

BYLAWS OF THE KERN COUNTY BEHAVIORAL HEALTH BOARD

ARTICLE I – NAME

The name of this Board shall be the Kern County Behavioral Health Board and is established as an advisory body to the Board of Supervisors and to the Behavioral Health and Recovery Services department.

ARTICLE II – AUTHORITY

The authority of the Kern County Behavioral Health Board is established pursuant to the Bronzan-McCorquodale Act which may be found at Part 2 of Division 4.7 of the California Welfare and Institutions Code (commencing at Section 5600 et seq.).

ARTICLE III – MISSION STATEMENT

The mission of the Kern County Behavioral Health Board is to advocate for individuals and families living with mental illness and/or addiction by support and oversight of the Behavioral Health and Recovery Services department and recommendations to the Board of Supervisors.

ARTICLE IV – GENERAL RESPONSIBILITIES AND MANDATED DUTIES

- 4.1 Responsibilities. To participate in the County Behavioral Health Program planning process; to advise the County Mental Health Plan Administrator (Director of Behavioral Health and Recovery Services) and the Board of Supervisors on policies, goals, and needs regarding behavioral health problems; to review/comment on legislation dealing with behavioral health; and to coordinate and communicate with other advisory groups and the public.
- 4.2 Mandated duties. The Behavioral Health Board shall further the mandates set forth by the Welfare and Institutions Code Section 5604.2 and will have the following responsibilities:
 - I. Review and evaluate the community's behavioral health needs, services, facilities, and special problems by participating in quality review monitoring and/or on the System Quality Improvement Committee.
 - II. Review any county agreement entered into pursuant to Section 5650, as identified by the Director of Behavioral Health and Recovery Services.
 - III. Advise the governing body and the local director as to any aspect of the local behavioral health programs, through personal communication with district Board of Supervisor representative or discussion through the Executive Committee and Director.
 - IV. Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process.
 - V. Submit an annual report to the governing body on the needs and performance of the county's behavioral health system of care.
 - VI. Review and make recommendations on applicants for the appointment of a local director of behavioral health services. The board shall be included in the selection process prior to the vote of a governing body.
 - VII. Review and comment on the county's performance outcome data and communicate its findings to the California Mental Health Planning Council.

- VIII. It is the intent of the Legislature that, as part of its duties, the board shall assess the impact of the realignment of services from the state to the county, on services delivered to clients and the local community.

ARTICLE V – MEMBERS OF THE KERN COUNTY BEHAVIORAL HEALTH BOARD

- 5.1 Number of Members of the Board. There shall be 16 members of the Behavioral Health Board; 15 members appointed in equal numbers by the Board of Supervisors, and one member who shall be appointed by the Chair of the Board of Supervisors to serve a one-year term and represent the Board of Supervisors. All members shall be voting members.
- 5.2 Qualifications of Members. The members of the Behavioral Health Board consist of the following:
- I. One staff member of the Chair of the Board of Supervisors.
 - II. At least fifty percent (8 members) of the total membership shall be consumers, parents, spouses, siblings, or children of consumers who are receiving or have received behavioral health services.
 - III. At least twenty percent (3 members) shall be consumers.
 - IV. At least twenty percent (3 members) shall be family members of consumers.
 - V. The remaining members should include individuals who have experience and knowledge of the behavioral health system and provide a balance of health professionals and public interest members. Additionally, members can include youth (minimum age 16 up until the age of 25) or culturally significant representatives from underserved communities of Kern. VI. The composition of the Behavioral Health Board should reflect the ethnic diversity of the consumer population and the demographics of the county as a whole to the extent feasible and individuals who have experience and knowledge of the behavioral health system.
- 5.3 Residents of the County required. Members appointed should be residents of Kern County.
- 5.4 Direction of the Behavioral Health Board. 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 Bylaws or applicable statutory provisions, only the Chair of the Board, or designee, is authorized to issue formal statements on behalf of 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. The activities and affairs of individual members of the Behavioral Health Board, acting as Board members, shall be conducted, and powers exercised, by and under the direction of the Behavioral Health Board and these Bylaws.
- 5.5 Terms of Office. Full term appointments are for a period of three calendar years, January 1st through December 31st. It is recommended that no more than two full consecutive full terms be served (six years). Members who fill a partial term beginning within a calendar year and of less than a full term remain eligible to serve two full terms unless removed from office.

- 5.6. Reappointment. Any member whose term has expired may, at the discretion of the Director of Behavioral Health and Recovery Services and concurrence of the member, continue to discharge the duties of a member until they have been replaced or reappointed.
- 5.7. Compensation. No member shall be compensated for duties performed as a member of the Behavioral Health Board. Notwithstanding the previous sentence, a member may be reimbursed for the actual costs of attending meetings, conferences, or similar gatherings if attendance is approved in advance in writing by the Behavioral Health Board Chair and the Director of Behavioral Health and Recovery Services. Requests for actual and necessary expenses shall be submitted to the Director.
- 5.8. Requirements applicable to all Members. All members of the Board must:
- I. Be appointed by the Kern County Board of Supervisors.
 - II. Serve on at least one committee or work group or excused by the Executive Committee for good cause shown.
 - III. Maintain a satisfactory meeting attendance record to Behavioral Health Board meetings and other assignments.
 - IV. Comply with all applicable regulations of the Fair Political Practices Commission, including, but not limited to, preparing and filing FPPC Form 700, Statement of Economic Interests, within 30 days of appointment, annual thereafter, and within 30 days of leaving office.
 - V. Keep confidential information obtained while performing duties as a Behavioral Health Board member confidential.
- 5.9. Individuals Disqualified from Serving. The following individuals are disqualified from serving on the Behavioral Health Board: Except as noted below, no member of the Board or his or her spouse/registered domestic partner shall be a full-time or part-time county employee of a county mental health service, an employee of the Department of Health Care Services, or an employee of, or a paid member of the governing body, or a Bronzan-McCorquodale contract agency.
- 5.10. Consumer Exception. Section 5604 (3) (d) (1) and (2) of the California Welfare and Institutions Code states that consumer members may be employed by a county mental health services or mental health contract agency if they have no interest, influence, or authority over any financial or contractual matter concerning the employer. That member shall abstain from voting on any financial or contractual issue concerning his or her employer that may come before the Board.
- 5.11. Responsibility for Recruitment. Recruitment of prospective members of the Behavioral Health Board shall be the responsibility of members of the Board of Supervisors, members of the Behavioral Health Board, and the Behavioral Health and Recovery Services department. An effort will be made to recruit behavioral health professionals as well as individuals who have experience and knowledge of the behavioral health system. The composition of the Board should represent the demographics of the county as a whole to the extent feasible.

ARTICLE VI – RESIGNATIONS AND ATTENDANCE

- 6.1 Resignations. Any member may resign effective upon giving written notice to the Chair, Director of Behavioral Health and Recovery Services, or Board Coordinator. A notice which specifies a later time shall be effective upon the date of the resignation set forth in said notice.
- 6.2 Excused/Unexcused Absence. All Behavioral Health Board members are required to contact the Board Coordinator if they are unable to attend a scheduled meeting. Failure to do so will result in an unexcused absence.
- 6.3 Absences. A member of this Board who fails without sufficient excuse to be in attendance at three successive regular meetings shall be referred to the Board of Supervisors for a replacement; the sufficiency of any excuse for failure to attend any such meeting(s) shall be determined by the Board.
- 6.4 Removal. A Board member may be deemed by the Executive Committee to have ceased to discharge their duties based on attendance and/or performance of other assigned duties. If the Executive Committee determines a member should be removed, a recommendation will be made to the full Behavioral Health Board. Upon a two-thirds vote the Behavioral Health Board may recommend the removal of the member to the Board of Supervisors.
- 6.5 Leave of Absence. A Board member who does not wish to resign and who needs leave from Board commitments may request a leave of absence for personal reasons. The request must be submitted in writing to the Chair of the Behavioral Health Board. The Executive Committee will review the request as to reasonableness and the overall impact on the Board in carrying out its responsibilities and may approve his or her request for a period of time not to exceed six months.

ARTICLE VII – BEHAVIORAL HEALTH BOARD OFFICERS

- 7.1 Officers of the Board. The officers of the Board shall consist of a Chair, First Vice-Chair, Second Vice-Chair, and Parliamentarian.
- 7.2 Election of Officers. At the October meeting of each year, the Board shall receive from the ad hoc Members and Marketing Committee chair, a recommended slate of officers for the next calendar year. In November of each year the Board shall elect a Chair, First Vice-Chair and Second Vice-Chair to serve one-year terms commencing January 1st of the following year. Nominations from the floor may be accepted at the October and November meeting. All members of the Board, with the exclusion of the liaison of the Kern County Board of Supervisors, shall be eligible to be elected officers of the Board. Officers can serve no more than three consecutive years.
- 7.3 Parliamentarian Appointment. The Parliamentarian shall be appointed by the Chair at the January meeting of the Board.
- 7.4 Chair Pro-Tem. If the Chair's office is vacated prior to the end of the one-year term, the First Vice-Chair shall assume the Chair's office.

ARTICLE VIII – DUTIES OF OFFICERS AND OTHER BOARD POSITIONS

- 8.1 Chair. It shall be the duty of the Chair to preside at all regular or special meetings of the Board and perform other duties ordinarily performed by the Chair; be responsible for seeing that all actions of the Board are implemented; appoint committee and work group chairs and co-chairs authorized by the Board or otherwise deemed necessary; and be in consultation with the Director of Behavioral Health and Recovery Services.
- 8.2 First Vice-Chair. It shall be the duty of the First Vice-Chair to assist the Chair in the execution of his or her office and to act in his or her stead during an absence. In case of resignation or death of the Chair, the First Vice-Chair shall perform such duties as are imposed on the Chair until such time as the Behavioral Health Board elects a new Chair.
- 8.3 Second Vice-Chair. The Second Vice-Chair shall work with the Behavioral Health and Recovery Services appointed Board Coordinator to: (a) cause to be kept, a true record of all meetings of the Board, and of such special meetings as may be requested; (b) cause to be issued notices of regular and special meetings of the Board; and (c) maintain a record of attendance of Board members and promptly report to the Kern County Clerk of the Board any Board member whose position has been vacated.
- 8.4 Parliamentarian. The Chair shall appoint a member to serve as Parliamentarian at the January meeting of the Board. The Parliamentarian shall assist with procedure during board meetings and may also train officers, advise members on parliamentary procedure, supervise elections, and review and recommend rule changes.
- 8.5 Director of Behavioral Health and Recovery Services. The Director shall be in consultation with the Chair of the Board and serve as a non-voting member of the Executive Committee.
- 8.6 Board Coordinator. The Behavioral Health Board shall be supported by a Board Coordinator. The Director of Behavioral Health and Recovery Services shall designate staff to serve as coordinator to the Board. It shall be the duty of the Board Coordinator to (a) cause to be kept, a true record of all meetings of the Board, and of such special meetings as may be requested; (b) cause to be issued notices of regular and special meetings of the Board; (c) maintain a record of attendance of Board members and promptly report to the Kern County Clerk of the Board any Board member whose position has been vacated; and (d) such secretarial duties and responsibilities as defined by mutual agreement of the Chair and the Director of Behavioral Health and Recovery Services.

ARTICLE IX – COMMITTEES

- 9.1 Executive Committee. The Executive Committee shall be composed of the officers of the Board, immediate past Chair, and Director of Behavioral Health and Recovery Services as a non-voting member. The term of the Executive Committee shall coincide with their terms as officers of the Board. The Executive Committee shall be responsible for the overall management of the activities and business of the Behavioral Health Board. This includes, but is not necessarily limited to, the following:
 - I. Call special meetings of the Board when necessary.
 - II. Meet on a regular basis to review and approve draft agendas prior to distribution.

- III. Establish ad hoc committees and work groups and select committee and work group chairs and co-chairs.
 - IV. A quorum of the Executive Committee shall act in emergencies or when there is not sufficient time to assemble the entire Board for action. Such actions shall be subject to Board ratification at the next regular meeting.
 - V. The Executive Committee shall select one Executive Committee member and an alternate to participate in the selection process by reviewing and making recommendations to the Board of Supervisors on applicants for appointment of Director of Behavioral Health and Recovery Services.
- 9.2 Standing Committees. May be established or eliminated by the Behavioral Health Board. Standing committees have ongoing responsibilities concerning a particular subject matter that is not time limited. Committees and work groups will conduct meetings in accordance with the Brown Act (Government Code Section 4950 et seq.) to the extent applicable.
- 9.3 Ad Hoc Committees / Work Groups. May be designated, and members appointed to serve, by the Chair. Ad hoc committees / work groups shall serve a time limited purpose focusing on an identified issue or task. Ad hoc committees or work groups are not governed by the Brown Act.

ARTICLE X – MEETINGS

- 10.1 Ralph M. Brown Act. All meetings of the Behavioral Health Board and its committees shall be open to the public and subject to the provisions of Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code, relating to meetings of local agencies.
- 10.2 Rules of Order. Except as may otherwise be provided in the Brown Act, meetings of the Board shall be governed by the latest edition of Roberts' Rules of Order.
- 10.3 Non-discrimination and Equal Access. 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.
- 10.4 Quorum. A quorum shall be defined as one person more than one-half of the appointed members. The definition of appointed member excludes unfilled positions. A quorum shall be required for any Board action. In the absence of a quorum at any regularly called meeting, members present may act if the Chair or a majority of such members declares a need for emergency action – but shall do so only in the names of those present.
- 10.5 Calendar Year. Business of the Board shall be conducted on the basis of the calendar year: January 1st through December 31st.
- 10.6 Regular Meetings. The Board shall meet monthly except for the months of July and December. Regular meetings of the Behavioral Health Board may be held at such time and place as is established by the Board.
- 10.7 Special Meetings. Special meetings may be called at any time by the Chair of the Board, the Director of Behavioral Health and Recovery Services, or by a majority of Board members.

- 10.8 Teleconference meetings. Teleconference meetings may be held under carefully defined conditions. The meeting notice must specifically identify all teleconference locations, and each location must be fully accessible to members of the public.
- 10.9 Annual Training. The Behavioral Health Board will hold an annual training in the month of July.
- 10.10 Location of Meetings. The Board must conduct its meetings within the boundaries of Kern County unless a specific exemption applies. The Board may hold area meetings in communities within the County to permit spokespersons for the area to present their needs or accomplishments and Board actions to be reported or explained.
- 10.11 Notice of Regular Meetings. Notice of regular meetings may be given to each member of the Behavioral Health Board and to the public by one of the following methods: (a) by e-mail; (b) by first class mail, postage prepaid; (c) by telephone. Notice given by e-mail or telephone shall occur at least 72 hours before the time set for the meeting.
- 10.12 Notice of Special Meeting. A special meeting may be called at any time by the Chair of the Behavioral Health Board, Director of Behavioral Health and Recovery Services, or by a majority of the Board members. Notice of special meetings shall be delivered via e-mail, personally, or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered by the Board at these meetings.
- 10.13 Cancellation. Any meeting may be canceled by the Chair when a quorum is not present or when informational only items have been placed on the agenda.

ARTICLE XI – AGENDA FOR BOARD MEETINGS

- 11.1 Posting of Agenda. Notices and agendas of all regular meetings shall be e-mailed to Board members and the public and posted in a publicly accessible place for a period of 72 hours prior to the meeting. Special meetings shall require 24 hours prior notice. All regular meeting agendas must be posted on the Behavioral Health and Recovery Services public website within 72 hours of a regular meeting and 24 hours of a special meeting.
- 11.2 Agenda Content. The agenda for each meeting of the Board shall give priority to: (a) the Chair's announcement of the presence or absence of a quorum; (b) approval of minutes of the Board's previous meeting; (c) items identified by the Chair or by majority vote of members as most urgently requiring attention; and (d) public comments.
- 11.3 Public Comment. All members of the public wishing to address the Board during the open time for public comment regarding items not on the agenda shall be limited to three 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 Board members during open time in addition to or in lieu of oral public comment.
- 11.4 Agenda Action Items. Board members generally may listen to open comment but may not deliberate or take action on any items not on the agenda. Members may indicate an interest in or suggest including an item raised in public comment for a future agenda.

- 11.5 Agenda Timeline. Written informational material provided by the Chair, departmental staff, or others, and relevant to any agenda item, will be available for distribution to Board members if it is presented to the Board Coordinator at least five (5) calendar days prior to a meeting. Deviation from this procedure will be allowed by the director or designee only if the matter is of vital significance to the Board. The agenda will be distributed, with requisite informational material, to each Board member no later than the weekend proceeding the meeting at which they are to be discussed.

ARTICLE XII – AMENDMENTS TO BYLAWS

- 12.1 Bylaw Amendments. These bylaws may be amended at any meeting of the Behavioral Health Board when reasonable advance notice has been as described below. The Board must approve the change(s) by a quorum of those members in attendance at a regular or special meeting.
- 12.2 Notice of Proposed Amendment. Proposals for change shall be noticed on the Behavioral Health Board agenda and a red-lined copy sent to all Board members a minimum of five days prior to the meeting date on which proponents wish consideration and a vote on the change.
- 12.3 County Counsel Approval. Following approval by a quorum of the Behavioral Health Board a red-lined copy shall be forwarded to Kern County Counsel for approval.
- 12.4 Board of Supervisors Approval. Following approval by Kern County Counsel, a red-lined copy shall be forwarded to the Kern County Clerk of the Board for placement on the Board of Supervisors agenda for approval. Amended bylaws shall become effective upon approval by the Board of Supervisors.
- 12.5 Distribution of Revised Bylaws. A copy of the approved changed bylaws is to be provided to each Behavioral Health Board member electronically and made available at the next regularly scheduled meeting.
- 12.6 Tracking of Revisions. An appropriate historical log of all bylaw changes and the date of the change are to be maintained by the Board Coordinator.

HISTORY OF REVISIONS:

BHB May 19, 2001; BOS approved July 31, 2001
BHB January 28, 2008; BOS approved March 25, 2008
BHB November 24, 2008; BOS approved January 20, 2009
BHB February 25, 2019; BOS approved June 11, 2019
BHB April 26, 2021; BOS approved June 8, 2021