

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Behavioral Health and Recovery Services

BOARD AGENDA # *B-2

Urgent

Routine

AGENDA DATE January 6, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval and Adoption of Proposed Second Amendment to the Advisory Board on Substance Abuse Programs Bylaws

STAFF RECOMMENDATIONS:

Approve and adopt the proposed amendments to the Advisory Board on Substance Abuse Programs Bylaws.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-31

On motion of Supervisor Grover, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. BD-66-26

Approval and Adoption of Proposed Second Amendment to the Advisory Board on Substance Abuse Programs Bylaws
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DISCUSSION:

In September 2008 an ad hoc committee of the Advisory Board on Substance Abuse Programs reviewed the Advisory Board Bylaws, particularly those sections dealing with attendance and meeting quorum. Proposed amendments to the Bylaws were reviewed and discussed at the September and October meetings and were adopted by the Advisory Board on Substance Abuse Programs at its regularly scheduled meeting in November. The amended Bylaws reflect changes members felt necessary to help the Advisory Board achieve a quorum of members for meetings.

Previous amendments to the Advisory Board on Substance Abuse Programs Bylaws were approved by the Board of Supervisors on November 2, 2004.

Proposed amendments to the Advisory Board on Substance Abuse Programs Bylaws are as follows.

- Members may be granted a leave of absence from the Advisory Board on Substance Abuse Programs for a period of no longer than six months upon approval by Advisory Board members.
- A quorum was changed to 50% of the total official membership at the time of the meeting, excluding members on a leave of absence. The quorum was previously a simple majority of the total official membership at the time of the meeting.

The amended Bylaws are attached.

POLICY ISSUES:

Board of Supervisor approval and adoption is required to amend the Advisory Board on Substance Abuse Programs Bylaws. Approval and adoption of the Bylaws supports the Board of Supervisors' priorities of *Effective partnerships* and the *Efficient delivery of public services* by ensuring that the Bylaws reflect current statute, regulations and the structure, operation, composition, purposes and activities of the Advisory Board on Substance Abuse Programs.

STAFFING IMPACT:

There are no staffing impacts associated with this item.



STANISLAUS COUNTY ADVISORY BOARD ON SUBSTANCE ABUSE PROGRAMS

BYLAWS

ARTICLE I Name

The name of this body shall be the "STANISLAUS COUNTY ADVISORY BOARD ON SUBSTANCE ABUSE PROGRAMS". Whenever the letters "ABSAP" are used in these Bylaws, they shall mean the Stanislaus County Advisory Board on Substance Abuse Programs.

ARTICLE II Authority

The authority for the formation and operation of ABSAP is set forth in Section 11805, Section 11964, and Section 11998, of Division 10.6 of the California Health and Safety Code.

ARTICLE III Purposes

Section 1. Activities

ABSAP shall:

1. Participate in the planning process and pursuant to Chapter 1 commencing with Section 11998 of the Health and Safety Code serve as the Drug and Alcohol Abuse Master Plan Advisory Body.
2. Advise the Stanislaus County Alcohol and Drug Programs Administrator and the Board of Supervisors on policies and goals of the County alcohol and drug programs and on any other related matters referred to it by the Alcohol and Drug Programs Administrator or the County Board of Supervisors, or which are raised by the membership.
3. Encourage and educate the public to understand the nature of alcohol and drug abuse problems and encourage support throughout Stanislaus County for the development and implementation of effective alcohol and drug abuse programs.
4. Review the community's alcohol and drug program needs, services, facilities, and special programs.
5. Review procedures used to insure community involvement at all stages of the planning process leading to the formation and adoption of Stanislaus County's alcohol and drug abuse program plans and the Drug and Alcohol Master Plan.
6. May submit comments regarding Stanislaus County's alcohol and drug programs, or minutes of its meetings, to the Stanislaus County Board of Supervisors.
7. May act as an advocate for drug and alcohol programs in Stanislaus County before the Board of Supervisors.

ARTICLE IV Membership

Section 1. Composition

ABSAP shall have no fewer than fifteen (15) members and no more than twenty (20) members who shall be appointed by the Stanislaus County Board of Supervisors to include persons who have a professional interest in or personal commitment to alleviating problems related to drug abuse, and inappropriate alcohol use in the community. To the extent feasible, ABSAP shall have at least two members from each Supervisorial District, and no more than four members from any one Supervisorial District. The membership shall, to the extent feasible, include individuals representative of the various economic, social, and occupational groups, and shall be broadly representative of the demographic characteristics of Stanislaus County. The membership shall include representatives of Modesto Police Department, the Stanislaus County Sheriff, and California Highway Patrol as standing members of ABSAP.

Section 2. Prohibited Membership

Except as specified below, ABSAP will not include a person or that person's spouse who is any of the following:

1. A member of a Board of Directors of any program operating under contract with Behavioral Health and Recovery Services. If a conflict arises, the ABSAP member will excuse himself/herself from voting; and
2. A person who holds a financial interest in any program operating under contract with Behavioral Health and Recovery Services. If a conflict arises, the ABSAP member will excuse himself/herself from voting; and
3. An employee of Stanislaus County Behavioral Health and Recovery Services.

Section 3. Compensation

Members of ABSAP will serve without compensation, but shall be reimbursed for any actual and necessary expenses as approved by the Director of Stanislaus County Behavioral Health and Recovery Services incurred in connection with their duties. These expenses should be approved in advance as much as possible.

Section 4. Term of Office

Members of ABSAP shall serve three (3) year terms, unless a shorter term is specified by the Stanislaus County Board of Supervisors at the time the individual is appointed. In the event that prior to the expiration of a member's term said member ceases to retain the status, which qualified the individual for membership, that person's membership shall terminate and there shall be a vacancy. At the discretion of the Stanislaus County Board of Supervisors, members who, at the expiration of their terms retain the status which qualified them for appointment, may be reappointed by the Stanislaus County Board of Supervisors for an additional three (3) year term, but no member shall serve for more than two, consecutive three (3) year terms unless the Board of Supervisors approves additional terms.

Section 5. Vacancies

Vacancies will be filled by the Stanislaus County Board of Supervisors and, at the discretion of the Stanislaus County Board of Supervisors, those appointed to fill vacancies may be:

1. Appointed to fill unexpired terms; or
2. Appointed to full three (3) year terms.

Section 6. Participation

Each member is required to be a member of, participate in, and attend the activities of at least one standing committee. Attendance at standing committee meetings shall be dealt with in accordance to regular ABSAP meeting policy, i.e. three (3) unexcused absences within a twelve-month period may be cause for recommendation for removal from ABSAP.

Section 7. Attendance at Meetings

Members are expected to attend all regularly scheduled meetings of ABSAP. Members who are unable to attend a regularly scheduled meeting shall give advance notice to either an elected officer, or to any person specifically designated for such purpose. Members who provide such advance notice will be excused from attendance.

Section 8. Unexcused Absences

A member who is absent (a combined excused or unexcused absences) four (4) times in a twelve month period or a member who has three (3) unexcused absences in a twelve month period shall be required to discuss their attendance with the ABSAP Chair. The ABSAP Chair will discuss the member's attendance with the Executive Committee who may decide to add it as an agenda item at the next regularly scheduled meeting. In the event the member's attendance is placed on the agenda, the member shall be advised in writing and invited to state his/her position to the Board. In such an event, ABSAP's recommendation will be announced during the meeting and recorded in the ABSAP minutes. Should the member choose not to attend, he/she shall be advised verbally of ABSAP's recommendation. Without further action, if ABSAP recommends removal, the Stanislaus County Board of Supervisors will be advised of the ABSAP recommendation, and the appointment of a replacement will be recommended. A similar procedure will be followed in the event that a member elects to resign from membership prior to the expiration of said member's term, except that rules of parliamentary procedure will be followed to establish the existence of a vacancy.

Section 9. Leave of Absence

A member may be granted a temporary leave of absence for a period of no longer than six (6) months. Additional time may be granted on a case by case basis. The member must request a temporary leave of absence in writing addressed to the ABSAP Chair or Vice Chair with a copy to Behavioral Health and Recovery Services. Upon receipt, the request will be discussed with the Executive Committee who may decide to add it as an agenda item at the next regularly scheduled meeting. In the event the request is placed on the agenda, ABSAP's recommendation will be announced during the meeting and recorded in the ABSAP minutes. At the conclusion of the temporary leave of absence, the member will be subject to ABSAP Bylaw provisions regarding attendance.

Section 910. Notice Concerning Vacancies

Notice concerning vacancies on ABSAP will be communicated to the Board of Supervisors within one (1) month of the date on which such vacancy was found to exist. With approval of the membership, the Chairperson will specifically request that the vacancy be filled so as to permit the completion of the term of the vacancy or will request that the person appointed to fill the vacancy be appointed for a three year term.

Section 1011. Removal from Office

In addition to the grounds set forth above, removal of a members may be recommended to the Board of Supervisors if it is shown that:

1. Said member has a conflict of interest which impairs that member's ability to participate on a continuing basis as a member of ABSAP;
2. Said member is convicted of any infraction, misdemeanor or felony which would negatively impact upon the community's perception of ABSAP; and/or
3. Said member intentionally represents ABSAP in a manner that is considered to be detrimental to ABSAP, Behavioral Health and Recovery Services or the Board of Supervisors.
4. Any conduct by a member which is willfully disturbing to the orderly conduct of the meeting may also be cause for recommendation for removal.
5. Any such accusations shall be documented and discussed by the Chairperson with the individual. This discussion shall be made a matter of record.

Section 1112. Procedure for Removal from ABSAP

A letter will be sent to the member by the Chairperson with said letter outlining the action being contemplated. The member will be invited to state his/her position to the membership.

**ARTICLE V
Officers**

Section 1. Officers

The officers of ABSAP will consist of a Chairperson and a Vice Chairperson who will be elected annually.

Section 2. Elections

Officers elected by the membership, will assume office in January and will continue in those elected positions through the last regularly scheduled meeting of that calendar year. The election of officers will be held during the last regularly scheduled meeting in the calendar year. Nominations will be presented to the membership by a special nominating committee named by the Chairperson. Nominations will also be accepted from the floor.

Section 3. Duties of Officers

The duties of the elected officers shall be those typically ascribed to the offices held by them.

**ARTICLE VI
Meetings**

Section 1. Frequency and Time

ABSAP will hold its regularly scheduled meetings at times, dates and places as determined by the membership, but meetings will be held at least on a monthly basis. At its discretion, ABSAP may cancel any regularly scheduled meeting.

Section 2. Special Meetings

Special meetings of ABSAP may be called by the Chairperson, the Alcohol and Drug Programs Administrator, or by a majority of the members.

Section 3. Public Participation

All meetings of ABSAP and its committees shall be open to the public and shall be subject to the provisions of Chapter 9 of the Government Code commencing with Section 54950 of the Code.

Section 4. Public Participation on an Agenda Item

Each regularly scheduled meeting of ABSAP shall include an item for participation from the public. During all meetings, at the discretion of the Chairperson, members of the audience shall be encouraged to speak to issues being discussed prior to action being taken.

**ARTICLE VII
Voting**

Section 1. Voting in Person

Each member shall have one vote.

Section 2. Voting by Proxy

Any member excused from a regularly scheduled meeting shall have the right to vote by proxy. This will be done in writing, by appointing any current ABSAP member to serve as proxy. The written appointment shall be filed with the Chairperson prior to the commencement of the meeting.

Section 3. Conflict of Interest

Any member having a conflict of interest shall declare the conflict of interest and remove himself/herself from voting and from the meeting room.

ARTICLE VIII Committees

Section 1. Standing Committees

ABSAP will have a standing Executive Committee whose membership will include the Chairperson, the Vice Chairperson, and at least one other member d as voting members, with the Alcohol and Drug Programs Administrator or the designee(s) of the Administrator serving as Ex Officio member(s). The Chairperson will chair this Committee.

ABSAP is empowered to establish other standing committees with the Chairperson serving as an Ex Officio member of these committees. Each standing committee must have at least two (2) members. Members of said committees shall be appointed by the Chairperson.

Section 2. Ad hoc, Limited and Other Special Committees

ABSAP may establish ad hoc committees, limited committees and other special committees for the purpose of conducting business. Members of said committees shall be appointed by the Chairperson.

Section 3. Committee Reports

Activities of standing, ad hoc, limited and other special committees will be reported in a timely basis to the membership. Each committee chairperson shall insure that their committee keep a record of the minutes for each meeting. The minutes shall contain the attendance of such meetings, highlights of the meeting, and any recommended action. All minutes of all ABSAP meetings shall be submitted at general meetings in a timely manner, where they can be reviewed for possible discussion. If it is determined the need exists, committee meetings may be taped.

ARTICLE IX Parliamentary Rules

Section 1. Conduct of Meetings

Meetings of ABSAP shall be conducted in accordance with *Robert's Rules of Order* and with the requirements of the Brown Act.

Section 2. Quorum

A quorum shall be a simple majority of the total official membership at the time of the meeting. 50% of the total official membership at the time of the meeting, excluding members on a leave of absence.

Section 3. Majority Vote

Fifty-one percent (51%) of the existing members present and voting, providing there is a quorum, shall constitute a majority vote.

Section 4. Conflict of Interest

No member may participate in any discussion or any vote which entails a possible conflict of interest and when such potential conflict becomes known to the member, that member shall inform other members at his/her earliest opportunity.

**ARTICLE X
Adoption and Amendment**

Section 1. Adoption

These Bylaws shall become effective immediately upon approval by a majority of the voting members and approval by the Stanislaus County Board of Supervisors.

Section 2. Amendment Procedure

These Bylaws may be amended by a two thirds (2/3) vote and approval by the Stanislaus County Board of Supervisors are advised in writing of the language of proposed amendments and are further advised of the date, time and place of the intended vote on proposed amendments.

Section 3. Limitation on Amendment

Should any amendment in these Bylaws be unlawful or be in conflict with any statute or regulation pertinent to structure, operation, composition, purposes or activities ABSAP, said amendment will be severed from the Bylaws and will have no force or effect.

Approved by the Board of Supervisors 11/2/04