

BYLAWS

ARTICLE I - NAME

The name of the body shall be the FRESNO COUNTY BEHAVIORAL HEALTH BOARD. Whenever the term FCBHB is used in these Bylaws, it shall mean the Fresno County Behavioral Health Board.

ARTICLE II - AUTHORITY

The FCBHB was created by resolution number 15-080 of the Fresno County Board of Supervisors on March 24, 2015. The FCBHB is meant to be both the mental health board as required under section 5604 of the California Welfare and Institutions Code, and the advisory board on alcohol and other drug (AOD) problems (e.g., substance use disorder, or SUD) as allowed under California Health and Safety Code section 11805. The FCBHB shall be subject to the provisions of the Fresno County Board of Supervisors' Administrative Policies, and the California Brown Act.

ARTICLE III PURPOSE

The purpose of the FCBHB is to review and evaluate the community's mental health and SUD needs, services, facilities and special problems in order to maximize behavioral health delivery. There shall be a dual commitment to excellence with consideration of mental health and SUD prevention and treatment service needs of the community, enhancing integrated treatment as appropriate, but not losing sight of the unique needs of each population.

ARTICLE IV POWER AND DUTIES

Section 1: General

The FCBHB is responsible for all the functions and duties delineated in the Welfare and Institutions Code and Health and Safety Code regarding the mental health board and the advisory board on alcohol and drugs.

Section 2: Specific Duties

As mandated by Welfare and Institutions Code section 5604.2, the functions and duties of the FCBHB shall include, but not be limited to:

- (1) Review and evaluate the community's mental health needs, services, facilities and special problems.
- (2) Review any County agreements entered into pursuant to Welfare and Institutions Code section 5650.

- (3) Advise the governing body and the local 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 the director of mental health services. The Board shall be included in the selection process prior to the vote of the governing body.
- (7) Review and comment on the County's performance outcome data and communicate its findings to the California Mental Health Planning Council.
- (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.

Beyond these mandated duties related to mental health, the FCBHB, as applicable, shall perform the same functions related to substance use disorders.

The governing body may transfer additional duties or authority to the FCBHB.

Section 2. Mental Health Services Act

- (1) In accordance with Welfare and Institutions Code section 5848, the FCBHB shall conduct a public hearing on the Mental Health Services Act (MHSA) draft plan and annual updates at the close of the 30-day comment period. The FCBHB shall review the adopted plan or update and make recommendations to the County mental health department for revisions.
- (2) The FCBHB will review and approve procedures ensuring citizen and professional involvement in the Mental Health Services Act (MHSA) Community Program Planning process, as set forth in Welfare and Institutions Code section 5848 of the MHSA.
- (3) Mental health services provided pursuant to Parts 3 and 4 of the MHSA shall be included in the FCBHB's review and comment on the performance outcome data required by Welfare and Institutions Code Section 5604.2(a)(7).

ARTICLE V MEMBERSHIP

Section 1. Composition

The composition of the FCBHB is 16 members — 15 voting members and one non-voting ex officio member from the Board of Supervisors. The FCBHB membership should reflect the diversity and the demographics of the County as a whole, to the extent feasible as

referenced in the Welfare and Institutions Code section 5604.5(b). At least half or eight (8) of the seated members shall be consumers or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received mental health services in accordance with Welfare and Institutions Code 5604. At least 20 percent of the total membership shall be consumers, and at least 20 percent shall be family members of consumers. The remaining seven (7) members shall be representatives of the public interest in mental health. The FCBHB has determined that this shall include representatives with an interest in SUD as well. Two (2) members shall be selected from each Fresno County Supervisorial District for a total of ten (10) members. The five (5) remaining members shall be selected by the Fresno County Board of Supervisors at-large.

Section 2. Conflicts of Interest

Board Members shall be free of the following conflicts of interest:

- a) No member of the Board or his or her spouse shall be a full-time or part-time County employee of a County department directly providing mental health services, an employee of the State Department of Health Care Services, or an employee or a paid member of the governing body of a mental health contract agency, as referenced by the Welfare and Institutions Code sections 5604(d) and 5604(f), except as allowed under the amended Welfare and Institutions Code section 5604(d)(2), which states: A consumer of mental health services who has obtained employment with an employer (*as described above*) 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 FCBHB has also determined that no member shall be a full-time or part-time County employee of a County department directly providing SUD services, or a paid member of the governing body of an SUD contract agency, with the exception that the same conditions allowed by the amended Welfare and Institutions Code section 5604(d)(2) (as shown above) for those with interest [experience in mental health shall also apply to those with interest/experience in SUD.
- b) Members of the Board shall recuse themselves by leaving the room during the discussion, as well as during the vote, on any issue in which the member has a financial interest as defined in Section 87103 of the Government Code and as referenced in Welfare and Institutions Code section 5604(e).

Section 3.Length of Term, and Unexpired Terms

The term of each FCBHB member except for the Board of Supervisors' representative shall be for three (3) years. The terms shall be equitably staggered so that approximately one-third of the appointments expire in each year on April 1. The initial length of term for each FCBHB member shall be determined by lot for each supervisorial district. Members of the FCBHB may apply for reappointment to the Board at the end of their term, and may continue to serve beyond the end of their term until such time as they are reappointed or replaced.

Should a member resign, or otherwise be terminated from membership, a new member shall be appointed by the Board of Supervisors to fulfill the unexpired term.

Section 4. Attendance at Meetings

Members are expected to attend all meetings of the FCBHB. A member who is unable to attend a given meeting shall give advance notice of his/her inability to attend to the Chairperson of the FCBHB or the Department of Behavioral Health administrative support staff. Members are subject to the meeting attendance provisions set forth in Chapter 2.68 of the Fresno County Ordinance Code. Currently, section 2.68.010 of Chapter 2.68 states that, except as otherwise specifically provided by Fresno County Ordinance, a non-elected member of any board, commission, committee or council appointed by the board of supervisors shall be deemed to have resigned his or her membership for absences in excess of the following:

- A. Two regular meetings in a calendar year if the board, commission, committee or council has six or fewer regular meetings per calendar year; or
- B. Two consecutive regular meetings or three regular meetings in a calendar year if the board, commission, committee or council has from seven to twelve regular meetings per calendar year; or
- C. Three consecutive regular meetings or five regular meetings in a calendar year if the board, commission, committee or council has thirteen or more regular meetings per calendar year.

The secretary to the BHB shall give prompt written notice to a member who will be deemed to have resigned his or her membership upon the occurrence of one additional absence. Such notice shall contain a statement advising the member of the absences and the consequences thereof together with a copy of Chapter 2.68 of the Fresno County Ordinance Code. Failure of the secretary to give notice or failure of the member to receive notice shall not alter the automatic resignation provisions of Section 2.68.010 of the Fresno County Ordinance Code.

Where a member has been absent from meetings such that one additional absence will result in an automatic resignation, that member may petition the board of supervisors for a waiver of one or more of the prior absences. Such petition may only be made once per calendar year. The granting of such petition shall be based on good cause as determined in the sole discretion of the board of supervisors.

ARTICLE VI - OFFICERS

Section 1. Officers

The initial officers of the FCBHB shall be elected as soon as practical for the balance of 2015. Thereafter they shall be elected as follows in the next section.

The officers of the FCBHB shall consist of a Chairperson, a Vice Chairperson and a Secretary who shall be elected annually. Officers shall be elected to serve for one year or until their successors are elected. The Chairperson shall serve no more than three consecutive one-year terms.

Section 2. Election and Installation of Officers

The Membership Committee shall survey members as to interest of members in serving as an officer for the coming year prior to the regular October meeting. Nominations shall be received at the regular October meeting, and again at the regular November meeting at which time nominations will be closed. Election of officers shall be held during the regular December meeting. Results will be announced, and the new officers will be installed at the end of the regular December meeting.

Section 3. Filling Vacant Offices

Should the Chairperson resign or be unable to serve, the Vice Chairperson shall ascend to the Office of the Chairperson. If either the Chairperson or Vice Chairperson is unavailable to serve, the Secretary shall serve as acting Chairperson. Should the Vice Chairperson or Secretary resign or be unable to serve, the Executive Board shall nominate a replacement to be presented at the next regularly scheduled meeting. Nominations may also be made from the floor.

Section 4. Officer's Duties

The Chairperson of the Board shall:

- a) Consult with the local mental health director as referenced by the Welfare and Institutions Code section 5604.5(d).
- b) Preside at the regular meetings of the FCBHB and at the monthly meetings of the Executive Committee.
- c) Appoint committees, committee chairpersons (or allow committee to decide on own Chairperson).
- d) Act as a spokesman for the Board or assign other members to do so as needed.
- e) Attend/participate in activities/committees that relate to FCBHB responsibilities, or assign other members to do so as needed.

- f) Facilitate communication between FCBHB members, County departments and Fresno County Board of Supervisors.
- g) Assure that any actions (motions) taken at FCBHB meeting are communicated to the Board of Supervisors.

The Vice-Chairperson shall:

- a) Assist the Chairperson in any duties as assigned.
- b) Assume the duties of the Chairperson in the event of the Chairperson's absence.

Fresno County shall provide administrative and secretarial staff support to the FCBHB.

The FCBHB Secretary shall ensure that the following duties are carried out (with department staff support):

- a) Assure that all legal notices and accurate documentation are made for all FCBHB activities.
- b) Maintain an archive of all FCBHB and Committee meeting agendas and minutes for the year.
- c) Maintain FCBHB membership (roster, new members, resignations, attendance, parking stickers, expense reimbursements, etc.)

ARTICLE VII MEETINGS

Section 1. Frequency and Time of Meetings

The FCBHB shall meet at a consistent hour, day, and place as determined by the Board. The FCBHB is subject to the provisions of the Brown Act.

Section 2. Special Meetings

Special meetings may be called by the Chairperson or a majority of the FCBHB members. Public notification of special meetings shall be sent at least 24 hours in advance of the meeting, or within such shorter time as may be permitted by law.

Section 3. Public Participation

All meetings of the FCBHB and meetings of all committees, subcommittees and joint committees shall be open to the public as provided for by Chapter 9 of Part 1 of Division 2 of Title 5 of the Brown Act (commencing with California Government Code section 54950) relating to meetings of local agencies.

ARTICLE VIII - COMMITTEES

Section 1. Committees

There shall be a standing Executive Committee composed of the Chairperson, Vice Chairperson, Secretary, Immediate Past Chairperson, Chairpersons of any committees, and one at-large member, who may be appointed by the Chairperson.

Section 2. Joint Committees

The FCBHB may establish joint committees as necessary with other agencies or boards to address specific needs of the Board as necessary to carry out its work.

Section 3. Standing and Ad Hoc Committees

The Chairperson of the FCBHB or the Executive Committee may appoint standing committees, and may solicit volunteers for temporary (ad hoc) committees) to address specific needs of the Board as necessary to carry out its work.

Standing committees shall be fully subject to Brown Act requirements.

Temporary (ad hoc) committees must only contain less than a quorum of the board, serving a limited or single purpose, and must be time limited. Temporary (ad hoc) committees will be dissolved once their specific task(s) are completed. Temporary (ad hoc) committees are not subject to the Brown Act.

ARTICLE IX - CONDUCT OF MEETINGS

Section 1. Authority

The meeting of the FCBHB shall be conducted in accordance with the Brown Act, FCBHB meeting regulations, and any other governing law, ordinance, or regulations.

Section 2. Quorum

A quorum shall be one person more than one-half of the appointed members. (Welfare and Institutions Code section 5604.5(c).)

ARTICLE X - ADOPTION AND AMENDMENT

Section 1. Adoption

These Bylaws shall become effective immediately upon approval by a majority of the membership of the FCBHB and approval by a majority of the members of the Fresno County Board of Supervisors.

Section 2. Amendment

The Bylaws may be amended by majority vote of the FCBHB and subsequent approval by a majority of the members of the Fresno County Board of Supervisors.

This Amendment of the Bylaws has been approved by the FCBHB on August 15, 2018.