MARIPOSA COUNTY
DEPARTMENT OF HUMAN SERVICES
BY: Cheryle Rutherford-Kelly
PHONE: 966-2442

RECOMMENDED ACTION AND JUSTIFICATION:  POLICY ITEM: YES ( ) NO (X)

It is respectfully recommended that your Board approve the by-laws of the Mental Health Board as amended on 09/10/02. The amended language is shown in italics for your convenience.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

SEE ATTACHED

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

<table>
<thead>
<tr>
<th>COSTS:</th>
<th>(X) Not Applicable</th>
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<tbody>
<tr>
<td>A. Budgeted CURRENT FY $</td>
<td></td>
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<tr>
<td>B. Total anticipated costs $</td>
<td></td>
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<tr>
<td>C. Required add'l funding $</td>
<td></td>
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<tr>
<td>D. Internal transfers $</td>
<td></td>
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<tr>
<td>SOURCE: ( ) 4/5's vote required</td>
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<tr>
<td>A. Unanticipated revenues $</td>
<td></td>
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<tr>
<td>B. Reserve for Contingencies $</td>
<td></td>
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<tr>
<td>C. Source description:</td>
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Balance in Reserve for Contingencies, if approved: $     

SPECIAL INSTRUCTIONS: List the attachments and number pages accordingly: Mental Heath Board By-Laws

CLERK'S USE ONLY:
Resolution No.: 02-379
Ordinance No.: 
Vote: Ayes: Noes: 
Absent: Abstain: 
Approved ( ) Denied 
( ) Minute Order attached. 
( ) No Action Necessary.
The foregoing instrument is a correct copy of the original on file in this office.
Date: 

MARGIE WILLIAMS
Clerk of the Board, County of Mariposa, State of California

BY: 
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on Agenda as:

___ Recommended ___ Returned for further action
___ Not recommended ___ Submitted w/ comment
___ Policy determination

Comment: ____________________________
_______________________________

A.O. Initials: _____________________
September 24, 2002

To: Members, Board of Supervisors

From: Cheryle Rutherford-Kelly

Re: Mental Health Board By-Laws

RECOMMENDATION

It is respectfully recommended that your Board ratify the by-laws of the Mental Health Board as amended on 09/10/02.

BACKGROUND AND CURRENT SITUATION

The Mental Health Board has been extremely active in the community as outlined in the annual report previously forwarded to your Board. They are also attempting to strengthen their internal functions in terms of attendance requirements, formation of sub-committees and their by-laws. A subcommittee of the Mental Health Advisory Board has met several times to research, develop and strengthen the by-laws that govern this board.

The requested modifications in the by-laws, shown in italics for your convenience, are as follows:

- A better description of the advisory board's role and function.
- Definition of advisory board membership pursuant to Welfare and Institution codes in terms of residence and employment requirements.
- Explanation to the term of appointment (3 years)
- Clarification of attendance requirements.
- Add the elected position of corresponding secretary.
- Further definition of the duties of the staff secretary.

The department concurs with the duties of the staff secretary because such service is already being provided. In reality, the department would like to support the Advisory's Boards endeavors due to their dedication to the children and adults of this County.

FINANCIAL

The amendment of the Mental Health Board by-laws has no financial element.
RULES OF PROCEDURES OF THE
MENTAL HEALTH BOARD
FOR MARIPOSA COUNTY

ARTICLE I
GENERAL PROVISIONS

SECTION 1. Authority. The Mental Health Board is established by Part 2, Chapter 1, Sections 5602.2, 5604 a-f, and 5606.1 of the California Welfare and Institutions Code (W&IC), and by Mariposa County Board of Supervisors Resolution 93-60, dated January 26, 1993.

SECTION 2. Role and Function. As mandated by Section 5604.2 of the California Welfare and Institutions Code, the Mental Health Board shall:
1. Review and evaluate the community's mental health needs, services, facilities and special problems.
2. Review any county agreements entered into pursuant to W&IC Section 5650.
3. Advise the Mariposa County Board of Supervisors and the local mental health director as to any aspect of the local mental health program.
4. Review and approve the procedures used to insure citizen and professional involvement at all stages of the planning process.
5. Submit an annual report to the Mariposa County 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 Mental Health 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 the findings to the California Mental Health Planning Council. W&IC 5604.2(a) (7)
8. Nothing in this part shall be construed to limit the ability of the Board of Supervisors to transfer additional duties or authority to a mental health board.

ARTICLE II
MEMBERSHIP

SECTION 3. Composition. The composition of the Mental Health Board, the membership of which is appointed by the Mariposa County Board of Supervisors is mandated under W&IC 5604 (a) (1-3).

SECTION 4. Number. The Mental Health Board shall consist of 16 members, one of whom shall be a member of the Mariposa County Board of Supervisors. W&IC 5604. (a) (1)
SECTION 5. **Membership.** The Mental Health Board shall strive to meet the following membership criteria. Fifty percent of the Mental Health Board membership shall be consumers or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received mental health services. At least twenty percent of the total membership shall be consumers, and at least twenty percent shall be families of consumers. W&IC 5604. (a) (2) and 5604. (a) (3) (B)

SECTION 6. **Restrictions.** No member of the Mental Health Board or his or her spouse shall be a full or part-time county employee of the mental health service, an employee of the State Department of Mental Health, or an employee of a Bronzan-McCorquodale contract facility. W&IC 5604 (a) (3) (D) Members of the Mental Health Board shall abstain from voting on any issue in which the member has a financial interest as defined in Section 87103 of the Government Code. W&IC 5604 (a) (3) (e)

SECTION 7. **Residence Requirement.** All Mental Health Board members shall be residents of Mariposa County. If it is not possible to secure membership as specified from among persons who reside in the county, the Board of Supervisors may substitute representatives of the public interest in mental health, within the restrictions as stated in section 6 and W&IC 5604 (a) (3) (f).

SECTION 8. **Appointments.** The Mental Health Board may recommend appointees to the Board of Supervisors. The Board of Supervisors is encouraged to appoint individuals who have experience and knowledge of the mental health system. The Mental Health Board membership should reflect the ethnic diversity of the client population in the county. W&IC 5604 (a) (1)

SECTION 9. **Term of Appointment.** The term of each member of the Mental Health Board shall be for three (3) years as mandated. At the end of each three year term the Mental Health Board, after consulting with the member regarding a continued desire and commitment to serve an additional term, will advise the Board of Supervisors to reappointment the member. The Board of Supervisors shall equitably stagger the appointments so that approximately one-third of the appointments expire in each year. W&IC 5604 (a) (3) (B) (b)

SECTION 10. **Vacancies.** The Chairperson shall declare that a vacancy exists if a member resigns or declares his/her intent to cease participating in board activities. Vacancies shall be communicated in writing to the Chairperson of the Board of Supervisors with a request to fill the position of the unexpired term.

ARTICLE III
MEETINGS

SECTION 11. **Regular Meetings.** Meetings of the Mental Health Board are held monthly. If the regular meeting date falls upon a legal holiday, that meeting may be held on a date selected at the regular meeting preceding the holiday.
SECTION 12. Open Meetings. All meetings of the Mental Health Board and all meetings of the committees appointed by the Mental Health Board shall be open to the public, excepting executive sessions as provided by law.

SECTION 13. Adjourned Meetings. Any meeting may be adjourned, for good cause, from time to time to meet at a specified time, but not after the time of the next regular meeting.

SECTION 14. Special Meetings. Special meetings of the Mental Health Board may be called at any time by the Chairperson or by a majority of the members of the Mental Health Board. The notice of the special meeting shall specify the time, place and business to be transacted and no other business shall be considered.

SECTION 15. Place of Meetings. The place of the meeting will be designated by the Chairperson.

SECTION 16. Quorum. A quorum shall consist of a majority (one-half plus one) of the membership.

SECTION 17. Decision and Actions of the Mental Health Board. All actions and decisions shall be by a majority vote of a quorum. In the event of a tie, the vote of the Chairperson shall decide the motion.

SECTION 18. Addressing the Mental Health Board. Any person wishing to address the Mental Health Board, when recognized by the Chairperson, shall give their name and address for the record. The Chairperson may limit the amount of time a person may use in addressing the Mental Health Board.

SECTION 19. Attendance. Members of the Mental Health Board are expected to regularly attend and participate in the regular Mental Health Board meetings so that the residents of Mariposa County may be fully served by someone both interested and able to invest his/her time in such public service.

Absence of members at 2 consecutive meetings throughout any calendar year of their appointment without just cause and advance notice of such cause (by 10:00 a.m. the morning of the meeting) given to the staff secretary or Chairperson shall constitute grounds for removal from the Mental Health Board. When a member fails to attend three (3) meetings in any calendar year, the Mental Health Board will assess that member's ability and desire to remain on the Mental Health Board. Exceptions to the above rules may be granted under extenuating circumstances upon unanimous approval of members of the Executive Committee.

The Chairperson of the Mental Health Board shall submit the recommendation for the removal of any member from the Mental Health Board based on the above criteria to the Board of Supervisors, who shall in turn act upon this recommendation.
ARTICLE IV
Election of Chairperson, Vice Chairperson and Corresponding Secretary

SECTION 20. Nominating Committee. The Executive Committee of the Mental Health Board shall appoint no less than 3 members to the Nominating Committee. The Nominating Committee shall select a slate of officers, obtain the verbal consent to serve of those nominated and report their results to the full Mental Health Board.

SECTION 21. Election. The Chairperson, Vice-Chairperson, and Corresponding Secretary shall be elected each year at the regular meeting in June of the Mental Health Board. The Chairperson of the Nominating Committee shall assume the full Mental Health Board Chair for the purpose of conducting the election, which shall require a secret ballot except when an office is not contested.

SECTION 22. Consecutive Terms. No member shall hold office of Chairperson for more than two (2) consecutive terms, but said persons shall be eligible for office after a period of one (1) year.

SECTION 23. Removal. In closed session, the Chairperson, Vice-Chairperson or Corresponding Secretary may be removed from office and relieved of duties by a majority of the Mental Health Board membership.

ARTICLE V
Duties of Chairperson and Vice-Chairperson and Corresponding Secretary

SECTION 24. Chairperson. The Chairperson shall preside at all meetings of the Mental Health Board and perform duties consistent with the procedures outlined herein. The chairperson shall be in consultation with the Mental Health Director. W&IC S604.5 (d)

SECTION 25. Vice-Chairperson. In absence of the Chairperson or in the case of inability to act, the Vice-Chairperson shall preside at all sessions of the Mental Health Board.

SECTION 26. Corresponding Secretary, (elected). The Corresponding Secretary shall maintain all correspondence of the Mental Health Board at the direction of the Chairperson, maintain attendance records, terms of board members, and inform the Chairperson of attendance issues and upcoming term endings.

SECTION 27. Vacancy. Upon resignation or removal of the Chairperson, the Vice-Chairperson shall move up to the office of the Chairperson with the concurrence of a majority of the Mental Health Board members. An election for the vacant office of Vice-Chairperson shall be conducted.

SECTION 28. Temporary Chairperson. In the absence of or inability to act of both the Chairperson and the Vice-Chairperson, the members shall, by order duly entered in their minutes, elect one of their number to act as Chairperson pro tem.
SECTION 29. **Presiding Chairperson.** The presiding office shall maintain order and decorum and decide questions of procedure, in which case the final decision will be by majority vote of the Mental Health Board members present. The Chairperson shall call the meeting to order promptly at the appointed hour and conduct the meeting as prescribed by those procedures and the laws of the State of California.

ARTICLE VI
Duties of the Secretary (Staff Member)

SECTION 30. **Meetings.** The Secretary to the Mental Health Board will attend all meetings of the Mental Health Board, and also committee meetings when requested, if scheduling permits.

SECTION 31. **Records.** The Secretary to the Mental Health Board shall maintain a record of all sessions and Mental Health Board attendance in addition to the following duties:

- **Arrange for the distribution of minutes to members of the Mental Health Board within 2 weeks after a meeting.**
- **Arrange for each meeting to be noticed in the local paper seven (7) days prior to the meeting.**
- **Maintain and make available the By-laws, roster, committee lists, and Robert's Rules of Order at each meeting. In the event of her or his absence, the Vice-Chairperson should have this information available.**
- **Be responsible for the attendance list at each meeting, keeping an annual record of each member's attendance, in cooperation with the Corresponding Secretary.**
- **Be responsible for mailing flyers and bulletins passed out during the meeting to those members who were absent, as requested.**
- **Furnish all Mental Health Board members with a roster and list of committee members semi-annually.**

SECTION 32. **Agenda.** The agenda for regular meetings shall be prepared at the direction of the Chairperson and distributed by the Secretary to each Mental Health Board member at least seven (7) days prior to the meeting and publicly posted. Copies of the agenda shall be made available at each meeting for the public. The agenda shall allow time for presentation of non-agenda items.

SECTION 33. **Agenda Deadline.** All matters included on the printed agenda must be submitted to the Secretary eight (8) days preceding the meeting. The Chairperson should be notified prior to the start of the meeting of any and all non-printed agenda items.
ARTICLE VII
Duties of Mental Health Service Staff

SECTION 34. Agenda Items. When an item is on the agenda, the appropriate Mental Health Services staff members shall provide information to the Mental Health Board as required, five (5) days prior to the meeting.

SECTION 35. Mental Health Board Actions. The Mental Health Board shall inform the Director of Mental Health Services, or his or her designee, of Mental Health Board action requiring further implementation. The Mental Health Services staff shall report to the Mental Health Board on actions implemented.

ARTICLE VIII
Order of Business

SECTION 36. Regular Meetings. All regular meeting of the Mental Health Board shall be conducted according to Roberts Rules of Order modified to allow open participation of the Chairperson. Meetings shall be conducted so far as protocol in the following order:
   a) Roll Call
   b) Approval of Minutes of previous meeting(s)
   c) Agenda items in order listed
   d) Special items not on agenda
   e) Input from general public in attendance
   f) Adjournment

SECTION 37. Suspension of Order of Business. The regular order of business may be amended or suspended at any time by the Chairperson unless overruled by a majority of members of the Mental Health Board present.

ARTICLE IX
Executive Sessions

SECTION 38. Executive Sessions of the Mental Health Board. The Mental Health Board may conduct executive sessions during any regular, adjourned regular or special meeting to consider those matters allowed by law to be heard in this manner. Executive Sessions will be conducted in accordance with the Brown Act (Section 54950 of the Government Code.)

ARTICLE X
Committees, Task Forces, Other Boards

SECTION 39. Committees and Task Forces. The Mental Health Board may create standing committees, Ad-Hoc Committees and/or Task Forces. Staff shall serve in an advisory capacity only to any committee or task force.

SECTION 40. Committee Appointments. The Chairperson shall appoint Mental Health Board members and members of the general public to committees with the
concurrency of the individual appointed. The Chairperson of the Mental Health Board shall appoint the Chairperson of each committee.

SECTION 41. Task Force Appointments. A Task Force must include not less than one Mental Health Board member appointed by the Mental Health Board Chairperson. Other task force members shall be from the community. The task force shall elect its own Chairperson. A Mental Health Board member will serve as liaison to the Mental Health Board.

SECTION 42. Executive Committee. If an Executive Committee is desired, members of the executive committee shall include but not be limited to, the Chairperson or Vice Chairperson of the Mental Health Board and the chairperson of each standing committee. The Chairperson may request the Mental Health Board to authorize the executive committee to act in its place, when occasion demands.

SECTION 43. Other Advisory Boards. The Mental Health Board shall maintain linkage with other County Boards and Committees (duly established and appointed as specified by law) concerned with alcohol and drug abuse and other related mental health areas.

ARTICLE XI
By-laws Amendments

SECTION 44. Amendments. These By-laws and Rules of Procedure of the Mental Health Board may be amended by a majority vote of a quorum, meeting in a regularly scheduled meeting, as defined in Article III, Section 17 of these By-laws. Before By-laws amendments can be considered and/or voted on by the Mental Health Board they shall be submitted, in writing, to the membership at least 30 days prior to the meeting at which they are considered.

ADOPTED BY THE MENTAL HEALTH BOARD FOR MARIPOSA COUNTY ON 12-15-80
AMENDED BY THE MENTAL HEALTH BOARD FOR MARIPOSA COUNTY ON 5-04-93
AMENDED BY THE MENTAL HEALTH BOARD FOR MARIPOSA COUNTY ON 9-10-02