

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

717A



SUBMITTAL DATE:

July 26, 2010

FROM: Department of Mental Health

SUBJECT: Approve, receive, and file Riverside Mental Health Board Bylaws.

RECOMMENDED MOTION: Move that the Board of Supervisors approve, receive and file the Riverside County Mental Health Board Bylaws.

BACKGROUND: The Board of Supervisors is the local governing body for the County of Riverside, and in accordance with California Welfare and Institution Code § 5604, the Riverside County Board of Supervisors adopted Resolution 93-121 creating a "New Mental Health Advisory Board" for the County of Riverside in 1993. In 2005, the Board of Supervisors further adopted Resolution 2005-148 that set forth the revised Uniform Rules and Procedures for Advisory Committees, Boards and Commissions for the County of Riverside, which covers the formal review and subsequent approval process for the Mental Health Advisory Board Bylaws.

(Continued on page 2)

JW:EM

Jerry Wengerd
Jerry Wengerd, Director of the Department of Mental Health

FINANCIAL DATA	Current F.Y. Total Cost:	\$0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	No
	Annual Net County Cost:	\$0	For Fiscal Year:	2009/2010

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: *Debra Cournoyer*
Debra Cournoyer

County Executive Office Signature

FORM APPROVED BY COUNTY COUNSEL ATTACHED TO THIS DOCUMENT WITH THE SIGNATURE OF THE BOARD BY: ERIC STOPNER DATE 7/15/10

- Consent
- Policy
- Consent
- Policy

Dep't Recomm.:
Per Exec. Ofc.:

PAGE 2:

SUBJECT: Approve, Receive and File Riverside Mental Health Board Bylaws.

BACKGROUND: (Continued)

Mental Health Board meetings are held in accordance with the California Ralph M. Brown Act, the California Government Code § 54950, and the Robert's Rules of Order. As stipulated in the California Welfare and Institution Code § 5604.5 and the Riverside County Board of Supervisors' Policy A-21, the Mental Health Board has finalized its revisions to its Bylaws; the Riverside County Office of the County Counsel has reviewed and approved the attached Bylaws; and the Department of Mental Health therefore requests that the Board of Supervisors approve, receive, and file the attached Bylaws.

PERIOD OF PERFORMANCE:

The attached Mental Health Board Bylaws shall remain in effect from the time in which the Board of Supervisors approves the Bylaws until the time that the Mental Health Board makes any changes or amendments and affirms, by a two-thirds majority vote of the members, with approval by County Counsel.

FINANCIAL DATA:

No County funds are required.

JUSTIFICATION FOR DELAY:

The Mental Health Board approved a draft of the Bylaws at their March 3, 2010 meeting. In May 2010, County Counsel approved the Bylaws for final approval by the Board of Supervisors.

B Y L A W S

RIVERSIDE COUNTY MENTAL HEALTH BOARD

ARTICLE I

NAME

The name of this advisory board shall be known as the Riverside County Mental Health Board.

ARTICLE II

AUTHORITY

The authority of this Board is set forth in the provisions of the Bronzan-McCorquodale Act, as fully set forth in Section 5604 et seq. of the Welfare and Institutions Code, as amended by Chapter 1374, and as set forth by the Governing Body, the Riverside County Board of Supervisors (hereinafter, referred to as the "Board of Supervisors" and/or the "BOS") Resolution 2005-148. All meetings of the Mental Health Board (hereinafter, referred to as the "Mental Health Board" and/or the "MHB") shall be in accordance with Robert's Rules of Order.

Local mental health advisory boards shall be subject to the provisions of the Ralph M. Brown Act, California Government Code Section 54950 et seq. and as amended by SB 343 relating to meetings of local agencies.

California Government Code §54950: In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in the State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

ARTICLE III

DUTIES

The Duties of the Mental Health Board as specified by the California Welfare & Institution (hereinafter, referred to as the "Welfare & Institution Code" and/or the "W&I" Code) Section 5604.2, shall be as follows:

1. Review and evaluate the community's mental health needs, services, facilities, and special problems.
2. Review any county agreements entered into pursuant to the W&I Code Section 5650.
§5650.5...Any other provision of law referring to the county Short-Doyle plan shall be construed as referring to the county mental health services performance contract described in this chapter.

3. Advise the Board of Supervisors and the Riverside County Mental Health Director as to any aspect of the local mental health program.
4. Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process.
5. Submit an annual report to the Board of Supervisors on the needs and performance of the county's mental health system.
6. Review and make recommendations on applicants for the appointment of a local director of mental health services. The board shall be included in the selection process prior to the vote of the Board of Supervisors.
7. Review and comment on the County's performance outcome data and communicate its findings to the California Mental Health Planning Council (CMHPC).
8. Assess the impact of the realignment of services from the state to the county, on services delivered to clients and on the local community.

ARTICLE IV

MEMBERSHIP

1. **Composition of Board.** The Mental Health Board for the County of Riverside shall consist of 10 to 15 members appointed by the Board of Supervisors in accordance with the California W&I Code, Section 5604 (a) (1), as amended by Chapter 1374. One member of the MHB shall be a member of the Board of Supervisors or his/her formal designee. Fifty percent (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. At least twenty percent (20%) of the total membership shall be consumers, and at least twenty percent (20%) shall be families of consumers. Each member of the Board of Supervisors shall appoint three persons from their district to the MHB.

Pursuant to §5604(f) If it is not possible to secure membership as specified... the BOS may substitute representatives of the public interest in mental health who are not full-time or part-time employees of the county mental health service, or the State Department of Mental Health...

2. **Term.** The term of each member of the MHB shall be for three years unless the appointment is initially made to fill an unexpired term. An appointment to a position that has yet to expire shall expire on the original date it was set to expire. Upon such expiration the appointed member may seek reappointment to the position.
3. **Conflict of Interest.** No member of the MHB or his or her spouse shall be a full-time or part-time 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 mental health contract agency.

§5404(e) Members of the MHB shall abstain from voting on any issue in which the member has a financial interest as defined in §87103 of the Government Code.

4. **Ethnic and Demographic Representation.** The composition of the Riverside County Mental Health Board (MHB) shall reflect the ethnic and cultural diversity of the client population of Riverside County, to the extent feasible. §5604.5 (b)
5. **Vacancies.** A vacancy on the MHB shall exist for any of the following reasons:
 - A MHB member's term expires and that MHB member is not reappointed.
 - A MHB member is unable to complete his/her term of office and resigns or abandons the position.
 - Any applicable causes specified in Section 1770 of the Government Code or any other provisions of the law.
 - The BOS removes a MHB member.
 - A member moves out of Riverside County.
 - Whenever the MHB member has a legal conflict of interest.
 - Vacancies shall normally be filled in accordance with the Maddy Local Appointive List Act of 1975.
6. **Meeting Attendance Requirements.** The following shall apply to all MHB members regarding their participation on the MHB and its assigned committee meetings in which they are members.
 - a. Any appointed member of the MHB shall not exceed three (3) unapproved absences (UA) within one calendar year. The elected MHB Chair reserves the right to determine unexcused absences as a dereliction of duty and may also determine appropriateness of action to remedy the loss of active participation.
 - b. Any appointed member of the MHB is responsible for notifying the assigned MHB Liaison of any foreseeable absence. This notification of absence shall result in a recorded excused absence (EA).
7. **Reappointments.** Members are eligible for reappointment at the end of each term (full or unexpired) at the discretion of the BOS and based on the recommendation from the established MHB Membership Committee

ARTICLE V

OFFICERS

The officers of the MHB shall be Chair, Vice-Chair, and MHB Secretary. These appointed positions shall make up the MHB Executive Committee. The immediate past Chair shall serve as an Ex-Officio non-voting member of the Executive Committee. The MHB Chair, Vice-Chair, and Secretary shall be elected by the members at the regular meeting in November and shall serve for one year and until they're successors are installed.

Pursuant to County Resolution 2005-148, the Director of the Riverside County Department of Mental Health, or his/her designated employee representative, shall serve as the MHB Liaison and shall maintain its minutes and records. A copy of the minutes shall be forwarded to the Clerk of the Board of Supervisors promptly after the minutes are prepared and signed by the MHB Liaison. It shall not be necessary to await approval of the meeting minutes by the MHB before they are forwarded to the Clerk of the Board.

The duties of the officers shall be as follows:

CHAIR

1. Chair all meetings.
2. Appoint all committee chairs, subject to MHB approval.
3. Call special meetings as necessary.
4. Have the responsibility for the agenda for all meetings in consultation with the Executive Committee.
5. Consult with the Director of Mental Health Services.
6. Submit an annual report to the Board of Supervisors pursuant to Section 5604.2(a) (5). Completed report shall be reviewed and approved by members of the MHB at the January meeting before submission to the BOS.
7. Other duties as required.

VICE-CHAIR

Upon the resignation or removal of the Chair, the Vice-Chair shall become Chair of the Mental Health Board for the remainder of the calendar year or unless and until a special election is held to elect a new Chairperson.

In the absence of the Chair, the Vice Chair shall fulfill all of the Chair's responsibilities. Additionally, he/she shall assume such tasks and responsibilities as the Chair may designate.

MHB SECRETARY

The MHB Secretary shall have the responsibility for all correspondence authorized by the Mental Health Board. Additionally, he/she shall assume such tasks and responsibilities as the Chair may designate.

ARTICLE VI

ELECTIONS

A nominating committee appointed by the Chairperson shall make nominations for the following year's slate of officers. Nominations from the floor may also be made. Voting shall be by secret ballot. Confidentiality shall be a necessary part of the nominating committee process. If there is only one candidate, he/she may be declared elected by a voice vote. If all candidates are unopposed, the slate may be declared elected by voice vote.

Should the office of Chairperson be vacated, and in the event that a special election is required, the Vice Chairperson shall conduct the special election of a new Chairperson. Should any other office be vacated, the Chairperson shall conduct the election of a new officer.

ARTICLE VII

COMMITTEES

All committees are advisory to the MHB and no committee shall have the power to bind the MHB. The MHB shall have the authority to form additional standing committees as needed.

Standing Committees are appointed for an indefinite time or until the MHB votes them out of existence due to lack of necessity or inactivity of its members. It shall be the duty of the committee to staff its members by application representative of stakeholders in the community, i.e. consumers of mental health services, family members and members of the general public. Any member of said categories with an interest in the subject matter of which the committee was formed may be considered for membership on MHB Committees. In accordance with Robert's Rules of Order, a committee shall consist of a group of persons who are appointed or elected to carry out a charge. The charge may be to investigate, review and evaluate, and report to the MHB on an assigned matter. All MHB committees are regulated by the MHB and shall adopt the MHB Bylaws as their governing document. No MHB Committee, nor their assigned Chair's, may take any action that shall in any way bind the MHB.

Special (select Task Forces or Ad Hoc) Committees are appointed by the MHB Chairperson to accomplish a specific task. An Ad Hoc or Special committee shall dissolve upon its completion of the assigned task.

Subcommittees may be formed at the discretion of a committee chair to serve a specific purpose or to accomplish a specific task. A subcommittee exists ONLY to do specific work for the committee of which it is a part, and has no standing of its own.

Committee Chairs. Except for the Executive Committee, committee chairs are appointed by the MHB chairperson and approved by a majority vote of the MHB. The Chairs of standing committees shall be members of the MHB and are responsible for the following...

- a. Committee chairs shall be responsible for leading the work of their individual committee and serving as a link between the committee, the MHB and the Department. Standing committee's are formed to investigate, review and evaluate, and make recommendations to the MHB on the content of its *subject matter*, (e.g. *that for which the committee was formed.*) A standing committee shall only perform the work it is charged with and nothing more. Its function is a directive of the MHB.
- b. The standing committee chair may be responsible to develop and circulate an application for committee membership. All interested parties may complete an application and submit it to the committee chair for review and approval.

COMMITTEE MEMBERSHIP:

- a. Each committee should represent the MHB membership and its various constituencies as accurately as possible.
- b. Each committee shall provide the MHB with a written *Mission Statement* for approval. Each committee must also submit annually their *Goals and Objectives* for the coming year. Upon unanimous vote of the committee members, a *Mission Statement* may be rewritten and resubmitted to the MHB for approval.
- c. Each committee Chairperson shall select three (3) members to review applications for membership. The selected members shall make recommendations to the committee chair regarding appropriateness of approval for membership. All appointed members shall be placed on a roster denoting pertinent contact information.
- d. Members of the Regional MHB's may serve on both Standing and Ad Hoc committees.
- e. Each committee member shall be responsible for attendance and participation consistent with the adopted MHB bylaws and committee requirements. Since a committee constitutes a miniature assembly and exists to do its specific piece of MHB work, it can only act when a quorum (half of its membership plus one) has been established.
- f. Non-committee MHB members and other individuals may attend meetings to present their views on a subject before the committee at reasonable times the committee appoints or requests. During committee deliberations, however, only members of the committee have the right to speak and vote.
- g. On or before December 31st each year the committee Chairperson or his/her designee shall submit an annual report to the MHB of the committee's activities and met goals and objectives through the course of that year. An updated roster shall be attached to the committee's report. This report shall be included in the annual MHB Report to the Board of Supervisors.

STANDING COMMITTEES: The Standing Committees of the Riverside County MHB shall be:

1) **EXECUTIVE COMMITTEE:** The Executive Committee shall consist of the elected officers of the MHB (Chairperson, Vice-Chairperson, and Secretary). It shall be the duty of the Executive Committee to:

- a. Act for the MHB when necessary between meetings. Such actions must be ratified at the next regular MHB meeting or they will become null and void.
- b. Assist with agenda planning.
- c. Assist with preparation of the annual MHB Report to the BOS. Approve report for submission to the MHB for final review and approval.
- d. Monitor the time schedule of events and goals adopted by the MHB.
- e. Ensure that the MHB is in compliance with procedures and policy as established by the BOS, W & I Code and MH Department Policies.
- f. Consult with the Director of Mental Health on a monthly basis.
- g. Executive Committee shall function as the **PLANNING AND BUDGET COMMITTEE**. This committee will focus on the current and next year's planning and budget. The Planning and Budget Committee shall:
 - i. Review and approve the procedures used to ensure citizen and professional involvement in all stages of the planning process.
 - ii. Review the County Performance Contract and any other County Mental Health agreements related to grants or contractors.
 - iii. Review the budget and all Form 11's that need to be reviewed by the MHB according to policies formulated by the MHB and/or the Board of Supervisors.
 - iv. Assist with the Planning, development and implementation of the County Mental Health Strategic Plan.

2.) **MEMBERSHIP COMMITTEE:** It shall be the responsibility of the MHB Membership Committee to:

- a. Maintain membership of the MHB and the Regional Mental Health Boards.
- b. Coordinate with the Board of Supervisors and the Director of Mental Health on membership matters.

- c. The MHB members may recommend appointees to the Board of Supervisors. Counties are encouraged to appoint individuals who have experience and knowledge of the mental health system.
- d. Recruit and orient new members of the Mental Health Board and the Regional Mental Health Boards.
- e. Ensure that the Mental Health Board and the Regional Mental Health Boards meet the composition requirements of the W & I Code § 5604.
- f. Ensure that the Regional Mental Health Boards train and orient their new members.
- g. Provide ongoing training to the MHB members.

3.) **NOMINATING COMMITTEE:** The Nominating Committee shall be appointed during the month of October for the purpose of preparing a slate of candidates for election of officers to the Mental Health Board for the following calendar year. The list of candidates shall be presented to members of the Mental Health Board at the November meeting.

4.) **CHILDREN'S COMMITTEE:** It shall be the responsibility of the Children's Committee to:

- a. Represent the special needs of children.
- b. Evaluate and make recommendations on Children's Mental Health Services.
- c. Report monthly to the MHB concerning Children's Services.
- d. Submit an annual report to the MHB for inclusion in the MHB Annual Report to the BOS.

5.) **OLDER ADULTS SYSTEM OF CARE COMMITTEE (OASOC):** It shall be the responsibility of the OASOC Committee to:

- a. Represent the special needs of older adults.
- b. Evaluate and make recommendations on Older Adult Mental Health Services.
- c. Report monthly to the MHB concerning mental health services provided to older adults.
- d. Submit an annual report to the MHB for inclusion in the MHB Annual Report to the BOS.

6.) **LEGISLATIVE COMMITTEE:** The duties of this committee shall be to:

- a. Review relevant legislative bills on mental health issues and report to the MHB.
- b. Make recommendations to the MHB about action on pending legislation.
- c. Report monthly to the MHB regarding the future legislative stance of the county.
- d. Submit an annual report to the MHB for inclusion in the MHB Annual Report to the BOS.

7.) CRIMINAL JUSTICE COMMITTEE: It shall be the responsibility of the Criminal Justice Committee to:

- a. Work in collaboration with other agencies and make recommendations to the MHB and the DOMH as to the needs of those consumers involved in the criminal justice system.
- b. Report monthly to the MHB regarding the committee's activities.
- c. Submit an annual report to the MHB for inclusion in the MHB Annual Report to the BOS.

8.) HOUSING COMMITTEE: It shall be the responsibility of the Housing Committee to:

- a. Work in collaboration with other agencies and make recommendations to the MHB and the DOMH as to the needs of those consumers seeking housing.
- b. Represent the special needs of the homeless mentally ill.
- c. Report monthly to the MHB regarding the committee's activities.
- d. Submit an annual report to the MHB for inclusion in the MHB Annual Report to the BOS.

9.) BYLAWS, STRUCTURE AND FUNCTIONS COMMITTEE (BSF): It shall be the responsibility of the Bylaws, Structure and Functions Committee (BSF)

- a. Update the Bylaws as deemed necessary by a unanimous vote of members of the MHB.
- b. Develop and maintain an updated Policies and Procedures manual.
- c. Resolve conflicts if they arise between the Bylaws and Mental Health Board policies.
- d. The Chair of the BSF Committee shall serve as the Mental Health Board Parliamentarian.

10.) ADULT SYSTEM OF CARE COMMITTEE (ASOC): It shall be the responsibility of the ASOC Committee to:

- a. Work in collaboration with other agencies and make recommendations to the MHB and the DOMH as to the needs of adult consumers of mental health services.
- b. Report monthly to the MHB regarding the committee's activities.
- c. Submit an annual report to the MHB for inclusion in the MHB Annual Report to the BOS.

11.) VETERAN'S COMMITTEE: It shall be the responsibility of the Veteran's Committee to:

- a. Work in collaboration with other agencies and make recommendations to the MHB and the DOMH as to the needs of veterans that are adult consumers of mental health services.

- b. Report monthly to the MHB regarding the committee's activities.
- c. Submit an annual report to the MHB for inclusion in the MHB Annual Report to the BOS.

ARTICLE VIII

MEETINGS

The Mental Health Board shall hold a regular meeting eight (8) to ten (10) times a year at a place and time that is designated. The meetings of the Mental Health Board shall be subject to the provisions of Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code. A notice of the meeting and the agenda shall be provided to Board members one week before such meetings.

1. **SPECIAL MEETINGS** The Chairperson or MHB members, in accordance with the Ralph M. Brown Act, may call special meetings, for a stated specific subject. *Only the specified matter may be considered at such a special meeting.*
2. **QUORUM** A quorum shall consist of one person more than one-half of the appointed members not counting vacant positions. Any action of the MHB shall require affirmative votes of not less than a quorum, except that less than a quorum may adjourn a meeting to a specified time and place.
3. **TRAVEL REQUESTS:** An individual MHB member or a Regional Board member wishing to attend a conference, convention, or meeting regarding current issues related to their work as a MHB member, shall be subject to approval by the affirmative unanimous votes of MHB members present at the meeting from which the request is proposed. All requests for travel shall be provided to the MHB Liaison on a completed Authorization to Attend Form established by the MHB Executive Committee with an attached agenda for the event in question. All approved Authorizations to Attend shall be in accordance with BOS Policy D-1 governing general travel and reimbursement of necessary expenses.

ARTICLE IX

DUTY TO REPORT

The Chairperson of the MHB may present specific and definitive recommendations made by the MHB to the Riverside County Board of Supervisors (BOS) by way of the Department of Mental Health Administration Office who will formally forward the recommendation to the Riverside County Executive Office for review. This process may result in the recommendation being submitted as a formal¹ request for placement on the BOS meeting agenda.

¹ Form 11

It shall be the duty of any member of the MHB, members of Regional Boards and/or MHB Committee members to report on any event, conference, convention or meeting, during the course of carrying out their duties defined by these bylaws, and necessary and actual expenses were claimed and reimbursed in accordance with BOS Policy D-1. Each written report shall be submitted to the MHB Executive Committee within 60-days of their return from the event. Once submitted, the attendee's presentation will be placed on the agenda for the next MHB meeting. The attendee, or their designee, shall provide a verbal report of the event.

ARTICLE X

REGIONAL BOARDS

The Mental Health Board shall have the following responsibilities to its Mental Health Regional Boards (hereinafter, referred to as Regional Board's and/or RBs).

1. To receive from the RBs, recommendations for membership to the various RBs. RBs shall delegate the responsibility of one of its members to be assigned to the MHB Membership Committee.
2. To receive annual reports from the various RBs each year on or before December 31st.
3. To receive from the RBs recommendations to the MHB in regard to policy and procedural matters.
4. To allow the Chairperson, or his/her designee, of each RB to sit in regular attendance at each scheduled meeting of the MHB and to participate fully in the activities of those scheduled meetings. Chairpersons of each RB may assume a seat at the member's table. However, in accordance with established law, they may not vote unless they are duly appointed members of the MHB in addition to their Regional Board membership.
5. To coordinate, when appropriate, the activities of the MHB with those of its Regional Boards.
6. Each RB Chairperson shall report monthly to the MHB on actions voted by the RB members prior to any action taken by the Regional Boards.
7. Formal communications from Regional Boards to the Board of Supervisors shall flow as follows:
 - The RB Chair shall submit to the MHB Executive Committee any motion approved at the RB level to communicate with the BOS. The Executive Committee shall review the document for its appropriateness for placement on the MHB agenda as an Action Item. Upon its affirmative vote by members of the MHB, the MHB Liaison, by directive of the MHB Chair, shall submit MHB final recommendations to the BOS via the Department's Administration Office. The Department's Administration staff is then responsible for fulfilling the required documentation for submitting such recommendations to the County Executive Office, who has full authority to deem the appropriateness of any BOS agenda

item. All recommendations are to be submitted on county authorized MHB letterhead. All recommendations shall fairly and accurately represent the position and/or sentiments of the MHB and the Department of Mental Health as formally reflected in their meeting minutes. (*Pursuant to BOS Policy A-21, Resolution #2005-148, Attachment A*)

8. Every RB Chairperson shall be responsible for submitting the RB annual report to the MHB Chair on or before December 31st each year.
9. Every RB Chairperson shall be responsible for assigning Site Reviews to its members. Completed Site Reviews shall be presented by the RB Chair to the MHB.
10. Regional Board Chairpersons shall make every attempt to be present at the monthly MHB meeting.

ARTICLE XI

AMENDMENTS

These bylaws may be amended by an affirmative vote of a two-thirds majority of the members of the Mental Health Board, not including vacant positions. All recommended changes must be submitted to County Counsel in *draft form* for approval. Upon approval and release from County Counsel, the MHB Liaison shall be responsible for their submission to the County Executive Office, via the Department's Administration Office, for placement on the Board of Supervisors agenda for final approval.

ARTICLE XII

RECORDS

Records shall be kept at the Riverside County Department of Mental Health by the MHB Liaison. Records of MHB meetings, agenda's and all related materials shall be governed by the Public Records Act (Govt. Code §§ 6250 - 6276.48)

*MHB Approval ~ 3/3/10
County Counsel Approval ~ 5/26/10
Final BOS Approval ~*