

DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.



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November 15, 2022

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903



SUBJECT: Department of Health and Human Services, Division of Behavioral Health and Recovery Services: Marin County Mental Health Board name change to Marin County Behavioral Health Board and Bylaws Amended August 2022.

Dear Supervisors:

RECOMMENDATIONS:

1. Authorize the President to approve name change from Marin County Mental Health Board to Marin County Behavioral Health Board.
2. Authorize the President to approve the amended Bylaws of the newly named Marin County Behavioral Health Board.

SUMMARY: At its August 9, 2022, meeting, the Marin County Mental Health board adopted the revised Bylaws. The Bylaws have been reviewed by County Counsel for compliance with the Brown Act, as well as County policies and procedures for Boards and Commissions.

The revised Bylaws change the name from the Marin County Mental Health Board to the Marin County Behavioral Health Board, reflecting an inclusive focus on individuals experiencing both mental health and substance use challenges. Additionally, the revised Bylaws expand the Board's membership composition with a focus on youth voice representation: at least one member shall be between ages 18 to 25 years old. Finally, added language in the Bylaws speaks to accountability through new, annual Brown Act training, as well as requiring strategic planning every three years with annual review of the Board's goals. The new name and focus of this Board will not change the existing Alcohol and Drug Advisory Board, which will continue to exist as a separate Board of Supervisors authorized Board.

COMMUNITY BENEFIT: Revision to the Bylaws provides an opportunity for an integrated approach to the review and evaluation of Marin County's behavioral health services, needs, and facilities. The revisions also expand membership composition for youth voice representation and emphasis on the prioritization of representation from marginalized, underserved communities to include including LGBTQ+ and racial/ethnic diversity.

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EQUITY IMPACT: The Marin County Behavioral Health Board is an advisory board established within the State Welfare and Institutions Code with the purpose of reviewing and evaluating the mental health and substance use programs, services, facilities, and needs of the County. Given County, Health and Human Services, and Behavioral Health and Recovery Services' goals to create a more equitable County, the Behavioral Health Board has an instrumental role in supporting and ensuring equitable outcomes that meet the behavioral health needs of underserved populations in the County.

FISCAL IMPACT: There is no fiscal impact associated with this request.

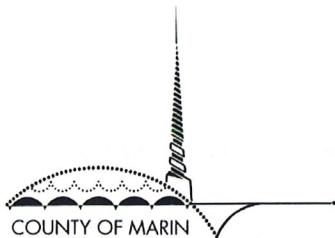
REVIEWED BY:

<input checked="" type="checkbox"/>	County Administrator	<input type="checkbox"/>	N/A
<input type="checkbox"/>	Department of Finance	<input checked="" type="checkbox"/>	N/A
<input checked="" type="checkbox"/>	County Counsel	<input type="checkbox"/>	N/A
<input type="checkbox"/>	Human Resources	<input checked="" type="checkbox"/>	N/A

Respectfully submitted,



Benita McLarin
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

BEHAVIORAL HEALTH AND
RECOVERY SERVICES

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.

Marin County Behavioral Health Board By-Laws

ARTICLE I

The name of this Board shall be Marin County Behavioral Health Board
("Board").



Benita McLarin, FACHE
DIRECTOR

ARTICLE II Functions

Todd Schimer, PhD, CCHP
ASSISTANT DIRECTOR, BHRS
DIRECTOR (INTERIM)

This Board is an advisory board and its functions shall be as provided
in Sections 5604, *et seq.* of the State Welfare and Institutions Code
as it may, from time to time, be amended. The Marin Behavioral
Health Board shall:

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1. Review and evaluate Marin's behavioral health needs, services, facilities, and special problems in any facility within the county or jurisdiction where mental health evaluations or services are being provided, including, but not limited to, schools, emergency departments and psychiatric facilities.
2. Review any county agreements entered into pursuant to Section 5650 of the Welfare and Institutions Code. The local behavioral health board may make recommendations to the governing body regarding concerns identified within those agreements.
3. Advise the Board of Supervisors and the Behavioral Health and Recovery Services Director as to any aspect of the Marin behavioral health programs. Local behavioral health boards may request assistance from the local patients' rights advocates when reviewing and advising on mental health evaluations or services provided in public facilities with limited access.
4. Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process. Involvement shall include individuals with lived experience of mental illness and their families, community members, advocacy organizations, and mental health professionals. It shall also include other professionals that interact with individuals living with mental illnesses on a daily basis, such as education, emergency services, employment, health care, housing, law enforcement, local business owners, social services, seniors, transportation, and veterans.
5. Submit an annual report to the Board of Supervisors on the needs and performance of the county's behavioral health system.
6. Review and make recommendations on applicants for the appointment of Director of Behavioral Health and Recovery Services. The Board shall be included in the selection process prior to the vote of the Board of Supervisors.
7. Review and comment on Marin County's performance outcome data and

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communicate its findings to the California Mental Health Planning Council.

8. The Board shall assess the impact of the realignment of services from the state to the county, on services delivered to clients and on the local community.

9. Perform any additional duties or exercise any additional authority the Marin' County Board of Supervisors deems appropriate to transfer to this Board.

ARTICLE III Members

SEC. III. 1. The membership of this Board and the qualifications of such members shall be as provided in Section 5604 of the Welfare and Institutions Code as it may from time to time be amended. The fifteen (15) members of this Board are appointed by the Marin County Board of Supervisors to serve for a three (3) year term. The appointments shall be equitably staggered as much as possible so that approximately one-third of the appointments expire in each year.

SEC. III. 2. One (1) member of the Board shall be a member of the Marin County Board of Supervisors (BOS). Not less than fifty (50) percent of the members shall be consumers and families of consumers. Consumers are considered to be persons who are receiving or have received behavioral health services (mental health and/or substance use services) from a city or county behavioral health program or any of its contract agencies, a state hospital, or any public or private nonprofit behavioral health agency. Families of consumers shall be considered to be the parents, spouse, sibling or adult children of consumers. At least twenty (20) percent of the members shall be consumers and at least twenty (20) percent of the members shall be families of consumers. The remaining fifty (50) percent of the members may include representatives of the general public. Persons in the professions of mental health related disciplines, education, law, criminal justice, fiscal management and occupations may be considered as representatives of the general public. At least one member shall be members between ages of 18-25 years to bring perspectives of youth to the Board.

SEC III. 3. Pursuant to Welfare and Institutions Code section 5604 (e), a consumer of behavioral health services who has obtained employment with an employer described in SEC.III.7 and who holds a position in which she/he/they do not have any interest, influence, or authority over any financial or contractual matter concerning the employer may be appointed to the Board. The member shall abstain from voting on any financial or contractual issue concerning her/his/their employer that may come before the Board.

SEC. III. 4. Members are expected to attend all meetings of this

Board. A member who is unable to attend a given meeting shall give advance notice of inability to attend to a member of the Executive Committee or the Administrative Secretary.

SEC. III. 5. A member who is absent from three (3) meetings in any twelve (12) month period without notification shall be deemed to have relinquished her/his/their membership on the Board. In such event, the member's status will be noted at the next scheduled meeting and recorded in the Board's minutes. The member may be removed according to the procedure established in SEC.III.9 of this Article.

SEC. III. 6. No member shall serve more than three (3) consecutive three-year appointments. If however, prior to the expiration of the term a Board member's conflict of interest status changes (as specified in Section III.7), then her/his/their membership on the Board shall terminate and there shall be a vacancy on the Board. In the absence of voluntary resignation by a Board member whose conflict of interest status has changed, the member may be removed according to the procedure established in SEC.III.9 of this Article.

SEC. III. 7. No member of the Board or her/his/their spouse shall be a full-time or part-time county employee of a County mental health service, an employee of the State Department of Health Care Services, or an employee of, or a paid member of the Board of Directors of a County behavioral health contract agency, **except as provided in SEC. III. 3.** Members of the 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.

SEC. III. 8. The composition of the Board should reflect the ethnic diversity found in the client population and should represent the demographics of the county as a whole, to the extent feasible. The Board should aspire to reflect the cultural, racial/ethnic diversity of the most underserved in the county.

SEC. III. 9. The Board may request the Marin County Board of Supervisors to remove a member from the Board by a vote of two-thirds of the Board members present at a duly called meeting, for which the notice of the meeting included a statement that such action is contemplated.

SEC. III. 10. Prospective members of the Board who have been approved by the Executive Committee will be subject to a vote of the Board for recommendation to the Marin County Board of Supervisors for appointment. A majority of Board members present at a meeting will be required for recommendation.

SEC. III. 11. Vacancies on the Board due to mid-term resignation, death, non-attendance or ineligibility shall be filled by appointment of the Board

of Supervisors in accord with statutory mandate, the procedures established by the Board of Supervisors and the process established in this Article. Mid-term appointments shall be for completion of that term, only, and are not considered a "full three-year appointment" for purposes of the limitations described in SEC. III.6.

SEC. III. 12. All appointment recommendations to the Board of Supervisors shall be made in accord with Government Code sections 54970 *et seq.*, as amended from time to time. In addition, such appointment recommendations shall also reflect, to the extent feasible, the County demographics as prescribed in Welfare and Institutions Code sections 5604 and 5604.2(b), as amended from time to time.

SEC.III. 13 The Board will maintain and forward to the Clerk of the Board of Supervisors a categorical record of member representation and its racial/ethnic diversity and will direct a program of new member orientation.

SEC.III. 14. The Board members will be required to take the Brown Act, Roberts Rule and Ethics training within three months of their appointment and submit proof of attendance to the Administrative Secretary for record-keeping.

ARTICLE IV Meetings

SEC. IV. 1. A quorum shall be one person more than one-half of the appointed members. Quorum is defined in accordance with California Welfare & Institutions Code Section 5604.5.

SEC. IV. 2. The regular meetings of this Board shall be held on a monthly basis (at least ten times annually), at a consistent, hour, day, and place, as determined by the Board annually at the beginning of each year. Special meetings may be called by the Chair or a majority of the Board members. Regular meetings are held the second week of each calendar month at 6 p.m.

SEC. IV. 3. All meetings of the Board are open to the public. The public shall be notified and the meetings shall be conducted in accordance with the provisions of the Ralph M. Brown Act in its most current form as set forth in Government Code section 54950, *et seq.*, as amended from time to time.

SEC. IV. 4 A Board retreat will be held annually to determine goals for the upcoming year. A strategic plan will be held at every three years to align with local and statewide focus of the Board.

SEC. IV. 5. All members of the public wishing to address the Board at the meetings during the open time for public expression regarding items not on the agenda shall be limited to three (3) minutes. The

Chair may further restrict the time to less than three minutes per speaker in the appropriate circumstances where necessary to accommodate an unusually large number of speakers. Documents may be presented to the Board by members of the public during open time in addition to or in lieu of oral public comment. Board members generally may listen but may not deliberate or take action on any items not on the agenda. The Board members may indicate an interest in or suggest including an item raised in open time for a future agenda.

SEC. IV. 6. A properly noticed meeting with less than a quorum can proceed by a majority vote of the Board members present, but no vote may be taken on matters before the Board.

ARTICLE V Officers

SEC. V. 1. The officers of the Board shall be Chair, Vice-Chair and Immediate Past Chair. In the event the Chair, Vice-Chair and Immediate Past Chair are absent from a duly noticed meeting, an acting Chair must be selected by the vote of the members present.

SEC. V. 2. At the regular June meeting, the Board shall elect members to these offices. Nominations shall be submitted by the Nominating Committee to the Board at the regular meeting in May. Nominations may also be made from the floor. Votes should be recorded accordingly. The members elected to these offices shall assume the duties of their office the month following their election.

SEC. V. 3. The officers shall be elected to serve for a one (1) year term or until a successor is elected.

SEC. V. 4. No officer shall be eligible to serve more than three consecutive terms in the same office. In the event a vacancy occurs before the end of the term for the Chair, the Vice Chair shall assume the role of Chair. In the event a vacancy of the Vice Chair or Immediate Past Chair a Nominating Committee shall be convened to nominate a new Vice Chair to be elected at the next regular meeting of the Board.

SEC. V. 5. The Chair shall:

- (a) Be in consultation with the Marin Behavioral Health Director;
- (b) Preside at all Board meetings;
- (c) Serve as Chair of the Executive Committee;
- (d) Appoint the chair of all standing and special committees, with confirmation of the Executive Committee.
- (e) Not appoint a member to Chair more than one Committee.
- (f) Serve as an ex-officio member of all committees, except the Nominating Committee;

- (g) Prepare the annual report for submission to the Marin Board of Supervisors;
- (h) Prepare the Board response to the California Mental Health Planning Council regarding the MHSUS performance outcomes report.

SEC. V.6. The Vice-Chair shall:

- (a) Assist the Chair by counsel or otherwise, as requested;
- (b) Perform the duties of Chair in the absence of the Chair, or until the next election if the Chair is vacated;
- (c) May serve as Chair of a work group;
- (d) May serve as ex-officio member of all other committees, except the Nominating Committee.

SEC. V.7. The Immediate Past Chairperson shall:

- (a) Assist the Chair by counsel or otherwise as requested;
- (b) Perform the duties of Chair in the absence of the Chair and the Vice Chair, or until the next election if both the Chair and Vice Chair appointments are vacated.
- (c) Coordinate the annual agency visit program;
- (d) May serve as Chair of a work group;
- (e) Ensure a copy of these By-Laws is available at each Board Meeting.

ARTICLE VI Committees

SEC. VI. 1. There shall be an Executive Committee composed of the Chair, Vice Chair, and Immediate Past Chairperson. Duties and responsibilities of the Executive Committee shall be to prepare Board Agendas and coordinate and monitor Board activities to ensure that the Board meets its annual goals.

SEC. VI. 2. The Executive committee shall meet on a regular basis at a consistent hour, day, and place approximately two weeks prior to a scheduled Board Meeting.

SEC. VI. 3. The Board shall appoint work groups as it deems necessary to meet its mandated responsibilities and other goals as the Board may set.

SEC. VI. 4. The Chair, with concurrence of the Board, may create *Ad Hoc* Committees to carry out the Board's mandate. An *Ad Hoc* Committee will be convened for the limited time period necessary to fulfill the assigned purpose. Such purpose may include but is not limited to, revision of these By-Laws, membership recruitment and

recommendation, new member orientation and training, executive

board nominations, legislative study, and special event planning.

SEC. VI. 5. There shall be such other committees as the Chair may appoint with the approval of the Board.

SEC. VI. 6. The Chair will appoint a Nominating Committee to select a slate for the upcoming election of officers every Spring.

ARTICLE VII Administrative Secretary

SEC. VII. 1. The Director of Behavioral Health and Recovery Services shall designate an employee of BHRS as her/his/their representative to be the Administrative Secretary.

SEC. VII. 2. The Administrative Secretary shall:

- (a) Be responsible for final presentation of the minutes to the Board, the Board of Supervisors, and the County Administrative Officer;
- (b) Cause to be kept, a full and true record of all meetings of the Board;
- (c) Cause to be issued notices of regular and special meetings of the Board;
- (d) Maintain a record of attendance of the Board.
- (e) Act as the main contact for communication regarding Board matters.

ARTICLE VII Amendments to the By-Laws

SEC. VII. 1. These By-Laws may be amended at any regular meeting of the Board by two-thirds vote of the full membership, provided County Counsel has previously reviewed and approved the proposed amendments and copies of the proposed amendments are sent to all members of the Board at least five (5) days prior to the meeting at which such action is taken.

SEC. VII. 2. No By-Laws amendment shall take effect or be binding unless first ratified by the Board of Supervisors. Upon ratification by the Board of Supervisors the By-Laws amendments shall become effective immediately.

ARTICLE VIII Non-Discrimination and Equal Access

SEC. VIII.1. The business of the Board shall be conducted in accord with all applicable federal, state and county mandates and policies regarding non-discrimination and accessibility.

ARTICLE IX Conflict of Interest

SEC. IX. I. Each member of the Board shall comply with all applicable federal, state, and county conflict of interest mandates, including but not limited to those promulgated by the Fair Political Practices Commission and those described in Government Code sections 1090, *et seq.* Members of the Commission shall avoid impropriety and the appearance of impropriety, and shall not use their appointed position to further their own financial/pecuniary gain or for another purpose not directly related to the governmental function they have been appointed to perform.

ARTICLE X Public Statements

SEC. X.1. Unless authorized as the designated spokesperson by the Board, an individual Board Member may not represent the Board before any other board, commission, outside agency, the press, or the general public. Except as otherwise expressly provided by these By-Laws or applicable statutory provisions, only the Chair of the Board, or designee, with approval of the full Board and in accord with the Board of Supervisors, is authorized to issue formal statements on behalf the Board or advocate any position adopted by the Board. An individual Board member may not use or identify the individual's status and position as a Board Member when advocating his or her personal opinion in the public forum.