

SANTA BARBARA COUNTY
BEHAVIORAL WELLNESS COMMISSION
BYLAWS

ARTICLE I

NAME

- A. The name of this commission shall be the Santa Barbara County Behavioral Wellness Commission.

ARTICLE II

PURPOSE AND AUTHORITY

- A. The Santa Barbara County Behavioral Wellness Commission (hereinafter BWC or Commission) exists as an advisory board to the Santa Barbara County Department of Behavioral Wellness (hereinafter Behavioral Wellness) and the Santa Barbara County Board of Supervisors (hereinafter Board of Supervisors) regarding the County's provision of mental health and alcohol and other drug programs and services (hereinafter behavioral health services).
- B. The BWC is established as required by Section 5604 of the Welfare and Institutions Code, with membership appointed by the Board of Supervisors. In accordance with Health and Safety Code Sections 11805 and 11998.1(f), the Commission also serves as Santa Barbara County's Advisory Board on Alcohol and Other Drug Problems.
- C. As set forth in Welfare and Institutions Code Section 5604.2, the duties of the BWC shall include, but not be limited to the following:
1. Review and evaluate the community's behavioral health needs, including services, facilities and special problems to ensure that behavioral health services are provided that promote wellness and recovery, and improving and maintaining the health and safety of individuals, families and communities affected by mental health and/or substance abuse issues.
 2. Review mental health and substance abuse service performance contracts entered into pursuant to Welfare and Institutions Code Section 5650.

Commented [CoCo1]: This section was revised. Changes are in **blue** highlight:

(1) Review and evaluate the community's **public** mental 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. **The local mental health board may make recommendations to the governing body regarding concerns identified within these agreements.**

(3) Advise the governing body and the local mental health director as to any aspect of the local mental health program. **Local mental 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 governing body on the needs and performance of the county's mental health system.

(6) Review and make recommendations on applicants for the appointment of a local director of mental health services. The board shall be included in the selection process prior to the vote of the governing body.

(7) Review and comment on the county's performance outcome data and communicate its findings to the California Behavioral Health Planning Council.

3. Advise the Board of Supervisors and the Behavioral Wellness Director (hereinafter Director) as to any aspect of the County's behavioral health services including but not limited to mental health services and substance abuse services.
4. Submit an annual report to the Board of Supervisors on the needs and performance of the County's behavioral health system.
5. Review and make recommendations on applicants for the appointment to the position of Director. The BWC shall be included in the selection process prior to the vote of the Board of Supervisors.
6. Review and comment on the County's performance outcome data and communicate its findings to the California Mental Health Planning Council.

D. In addition, the BWC shall perform the following duties:

1. Review the Behavioral Wellness department's Alcohol and Drug Program Five-Year Plan, including consultation as needed to comply with the legislative goals set forth in Health Safety Code Section 11998.1(f).
2. In accordance with Welfare & Institutions Code Section 5803, approve County proposals prepared in response to the State Department of Health Care Services (hereafter DHCS) requests for new County systems of care.
3. In accordance with Welfare & Institutions Code Section 5848, conduct a public hearing on the County's Community Mental Health Services draft 3-year program and expenditure plan prior to adoption.
4. Assess the impact of the legislative realignment of services from the state to the county on services delivered to consumers/clients and on the local community.
5. Consult with the Director about the provision of services, establishment of facilities, special programs, identification of gaps in program services, contracting for services or facilities, and recommending priorities for resources allocation and other matters necessary or desirable in accomplishing the purposes of applicable state law. This shall include consultation as determined by the Director regarding the Assisted Outpatient Treatment service planning and delivery process, in accordance with Welfare & Institutions Code Section 5348(a)(2), and regarding the service planning and delivery process of new County systems of care, in accordance with Welfare & Institutions Code Section 5806.
6. Additional duties or authority as specified by the Board of Supervisors.

7. The Commission may make recommendations to the Board of Supervisors concerning appointees to the Commission.

ARTICLE III

MEMBERSHIP

- A. Each of the five (5) Supervisors may nominate four (4) voting members (hereinafter member or Commissioner), subject to approval by the Board of Supervisors. The 21st voting member shall be a member of the Board of Supervisors or designee, who is not subject to the member appointment requirements set forth below.
 1. Representation shall recognize the geographic diversity of Santa Barbara County. Supervisors may appoint members outside their supervisorial districts to meet legal requirements.
 2. Supervisors are encouraged to appoint individuals who have experience and knowledge of the behavioral health system, including both mental health and substance abuse services.
 3. The BWC membership should reflect the ethnic diversity of the County and the client population of Santa Barbara County.
 4. BWC member appointments shall comply with the following requirements:
 - i. Fifty percent (50%) or more of the total membership should be consumers or the parents, spouses, siblings or adult children of consumers who are receiving or have received mental health services. Each District shall appoint at least two consumers or family members to the BWC;
 - ii. At least twenty percent (20%) of the total membership shall be consumers of mental health services, with each District nominating at least one consumer member for appointment. At least one consumer member on the BWC shall be from the Transitional Age Youth (TAY) community (ages 18 to 26); and
 - iii. At least twenty percent (20%) of the total membership shall be family members of consumers of mental health services, with each District nominating at least one family member of consumers of mental health services for appointment.

Formatted: Font color: Accent 2

5. The term of each member shall be for three (3) years, with appointments staggered over a three-year period. Initial appointments shall be made in accordance with Attachment 1.

Commented [MT2]: Is Attachment 1 still used? If so, please make sure to include it with the Bylaws.

6. No member shall serve more than two (2) consecutive three (3) year terms, with the exception that if a member has been appointed to a partial term of one and one half (1½) years or less, an individual may then be appointed to two (2) full three (3) year terms. When one (1) year has elapsed following a member's service, the individual is again eligible for appointment. An exception can be made if a Supervisor agrees to waive, at the request of the appointee, the one-year lapse after two (2) three-year terms.

7. Any vacancy will be filled by a new member nominated by the Supervisor from the district of the vacating member once approved by the Board of Supervisors. The nominating Supervisor can seek input from the Board of Supervisors in making the appointment. The new member will hold a position on the BWC for the remainder of the vacating member's unexpired term.

8. The members of the Commission shall serve without compensation, but shall be reimbursed for any actual expenses incurred in connection with their assigned duties as Commission members per County policies.

9. A quorum shall be one person more than one-half the number of appointed members including the Board of Supervisors member or his/her designee.

10. Members of the Commission shall abstain from voting on any issue in which the member has a financial interest, as defined in Section 87103 of the Government Code.

11. Consistent with Welfare & Institutions Code Section 5604~~(de)~~(1), no member of the Commission or his or her spouse shall be a full-time or part-time county employee of a county mental health service, or an employee of the DHCS or State Department of Alcohol and Drug Programs, or an employee of, or a paid member of the governing body of a contracting agency to Behavioral Wellness. However, also consistent with Welfare and Institutions Code 5604 (ed)(2), a consumer of mental health services who has obtained employment with an employer described in the previous paragraph and who holds a position in which he or she does not have any interest, influence, or authority over any financial or contractual matter concerning the employer may be appointed to the ~~board~~Commission. The Such member shall abstain from voting on any financial or contractual issue concerning his or herthe member's employer that may come before the board. (Welfare & Institutions Code Section 5604 (ed).) of the California Welfare and Institutions Code.

Commented [CoCo3]: A new subsection was added to WIC Section 5604, so subsection (d) is now subsection (e).

Formatted: Font color: Accent 2

Formatted: Font color: Accent 2

Formatted: Font color: Accent 2

Formatted: Font color: Accent 2

Formatted: Font color: Accent 2

12. After three (3) unexcused absences of any member during a fiscal year, the BWC Chairperson and Vice-Chairperson will review reasons for absences and

will, if warranted, contact the member in writing to inquire if the member wishes to remain on the BWC. Failure to respond within thirty (30) days or the continuation of absences may result in a recommendation by the BWC Chairperson that the appointing Supervisor be asked to remove and appoint a replacement member.

ARTICLE IV

MEETINGS

A. Regular meetings shall be held at 3 pm on the third Wednesday of each month, unless cancelled, at the following locations (live or videoconference):

1. Santa Barbara Children's Clinic, 429 N. San Antonio Road, Santa Barbara 93110
2. Lompoc Children's Clinic, 401 E. Ocean St, Lompoc, CA 93436
3. Santa Maria Clinic, 500 W. Foster Rd., Santa Maria 93455

B. Guidelines for Commission meetings:

1. Meetings shall be noticed and conducted in accordance with the provisions of Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code (hereinafter Brown Act) relating to meetings of local agencies.
2. A special meeting may be called, consistent with the Brown Act, by the Chairperson or by a quorum of the BWC. Notice of such meeting shall conform to Government Code Section 54956.

C. Meeting Procedures:

1. BWC regular meetings shall be conducted by the Chairperson or the Vice Chair in the Chairperson's absence.

~~4. The agendas for the BWC meetings shall be established by the Chairperson.~~

~~Any member wishing to recommend an item for the BWC agenda shall contact the Chairperson.~~

2. The Commission shall be staffed by Behavioral Wellness. Minutes shall be recorded by a Behavioral Wellness employee, who shall serve as Program Administrator for the Commission. Agendas, Minutes, and other required

Commented [MT4]: Recommend renaming this Meeting Procedures and adding numbers VI.D. 1, 2, 5 and 6 here.

Commented [MT5]: These items seem to fall under Section IV.D below – Meeting and Agenda Formats

notices shall be posted on Behavioral Wellness' website, in a manner consistent with Government Code Section 54954.2.

~~BWC regular meetings shall be conducted by the Chairperson.~~

3. The chairperson shall ask for introductions of the members and confirm the existence of a quorum.

4. Items identified as action items on the agenda by the Chairperson will be addressed and a vote will be taken.

5. The time for public input will be clearly stated on the agenda, and each individual will be limited up to three (3) minutes. No action may be taken on such public input until it is properly noticed on a future agenda.

D. Meeting and Agenda Format:

~~1. BWC regular meetings shall be conducted by the Chairperson.~~

~~The chairperson shall ask for introductions of the members and confirm the existence of a quorum.~~

1. The agendas for the BWC meetings shall be established by the Chairperson.

2. Any member wishing to recommend an item for the BWC agenda shall contact the Chairperson.

3. Approval of minutes of the previous meeting may shall be included on the following month's Agenda.

4. Reports from committees may be included on the Agenda.

~~The agendas for the BWC meetings shall be established by the Chairperson.~~

~~Any member wishing to recommend an item for the BWC agenda shall contact the Chairperson.~~

~~4. Items identified as action items on the agenda by the Chairperson will be addressed and a vote will be taken.~~

~~4. The time for public input will be clearly stated on the agenda, and each individual will be limited up to three (3) minutes. No action may be taken on such public input until it is properly noticed on a future agenda.~~

Commented [MT6]: Recommend renaming this Agendas and adding numbers VI.C. 1 and 2 here.

Commented [MT7]: Approval of minutes and reports from the committees may be included on the agenda?

Commented [CK8]: As an agenda item to vote.

ARTICLE V

OFFICERS

- A. The officers of the BWC shall be Chairperson and Vice-Chairperson.
- B. The Chairperson and Vice-Chairperson shall be elected at the January meeting and each shall serve a term of one year. The Chairperson and Vice-Chairperson shall be elected by a majority vote of the members of the BWC. It is recommended that the Chairperson and Vice-Chairperson each have at least one year of experience as a BWC member.
- C. Duties:
 - 1. The duties of the Chairperson shall include:
 - i. Call special meetings
 - ii. Preside over meetings
 - iii. Establish meeting agendas
 - iv. Produce and forward reports to the Board of Supervisors
 - v. Consult with Director
 - vi. Appoint Committees
 - vii. Appoint Nominating Committee to nominate Chairperson and Vice-Chairperson in December of each year
 - 2. The duties of the Vice-Chairperson shall include:
 - i. Exercise all the responsibilities of the Chairperson in the absence of the Chairperson
 - ii. Meet all responsibilities delegated by the Chairperson

ARTICLE VI

DUTIES/RESPONSIBILITIES OF BOARD MEMBERS

A. In addition to the duties listed in Article II, BWC members are expected to:

1. Regularly attend and participate in monthly board meetings. If a member is unable to attend a meeting, the member shall advise the Chairperson or Commission Program Administrator (or their representative) of the member's prospective absence.
2. Annually visit at least one (1) regularly scheduled or otherwise pre-arranged site visit to an assigned contractor and report findings to the BWC.
3. Participate on committees as assigned by the Chairperson or Vice-Chairperson.

B. Roles of Commissioners in engagement with the public and with Behavioral Wellness service providers:

1. In engaging with the public or with Behavioral Wellness providers, Commissioners are welcome to introduce themselves as serving on the eCommission. Commissioners can and should listen to community concerns, and seek to agendaize appropriate concerns for Commission discussion.

2. Commissioners should not represent that the Commission therefore supports or opposes concerns in the community without agendaizing discussion of the concern with the Commission, and without a majority vote of the Commission members in favor of taking action.

3. If engaging in a discussion where a member they will express the member's their views on something that has not been agendaized or had Commission action taken on it in the past, eCommission members must state that the views they express are their own, and do not represent the Commission's position on the matter.

4. Use of official Commission letterhead is only allowed when the Commission has agendaized a matter for review, and agreed to formally respond. Such a formal response is to be drafted by the eChair or a Commissioner designated and approved by the Commission. Theat drafted letter must be presented to the Commission as an agenda item, and approved by a vote of the majority of Commissioners.

5. No Commissioner is authorized to use official eCommission letterhead to convey their opinions or concerns on any subject to entities external to the Commission without subjecting it to approval by the entire Commission in the manner described above.

Formatted: Font: (Default) Arial, 12 pt

Formatted: Left, Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Justified

Formatted: Justified, Indent: Left: 0.75", No bullets or numbering

Formatted: Justified

Formatted: Font: (Default) Arial, 12 pt, Font color: Accent 1

Formatted: Justified, Indent: Left: 0.5", No bullets or numbering

Formatted: Justified, Indent: Left: 0.75", No bullets or numbering

Formatted: Justified

Formatted: Justified, Indent: Left: 0.75", No bullets or numbering

Formatted: Justified

Formatted: Font: (Default) Arial, 12 pt, Font color: Accent 1

Formatted: Indent: Left: 0.5", No bullets or

3.

Formatted: Font: (Default) Arial, 12 pt, Font color: Accent 1

Formatted: Normal, Indent: Left: 0.5", No bullets or numbering

Formatted: Font: (Default) Arial, 12 pt

ARTICLE VII

AMENDMENTS

- A. Any proposed amendment to these bylaws must be approved at a regular meeting by a two-thirds (2/3) vote of a quorum of the voting membership present at the time, provided that advance notice of the proposed amendment was given in accordance with Brown Act requirements. Should the proposed amendment be approved by the BWC members, it must be approved by the Board of Supervisors before it takes effect. In addition, the following severability clause shall pertain to these bylaws: if any part of these Bylaws are deemed unlawful, such part shall be severed from the remaining provisions, and the remainder of the Bylaws shall remain intact.

Commented [MT9]:

A committee that includes non-members of the commission creates a legislative body that must comply with the Brown Act.

An advisory committee will be considered a Brown Act body when:

1. It is a standing committee that has continuing subject matter jurisdiction, or
2. It has a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body

The Executive Committee, if created, will be a Brown Act body.

If the intent was not to create a Brown Act body, the committee will need to adhere to the following requirements:

1. It is a temporary advisory committee,
2. Composed solely of less than a quorum of BW Commissioners,
3. That serves a limited or single purpose,
4. That is not perpetual, and
5. That will be dissolved once its specific task is completed.

When creating a committee, County Counsel recommends keeping the committees small even though the committees could consist of 10 BW Commissioners. County Counsel makes this recommendation to prevent a committee-member from violating the Brown Act by creating a serial meeting. A serial meeting is created when a majority of the members of a legislative body use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body outside of a properly-noticed meeting (Government Code section 54952.2(b)(1).)

ARTICLE VIII

APPOINTING COMMITTEES

- A. The Chairperson may appoint the chair of each committee as required to further the goals of the Behavioral Wellness Commission. A committee chair must be a BWC member. It is at the committee chair's discretion to determine members of the committee. Committees may include members drawn from the community who are not BWC members.
- B. An Executive Committee may be established, composed of the Chairperson, Vice-Chairperson, Ex-Officio Chairperson and two or three at-large members appointed by the Chairperson to bring the number of voting members to five. This committee shall have executive functions and may act for the Commission when necessary. Any such action taken must be ratified at the next regular meeting of the Commission or become null and void.
- C. An ad hoc Nominating Committee shall be appointed by the Chairperson at the November meeting each year, to prepare a slate of nominees for Chair and Vice

Commented [MT10]: The Nominating Committee will be a Brown Act Body even though new members will be appointed each year because it has continuing subject matter jurisdiction and is being created by a formal action of the Commission.

Chair, to be voted on by the full Commission at the December meeting. Additional nominations may be made from the floor at the December meeting.

- D. A committee created pursuant to this Article VIII shall comply with the Brown Act to the extent such committee constitutes a legislative body under Section 54952 of the Government Code.