# County of San Bernardino

# Behavioral Health Commission

# Bylaws

**ESTABLISHED:**

**October 5, 1993**

**AMENDED:**

**November 18, 2003**
**August 5, 2008**
**August 24, 2010**
**September 24, 2013**

# COUNTY OF SAN BERNARDINO
# BEHAVIORAL HEALTH COMMISSION

## BYLAWS

**October 5, 1993**

## MISSION STATEMENT

The Behavioral Health Commission works to champion a progressive system of seamless, accessible and effective services that advances prevention, intervention, recovery and resiliency for individuals, families and communities. This system includes the Department of Behavioral Health, contract agencies, private providers, community and faith-based organizations, consumer support and education groups, and other health organizations in an integrated matrix.

## ARTICLE I

### SECTION 1 NAME and AUTHORITY

**1.1 Name**

The name of this body shall be the County of San Bernardino Behavioral Health Commission.

**1.2 Authority**

This Commission is established by the California Welfare and Institutions (W&I) Code, commencing with Section 5604.

### SECTION 2 PURPOSE and CONDUCT

**2.1 Purpose**

The purpose of this Commission is to advise the Board of Supervisors and the Director of Behavioral Health as to any aspect of the local behavioral health program and to perform other duties mandated by state law.

**2.2 Conduct**

The conduct of this Commission shall comply with San Bernardino County Policy No. 01-12 pertaining to County Boards, Commissions and Committees, effective 07/06/92, insofar as that policy does not conflict with mandates contained in the W&I Code, Section 5604.

## ARTICLE II MEMBERSHIP

### SECTION 1 COMPOSITION

Pursuant to Section 5604(a) of the California W&I code, the size, membership and composition of this Commission shall be as follows:

(a) This Commission shall consist of sixteen (16) members: fifteen (15) members appointed by the Board of Supervisors, with each Supervisor appointing an equal number of members; and one (1) member of the Board of Supervisors who may designate a representative.

(b) The composition of this Commission shall represent the demographics of the county as a whole to the extent feasible (W&I Code 5604.5(b).

(c) Fifty percent (50%) of the membership of this Commission shall be consumers, or the parents, spouse, sibling, or adult children of consumers, who are receiving or have received behavioral health services. At least twenty percent (20%) of the total membership shall be consumers, and at least twenty percent (20%) shall be families of consumers (W&I Code 5604(a) (1).

(d) At least one member shall represent the alcohol and drug community.

(e) At least one member shall be represented on the Transitional Age Youth Advisory Committee.

(f) When a position becomes vacant in a Supervisor's district, the Commission will work with that Supervisor's office to determine if a member is needed to meet this requirement.

### SECTION 2 QUALIFICATIONS, TERMS OF OFFICE, VACANCIES

#### 2.1 Qualifications

(a) Section 5604(a) of the W&I Code states in part that:

(1) Counties are encouraged to appoint individuals who have experience and knowledge of the behavioral health system.

(2) The Commission may recommend appointees to the County Supervisors.

(b) San Bernardino County Policy No. 01-12 states in part that:

(1) The Board of Supervisors will consider for appointment all persons willing to serve and whose interests, background, experience,

perspective and talents may significantly contribute to the purpose of this commission.

(2) Specific qualifications for appointment to this Commission as provided by the Department of Behavioral Health (DBH) shall be available at the Office of the Clerk of the Board and in designated San Bernardino County libraries.

(c) Candidates for appointment to this Commission should submit applications or letters of interest to the designated Supervisor or the Commission Chairperson, for consideration and recommendation.

## 2.2 Terms of Office

(a) Pursuant to W&I Code 5604(b), the term of each Commissioner shall be for three (3) years. The governing body shall equitably stagger the appointments so that approximately one-third of the appointments expire in each year.

(b) Pursuant to San Bernardino County Policy No. 01-12,

(1) Terms shall generally expire on January 31 of the appropriate year and subsequent new terms shall begin on February 1 of that year.

(2) The term of a Commissioner shall expire when the appointing Supervisor leaves office, and a successor shall be appointed by the new Supervisor for the balance of the unexpired term.

(3) A Commissioner whose appointment has expired may continue to serve in that capacity until a new appointment is made, or the Board of Supervisors declares that position vacant. Such Commissioner is eligible for reappointment subject to County policy.

(4) Commissioners serve at the pleasure of the Board of Supervisors and may be removed from the Commission at any time only by the Board of Supervisors.

(5) The resignation of a Commissioner shall be submitted to the Clerk of the Board and shall be effective upon declaration by the Board of Supervisors of the vacancy. A Commissioner who is resigning shall notify the Commission Chairperson in writing of his/her intentions.

## 2.3 Vacancies

(a) Vacancies shall be filled in accordance with San Bernardino County Standard Practice 01-12 (D) (5).

(b) The Commission Chairperson, through the Clerk of the Commission (County department liaison), shall notify the Clerk of the Board of Supervisors in writing when a member:

(1) Desires to resign;

(2) Has indicated his/her intent to cease participating on the Commission;

(3) Has ceased to retain the status which qualified the person for appointment to the Commission;

(4) Has failed to meet the attendance and participation requirement of these by-laws.

(c) In appropriate cases, the Commission Chairperson may request that the Board of Supervisors declare a position vacant and fill the vacancy as soon as possible.

## SECTION 3 MEMBERSHIP RESTRICTIONS, RESIDENCY REQUIREMENT

### 3.1 Membership Restrictions

No Commissioner or his/her spouse shall be a full-time or part-time employee of a county behavioral health service, an employee of the state Department of Mental Health, or an employee of, or a paid member of the governing body of, a Bronzan-McCorQuodale contract agency.

### 3.2 Residency Requirement

All Commissioners shall be residents of the County of San Bernardino.

## ARTICLE III DUTIES, TRAINING REQUIREMENTS, COMPENSATION and REIMBURSEMENT

## SECTION 1 DUTIES

Pursuant to W&I Code 5604.2, the Commission shall:

(1) Review and evaluate the community's behavioral health needs, services, facilities, and special problems.

(2) Review any county agreements entered into pursuant to W&I Code 5650.

(3) Advise the governing body and the local behavioral health director as to any aspect of the local behavioral health program.

(4) Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process.

(5) Submit an annual report to the governing body on the needs and performance of the county's behavioral health system.

(6) Review and make recommendations on applicants for the appointment of a local director of behavioral health services. The Commission shall be included in the selection process prior to the vote of the governing body.

(7) Review and comment on the county's performance outcome data and communicate its findings to the California Mental Health Planning Council.

(8) Nothing in this part shall be construed to limit the ability of the governing body to transfer additional duties or authority to the Commission.

(b) It is the intent of the Legislature that, as part of its duties pursuant to subdivision (a), the Commission shall assess the impact of the realignment of services from the state to the county on services delivered to clients and on the local community.

## SECTION 2 TRAINING REQUIREMENTS

### 2.1 Ethics Training

Assembly Bill 1234 requires members of County Boards, Commissions, Committees (BCCs) to complete a two-hour ethics training program every two years. Newly appointed members must complete initial ethics training within one year of appointment.

### 2.2 HIPAA Training

HIPAA Training is required every three years. Newly appointed members must complete initial HIPAA training within one year of appointment.

## SECTION 3 COMPENSATION and REIMBURSEMENT

### 3.1 Compensation

Commissioners shall serve without compensation.

### 3.2 Reimbursement

W&I Code 5604.3 provides that the Board of Supervisors may pay from any available funds the actual and necessary expenses of the members of the Behavioral Health Commission of a community behavioral health services incurred incident to the performance of official duties and functions. The expenses may include travel, lodging, child care, and meals for the members of the commission while on official business as approved by the director of the local behavioral health program.

# ARTICLE IV MEETINGS, RULES and PROCEDURES

## SECTION 1 CALENDAR YEAR

The business of the Commission shall be conducted on the basis of the calendar year: January 1st through December 31st.

## SECTION 2 COMPLIANCE WITH THE BROWN ACT

All meetings of the Commission and any committee meeting representing a quorum of the Commission shall be a "public meeting" in compliance with the Ralph M. Brown Act (Part I, Division 2, Title 5 of the Government Code, commencing with Section 54950).

## SECTION 3 RULES and PROCEDURES

The rules and procedures at all meetings of the Commission, Executive Committee and standing committees shall be in accordance with these by-laws and then with the latest edition of Robert's Rules of Order, where applicable.

## SECTION 4 TIME and PLACE OF REGULAR BUSINESS MEETING

The regular meetings of the Commission shall be held on the first Thursday of each month at the County of San Bernardino Health Services, 850 E. Foothill Boulevard, Rialto, California, or at any other meeting place designated by the chairperson by written notice given to the members and public in accordance with the Brown Act.

## SECTION 5 ANNUAL MEETING

The regular meeting for the month of January shall be designated as the Annual Meeting for the election of officers.

## SECTION 6 SPECIAL MEETINGS

**6.1** Special meetings of the Commission may be called at any time by the Chairperson or by a quorum of the Commission. The notice of the special meeting shall specify the time, place and business to be transacted, and no other business shall be considered unless in accordance with and under the provisions of the Brown Act.

**6.2** Where attendance at meetings and conferences of California Local Mental Health Boards and Commissions in other counties or meetings and conferences of other state mental health organizations can be shown to benefit the citizens and the County of San Bernardino Behavioral Health Commission, the chairperson, or his/her designee, and/or any other members of the Commission may attend, provided that the approval of the director of the local behavioral health program and the Board of Supervisors is obtained. Only expenses incurred in the performance of official duties, as approved by the director and Board of Supervisors, are eligible for reimbursement. Any member of the Commission may attend any "public meeting" at their own expense.

## SECTION 7 CLOSED SESSIONS

The Commission may conduct closed sessions during any regular or special meeting to consider those matters allowed by law to be heard in this manner. Closed sessions will be conducted in accordance with the Brown Act.

## ARTICLE V AGENDA, QUORUM and ATTENDANCE

### SECTION 1 AGENDA

1.1 The agenda shall confirm the place, date and time of a regularly scheduled meeting of the Commission and the business to be brought before the Commission, and shall serve as a public notice of the meeting when posted publicly according to the Brown Act and County policy.

1.2 **Agenda Timeline**

(a) A meeting of the Executive Committee to set the agenda for the next meeting shall be held prior to the regular monthly meeting. The place, date and time shall be set by the Chairperson.

(b) Written information provided by the chairperson, department staff, or others and the information relevant to any agenda item shall be mailed or emailed per Commissioners' request along with the agenda to Commissioners at least ten (10) calendar days prior to a regular monthly meeting.

(c) The agenda and background material shall be made available to the public in accordance with the Brown Act.

### SECTION 2 QUORUM and ACTIONS OF THE COMMISSION

2.1 **Quorum**

A quorum shall be one person more than one-half of the appointed members.

2.2 **Decisions and Actions of the Commission**

(a) All actions and decisions shall be by a majority vote of the members present, provided there is a quorum.

(b) Unless otherwise required by law, all resolutions, motions or other comments made by the Commission are subject to substantive intervening review by the director of the behavioral health program prior to any Board of Supervisors action.

### SECTION 3 ATTENDANCE

3.1 **Regular Attendance and Participation Required**

Commissioners are expected to attend regularly and participate in meetings and other activities which contribute to the effective functioning of the Commission in order to ensure that the residents of the County of San Bernardino are fully served by persons both interested and able to invest his/her time in such public service.

### 3.2 Grounds for Recommending Removal

Three consecutive unexcused absences throughout any calendar year of appointment constitute grounds for removal. The third unexcused absence is considered to be a voluntary resignation to be submitted to the Board of Supervisors. Exceptions to the above rule may be granted under extenuating circumstances upon unanimous approval of the commission.

## ARTICLE VI OFFICERS, DUTIES, ELECTIONS

### SECTION 1 OFFICERS

The officers of this Commission shall be: Chairperson, Vice Chairperson, Secretary, Treasurer, and Immediate Past Chairperson.

### SECTION 2 DUTIES OF OFFICERS

#### 2.1 Duties of the Chairperson

(a) The Chairperson shall preside at the meetings and perform the duties of the presiding officer according to Robert's Rules of Order.

(b) The Chairperson shall nominate the members of all committees and task forces, with the exception of the Nominating Committee, in consultation with the Executive Committee and subject to the approval of the full commission.

(c) The Chairperson shall be an ex-officio member of all committees and task forces, except the Nominating Committee.

(d) Pursuant to W&L Code 5604.5, the Chairperson of the Behavioral Health Commission shall be in consultation with the local behavioral health director.

(e) The agenda for meetings shall be prepared at the direction of the Chairperson, in consultation with the Executive Committee. The Chairperson also will ensure that copies of the agenda are publicly posted in accordance with the Brown Act.

(f) The Chairperson shall direct the preparation of the Commission's Annual Report, in consultation with the Executive Committee, and shall present the report in person at a regular meeting of the Board of Supervisors.

(g) The Chairperson shall direct the preparation of the Commission's report on the County's Performance Outcome Data to the appropriate state mental health authority as necessary, in consultation with the local behavioral health director.

(h) The Chairperson or his/her designee shall be the County representative at any regional or statewide meetings, conferences or training sessions

which involve other local behavioral health boards and commissions. The Chairperson shall have the authority to vote on behalf of the commission. The Chairperson shall report the outcome of any such meetings, conferences or training sessions to the full Commission at the next regularly scheduled meeting.

**2.2 Duties of the Vice Chairperson**

(a) The Vice Chairperson shall assume the duties of the Chairperson when that officer vacates the position, is absent or incapacitated.

(b) The Vice Chairperson shall carry out other duties as requested by the Chairperson.

(c) The Vice Chairperson shall have the responsibility of orienting new Commissioners to the duties and functions of the Commission and to recruit new members.

**2.3 Duties of the Secretary**

(a) The Secretary shall be responsible for keeping an historical journal of the activities of the Commission for assisting in the preparation of the Annual Report to the Board of Supervisors.

(b) The Secretary shall ensure the timely production of meeting minutes by assisting department clerical staff assigned to the Commission in clarifying matters when necessary.

**2.4 Duties of the Treasurer**

(a) The Treasurer shall consult with department financial staff assigned to monitor the budget and expenses of the Commission and shall report periodically to the Executive Committee on the financial status of the Commission.

(b) The Treasurer shall train new members to the Commission in expense reimbursement procedures, and shall be familiar with County and departmental policies and procedures related to this matter.

**2.5 Duties of the Immediate Past Chairperson**

(a) The Immediate Past Chairperson shall serve as advisor to the Executive Committee and shall carry out other duties as requested by the Chairperson.

(b) The Immediate Past Chairperson shall be responsible for following legislation pertinent to behavioral health issues and for keeping the Commission informed.

## SECTION 3 ELECTIONS

### 3.1 Nominating Committee

At the regular meeting in October, the Executive Committee shall appoint no less than three Commissioners to serve on the Nominating Committee, at least two of whom shall not be members of the Executive Committee. The Nominating Committee shall select a slate of officers, obtain the verbal consent to serve of those nominated, and present the slate of candidates to the full Commission at the regular meeting in November.

### 3.2 Election of Officers

The officers shall be elected each year at the regular meeting in January. The Chairperson of the Nominating Committee shall assume the position of Commission Chairperson to accept further nominations from the floor and to conduct the election of officers.

### 3.3 Removal from Office

In closed session, any officer may be removed from office for cause, e.g., misconduct or neglect of duty, and relieved of duties by a majority vote of the full commission.

### 3.4 Officer Vacancies

Except for a vacancy in the officer position of Chairperson as set forth in Article VI, Section II, Paragraph 2.2(a), of these By-Laws, when a vacancy occurs in the officer positions of Vice Chairperson, Secretary and Treasurer, a Commissioner selected by a majority vote of the full Commission at a regular meeting of the Commission shall fill the vacancy until the next regularly scheduled election is conducted as set forth in Article VI, Section III of these By-Laws.

# ARTICLE VII COMMITTEES and TASK FORCES

## SECTION 1 COMMITTEES

The Commission may create standing committees, Ad Hoc Committees and/or Task Forces. If members of DBH staff are requested by the Commission Chairperson to serve on any committees or task forces, they shall serve in an advisory capacity only, and only with the consent of the local behavioral health director.

### 1.1 Executive Committee

Pursuant to W&I Code 5604.5, the County of San Bernardino Behavioral Health Commission shall have an Executive Committee which shall include, but not be limited to, the Offices of Chairperson, Vice Chairperson, Secretary, Treasurer, and the Immediate Past Chairperson. The Executive Committee shall carry out any responsibilities delegated to it by the Commission.

### 1.2 Alcohol and Drug Services Committee

The Alcohol and Drug Services Committee's focus for members is to become knowledgeable in all areas of alcohol and drug abuse services available in San Bernardino County. The function can be accomplished by meeting with the department's Deputy Director for Alcohol and Drug Services, local community based agencies that provide substance abuse services and other community stakeholders in San Bernardino County.

### 1.3 District Advisory Committees

Each of the five supervisory districts shall have a District Advisory Committee (DAC). The primary responsibility of the DAC will be to provide the Department of Behavioral Health, through the Behavioral Health Commission, with input on the unmet needs of the community for behavioral health services within the area and countywide. Each District Advisory Committee is encouraged to include community members, non-profit representatives, contract providers, county personnel and consumers and family members with experience in the behavioral health system.

### 1.4 Committee Appointments

(a) The Chairperson shall nominate members of all committees, except the Nominating Committee, in consultation with the Executive Committee and with the consent of the individuals being asked to serve.

(b) Each committee shall elect its own chairperson.

## SECTION 2 TASK FORCES

### 2.1 Task Force Purpose

A Task Force may be formed by the Commission to study and make recommendations on resolving a specific issue related to behavioral health. Upon submission of its final report, the Task Force shall expire. A Task Force shall otherwise expire after one (1) year, unless re-established for an additional year by the Commission.

### 2.2 Task Force Appointments

(a) The Commission Chairperson shall appoint a member of the Commission to be the Task Force Chairperson, in consultation with the Executive Committee.

(b) The Task Force Chairperson may appoint members of the community to serve on the Task Force, as well as other members of the Commission, if approved by the Executive Committee.

(c) It is the responsibility of the Task Force Chairperson to prepare the final report and present the findings and recommendations of the Task Force to the full Commission.

## ARTICLE VIII AMENDMENTS TO BYLAWS

### SECTION 1 AMENDMENT PROCESS

**1.1** Before bylaw amendments can be considered and/or voted on by the Commission, they shall be submitted, in writing, to the members at least thirty (30) days prior to the meeting date at which they are to be considered.

**1.2** An amendment to the bylaws shall be an item on the published agenda for the meeting at which it is to be considered.

### SECTION 2 AMENDMENT APPROVAL

**2.1** Bylaws may be amended by a majority vote of the members in a regularly scheduled meeting where a quorum is present.

**2.2** Amendments to the bylaws approved by the Commission shall be submitted to County Counsel and the Board of Supervisors for its approval.