model Bylaws provide that amendments must be approved by “a two-thirds majority of those in attendance at a regular or special meeting at which a quorum is present,” which is a much lower standard than what was in our bylaws, but higher than a simple majority vote. Should we change the bylaws to be consistent with the Model Bylaws?)

SECTION II – EFFECTIVE DATE

These bylaws shall become effective immediately upon their approval, and shall be submitted to the Board of Supervisors for their approval and final adoption. **(Note: This provision should probably be changed so that the bylaws become effective upon ratification by the Board of Supervisors.)**

These bylaws were approved by the Mental Health Advisory Board on (date) and ratified by the Alameda County Board of Supervisors on (date).

Signed:

(Signature lines for Chair, Vice-Chair and Chair of the Board of Supervisors)