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Orange County Behavioral Health Advisory Board

BYLAWS

ARTICLE I

Section 1. NAME OF THE BOARD

- A. The name of this board shall be THE ORANGE COUNTY BEHAVIORAL HEALTH ADVISORY BOARD, hereinafter referred to as the “BHAB.”

The official location and mailing address of BHAB shall be:

Mailing Location: 405 W. 5th St., Santa Ana, CA 92701.

Section 2. AUTHORITY OF THE BOARD

- A. The BHAB is authorized by California Welfare and Institutions Code, Section 5604, and Health and Safety Code Section 11805.

Section 3. PURPOSE AND FUNCTION OF THE BOARD

- A. The purpose of the BHAB is to function as an advisory board to the Orange County Board of Supervisors and the Orange County Director of Behavioral Health Services as to any aspect of the local behavioral health programs. Additionally, the purpose of the BHAB is to review and evaluate the local public behavioral health system, pursuant to Welfare and Institutions Code, Section 5604.2, and advise the Orange County Board of Supervisors on community behavioral health services delivered by the Orange County Health Care Agency.

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ARTICLE II

Section 1. APPOINTMENT AND MEMBERSHIP

- A. The BHAB shall consist of fifteen (15) voting members.
- B. One member shall be a member of the Orange County Board of Supervisors. The remaining fourteen (14) members shall be appointed by the Orange County Board of Supervisors.

Section 2. QUALIFICATION FOR MEMBERSHIP

- A. Fifty percent of the BHAB's total membership shall be consumers, or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received behavioral health services. At least one of these members shall be an individual who is 25 years of age or younger.
- B. At least twenty percent of the BHAB's total membership shall be consumers, and at least twenty percent shall be families of consumers.
- C. At least one member of the BHAB shall be a veteran or veteran advocate. A "veteran advocate" means either a parent, spouse, or adult child of a veteran, or an individual who is part of a veterans organization, including the Veterans of Foreign Wars or the American Legion.
- D. At least one member of BHAB shall be an employee of a local education agency.
- E. The remaining membership of the BHAB should include individuals who have experience with, and knowledge of, the behavioral health system, who would include members of the community who engage with individuals living with mental illness or substance use disorder in the course of daily operations, such as representatives of county offices of education, large and small businesses, hospitals, hospital districts, physicians practicing in emergency departments, city police chiefs, county sheriffs, and community and nonprofit service providers.
- F. Membership should represent and reflect the diversity of the client population in the County to the extent possible.
- G. Residency and Voting Requirements: Except where the Board of Supervisors finds it is in the best interest of the County to waive voter and residency requirements, all members of the BHAB shall be registered voters in the County.

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Section 3: LENGTH OF MEMBERSHIP

- A. All member appointments shall be for a period of three (3) years. A member shall not serve more than a total of three (3) terms.
- B. Appointments made to fill a vacancy left by a member before the expiration of the term of that member shall be for the remaining term of that member.
- C. Pursuant to Section 1302 of the Government Code, a member whose term has expired shall continue serving as a member until reappointed or replaced.

Section 4. CONFLICT OF INTEREST

- A. (1) Except as provided in Subsection A. (2), below, no member of the BHAB or his or her spouse shall be a full-time or part-time employee of the Orange County Behavioral Health Services, an employee of the State Department of Health Care Services, an employee of, or a paid member of the governing body of, a behavioral health contract agency.

(2) A consumer of behavioral health services

who has obtained employment with an employer described in Section A. (1), above, and who holds a position in which he or she does not have any interest, influence, or authority over any financial or contractual matters concerning the employer, may be appointed to the BHAB. The member shall abstain from voting on any financial or contractual issues concerning his or her employer that may come before the BHAB.

- B. Members of the BHAB shall abstain from voting on any issue in which the member has a financial interest as defined in Section 87103 of the Government Code.
- C. Members of the BHAB and any of its committees or subcommittees shall abstain from voting on any issue in which they may be financially interested to avoid a conflict of interest in accordance with County, state, and federal laws and shall refrain from engaging in any behavior that conflicts with the best interest of the County.
- D. Members of the BHAB shall not vote nor attempt to influence any other BHAB member on a matter under consideration by the BHAB or any of its committees or subcommittees:
 - 1. Regarding the provision of services by such member (or by an entity that such member represents; or

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2. That would provide direct financial benefit to such member or the immediate family of such member; or
 3. Engage in any other activity constituting a conflict of interest under County, state, or federal law.
- E. If a question arises as to whether a conflict exists that may prevent a member from voting, the Chairperson or designee may consult with designated County staff to assist them in making that determination.
 - F. In order to avoid a conflict of interest or the appearance of such conflict, all nominees to become members of the BHAB shall disclose on forms provided by the County information regarding their private economic interests that may be implicated by their service on the BHAB.
 - G. Members of BHAB shall complete ethics training as required by County policy and Assembly Bill 1234 (Government Code sections 53234 through 53235.2).
 - H. Neither BHAB nor any of its members shall promote, directly or indirectly, a political party, political candidate, or political activity using the name, emblem, or any other identifier of BHAB.
 - I. No assets or assistance provided by County to BHAB shall be used for sectarian worship, instruction, or proselytization, except as otherwise permitted by law.

Section 5. MEMBERSHIP RECRUITMENT

- A. The BHAB may recommend appointees to the Board of Supervisors.
- B. Geographic representation from throughout the County from each County Supervisory District would be ideal, but a minimum of one representative from each district is acceptable.
- C. Nothing herein shall limit the authority of the Board of Supervisors to appoint any person meeting the criteria established in Article VI, Section 1, irrespective of any BHAB recommendation.

Section 6. REMOVAL AND RESIGNATION OF MEMBERS

- A. The Board of Supervisors may, at any time, and without cause, remove any BHAB member from office prior to the expiration of his/her term of office by majority vote of the Board of Supervisors.
- B. A member unable to continue active service shall submit a written letter of resignation to the Chairperson of the BHAB and the Orange County Board of Supervisors.

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- C. The Chairperson of the BHAB shall notify the Orange County Clerk of the Board in writing of any vacancies within ten (10) calendar days of learning the existence of any such vacancy.
- D. Any member, with the exception of the Supervisor's seat, who fails to attend three (3) consecutive General meetings, or a total of four (4) General meetings in a calendar year, shall automatically vacate of that position.
 - 1. The rule stated above shall not apply to absences that are because of extenuating circumstances and approved by the Chairperson. Extenuating circumstances shall not interfere with the board member ability to fulfill their responsibilities as a member.

ARTICLE III

Section 1. DUTIES OF MEMBERS

- A. In accordance with the California Welfare and Institutions Code Sections 5604, 5604.2 and 5963.03 the BHAB shall:
 - 1. Review and evaluate the local public mental health system, pursuant to Welfare and Institutions Code Section 5604.2, and review and evaluate the local public substance use disorder treatment system.
 - 2. Advise the Board of Supervisors on community mental health and substance use disorder services delivered by the local mental health or local behavioral health agency, as applicable.
 - 3. Advise the Board of Supervisors and the Behavioral Health Director as to any aspect of the County's behavioral health systems.
 - a) The BHAB may request assistance from the local patients' rights advocates when reviewing and advising on mental health and substance use disorder evaluations or services provided in public facilities with limited access.
 - 4. Review and evaluate the County's public behavioral health needs, services, facilities, and special problems in any facility within the county or jurisdiction where mental health and/ or substance use disorder evaluations or services are being provided, including, but not limited to, schools, emergency departments, and psychiatric facilities.
 - 5. Review and approve the procedures used to ensure citizen and professional involvement in all stages of the planning process.

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- a) Involvement shall include individuals with lived experience of mental illness, substance use disorder, or both, and their families, community members, advocacy organizations, and behavioral health professionals. It shall also include other professionals who interact with individuals living with mental illnesses or substance use disorders on a daily basis, such as education, emergency services, employment, health care, housing, public safety, local business owners, social services, older adults, transportation, and veterans.
6. Review and comment on the County's performance outcome data and communicate findings to the California Mental Health Planning Council.
 7. Assess the impact of the realignment of the services from the State to the County on services delivered on the local community.
 8. Review any County Performance Agreement, entered into pursuant to California Welfare and Institutions Code, Section 5650. BHAB may make recommendations to the Board of Supervisors regarding concerns identified within the Agreement.
 9. Review and make recommendations regarding applicants for the appointment of the Behavioral Health Director. The BHAB shall be included in the selection process prior to the vote by Board of Supervisors.
 10. Submit an annual report to the Board of Supervisors on the needs and performance of the county's behavioral health system.
 11. Assess the impact of the realignment of services from the state to the county on services delivered to clients and on the local community.
 12. Conduct a public hearing on the draft integrated plan and annual updates at the close of the 30-day comment period required by WIC 5963.03(a).
 13. Review the adopted integrated plan or update and make recommendations to the local mental health agency, local substance use disorder agency, or local behavioral health agency, as applicable, for revisions.

Section 2. RESPONSIBILITIES OF MEMBERS

A. Each Member shall:

1. Attend all meetings of the BHAB as referenced in Article II, Section 6. D, and of committees to which they are appointed. The Executive Committee shall regularly review member's attendance at regular and committee meetings. The member from the Board of Supervisors has the authority to designate an alternate for attendance at the meetings.

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2. Notify the Chairperson and the Clerk of the BHAB of any expected absence for a meeting by 5:00 p.m. of the day before a regularly scheduled BHAB meeting, indicating good and sufficient reasons for the absence.
3. Be prepared to discuss the issues and business on the meeting's agenda and prepare for the meetings in advance by reviewing related materials provided prior to the meeting by staff.
4. Perform any filing obligations with the Clerk of the Board, accurately and in a timely manner.
5. Comply with County Code of Ethics and complete any ethics training required by law in a timely manner.
6. Comply with the County Equal Employment Opportunity and Anti-Harassment Policy and Procedures.
7. In the performance of his/her responsibilities, shall not engage in nor employ any unlawfully discriminatory practices in the provision of services or benefits, assignment of accommodations, treatment, employment of personnel or in any other respect on the basis of sex, race, color, ethnicity, national origin, ancestry, religion, age, marital status, medical condition, sexual orientation, physical or mental disability or any other protected group in accordance with the requirements of all applicable County, state, or federal laws.
8. Operate strictly within designated purposes of the BHAB and member duties as set forth in these Bylaws.
9. Represent the BHAB in a positive and supportive manner at all times and in all places.
10. Avoid conflict of interest situations and refrain from actions that may be perceived as such.
11. Participate in community tabling events, conferences and other meetings as needed. Any member who acts on behalf of the BHAB, serves as liaison or representative of the BHAB, or who attends any conference or meeting, shall provide a verbal summary of that activity at the next BHAB meeting.
12. All official correspondence, requests, or responses made by any BHAB member on behalf of the BHAB or any of its committees to any County or outside entity or individual, shall be forwarded through the Clerk of the BHAB unless otherwise excepted by the BHAB Chair.

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ARTICLE IV

Section 1. COMPENSATION AND REIMBURSEMENT

- A. Members may be paid for their actual and necessary expenses incurred incident to the performance of their official duties and functions as set forth in these Bylaws. The expenses may include travel, lodging, childcare, and meals for the members while on official business as approved by the Behavioral Health Director.
- B. The fund for payment of the expenses specified in Section 1, above, shall be from the planning and administrative revenues identified in Welfare and Institutions Code, Section 5892(c).
- C. All requests for reimbursement shall be submitted in accordance with the policies and procedures adopted by the County on a form approved by the County Auditor-Controller.
- D. Each member of the BHAB shall be eligible to receive a sum of thirty dollars (\$30) pre-tax withholdings for attendance at a BHAB General meeting, subject to a maximum reimbursement for one meeting per month. Attendance of less than one-half of a regular meeting shall be considered an absence and not subject to remuneration.

ARTICLE V

Section 1. OFFICERS

- A. Officers of the BHAB shall consist of a Chairperson and Vice Chairperson who shall be elected annually during the last BHAB meeting of each calendar year by majority vote, a quorum being present.
- B. The Chairperson shall:
 - 1. Appoint membership to a nominating committee to present nominations for election of officers of the BHAB at the October general meeting. Elections shall be held at the November general meeting, and the new officers shall assume their duties on January 1.
 - 2. Preside at meetings, call special meetings, decide points of order, announce all business, entertain motions, put motions to vote, announce vote results, appoint and may remove committee chairpersons, represent the BHAB at public functions, and be responsible for the overall management of the BHAB business.

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3. Appoint membership to the BHAB standing and ad hoc committees. The Chairperson shall give consideration to the recommendations made by the Executive Committee in appointing membership to the BHAB standing and ad hoc committees.
 - a) Submit Committee Agendas to the support staff at least one week prior to the meeting date. Allow at least 3-weeks when requesting a presenter for any given meeting. Submission requests for information and presentations should be submitted through the Clerk of the BHAB.
 - b) Call meetings to order and run meetings.
- C. The Vice Chairperson shall perform the duties of the Chairperson in his or her absence. If the Chair becomes vacant, the Vice Chairperson shall succeed to the Chair for the balance of the term of office.
- D. Terms for officers of the BHAB shall be for one year, and no person, except a member of the Board of Supervisors, may serve as Chairperson of the BHAB for more than three consecutive terms.
- E. No person, except a member of the Board of Supervisors, may serve simultaneously as Chair for two or more Board-established/created board or commission or committee.

ARTICLE VI

Section 1. MEETINGS AND ACTIONS

- A. All regular meetings of the BHAB shall be open, public and noticed in accordance with Government Code, Section 54950 et seq. (Ralph M Brown Act), as exist now and may hereafter amended, and held at a location within Orange County, California that satisfies the access requirements of the Americans with Disabilities Act.
- B. Special meetings of the BHAB may be called either by the Chairperson or at the request of a majority of BHAB members. All special meetings of BHAB shall be open, public, and noticed in accordance with Government Code, Section 54950 et seq. (Ralph M Brown Act), as exist now and may hereafter amended, and held at a location within Orange County, California that satisfies the access requirements of the Americans with Disabilities Act. Additionally, notice of special meeting shall:

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1. Be delivered to members personally, by mail or electronically, and must be received no later than 24 hours in advance of the meeting; AND
 2. State the business to be considered and whether alternative technological means may be used such as telephone or video conferencing, as technological resource availability permits and as permissible by the Ralph M. Brown Act.
- C. All BHAB committee meetings that are subject to the Brown Act must be open, public and noticed in accordance with Government Code, Section 54950 et seq., as exist now and may hereafter amended, and held at a location within Orange County, California that satisfies the access requirements of the Americans with Disabilities Act.

Section 2. MEETINGS SCHEDULE

- A. The BHAB shall, at its first meeting of each year, adopt a schedule of regular meetings and transmit that schedule in writing to members, the Board of Supervisors, and the public at large. General meetings shall be held approximately monthly, the time and place to be announced prior to adjournment of the preceding meeting. A minimum of 10 General meetings shall be held per calendar year.

Section 3. QUORUM REQUIREMENTS

- A. Quorum requirements are as follows:
1. General and Special Meetings: A simple majority of the BHAB shall constitute a quorum and a vote of a simple majority of that quorum shall constitute a vote of the BHAB.
 2. Executive Committee: Quorum shall be no less than 50%+1 of the Committee membership. However, if there are unfilled vacancies in the membership of the Executive Committee, then the quorum requirement will be proportionately reduced.
 3. Standing Committees: Quorum shall be the members present, but no less than three (3).

Section 4. VOTING REQUIREMENTS

- A. All general meeting Agenda items which require a vote of the BHAB must be submitted to the Chairperson one (1) week in advance of the meeting.

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- B. Voting Majority: Decisions and acts made by majority vote of the members at any duly constituted meeting shall be regarded as acts of the BHAB, except as otherwise provided by these Bylaws.
1. Members choosing to abstain from voting on specific actions will not affect majority requirements. Abstentions are considered a “non-vote” – neither a vote in the affirmative nor in the negative. However, in order for an action to be passed, a majority of the quorum casting votes must vote in the affirmative. For example: If, at a standing committee meeting, six (6) voting members of the committee are present to vote, and on a particular motion, three (3) vote in the affirmative, two (2) vote in the negative, and one (1) member abstains, the motion passes.
- C. Voting by Proxy: Members of the Board of Supervisors and the County Executive Officer who serve as BHAB members may designate a substitute to attend a BHAB meeting on their behalf and vote on any action item by submitting the member’s signed proxy to the BHAB Chairperson at the start of the meeting.
- D. Minutes: The support staff shall prepare and publish the minutes for each meeting of the BHAB.

ARTICLE VII

Section 1. COMMITTEES AND SUBCOMMITTEES

- A. Executive Committee: There shall be a BHAB Executive Committee comprised of:
1. The Chairperson of the BHAB.
 2. The Vice Chairperson of the BHAB.
 3. Committee Chairs of the BHAB.
 4. (Any others)

The Executive Committee shall hold meetings at the request of the Chairperson. The Executive Committee shall review the BHAB Bylaws and suggest amendments to the BHAB in accordance with Article VIII, below.

- B. Study Committee: This is a committee of the whole, shall meet monthly between the regularly scheduled general BHAB meeting dates. The Chair of this committee shall be the Vice Chair of the BHAB or such other member chosen by the BHAB

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Chairperson. This committee shall focus on providing input on the County's behavioral health system of care and assist the BHAB in meeting their duties as mentioned in Article III section I.

- C. Standing Committees: The BHAB standing committees shall hold regularly scheduled open, public, and noticed meetings in accordance with Government Code, Section 54950 et seq. (Ralph M Brown Act), as exist now and may hereafter amended, and held at a location within Orange County, California that satisfies the access requirements of the Americans with Disabilities Act. There shall be at least one BHAB member appointed to every BHAB standing committee. The BHAB Chairperson shall establish all standing committees and appoint the Chair and Vice-Chair of these committees who shall be a member of the BHAB. Terms of appointment to standing committees shall be for one (1) year.
- D. Ad Hoc Committees: The Chairperson may establish ad hoc committees of less than a quorum of the BHAB's membership to accomplish time-limited tasks that support the goals of the BHAB. The Chairperson shall appoint the members of the ad hoc committee. There shall be at least one BHAB member appointed to every BHAB ad hoc committee. A BHAB member shall chair the BHAB ad hoc committee. Terms of appointment for ad hoc committees shall be for the period of time required to fulfill the ad hoc committee's purpose.

Section 2. ACTIONS OF STANDING AND AD Hoc COMMITTEES

- A. Actions and recommendations of the BHAB standing committees and ad-hoc committees shall not be deemed actions and recommendations of the BHAB and shall not bind BHAB or its members until voted on by the entire BHAB at a regular meeting. Should there be a pressing need to carry out any actions without enough time to put on a General BHAB meeting's agenda an action item, the committee Chair should seek advice from the BHAB Chair for a possible calling of an emergency BHAB meeting.
- B. Committee chairs shall not act as a spokesperson for the BHAB unless authorized to do so in writing by the Chairperson of the BHAB.
- C. Committee chair duties shall include:
 - 1. Schedule of committee meetings for the year.
 - 2. Submit Committee Agendas to the support staff at least one week before the meeting date, allowing sufficient time to post and send out an agenda. Allow at least three weeks when requesting a presenter for any given committee meeting. Submission requests for information and presentations should be submitted through the clerk of the BHAB.

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3. Call Committee meeting to order and run meetings.
4. Keep records of all recommended actions and reports of the committee.
5. Submit recommended actions and reports to the Chair and support staff at least one week prior to regular meetings of the BHAB.
6. Report to the BHAB on committee meeting as necessary.

ARTICLE VIII

Section 1. AUTHORITY

- a) Parliamentary Authority: The Chairperson of BHAB shall preside and manage BHAB meetings using parliamentary procedure consistent with these Bylaws, any special rules of order the BHAB may adopt, and any applicable County, state, and federal law.
- b) When circumstances demand that action be taken before the next scheduled BHAB meeting, the BHAB may authorize and grant its full authority to the Executive committee to act on its behalf to make specific, limited, independent recommendations to the County, a quorum of the BHAB being present.
 1. Such actions taken on behalf of the BHAB by the Executive committee will be presented as an information item at the next regular BHAB meeting.
 2. BHAB members shall be notified either in writing or electronically within 72 hours of any such Executive Committee action.

C. Standing and Ad Hoc Committees:

1. Standing and ad hoc committees shall have no independent authority and shall be limited to exercising only those specific functions granted to them by the BHAB.
2. No standing or ad hoc committee shall have independent authority to commit the BHAB to any policy or action without the prior approval of the general membership of the BHAB.

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ARTICLE IX

Section 1. EFFECTIVE BYLAWS

- A. These Bylaws, including any amendments thereto, shall become effective only upon approval by the Board of Supervisors.

Section 2. AMENDMENTS

- A. Amendments to the bylaws may be introduced and voted upon by the BHAB at a regular meeting so long as such amendments are electronically delivered to all members at least five (5) days in advance of the meeting and become effective upon approval by the Board of Supervisors. Amendments may be introduced at any time by the Board of Supervisors. An affirmative vote of at least 50%+1 of those BHAB members voting, a quorum being present, shall be required to recommend changes to these Bylaws for Board of Supervisors' approval.
- B. Any member of the BHAB or the Executive Committee may propose amendments to these Bylaws.

ARTICLE X

Section 1. SEVERABILITY

- A. Should any part term, portion or provision of these Bylaws be determined to be in conflict with any law or otherwise unenforceable or ineffectual, the remaining parts, terms, portions or provisions shall be deemed severable and their validity shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the provisions that the members intended to enact in the first instance.

ARTICLE XI

Section 1. STAFFING SUPPORT

- A. Staff support from Orange County Health Care Agency shall be provided to support the BHAB in conjunction with the work of the BHAB, within the confinements of Article IV Section 1. and Article VII Section 2. C