

ORDINANCE NO. NS-300.763

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA AMENDING CERTAIN SECTIONS OF DIVISION A18 OF CHAPTER VII OF THE SANTA CLARA COUNTY ORDINANCE CODE RELATING TO THE MENTAL HEALTH BOARD

Summary

This Ordinance amends Sections 143, 144, 145, 146, 147, and 149 of Division A18 of Chapter VII of the Santa Clara County Ordinance Code by modifying the word "Chairperson" to "Chair", modifying the meeting time, adding members to the Executive Committee and modifying the term limits in accordance with recommendations made by the Administration and the Mental Health Board.

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

SECTION 1. Section 143 of Division A18 of Chapter VII of the Santa Clara County Ordinance Code is amended as follows:

Sec. A18-143. Membership.

(a) Composition.

(1) The Mental Health Board shall consist of sixteen 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 Mental Health Board. When the designated Supervisor is unable to attend the Mental Health Board regular monthly meeting, the Supervisor's aide may represent him/her but may not cast a vote;

(2) At least 50% of the Board membership shall be consumers or the parents, spouse, sibling, or adult children of consumers, who are receiving or have received, mental health services. A majority of the consumers or the parents, spouse, sibling, or adult children of consumers shall have received public mental

#79
DEC 12 2006
DEC 05 2006

health services. At least 20% of the total membership shall be consumers, and at least 20% shall be families of consumers;

(3) Members of the Mental Health Board shall reflect the ethnic diversity of the client population in the County as a whole and shall represent all geographic regions and the demographics (youth/adult/older adult) of the County.

(b) Nominating procedure.

(1) The Board of Supervisors is encouraged to appoint individuals who have experience and knowledge of the public mental health system;

(2) The Mental Health Board may recommend appointees to the Board of Supervisors through its established Recruitment Committee, which shall assess the candidate's interest and demonstrated commitment to mental 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 advising the Board of Supervisors.

(3) The chairperson shall advise the appointing Supervisor in writing if a member resigns or declares intent to cease participating in Board activities or otherwise becomes a non-participating member;

(4) The Recruitment Committee shall be responsible for working with the Board of Supervisors to ensure that the composition of the Mental Health Board is in compliance with California state law and represents the ethnic diversity in the County and demographics (youth/adult/older adult) of the County as a whole.

(c) Terms.

(1) The term of each member shall be three years with approximately one-third of the appointments expiring each year. A term shall be automatically extended until the member is reappointed or replaced;

(2) No member shall be eligible to serve on such Board for more than three (3) consecutive terms including any portion of any unexpired term which may have been served.

(d) Attendance. The active participation by all of its members is essential to the function of the Mental Health Board. Therefore:

(1) The Mental Health Board will issue a letter of concern to a member with a copy to his/her appointing Supervisor when the lack of attendance at meetings impacts the functioning of the Mental Health Board;

(2) A leave of absence may be requested by writing to the chairperson of the Mental Health Board clearly stating the starting and ending dates;

(3) A leave of absence may be granted by the chairperson with the approval of the Executive Committee in consideration of current requirements for a quorum, but not for more than 90 days;

(4) Requests for a leave of absence must be acknowledged by the chair of the Mental Health Board in writing whether the leave was granted or denied;

(5) A vacancy shall exist if a member fails to attend three consecutive Mental Health Board meetings. Notice of non-attendance must be given prior to the meeting.

(e) Membership responsibilities. Members of the Mental Health Board are expected to:

(1) Perform any and all duties imposed on them collectively or individually by law, these by-laws, or by the Santa Clara County Board of Supervisors;

(2) Meet at such times and places as required by law and these by-laws;

(3) Maintain a current address on record with the Deputy Clerk of the Board. Meeting notices mailed to that address shall be considered valid notices.

(f) Conflicts of interest.

(1) No member of the Board or his or her spouse shall be a full-time or part-time County employee of a County mental 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. 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;

(2) All members shall comply with provisions of the Santa Clara County Conflict of Interest Code which has been adopted pursuant to the Political Reform Act of 1974, as amended.

SECTION 2. Section 144 of Division A18 of Chapter VII of the Santa Clara County Ordinance Code is amended as follows:

Sec. A18-144. Officers.

(a) The Mental Health 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 by-laws, or if not prescribed in the by-laws, by the parliamentary authority governing the Board.

(b) The chairperson shall appoint, subject to approval by the Mental Health Board, a Nominating Committee at the regular April meeting. The Nominating Committee shall be composed of at least three current members of the Board. Said Committee shall submit a written report to the Mental Health Board at its regular May meeting. Nominations may be made from the floor at the regular June 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 mental health system.

SECTION 3. Section 145 of Division A18 of Chapter VII of the Santa Clara County Ordinance Code is amended as follows:

Sec. A18-145. Meetings.

- (a) Regular meetings of the Mental Health Board shall be held monthly except for the months of August and December, unless otherwise determined by the Board, or in the absence of a determination by the Board, by the Executive Committee.
- (b) Special meetings may be called by the chair or by a quorum of the Mental Health Board. The call shall state the time and place of the special meeting and the business to be transacted. Special meetings shall be called and held in accordance with the Ralph M. Brown Act (Government Code § 54950 et seq.).
- (c) The agenda for the monthly Mental Health Board meeting will consist of standing agenda items and action items that must be submitted to the Deputy Clerk in sufficient time to meet the requirements of the Ralph M. Brown Act.
- (d) One duty of the chair is to consult with the Director of the County mental health system.
- (e) Minutes of the Mental Health Board meetings will be recorded and kept on file as well as distributed to all members of the Mental Health Board by the deputy clerk.

SECTION 4. Section 146 of Division A18 of Chapter VII of the Santa Clara Ordinance Code is amended as follows:

Sec. A18-146. Executive Committee.**(a) Membership.**

(1) The officers of the Mental Health Board, the chairs or co-chairs of standing committees, and members of the Mental Health Board appointed to the Executive Committee by the chair of the Mental Health Board shall constitute the Executive Committee.

(b) Meetings.

(1) Except with respect to special meetings, the Executive Committee shall set the time and location of meetings as authorized above, establish the agenda for Mental

Health Board meetings, prepare the annual report, make recommendations to the Mental Health Board, and perform such other duties as are specified in the by-laws.

(2) All meetings will be called 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 Mental Health Board, and none of its actions shall conflict with such directions or orders of the Board of Supervisors or the Mental Health Board.

(d) No standing committee will have more than one vote on the Executive Committee.

(e) The goal of the Executive Committee is to operate by consensus whenever possible. Should that not be possible, the Executive Committee will operate by majority vote of those in attendance.

SECTION 5. Section 147 of Division A18 of Chapter VII of the Santa Clara County Ordinance Code is amended as follows:

Sec. A18-147. Committees.

(a) Establishment of duties:

(1) The Mental Health Board may establish committees, advisory groups, and/or task forces as needed. All such groups are advisory to the Mental Health Board, and no action may be taken by them except to make recommendations to the Mental Health Board.

(2) All members of the Mental Health Board shall have at least one committee assignment.

(3) The chair of the Mental Health Board shall appoint a chair and a co-chair to each committee subject to confirmation by the Board. All committee chairs and co-chairs shall be members of the Mental Health Board. The chair of the Mental

Health Board shall be an ex-officio member of all committees, except the Nominating Committee.

(4) Chairs and co-chairs shall serve for a term of one year, until successors are appointed, or until the task is completed, as specified by the Mental Health Board.

(b) Procedures.

(1) Committees will attempt to function by consensus; however, the action of the majority of participants present in any committee shall determine the action of the committee by vote. If a vote is required, employees of the Department of Mental Health and/or contract agencies will refrain from voting.

(2) Minutes of each regular and special meeting of a committee shall be prepared and shall include a record of attendance of the members and the vote taken on each matter. Copies of the minutes shall be submitted to the Board. Each committee shall maintain a permanent notebook of the minutes of each meeting.

(c) Standing committees.

The standing committees of the Board and their duties shall be reviewed on a yearly basis by the Executive Committee.

SECTION 6. Section 149 of Division A18 of Chapter VII of the Santa Clara County Ordinance Code is amended as follows:

Sec. A18-149. By-laws.

This chapter shall constitute, in part, the by-laws of the Board. The Board may recommend to the Board of Supervisors additional by-laws and amend existing by-laws by a two-thirds vote, provided that a proposed amendment has been submitted

to the Board at the previous regular meeting. The recommendations shall become effective upon approval by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on DEC 12 2006 by the following vote:


AYES: ~~ALVARADO, GAGE, KNISS, MCHUGH, YEAGER~~

NOES: ~~NONE~~

ABSENT: ALVARADO


Donald F. Gage, Chair Pro Tem
Board of Supervisors

ATTEST:


PHYLLIS A. PEREZ,
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:


KRISTIN WONG BAKER,
Deputy County Counsel