BYLAWS OF THE SANTA CLARA COUNTY

BEHAVIORAL HEALTH BOARD

I. Duties of the Behavioral Health Board.

As provided in the County Ordinance Code section A18-142, the Behavioral Health Board ("BHB") 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 BHB 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 BHB by the Board of Supervisors.

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Approved: 06/04/2019

II. Membership.

(A) *Composition.* As provided in County Ordinance Code section A18-143:

(1) The BHB 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 BHB. When the designated Supervisor is unable to attend the BHB's regular monthly meeting, the Supervisor's aide may represent her/him by having a seat and voice, but may not cast a vote.

(2) At least 50 percent of the BHB 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 Substance Use Disorder (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) BHB membership should reflect the ethnic diversity of the client/consumer population in the County. To the extent feasible, the composition of the BHB shall represent the demographics of the County as a whole. As provided in County Charter section 506, all members shall be residents of Santa Clara County.

(B) *Nominating procedure.* As provided in County Ordinance Code section A18-143:

(1) The BHB may recommend appointees to the Board of Supervisors through its Recruitment Committee, which shall be an ad hoc committee composed solely of BHB members. The Recruitment Committee shall be established in the case of a vacancy or application to the BHB in order to assess a candidate's interest and demonstrated commitment to behavioral health advocacy, educate the candidate about responsibilities and duties of BHB members, and encourage the candidate to attend a meeting of the BHB or its Executive Committee prior to recommendation. The

Recruitment Committee shall then advise the BHB-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 BHB ("BHB Liaison"), who will forward the resignation to the Board of Supervisors and the Clerk of 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 BHB complies with state law.

(C) *Terms.*

(1) The BHB calendar year runs from July 1 to June 30.

(2) As provided in County Ordinance Code section A18-143, the terms of each BHB member, except the member of the Board of Supervisors, shall be three years with one-third of the appointments expiring each year. A member may continue to serve until the member is reappointed or replaced. No member shall be eligible to serve on the BHB for more than three consecutive terms without a break in service from the BHB for at least one BHB year, except that a partial term does not count toward the three-term limit.

(3) The BHB 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.

(4) All members of the Mental Health Board immediately prior to the enactment of the 2014 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.

(D) *Oath of Office.*

Upon appointment to the BHB, each member shall take the Oath of Office. A certified copy of the Oath shall be filed with the Clerk of the Board of Supervisors.

(E) *Quorum.* As provided in County Charter section 506, one person more than half the membership seats of the BHB (9 of 16) shall constitute a quorum.

A member who abstains from an item is counted to determine whether a quorum exists for that item. However, a member who is disqualified from participating and recuses herself/himself from an item due to a conflict of interest is not counted toward the quorum for that item.

(1) Committees. A quorum of a BHB Committee is required for a BHB Committee to take action. One person more than half the membership seats of the BHB Committee shall constitute a quorum of the BHB Committee.

(F) *Attendance.* As provided in County Ordinance Code section A18-143, the active participation by all of its members is essential to the function of the BHB. Therefore:

(1) The BHB will issue an email of concern with a copy by mail to a member, with a copy to her/his appointing Supervisor, when the lack of attendance at meetings impairs the functioning of the BHB.

(2) A BHB member may submit a written request to the chairperson of the BHB 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 BHB meetings without a leave of absence from the chairperson, or four total regular BHB meetings in a BHB year without a leave of absence from the chairperson, will result in notification to the appointing authority, which may result in removal of the member from the BHB.

(G) *Membership responsibilities.*

Members of the BHB 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 completing Ethics Training within a year of appointment and every two years thereafter and Sexual Harassment Prevention and Anti-Bullying training within six months of appointment (or reappointment after

January 1, 2017) and every two years thereafter.

(2) Comply with the attendance requirements as described in Section II, subsection (F) of these bylaws.

(3) Maintain a current address and email address on record with the BHB Liaison. Meeting notices mailed or emailed to either address shall be considered valid notices.

(H) *Conflicts of interest.*

(1) Except as provided in paragraph (2), no member of the BHB or her/his 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 BHB or her/his spouse be an employee, or paid member of the governing body of, a mental health, behavioral health, or Substance Use Disorders 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 BHB. The member shall recuse from voting on any financial or contractual issue concerning his or her employer that may come before the BHB.

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

(4) All members of the BHB shall comply with the County Conflict of Interest Code.

III. Officers.

(A) The BHB 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 BHB.

(B) The chairperson shall appoint, subject to approval by the BHB, an ad hoc Nominating Committee composed solely of BHB members at the regular April

meeting. The Nominating Committee shall be composed of at least three current BHB members, and shall submit a written report to the BHB at its regular May meeting. Nominations may be made from the floor at the regular June BHB meeting.

(C) A term of office is one year. No officer may serve more than two consecutive terms in the same 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) The BHB shall approve the full calendar year's schedule of regular meetings prior to the first meeting in January of that year. Regular meetings of the BHB shall be noticed and held in accordance with the Ralph M. Brown Act ("Brown Act") (Gov. Code § 54950 et seq.).

(B) Special meetings may be called by the chairperson or by a quorum of the BHB. 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 Brown Act (Gov. Code § 54950 et seq.).

(C) Pursuant to County Ordinance Code section A17-4 and Board of Supervisors Policy 3.2, the Commission shall conduct all meetings at the County Government Center unless it is unavailable or infeasible to do so or the Board of Supervisors approves a change in the meeting location, in which case the meetings shall be held at another County facility with ease of public access.

(D) The chairperson shall set the agenda for each monthly BHB meeting. The agenda shall consist of standing items and action items, which may be added by the chairperson, any two members of the BHB, or any standing committee.

(E) Minutes of BHB meetings will be recorded. Minutes will be submitted to the BHB for approval at a subsequent BHB meeting and kept on file in accordance with County policy, as well as distributed to all members of the BHB by the BHB Unit Staff (Support or Liaison).

V. BHB-Executive Committee.

(A) *Membership.*

(1) The officers of the BHB 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. A quorum of the BHB-Executive Committee is five (5), constituting half plus one of the BHB-Executive Committee membership seats.

(B) *Meetings.*

(1) Except with respect to special meetings, the BHB-Executive Committee shall set the time and location of meetings as authorized above.

(2) All BHB-Executive Committee meetings shall be noticed and held in accordance with the Brown Act (Gov. Code § 54950 et seq.).

(C) The BHB-Executive Committee shall prepare the annual report and work plan (see Section IX) by March 1 for submission to the BHB. Following the BHB's approval by April 1, the Annual Report and Work Plan will be submitted to the Health and Hospital Committee in May, and to the Board of Supervisors for approval in June.

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

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

VI. Committees.

(A) *Establishment of duties:*

(1) The BHB may establish committees, advisory groups, and/or task forces (collectively referred to as committees) as needed to carry out the business of the BHB. All such committees are advisory to the BHB and may not take any action except to make recommendations to the BHB. Any such committee has the duties provided by its mandate, but does not have the power to exercise authority of the BHB or to bind the BHB.

(2) Unless excused by the chairperson, all members of the BHB shall have at least one standing committee assignment. A committee may not include a quorum of the BHB.

(3) The chairperson of the BHB shall appoint a chair and a co-chair to each committee subject to confirmation by the BHB. The chairperson and the two vice chairpersons of the BHB shall be ex-officio members of all committees, except the Nominating Committee. However, the maximum number of BHB members on any Committee, including the chairperson and two vice chairpersons, must be no more than 8.

(4) Chairs and co-chairs shall serve until successors are appointed, or until the task is completed, as specified by the BHB.

(B) *Procedures.* Each committee that is subject to the Brown Act is required to prepare an agenda for each meeting and ensure the agenda is properly posted in compliance with the Brown Act. 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 draft minutes shall be submitted at a subsequent committee meeting for approval. Copies of the minutes shall be submitted to the BHB and kept on file in accordance with County policies.

(C) *Standing committees.* A standing committee has a continuing subject matter it oversees. A standing committee may be created following majority approval of the BHB and designation in the BHB's bylaws, approved by the Board of Supervisors. All standing committees are subject to the Brown Act and must be properly noticed, open to the public, and held in accordance with the Brown Act. The standing committees and their duties shall be reviewed on a yearly basis by the BHB-Executive Committee. The standing committees shall evaluate and make recommendations to the BHB on all items of significant importance. The standing committee with the most relevant expertise shall evaluate any issue that, in the opinion of a member of the Executive Committee, may be of a controversial nature and/or would benefit from a preliminary review by committee. If no standing committee has directly relevant expertise, the issue shall be evaluated by the Executive Committee.

The following are the standing committees of the BHB:

(1) **Adult System of Care Committee**. The purpose of this committee is to evaluate current County strategy for recovery peer support with an

emphasis on employment and housing.

(2) **Cultural Competence Advisory Committee**. The purpose of this committee is to examine strategies the behavioral health needs of minority and LGBTQ communities.

(3) **Family, Adolescents and Children Committee**. The purpose of this committee is to review and evaluate the behavioral health needs of families, adolescents, and children.

(4) **Older Adult Committee**. The purpose of this committee is to is to gather information and make recommendations regarding gaps in behavioral health services provided to senior residents.

(5) **System Planning & Fiscal Committee**. The purposes of this committee are to assess, recommend and support the fiscal affairs and condition of the County Behavioral Health Services Department; examine financial and programmatic aspects of programs and services in the continuum of care; and assess potential partnerships and associations between public and private sector organizations and programs.

(D) *Ad hoc committees*. An ad hoc committee may be established by the BHB, as the need arises, to carry out a specific task for a limited duration. The creation of an ad hoc committee upon majority vote of the BHB shall be noted in the BHB's meeting minutes.

If an ad hoc committee includes as a member one or more individuals who is not a voting member of the BHB, the ad hoc committee is subject to the Brown Act. For ad hoc committees subject to the Brown Act, meetings must be properly noticed, open to the public, and have a quorum of the committee membership present to transact business. Each ad hoc committee that is subject to the Brown Act is required to prepare an agenda for each meeting and ensure the agenda is properly posted. Minutes (in summary form) of each committee meeting 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 next meeting of the committee for approval.

The BHB shall agendize the disbanding of an ad hoc committee when the committee's specific task is completed. The disbanding of the ad hoc committee shall be noted in the BHS's meeting minutes.

VII. Parliamentary authority.

Except as otherwise provided by law or these bylaws, procedures of the BHB shall be governed by the latest edition of Robert's Rules of Order. In compliance with Government Code section 54953(c)(2) of the Brown Act, the Commission shall publicly report any action taken and the vote or abstention, as well as recusal, on that action of each member present for the action. Items cannot be approved on consensus.

VIII. Required trainings.

(A) *AB 1234 ethics training.* Each member of the BHB must receive training in public service ethics laws and principles within twelve months of assuming membership on the BHB and every two years thereafter. If a member has already received the training prior to assuming membership, the member may submit proof of her/his last training completion. The signed certification of completion must be sent to the BHB Liaison to provide to the Clerk of the Board of Supervisors as soon as practicable upon completion of the training.

(B) *Sexual harassment prevention and anti-bullying training.* Each member of the BHB must receive training in sexual harassment prevention and anti-bullying within six months of assuming membership (or following reappointment after January 1, 2017) on the BHB and every two years thereafter. If a member has already received the training prior to assuming membership, the member may submit proof of her/his last training completion. The signed certification of completion must be sent to the BHB Liaison to provide to the Clerk of the Board of Supervisors as soon as practicable upon completion of the training.

IX. Annual Work Plan.

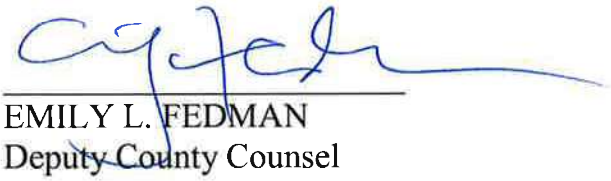
The BHB is required to provide an update to the Board of Supervisors about its activities through an Annual Work Plan. The Annual Work Plan includes a list of prior year accomplishments. Work Plans are updated each Fiscal Year in accordance with a template and instructions available from the Clerk of the Board of Supervisors. The BHB shall complete and approve the Work Plan at a regular meeting no later than April 1 of each year. The clerk of the BHB will transmit the Work Plan to the Health and Hospital Committee for review in May of each year and to the Board of Supervisors for approval in June.

X. Amendment of bylaws.

The BHB 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 BHB 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.

APPROVED AS TO FORM AND LEGALITY:



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