

ORDINANCE NO. NS-300.880

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
REPEALING CHAPTER VII OF DIVISION A18 OF THE COUNTY OF SANTA
CLARA ORDINANCE CODE RELATING TO THE MENTAL HEALTH BOARD
AND ENACTING A NEW CHAPTER VII OF DIVISION A18 OF THE COUNTY
OF SANTA CLARA ORDINANCE CODE RELATING TO THE BEHAVIORAL
HEALTH BOARD**

Summary

This ordinance repeals the County of Santa Clara Ordinance Code relating to the Mental Health Board and enacts a new ordinance establishing the Behavioral Health Board.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
ORDAINS AS FOLLOWS:**

SECTION 1. Chapter VII of Division A18 of the County of Santa Clara Ordinance Code relating to the Mental Health Board is hereby repealed in its entirety and a new Chapter VII is hereby added to read as follows:

**CHAPTER VII
BEHAVIORAL HEALTH BOARD**

Secs. A18-131—A18-140. Reserved.

Sec. A18-141. Established.

There is hereby established the Santa Clara County Behavioral Health Board.

Sec. A18-142. Duties of the Behavioral Health Board.

The Behavioral Health Board shall carry out the following duties, which are in compliance with Welfare and Institutions Code § 5604.2:

- (a) Review and evaluate the community's mental health and substance use disorder ("SUD") needs, services facilities, and special problems;
- (b) Review any County agreements entered into pursuant to Welfare and Institutions Code § 5650;

- (c) Advise the Board of Supervisors and the County Behavioral Health Director as to any aspect of the County's behavioral health program;
- (d) Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process;
- (e) Submit an annual report to the Board of Supervisors on the needs and performance of the County's behavioral health system;
- (f) Review and make recommendations on applicants for the position of County Behavioral Health Director. The Behavioral Health Board shall be included in the selection process prior to the appointment by the appointing authority;
- (g) Review and comment on the County's performance outcome data and communicate its findings to the California Mental Health Planning Council;
- (h) Assess the impact of the realignment of services from the State to the County on services delivered to clients/consumers and on the local community, and assess the effective use of these funds in the community; and
- (i) Carry out any other duties given to the Behavioral Health Board by the Board of Supervisors.

Sec. A18-143. Membership.

- (a) Composition. The following requirements comply with Welfare and Institutions Code § 5604:
 - (1) The Behavioral Health Board shall consist of 16 members appointed by the Board of Supervisors. Each member of the Board of Supervisors shall appoint three members. One member of the Board of Supervisors shall serve as a member of the Behavioral Health Board. When the designated Supervisor is unable to attend the Behavioral Health Board's regular monthly meeting, the Supervisor's aide may represent him/her by having a seat and voice, but may not cast a vote.
 - (2) At least 50 percent of the Behavioral Health Board membership shall be consumers or the parents, spouses, siblings, or adult children of consumers, who are receiving or received, mental health services. A majority of that group shall be consumers or the parents, spouses, siblings, or adult children

of consumers who have received mental health services from a public agency. At least 20 percent of the total membership shall be consumers, and at least 20 percent shall be families of consumers.

- (3) In addition, a cross section of at least five members shall have experience (personal, family member or professional) with a SUD and at least one of the three members appointed by each Supervisor shall have experience (personal, family member or professional) with a SUD.
- (4) Behavioral Health Board membership should reflect the ethnic diversity of the client/consumer population in the County. And to the extent feasible, the composition of the Behavioral Health Board shall represent the demographics of the County as a whole.

(b) Nominating procedure.

- (1) The Behavioral Health Board may recommend appointees to the Board of Supervisors through its Recruitment Committee, which shall assess the candidate's interest and demonstrated commitment to behavioral health advocacy, educate the candidate about responsibilities and duties of Behavioral Health Board members, and encourage the candidates to attend a meeting of the Behavioral Health Board or Executive Committee prior to recommendation. The Recruitment Committee shall then advise the Executive Committee of its recommendation prior to recommending appointees to the Board of Supervisors.
- (2) A member who wishes to resign shall submit her/his resignation in writing to the Behavioral Health Department employee who supports the Behavioral Health Board ("Behavioral Health Board Support Liaison"), who will forward the resignation to the Board of Supervisors.
- (3) The Recruitment Committee shall be responsible for working with the Board of Supervisors to ensure that the composition of the Behavioral Health Board complies with state law.

(c) Terms.

- (1) The terms of each Behavioral Health Board member, except the member of the Board of Supervisors, shall be three years with one-third of the appointments expiring each year. A term shall be automatically extended until the member is reappointed or replaced. No member shall be eligible to

serve on the Behavioral Health Board for more than three consecutive terms without a break in service from the Behavioral Health Behavioral Health for at least one Behavioral Health Board year, except that a partial term does not count toward the three-term limit.

- (2) The Behavioral Health Board member who is a member of the Board of Supervisors serves at the discretion of the Board of Supervisors; her/his term automatically terminates if he/she is no longer a member of the Board of Supervisors.
- (d) Quorum. One person more than half the appointed members of the Behavioral Health Board shall constitute a quorum.
- (e) Attendance. The active participation by all of its members is essential to the function of the Behavioral Health. Therefore:
 - (1) The Board will issue an email of concern with a copy by mail to a member, with a copy to his/her appointing Supervisor, when the lack of attendance at meetings impairs the functioning of the Board.
 - (2) A member may submit a written request to the chairperson of the Behavioral Health Board for a leave of absence. The request should clearly state the proposed start and end dates for the requested leave of absence. The chairperson shall issue a written response granting or denying the request, and may grant a leave of absence of up to three months.
 - (3) Failure to attend three consecutive Behavioral Health Board meetings without a leave of absence from the chairperson, or to attend four total meetings in a Behavioral Health Board year without a leave of absence from the chairperson, constitutes automatic resignation.
- (f) Transition from Mental Health Board to Behavioral Health Board. All members of the Mental Health Board immediately prior to the enactment of the bylaws of the Behavioral Health Board shall automatically become members of the Behavioral Health Board. For each such member, the time served as a member of the Mental Health Board shall count towards the membership term limit as if it were served as a member of the Behavioral Health Board.

Sec. A18-144. Meetings.

Regular meetings of the Behavioral Health Board shall be held monthly except for the months of August and December, unless otherwise determined by the chairperson.

Secs. A18-145—A18-153. Reserved.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on SEP 09 2014 by the following vote:

AYES: CHAVEZ, CORTES, SIMITIAN, WASSERMAN, YEAGER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



MIKE WASSERMAN, President
Board of Supervisors

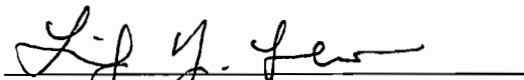
Signed and certified that a copy of this document has been delivered by electronic or other means to the Chair, Board of Supervisors.

ATTEST:



LYNN REGADANZ
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



LING Y. LEW
Deputy County Counsel