

**BYLAWS OF THE SANTA CLARA COUNTY**

**BEHAVIORAL HEALTH BOARD**

**I. Duties of the Behavioral Health Board.**

The Behavioral Health Board (“Board”) shall do the following:

- (A) Review and evaluate the community’s mental health and substance use disorder (“SUD”) needs, services facilities, and special problems;
- (B) Review any County of Santa Clara (“County”) agreements entered into pursuant to Welfare and Institutions Code § 5650;
- (C) Advise the Board of Supervisors and the County Behavioral Health [Services](#) 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 [Services](#) Director. The 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 Board by the Board of Supervisors.

## II. Membership.

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### (A) *Composition.*

- (1) The 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 Board. When the designated Supervisor is unable to attend the 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 Board membership shall be consumers or the parents, spouses, siblings, or adult children of consumers, who are receiving or have 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) Board membership should reflect the ethnic diversity of the client/consumer population in the County. And to the extent feasible, the composition of the Board shall represent the demographics of the County as a whole.

### (B) *Nominating procedure.*

- (1) The Board may recommend appointees to the Board of Supervisors through its Recruitment Committee, which shall be an ad hoc committee composed solely of Board members. The Recruitment Committee shall be established in the case of a vacancy or application to the Board in order to assess ~~the a~~ candidate's interest and demonstrated commitment to behavioral health advocacy, educate the candidate about responsibilities and duties of Board members, and encourage the candidates to attend a meeting of the 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 [Services](#) Department employee who supports the Board (“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 Board complies with state law.

(C) *Terms.*

- (1) The terms of each 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 Board for more than three consecutive terms without a break in service from the Board for at least one Board year, except that a partial term does not count toward the three-term limit.
- (2) The 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 s/he is no longer a member of the Board of Supervisors.

(D) *Quorum.* One person more than half the ~~appointed~~ [membership seats](#) of the Board [\(9 of 16\)](#) shall constitute a quorum.

(E) *Attendance.* The active participation by all of its members is essential to the function of the Board. 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 Board member may submit a written request to the chairperson of the 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 [regular](#) Board meetings without a leave of absence from the chairperson, or four total Board meetings in a

Board year without a leave of absence from the chairperson, constitutes automatic resignation.

(F) *Membership responsibilities.*

Members of the Board are expected to:

- (1) Perform any and all duties imposed on them collectively or individually by law, these bylaws, or by the Board of Supervisors, including Ethics Training;
- (2) Comply with the attendance requirements as described in Section II, subsection (E) of these bylaws.
- (3) Maintain a current address and email address on record with the Board Support Liaison. Meeting notices mailed or emailed to either address shall be considered valid notices.

(G) *Conflicts of interest.*

- (1) Except as provided in paragraph (2), No member of the Board or his/her spouse shall be a full-time or part-time employee of a county mental health, behavioral health, or SUD service; the State Department of Mental Health; or the California Department of Health Care Services. Nor shall a member of the Board or his/her spouse be an employee, or paid member of the governing body of, a mental health, behavioral health, or SUD contract agency.

- (2) A consumer of mental health services who has obtained employment with an employer described in paragraph (1) 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. The member shall abstain from voting on any financial or contractual issue concerning his or her employer that may come before the board.

- ~~(3)~~ Members of the Board shall abstain from voting on any issue in which the member has a financial interest as defined in Government Code § 87103.

- ~~(4)~~ All members of the Board shall comply with the County Conflict of Interest Code.

### III. Officers.

- (A) The Board shall, as soon as practicable following the first day of July each year, elect a chairperson, a first vice-chairperson, and a second vice-chairperson. These officers shall perform the duties prescribed in the bylaws, or if not prescribed in the bylaws, by the parliamentary authority governing the Board.
- (B) The chairperson shall appoint, subject to approval by the Board, a Nominating Committee [composed solely of Board members](#) at the regular April meeting. The Nominating Committee shall be composed of at least three current members of the Board, and shall submit a written report to the Board at its regular May meeting. Nominations may be made from the floor at the regular June Board meeting.
- (C) A term of office is one year. No officer may serve more than two consecutive terms in an office.
- (D) One duty of the chairperson is to consult with the Director of the County's Behavioral Health [Services](#) Department. The consultation shall include the goals and objectives contained in the annual plan for the Department.

### IV. Meetings.

- (A) Regular meetings of the Board shall be held monthly except for the months of ~~August~~ ~~July~~ and December, unless otherwise determined by the chairperson. [Regular meetings of the Board shall be noticed and held in accordance with the Ralph M. Brown Act \(Gov. Code § 54950 et seq.\).](#)
- (B) Special meetings may be called by the chairperson or by a quorum of the Board. The notice shall state the time and place of the special meeting and the business to be transacted. Special meetings shall be noticed and held in accordance with the Ralph M. Brown Act (Gov. Code § 54950 et seq.).
- (C) The chairperson shall set the agenda for each monthly Board meeting. The agenda shall consist of standing items and action items, which may be added by the chairperson, any two members of the Board, or any standing committee.
- (D) Minutes of Board meetings will be recorded. [Minutes will be submitted to the Board for approval at a subsequent Board meeting](#) and kept on file, as well as distributed to all members of the Board by the Board Support Liaison.

## V. Executive Committee.

### (A) *Membership.*

- (1) The officers of the Board and the chairs of standing committees shall constitute the Executive Committee. Each chair of a standing committee shall have an alternate, who is the co-chair of the chair's standing committee.

### (B) *Meetings.*

- (1) Except with respect to special meetings, the Executive Committee shall set the time and location of meetings as authorized above, prepare the annual report to the Board of Supervisors, and make recommendations to the Board.
- (2) All Executive Committee meetings shall be noticed and held in accordance with the Ralph M. Brown Act.

- ### (C) The Executive Committee shall be subject to the directions and orders of the Board of Supervisors and of the Board, and none of its actions shall conflict with such directions or orders of the Board of Supervisors or the Board.

- ### (D) No member will have more than one vote on the Executive Committee.

## VI. Committees.

### (A) *Establishment of duties:*

- (1) The Board may establish committees, advisory groups, and/or task forces as needed. All such groups are advisory to the Board and may not take any action except to make recommendations to the Board.
- (2) Unless excused by the chairperson, all members of the Board shall have at least one committee assignment.
- (3) The chairperson of the Board shall appoint a chair and a co-chair to each committee subject to confirmation by the Board. The chairperson of the Board shall be an ex-officio member of all committees, except the Nominating Committee.

- (4) Chairs and co-chairs shall serve until successors are appointed, or until the task is completed, as specified by the Board.
  
- (B) *Procedures.* Minutes of each regular and special meeting of a committee [that is subject to the Brown Act](#) shall be prepared and shall include a record of attendance of the members and the vote taken on each matter. [A committee's minutes shall be submitted at a subsequent committee meeting for approval.](#) Copies of the minutes shall be submitted to the Board and kept on file.
  
- (C) *Standing committees.* The standing committees and their duties shall be reviewed on a yearly basis by the Executive Committee.
  
- (D) All standing committee meetings will be noticed and held in accordance with the Ralph M. Brown Act (Gov. Code § 5650 et seq.). [The meetings of any ad hoc committees that are subject to the Brown Act will also be held in accordance with the Ralph M. Brown Act \(Gov. Code § 5650 et seq.\).](#)

#### **VII. Transition from Mental Health Board to Behavioral Health Board.**

- (A) All members of the Mental Health Board immediately prior to the enactment of these bylaws 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.
  
- (B) Each of the officers of the Mental Health Board immediately prior to the enactment of these bylaws shall automatically hold the same office when s/he becomes members of the Behavioral Health Board. For each such officer, the time already served as an officer of the Mental Health Board shall count towards the officer term limit as if it were served as an officer of the Behavioral Health Board.
  
- (C) All current committees of the Mental Health Board shall automatically become committees of the Behavioral Health Board. All current members of the Mental Health Board shall hold the same committee assignments when they become members of the Behavioral Health Board.

#### **VIII. Parliamentary authority.**

Except as otherwise provided by law or these bylaws, procedures of the Board shall be governed by the latest edition of Robert's Rules of Order.

**IX. AB 1234 ethics training.**

Each member of the Board must receive training in public service ethics laws and principles within twelve months of assuming membership on the Board and every two years thereafter. If a member has already received the training prior to assuming membership, the member may submit proof of his/her last training completion. The signed certification of completion must be sent to the Clerk of the Board as soon as practicable upon completion of the training.

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**X. Amendment of bylaws.**

The Board may recommend to the Board of Supervisors additional bylaws and amendments to existing bylaws by a two-thirds vote, provided that the proposed additions or amendments have been submitted to the Board at its previous regular meeting. A recommendation to amend the bylaws shall be approved as to form and legality by County Counsel and transmitted to the Board of Supervisors for final approval. The additions or amendments shall become effective upon approval by the Board of Supervisors.