



Legislation Details (With Text)

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Title:	ADOPT changes to the Mental Health Commission's bylaws pertaining to attendance, as recommended by the Internal Operations Committee. (No fiscal impact)				
Attachments:	1. MHC Bylaws - Last Updated September 2021, 2. Mark-Up of Proposed Changes from Sept 2021 version - Attendance Section Only, 3. Final Draft of Changes from Sept 2021 version - Attendance Section Only				

Date	Ver.	Action By	Action	Result	Tally
6/25/2024	1	BOARD OF SUPERVISORS	approved	Pass	

To: Board of Supervisors

From: Internal Operations Committee

Report Title: Updates to Mental Health Commission Bylaws Pertaining to Attendance

☐ Recommendation of the County Administrator ☒ Recommendation of Board Committee

RECOMMENDATIONS:

ADOPT changes to the Mental Health Commission's bylaws pertaining to attendance.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

In July 2021, the IOC decided to recommend changes to the Mental Health Commission bylaws pertaining to recruitment and membership. Those changes were adopted by the Board of Supervisors in September 2021 and the current bylaws are attached hereto for reference. At that time, it was anticipated that additional changes pertaining to attendance would be forthcoming from the Commission and considered at a future IOC meeting. At the end of 2023, there was an incident involving a commissioner concerning differing interpretations of attendance requirements in the current bylaws. Consequently, the Commission determined to revise and clarify its attendance requirements to avoid any future misunderstanding.

At its regular meeting of June 10, 2024, the Internal Operations Committee (IOC) reviewed the Mental Health Commission's proposed changes to its bylaws pertaining to attendance, both redline and final draft versions, as well as the current version of the bylaws adopted September 2021, which are all attached for reference. The proposed changes were unanimously approved by 11 Commissioners at the Commission's May 1, 2024 meeting.

The IOC recognized that Proposition 1 will likely necessitate combining the Alcohol and Other Drugs Advisory Board with the Mental Health Commission (MHC) (or decommissioning those bodies and creating a new body) by the end of this year. Still, the IOC agreed that the proposed MHC bylaw amendments could move forward

in the interim to define what constitutes an excused absence and provide a procedure to report and recognize excused absences. This is especially important for Commissioners who have professional obligations, particularly involving travel, that prevents attendance at some MHC meetings.

CONSEQUENCE OF NEGATIVE ACTION:

Without the clarifying changes, the Commission may continue to have disputes over interpretation of the bylaws as they pertain to attendance.

CONTRACOSTACOUNTY
MENTALHEALTHCOMMISSION
BYLAWS

Last Amended and Approved by the Board of Supervisors:
June 25, 2024

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ARTICLE I
NAME OF ORGANIZATION

SECTION 1. NAME OF ORGANIZATION

1.1 Name

The name of the organization shall be the "Contra Costa County Mental Health Commission."

ARTICLE II
DEFINITIONS

SECTION 1. DEFINITIONS

1.1 The following definitions shall apply to the Contra Costa County Mental Health Commission Bylaws:

- a) Better Government Ordinance means the Contra Costa County Ordinance regarding open meetings and public records, commencing with the Contra Costa County Code §25-2.202
- b) Board means the Contra Costa County Board of Supervisors
- c) Brown Act means the Ralph M. Brown Act of 1974, commencing with section 54950 of the California Government Code
- d) Commission means the Contra Costa County Mental Health Commission
- e) Commissioner means a member of the Commission
- f) Consumer means a person who is receiving or has received mental health services
- g) Consumer Representative means a Consumer who is a member of the Commission
- h) County means Contra Costa County
- i) Family Member means a parent, spouse, registered domestic partner, sibling, or adult child of a consumer
- j) Mental Health Director means the person serving as the director of the Contra Costa County Mental Health Department
- k) Mental Health Department means the Contra Costa County Mental Health Department
- l) Supervisor means a member of the Contra Costa County Board of Supervisors

ARTICLE III
GENERAL PROVISIONS

SECTION 1. AUTHORITY

1.1 Establishment

The Contra Costa County Mental Health Commission ("Commission" hereinafter) was established by order of the Contra Costa County Board of Supervisors on June 22, 1993, pursuant to the Bronzan McCorquodale Act, Stats. 1992, c. 1374 (AB. 14) to serve in an advisory capacity to the Board of Supervisors.

SECTION 2. MANDATED ROLES AND RESPONSIBILITIES

2.1 Mandates

- a) Pursuant to Welfare and Institutions Code Section 5604.2 (a) and (b), as it may be amended from time to time, the Commission shall do all of the following:
 - 1) Review and evaluate the County's mental health needs, services, facilities, and special problems.

- 2) Review any County agreements entered into pursuant to Section 5650 of the Welfare & Institutions Code.
 - 3) Advise the Board of Supervisors and the Mental Health Director as to any aspect of the County's 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 Mental Health Director. The Commission 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.
 - 8) Assess the impact of the realignment of services from the state to the county, on services delivered to clients in this County.
 - 9) Perform those additional duties as may be directed by the Board of Supervisors.
- b) Pursuant to Section 5848 (b) and (c) of the Welfare & Institutions Code:
- 1) The Commission shall conduct a public hearing on the draft three-year program and expenditure plan, and annual updates at the close of the required 30-day comment period and review the adopted plan or update and make recommendations to the County Mental Health Director for revisions.

ARTICLE IV MEMBERSHIP

SECTION 1. MEMBERSHIP

1.1 Composition

- a) The Commission shall consist of fifteen (15) members appointed by the Board of Supervisors, plus one member of the Board of Supervisors and an alternate assigned to be a representative to the Commission. Each member of the Board of Supervisors shall have three (3) members representing his or her district. The specific seat to be assigned to each nominee will be determined by the member of the Board of Supervisors making the nomination.
- b) The following rules shall apply to membership on the Commission:
 - 1) One (1) member of the Board of Supervisors shall be a member of the Commission. The Board of Supervisors shall also appoint one (1) Supervisor to serve as an alternate member.
 - 2) Fifty percent (50%) of the Commission 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 Commission membership shall be Consumers and at least twenty-percent shall be Family Members. If at least twenty percent of the total Commission membership is not comprised of Consumers and/or if at least twenty-percent of the total Commission membership is not comprised of Family Members, a Commissioner for the underrepresented category may be selected from any Supervisorial district, if there are no applicants from the impacted district. If it is not possible to secure membership as specified from among persons residing in the

County, the Board may substitute representatives of the public interest in mental health who are not employees of County Mental Health, Department of Health Care Services or on staff or a paid member of a governing body of a mental health contract agency.

- c) On this Mental Health Commission, membership shall consist of:
 - 1) One (1) member of the Board of Supervisors
 - 2) Five (5) members shall be Consumer Representatives - individuals who are receiving or have received mental health services, preferably in Contra Costa County.
 - 3) Five (5) members shall be Family Members - parents, spouses, registered domestic partners, siblings or adult children of consumers who are receiving or have received mental health services, preferably in Contra Costa County.
 - 4) Five (5) members shall be Members-at-Large - individuals who have experience and knowledge of the mental health system, preferably in Contra Costa County.

1.2 Demographic and Ethnic Representation

- a) The Commission membership should reflect the ethnic diversity of the client population in the County.
- b) The composition of the Commission shall represent the demographics of the County as a whole, to the extent feasible.

1.3 Membership Restrictions

- a) No member of the Commission or his or her spouse shall be:
 - 1) A full-time or part-time employee of any Contra Costa County department that is directly involved in the provision of mental health services; or
 - 2) An employee of the State Department of Health Care Services; or
 - 3) An employee of, or a paid member of, the governing body of a mental health contract agency.
- b) Commission members must be eighteen (18) years of age or older and, except as otherwise provided in these Bylaws, must reside in Contra Costa County.
- c) Members of the Commission shall abstain from discussing or voting on any issue in which the member has a financial interest as defined in Section 87103 of the Government Code.

SECTION 2. ATTENDANCE

2.1 Attendance requirements

- a) Regular attendance of Commission meetings is mandatory for all Commission members.

1. Unexcused Absences: A Commission member is required to contact the Commission Chairperson and the administrative assistant at least 24 hours before a regularly scheduled meeting if they are unable to attend. Failure to do so will result in an unexcused absence. A Commission member who has four (4) unexcused absences from a regularly scheduled full commission meeting in any consecutive twelve-month period, as opposed to calendar year, will be deemed to have automatically resigned from the Commission. In such event, the Commission member's status will be noted at the next Commission meeting and recorded in the meeting minutes. The Commission Chairperson shall, without further direction from the Commission, apprise the appointing Supervisor and request the Board of Supervisors to remove the appointee and request the appointment of a replacement.

2. Excused Absences: A Commission member's absence from a regularly scheduled Commission meeting may be excused to include but not limited to major illness and unexpected family emergencies. They also include some unscheduled absences, such as surgical procedures, jury duty, funerals, and scheduled vacations. Commission members shall obtain consent from the Commission Chairperson at least one day prior to the meeting for any planned absences. Excused absences will be recorded in the meeting minutes as an "excused

absence.”

3. Leave of Absence: A Commission member who does not wish to resign and needs a leave from the Commission commitments may request a leave of absence for illness or personal reasons for a period of up to three (3) months. The request must be submitted in writing to the Commission Chairperson, who will inform the appointing Supervisor. A Commission member may request an extension to their leave by submitting a request in writing to the Commission Chairperson, who will forward the request to the appointing Supervisor for approval.

SECTION 3. TERMS

3.1 Duration

The term of each member of the Commission shall be three (3) years in duration. Terms shall be staggered so that approximately one-third (1/3) of the appointments end each year. All terms end on June 30 in the appropriate year. The Supervisor appointed to the Commission serves until replaced by the County Board of Supervisors.

SECTION 4. VACANCIES AND RECRUITMENT

4.1 Role of the Commission

The role of the Commission in recruitment of new commissioners is at the discretion of and to the extent requested by the Board of Supervisors.

4.2 Applications

The Commission is encouraged to help identify and recruit qualified applicants to apply for any vacancies on the Commission.

4.3 Commission Identification and Recruitment of Applicants

- a) Pursuant to Article IV, section 1.2, the Commission shall, to the extent feasible, identify and encourage applicants who will assist the County in maintaining a Commission that represents and reflects the diversity and demographics of the County as a whole, as provided in the Welfare & Institutions Code.
- b) To the extent possible, the Commission shall identify and encourage applicants who have experience and knowledge of the mental health system, preferably in the County.

4.4 In order for applicants being considered for the Mental Health Commission to have a better understanding of their potential role, responsibilities, and restrictions as a Commissioner, applicants are encouraged to attend at least one Commission meeting, and also encouraged to meet with the Commission Chair, Commission Vice Chair or other commissioners prior to their appointment.

4.5 The Chair and Executive Committee of the Mental Health Commission shall coordinate appropriate training and orientation of all newly appointed commissioners.

**ARTICLE V
MEETINGS**

SECTION 1. REGULAR MEETINGS

1.1 Regular Meetings

Meetings of the Mental Health Commission shall be held monthly.

1.2 Schedule of Meetings

The meeting schedule for the following year shall be set in the month of December. If no meeting will be convened during the month of December, the meeting schedule shall be set at the last regular meeting of the calendar year. Meeting schedules shall be available online.

1.3 Minimum Number

A minimum of eleven (11) meetings shall be held per year.

1.4 Holidays

If the regular meeting date falls on a holiday, a new meeting date shall be selected.

SECTION 2. ORDER OF BUSINESS

2.1 Agendas

Agendas shall be prepared for regular Commission and Executive Committee meetings at the direction of the Commission Chairperson. When feasible, agendas shall be e-mailed and mailed seven (7) days prior to the meeting, but at a minimum 96 hours prior to the meeting. Agendas shall be posted, e-mailed and mailed and made available to the public in accordance with the Brown Act and the County's Better Government Ordinance.

SECTION 3. QUORUM

A quorum is one person more than one-half of the appointed members. The Commission must have a quorum present in order to hold a meeting.

SECTION 4. CLOSED SESSION

The Commission may not conduct closed sessions.

SECTION 5. SPECIAL MEETINGS

Special meetings of the Commission may be called at any time by the Chair or by a majority of the members of the Commission in accordance with the Brown Act and the County's Better Government Ordinance.

SECTION 6. OPEN MEETINGS

All meetings of the Commission, including all meetings of its Executive Committee, standing committees, task forces and ad hoc committees shall comply with the Brown Act and the County's Better Government Ordinance.

SECTION 7. DECISIONS AND ACTIONS OF THE COMMISSION

Unless otherwise stated, all matters coming before the Commission for action shall be determined by a majority of the Commissioners appointed.

SECTION 8. ADDRESSING THE COMMISSION

Public Comment shall be allowed on any items of interest to the public that are within the subject matter jurisdiction of the Commission, both agendaized and non-agendaized items, in accordance with the Brown Act and the County's Better Government Ordinance. The Chairperson may limit the amount of time a person may use in addressing the Commission on any subject, provided the same amount of time is allotted to every person wishing to address the Commission.

ARTICLE VI
NOMINATION, ELECTION AND REMOVAL OF OFFICERS

SECTION 1. NOMINATION OF OFFICERS AND EXECUTIVE COMMITTEE MEMBERS

1.1 Ad Hoc Nominating Committee

An Ad Hoc Nominating Committee shall be appointed in the month of August. During the September meeting, the Ad Hoc Nominating Committee shall announce the solicitation of nominations from the Commission members and obtain the nominee's consent to serve. At the October meeting, a slate of nominees will be announced.

1.2 Nominations

In the event of a vacancy in the office of Chairperson, Vice Chairperson or an Executive

Committee member during the term of office, nominations will be taken, nominees' consent to serve will be obtained, and nominees will be announced at the next regularly scheduled Commission meeting.

SECTION 2. ELECTION

2.1 Timing of

The Commission shall elect a Chairperson, Vice Chairperson and members of the Executive Committee at the November or next regular meeting of the Commission following the announcement of nominations as set forth in Section I.

2.2 Assumption of Office

The newly-elected Chairperson, Vice Chairperson and Executive Committee shall assume office January 1 and serve through December 31 of that year. In the case of a mid-term appointment, the elected Chairperson, Vice Chairperson or members of the Executive Committee will complete the remainder of the normal term.

2.3 Conduct of Election

The election will be conducted publicly through the use of signed ballots. Ballots will be announced and counted publicly by the Ad Hoc Nominating Committee. The election of each officer will carry with a majority vote of the Commission. In the case of a tie vote, the Commission may re-cast ballots until the tie is broken. If, in the opinion of the Chairperson, the tie will not be broken within a reasonable number of attempts, the election may be deferred until the next scheduled Commission meeting and the current seated officer will remain in office until a new officer is elected.

SECTION 3. TERMS OF OFFICE

The Officers of the Commission, the Chairperson and Vice Chairperson, shall serve no more than three (3) consecutive terms of one year each in the same position. This will not preclude an individual from serving as Chairperson or Vice Chairperson after one (1) year of having not served.

SECTION 4. REMOVAL OF OFFICER

4.1 Grounds for Removal

The Commission, by a majority of the Commissioners appointed, may remove the Chairperson and/or Vice Chairperson from office and relieve him/her of his/her duties

4.2 Nominations After Removal

In the event of removal of the Chairperson and/or Vice Chairperson, the Ad Hoc Nominating Committee shall meet and present nominations for the vacant position(s) at the next regularly scheduled Commission meeting.

ARTICLE VII

DUTIES OF OFFICERS

SECTION 1. DUTIES OF THE CHAIRPERSON

1.1 Meetings

- a) The Chairperson shall preside at all meetings of the Commission and perform duties consistent with these Bylaws and the Welfare and Institutions Code
- b) The Chairperson shall conduct meetings, maintain order and decorum, and decide questions of procedure in accordance with these Bylaws and in consultation with County staff via the Executive Assistant to the Commission.
- c) The Chairperson shall conduct all meetings in the manner required by the Brown Act and the County's Better Government Ordinance.

1.3 Other Duties

The Chairperson shall be in consultation with the Mental Health Director.

SECTION 2. DUTIES OF THE VICE CHAIRPERSON

In the event of the Chairperson's absence from a Commission meeting or inability to act, the Vice Chairperson shall preside and perform all duties of the Chairperson. In the case of removal of the Chairperson, the Vice Chairperson shall perform all duties of the Chairperson until new elections can be held.

SECTION 3. TEMPORARY CHAIRPERSON

In the event both the Chairperson and Vice Chairperson are absent from a Commission meeting or are unable to act, the members shall, by order fully entered into their records, elect one of their members to act as Chairperson *Pro Tern*. The Chairperson *Pro Tern* shall perform the duties of the Chairperson until such time as the Chairperson or Vice Chairperson resumes his or her duties.

ARTICLE VIII COMMITTEES

SECTION 1. CREATION OF COMMITTEES

Pursuant to the rules set forth herein, the Commission may create committees which can be standing committees, task forces or ad hoc committees as needed.

SECTION 2. STANDING COMMITTEES

2.1 Mission Statement

Each standing committee shall develop a Mission Statement. The Mission Statement is subject to approval by the Commission and shall be submitted to the Commission for approval no later than 60 days after establishment of the committee.

2.2 Composition

Each standing committee shall consist of a minimum of three (3) and a maximum of five (5) members of the Commission.

2.3 Appointment and Terms

- a) The Commission may appoint Commission members to standing committees.
- b) The terms of the Committee Chairpersons and Vice Chairpersons shall be one (1) year.
- c) There are no limits on the number of terms an individual may serve as Committee Chairperson or Vice Chairperson.

2.4 Meetings/Actions

- a) All matters coming before a standing committee shall be determined by a majority of the Commissioners on the committee.
- b) All standing committee meetings shall be conducted in accordance with the Brown Act and the County Better Government Ordinance.
- c) All actions approved by a standing committee will be referred to the Commission for final approval.

2.5 Chairpersons, Vice Chairpersons

- a) Selection
 - 1) Each standing committee shall have a Chairperson and may have a Vice Chairperson who are selected by the Committee.
 - 1) In the event of a vacancy in the position of Chairperson or Vice Chairperson of a standing committee, the Commission Chairperson may serve as temporary Chairperson of the

standing committee for up to sixty (60) days while the Committee selects a new Chairperson or Vice Chairperson.

b) Duties

- 1) The Chairperson shall preside at all meetings of the standing committee and perform his or her duties consistent with the procedures outlined herein. The Chairperson shall work in consultation with the Commission Chairperson.
- 2) The Chairperson shall direct the preparation and distribution of agendas for their respective standing committee meetings as required by the Brown Act and the County's Better Government Ordinance.
- 3) The Chairperson shall provide monthly reports to the Commission regarding the activities of the standing committee and is encouraged to provide an outline of the monthly report to the Executive Assistant to the Commission for use in preparation of the Minutes.

SECTION 3. EXECUTIVE COMMITTEE

3.1 Purpose

The Executive Committee is charged with acting on the decisions of the Mental Health Commission. Its primary focus is to identify and avail any reasonable resources needed to deliberate over agenda items of the general membership, committee, task force or ad hoc committee meetings

3.2 Composition

The Commission Chairperson, and Vice Chairperson shall be members of the Executive Committee. Additional members shall be elected by the Commission. The Executive Committee shall consist of a minimum of three (3) members and a maximum of five (5) members.

3.3 Term

Elected members of the Executive Committee shall serve for one calendar year.

SECTION 4. TASK FORCES

4.1 Purpose

Task forces shall be time-limited and have a stated purpose beyond the scope of regular Commission responsibilities approved by the Commission and shall be required to report back to the Commission regarding progress toward its stated purpose.

4.2 Composition

Each task force shall consist of a minimum of three (3) members and a maximum of five (5) members. Non-Commissioners may be appointed from the community as non-voting members when special expertise, advice or opinion is desired, at the discretion of the Commission, but shall not exceed one half (1/2) of the membership of the Task Force. All task force members shall conform to the Mental Health Division client confidentiality statement.

4.3 Appointment and Terms

The Commission shall appoint Commission and non-Commission members to task forces based upon a majority vote of the Commission. The terms of all task force members shall be until the task force has completed its stated purpose.

4.4 Meetings/ Actions

All meetings shall be conducted in accordance with the Brown Act and the Contra Costa County Better Government Ordinance. All matters coming before a task force shall be determined by a majority of the members of the task force.

4.5 Chairpersons

a) Selection

- 1) Each task force shall have a Chairperson and may have a Vice Chairperson, selected by

the members of the task force. In the event of a vacancy in the position of Chairperson of a task force, the Commission Chairperson may serve as temporary Chairperson of the task force for up to sixty (60) days while the Task Force selects a new Chairperson.

b) Duties

- 1) The Chairperson shall preside at all meetings of the task force and perform his or her duties consistent with the procedures outlined herein. The Chairperson shall work in consultation with the Commission Chairperson.
- 2) The Chairperson shall direct the preparation and distribution of agendas for the task force in the manner required by the Brown Act and the County's Better Government Ordinance.
- 3) The Chairperson shall provide monthly reports to the sponsoring standing committee or the Commission.

4.6 Removal

The Chairperson of the task force may request of the Chair of the Commission replacement of a member who fails to regularly attend the task force meetings.

SECTION 5. AD HOC COMMITTEES

5.1 Purpose

Ad Hoc Committees shall be established by the Commission as needed to address issues within the normal course of Commission responsibilities, including but not limited to applicant interviews and officer nominations. They shall be required to report back to the Commission.

5.2 Composition

An ad hoc committee shall consist of a minimum of three (3) and a maximum of five (5) members of the Commission.

5.3 Appointment

The Commission shall appoint Commission members to an ad hoc committee.

5.4 Meetings/Actions

All matters coming before an ad hoc committee shall be determined by a majority of the members of the ad hoc committee.

5.5 Chairpersons

a) Selection

Each ad hoc committee shall have a Chairperson, and may have a Vice Chairperson, selected by a majority of the members of the ad hoc committee. In the event of a vacancy in the position of Chairperson of an ad hoc committee, the Commission Chairperson may serve as temporary Chairperson of the ad hoc committee for up to sixty (60) days while the ad hoc committee selects a new Chairperson.

b) Duties

- 1) The Chairperson shall preside at all meetings of the ad hoc committee and perform his or her duties consistent with the procedures outlined herein. The Chairperson shall be in consultation with the Commission Chairperson.
- 2) The Chairperson shall direct the preparation and distribution of agendas for the ad hoc committee in the manner required by the Brown Act and the County's Better Government Ordinance.
- 3) The Chairperson shall provide monthly reports to the Commission.

5.6 Removal

The Chairperson of the ad hoc committee may request of the Chair of the Commission replacement of a member who fails to regularly attend the ad hoc committee meetings.

SECTION 6. COMMISSION REPRESENTATIVE

The Commission shall appoint an officer or other member of the Commission as the Commission Representative to the California Association of Local Mental Health Boards/Commissions. The Commission Representative shall represent the Mental Health Commission at statewide meetings and to report back to the Commission.

SECTION 1. STAFF SUPPORT

The County's Mental Health Division provides clerical support services to assist the Commission in the management of its operations and activities. The Executive Assistant shall maintain all necessary records. The budget of the Mental Health Division shall fund the position of the Executive Assistant to the Mental Health Commission.

SECTION 2. STAFF ATTENDANCE AT MEETINGS

The Mental Health Division staff provides information to the Commission and its committees regarding agenda items and attends meetings on a regular basis.

SECTION 3. ACTIONS

The Commission by its Chairperson shall regularly inform the Mental Health Director of Commission actions.

ARTICLE X
BYLAW AMENDMENTS

SECTION 1. AMENDMENTS

These Bylaws may be amended by a majority vote of the Commission in a regularly scheduled meeting as defined at Article V, Section 1. Before the Commission may consider or vote on Bylaw amendments, proposed amendments shall be submitted in writing to Commission members at least thirty (30) days prior to the meeting date at which they are to be considered.