

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

DEPT: Behavioral Health And Recovery Services BOARD AGENDA #: \*B-2

AGENDA DATE: February 14, 2017

**SUBJECT:**

Authorize the Creation of a New Board, the Stanislaus County Behavioral Health Board, by Merging the Current Mental Health Board and the Advisory Board for Substance Abuse Programs, and Approve the By-Laws for the Stanislaus County Behavioral Health Board

**BOARD ACTION AS FOLLOWS:**

No. 2017-59

On motion of Supervisor Olsen, Seconded by Supervisor Withrow  
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended


4)  Other:

MOTION:

ATTEST:   
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. BD-89-1

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Behavioral Health And Recovery Services      BOARD AGENDA #: \*B-2  
Urgent       Routine             AGENDA DATE: February 14, 2017  
CEO CONCURRENCE: phc      4/5 Vote Required: Yes       No

**SUBJECT:**

Authorize the Creation of a New Board, the Stanislaus County Behavioral Health Board, by Merging the Current Mental Health Board and the Advisory Board for Substance Abuse Programs, and Approve the By-Laws for the Stanislaus County Behavioral Health Board

**STAFF RECOMMENDATIONS:**

1. Authorize the Creation of a Stanislaus County Behavioral Health Board (SCBHB) pursuant to Welfare and Institutions Code Section 5604.
2. Approve the By-Laws for the Stanislaus County Behavioral Health Board.

**DISCUSSION:**

Welfare and Institutions Code Section 5604 requires that each county have a Mental Health Board or Commission with members appointed by the Board of Supervisors. Stanislaus County's Mental Health Board (MHB) was established by the Board of Supervisors on January 14, 1964. The 16 members of the MHB advise the Board of Supervisors and the Behavioral Health Director on various aspects of local mental health programs. The MHB also submits an Annual Report to the Board of Supervisors on the needs and performance of Stanislaus County's mental health system.

On March 16, 1993, the Board of Supervisors established the Advisory Board for Substance Abuse Programs (ABSAP), pursuant to the California Health and Safety Code, division 10.6, sections 11805, 11964 and 11998. The Health and Safety Code does not require that each County have an advisory board; it just states that Counties "may" establish an advisory board. The purpose of ABSAP is to advise the Board of Supervisors and the Behavioral Health Director on policies and goals of County Substance Use Disorder Programs.

Although both Boards have similar goals, they have been independent of each other since they were established. Several years ago, the Boards began hosting joint meetings on a semi-annual basis to gain a better understanding of the Department as a whole, and to help facilitate the integration of mental health and substance use disorder services. Additionally, one member of each Board was assigned to attend the meeting of its counterpart.

During Fiscal Year 2015-2016, the two Boards began discussions focused on a plan to merge, creating one Stanislaus County Behavioral Health Board (SCBHB). Creating one Behavioral Health Board to advise the Board of Supervisors and the Behavioral Health Director on all Department services supports the Department's mission and vision of providing and managing *"effective prevention and behavioral health services that promote the community's capacity to*

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*achieve wellness, resilience, and recovery outcomes*". This decision is consistent with how county behavioral health departments are viewed at the State level. In 2012 and 2013 the former State Departments of Mental Health and Alcohol and Drug Programs were rolled under the State Department of Health Care Services umbrella, creating the Mental Health and Substance Use Services Division.

To accomplish the merger, an ad hoc committee consisting of five (5) Mental Health Board Members and five (5) Advisory Board on Substance Abuse Programs members and three (3) staff from Behavioral Health and Recovery Services was convened to work on logistics including, determining membership; revising the By-Laws; developing on-going committees and policies. The SCBHB will have 22 members, which includes three (3) at large positions, a member of the Stanislaus County Board of Supervisors and three (3) ex-officio members (Modesto Police Department, Sheriff's Department and California Highway Patrol).

SCBHB members will meet monthly, with the exception of December, with an established agenda and be required to serve on at least one of the six (6) newly established committees:

1. Executive Committee
2. Administrative/Fiscal Management Committee
3. Managed Care Committee
4. Prevention and Community Education/Outreach Committee
5. Impact Department Services
6. Impact Contractual Services

If approved, the new Board and its By-Laws will be effective February 23, 2017.

**POLICY ISSUE:**

Welfare and Institutions Code Section 5604 requires that Counties have a Mental Health Board. Establishment of the Stanislaus County Behavioral Health Board meets this requirement.

**FISCAL IMPACT:**

There is no fiscal impact associated with this request.

**BOARD OF SUPERVISORS' PRIORITY:**

Authorization to establish a new Stanislaus County Behavioral Health Board supports the Board of Supervisor's priorities of *Effective Partnerships* and *Efficient Delivery of Public Services*.

**STAFFING IMPACT:**

Existing staff from Stanislaus County Behavioral Health and Recovery Services will continue to provide support for the new Behavioral Health Board.

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**CONTACT PERSON:**

Rick DeGette, MA, MFT, Behavioral Health Director

Telephone 525-6205

**ATTACHMENT(S):**

1. Stanislaus County Behavioral Health Board By-Laws

# **Attachment 1**

# STANISLAUS COUNTY BEHAVIORAL HEALTH BOARD BY-LAWS

## Article 1 – Name

The name of this body shall be the STANISLAUS COUNTY BEHAVIORAL HEALTH BOARD, hereafter referred to as “SCBHB”

## Article II – Authority

The authority of the formation and operation of the SCBHB is set forth in Part 2, Chapter 1, Section 5604 of the *Welfare and Institutions Code* and Section 11805, Section 11964, and Section 11998, of Division 10.6 of the California Health and Safety Code.

## Article III – Purpose

The purpose of the SCBHB shall be as stated in Part 2, Chapter 1, Section 5604.2 of the *Welfare and Institutions Code*, attached hereto as Attachment 1, and incorporated herein as part of these Bylaws and in fulfilling the above purpose the Board 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 Behavioral Health Master Plan Advisory Body.
2. Advise the Stanislaus County Substance Use Disorder Programs Administrator, the Behavioral Health Director and the Board of Supervisors on policies and goals of the County behavioral health programs and on any other related matters referred to it by the Alcohol and Drug Programs Administrator, Behavioral Health Director or the County Board of Supervisors, or which are raised by the membership.
3. Encourage and educate the public to understand the nature of behavioral health problems and encourage support throughout Stanislaus County for the development and implementation of effective programs.
4. Review the community's behavioral health needs, services, facilities, and special programs. Review procedures used to ensure community involvement at all stages of the planning process leading to the formation and adoption of the Stanislaus County's Behavioral Health Master Plan.
5. May submit comments regarding Stanislaus County's behavioral health programs or minutes of its meetings to the Stanislaus County Board of Supervisors.
6. May act as an advocate for behavioral health programs in Stanislaus County before the Board of Supervisors.

## Article IV – Membership

### Section 1. Composition

1. The composition of the SCBHB will have 22 members, which includes three (3) at large positions and a member from the Stanislaus County Board of Supervisors. There shall be an equal number of appointees by each member of the Board of Supervisors as well as three (3) ex-officio members (Modesto Police Department, Sheriff's Department and California Highway Patrol). The SCBHB membership should reflect the ethnic diversity of the client population in the County. Fifty percent of the SCBHB membership shall be consumers or the parents, spouse, sibling or adult children of consumers, who are receiving or have received behavioral health services. At least 20 percent of the total SCBHB membership shall be consumers and at least 20 percent shall be families of consumers. If it is not possible to secure membership as specified from among persons who reside in the County, the Board of Supervisors may substitute representatives of the public interest in mental health and/or substance use. The SCBHB shall ensure there are at all times members to advocate for both mental health and substance use issues. Members shall identify whether their interest is in mental health, substance use or both.

## **Section 2 - Prohibited Membership**

No member of the SCBHB or his/her spouse shall be a full-time or part-time employee of Stanislaus County Behavioral Health and Recovery 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.

Except as specified below, SCBHB 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; or,
2. An employee of Behavioral Health and Recovery Services or the State Department of Health Care Services; or,
3. A person who holds any financial interest in any program operating under contract with Behavioral Health and Recovery Services.

A consumer of mental health services who has obtained employment with a program operating under contract with Behavioral Health and Recovery Services, and who holds a position in which he or she does not have any interest, influence, or authority over any financial or contractual matter concerning the employer, may be appointed to the Board.

## **Section 3**

The SCBHB shall make recommendations to the Board of Supervisors as to the appointment of new members to the SCBHB through the Executive Committee.

## **Section 4 – Compensation**

Members of SCBHB shall serve without compensation, but may be reimbursed for any actual and necessary expenses incurred incident to the performance of their official duties and functions. The expenses may include travel, lodging, and meals while on official business as approved by the Director of Stanislaus County Behavioral Health and Recovery Services.

## **Section 5 – Term of Office**

The term of each SCBHB member shall be for three (3) years. The terms shall be equitably staggered so that approximately one-third of the appointments expire in each year, 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.

## **Section 6 – Vacancies**

Vacancies will be reviewed by the Executive Committee and forwarded to 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 7 – Attendance at Meetings**

Members are expected to attend all meetings of the SCBHB. Each member of the SCBHB is also required to attend the meetings of at least one standing committee or other statewide committees, councils or commissions as approved by the SCBHB. Attendance at standing committee meetings shall be dealt with in accordance to regular SCBHB meeting policy. A member who is unable to attend a given meeting shall give advance notice of his/her inability to attend to the Administration Office of the Stanislaus County Behavioral Health and Recovery Services, the SCBHB Chair for SCBHB meetings or the Committee Chair for committee meetings. Members who provide such advance notice will be excused from attendance and the absence shall be considered an excused absence.

## **Section 8 – 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 SCBHB Chair. The SCBHB 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, the SCBHB's recommendation will be announced during the meeting and recorded in the minutes. Should the member choose not to attend, he/she shall be advised verbally of SCBHB's recommendation. Without further action, if SCBHB recommends removal, the Stanislaus County Board of Supervisors will be advised of the SCBHB's 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 SCBHB Chair or Vice Chair with a copy to Behavioral Health and Recovery Services Director. 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, the SCBHB's recommendation will be announced during the meeting and recorded in the SCBHB minutes. At the conclusion of the temporary leave of absence, the member will be subject to the provision of the SCBHB Bylaws regarding attendance.

## **Section 10 – Notice Concerning Vacancies**

Notice concerning vacancies on the SCBHB 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 (3) year term.

## **Section 11 – Removal from Office**

Removal of a member may be recommended to the Board of Supervisors if it is shown that:

1. Said member is convicted of any infraction, misdemeanor or felony which would negatively impact upon the community's perception of the SCBHB or Behavioral Health and Recovery Services.
2. Said member intentionally represents the SCBHB in a manner that is considered to be detrimental to the SCBHB, Behavioral Health and Recovery Services or the Board of Supervisors.
3. Any conduct by a member which is disturbing to the orderly conduct of the meeting may also be cause for recommendation for removal.



Any such accusations shall be documented and discussed by the Chair or Vice Chair with the individual, along with a representative of Behavioral Health and Recovery Services Administration. This discussion shall be made a matter of record.

## **Section 12 – Procedure for Removal**

A letter shall be sent to the member by the Chair or Vice Chair following a discussion outlining the action being contemplated. The member will be invited to defend his/her position to the Executive Committee of the SCBHB at their next regularly scheduled meeting. The Executive Committee, with two thirds of voting members present, will make a recommendation for removal or retention of said member to the SCBHB as a whole. The Executive Committee shall then place on the agenda of the next regularly scheduled SCMHB meeting an action item to vote on forwarding the recommendation of removal to the Board of Supervisors. Said member shall have a briefly allotted time (set by the Chair) to defend his/her position to the SCBHB as a whole prior to the vote regarding removal from the SCBHB. Recommendation for removal by the SCBHB shall be effective by a vote of simple majority of voting members present. Following the meeting that the recommendation for removal of said member from the SCBHB was recorded, the Chair, without further direction from the SCBHB, shall notify the Board of Supervisors of the member's removal and recommend the appointment of a replacement.

## **Article V – Officers**

### **Section 1 – Officers**

The officers of the SCBHB shall consist of a Chair and a Vice Chair who shall be elected annually. Officers shall be elected to serve for one year or until their successors are elected. The Chair shall serve no more than two consecutive terms.

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

### **Section 3 – Nominations**

Nominations shall be submitted by the Ad Hoc Nominating Committee in October. Nominations may also be made from the floor.

### **Section 4 – Removal from Office**

The Chair or the Vice Chair may be removed from office and relieved of duties by a majority vote of the membership.

### **Section 5 – Filling Vacant Offices**

Upon resignation or removal of the Chair, the Vice Chair shall ascend to the office of the Chair. An election for the vacant office of the Vice Chair shall be conducted at the next regularly scheduled meeting. In the case of the resignation or removal of the Vice-Chair an election for the vacant office of the Vice Chair shall be conducted at the next regularly scheduled meeting.

## **Article VI – Meetings**

### **Section 1 – Frequency and Time of Meetings**

SCBHB 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 with the exception of December. No meeting will be held in December. At its discretion, SCBHB may cancel any regularly scheduled meeting.

**Section 2 – Special Meetings**

Special meetings may be called by the Chair, majority of the SCBHB members or the Behavioral Health Director.

**Section 3 – Public Participation**

All meetings of the SCBHB and meetings of all committees, subcommittees and joint committees shall be open to the public as provided for by Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code, relating to meetings of public agencies.

**Section 4 – Public Participation on an Agenda Item**

Each regularly scheduled meeting of SCBHB 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**

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 SCBHB 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 – Committees**

There shall be six standing committees an (1) Executive Committee, (2) Administrative and Fiscal Management, (3) Managed Care (4) Prevention and Community Education/Outreach (5) Impact Contractual Services and (6) Impact Department Services. Each member of the SCBHB is required to be a member of at least one standing committee or other statewide committees, councils or commissions as approved by the SCBHB. Attendance at the standing committee meetings is subject to regular SCBHB meeting policy. Any standing committee may have a subcommittee.

Membership on each committee/subcommittee shall be from the general membership of the SCBHB and interested persons from the general public.

Membership on the Executive Committee shall be the Chair and Vice Chair of the SCBHB and the Chairs of each of the standing committees.

SCBHB members shall serve a minimum of one year before being placed in a Committee Chair position.

A responsibility of the Committee Chair will be to write a committee report for the SCBHB Annual Report that is submitted to the Board of Supervisors.

The Executive Committee of the SCBHB may determine through a simple majority vote to exempt a member from serving the minimum of one year prior to acting as a Committee Chair if said member demonstrates an exceptional understanding of the issues relevant to that Committee, and has a definite expertise or has prior service on the SCBHB which amounts to no less than two years.

**Section 2– Ad Hoc Committees**

SCBHB may establish ad hoc committees, limited committees and other special committees to address specific needs of the Board as necessary to carry out its 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 ensure that their committee keeps 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 SCBHB 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 recorded.

**Article IX – Parliamentary Rules**

**Section 1 – Conduct of Meetings**

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

**Section 2 – Operating Procedures and Policies**

The business of the SCBHB shall be conducted in accordance with the Operating Procedures and Policies as adopted and amended by the SCMHB.

**Section 3 – Quorum**

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

**Section 4 – Majority Vote**

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

**Section 5 – Conflict of Interest**

In any case when an item is being considered or voted upon regarding review and/or evaluation of any for profit, non-profit, or governmental entity, and a SCBHB member has an allowable affiliation with that entity (e.g. volunteer position), the member shall abstain from consideration and voting on the item. A member who is a consumer of mental health services who has obtained employment with a program operating under contract with Behavioral Health and Recovery Services, and who holds a position in which he or she does not have any interest, influence, or authority over any financial or contractual matter concerning the employer, shall abstain from voting on any financial or contractual issue concerning his or her employer that may come before the Board. Members of the 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.

**Article X – Adoption and Amendment**

**Section 1 – Adoption**

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

**Section 2 – Amendment**

These Bylaws are subject to amendment in accordance with *Robert's Rules of Order*. The Bylaws may be amended by a two-thirds (2/3) vote of a quorum of the SCBHB and subsequent approval by a majority of the members of the Stanislaus County Board of Supervisors, provided that fifteen (15) days prior to the

meeting, the full SCBHB is notified of the language of such change(s) and of the time, day and place of the intended voting on such change(s).

**Section 3 – Limitation of Amendment**

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