



# RESOLUTION No. 18-565

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION APPROVING THE RENAMING OF THE MENTAL HEALTH ADVISORY BOARD TO THE MENTAL HEALTH AND SUBSTANCE USE ADVISORY BOARD (MHSUAB), AND APPROVING AMENDMENTS TO THE MHSUAB BYLAWS TO REFLECT THE NAME CHANGE AND ADDITIONAL FUNCTIONS RELATED TO SUBSTANCE USE

WHEREAS, the County of Nevada maintains a Mental Health Advisory Board, which was first formed in 1977 pursuant to Resolution 77-132, as authorized under the provision of Welfare and Institutions code Sections 5604 et seq.; and

WHEREAS, on April 27, 1993, pursuant to Resolution 93-195, the Board of Supervisors renamed the Mental Health Advisory Board the Mental Health Board, while also requiring that it serve concurrently as the Alcohol/Drug Advisory Board; and

WHEREAS, on September 9, 2003, pursuant to Resolution 03-433, the Board of Supervisors approved the establishment of the Nevada County Substance Abuse Advisory Board (SAAB) as separate from the Nevada County Mental Health Board, and as amended on December 16, 2003, pursuant to Resolution 03-564 pertaining to the composition of the membership of the SAAB; and

WHEREAS, on December 8, 2009, pursuant to Resolution 09-592, the Board of Supervisors dissolved the Nevada County Substance Abuse Advisory Board, effective January 1, 2010, and encouraged the members of the SAAB to become members of the steering committee of the Coalition for a Drug Free Nevada County or the Mental Health Advisory Board; and

WHEREAS, on July 1, 2018, Nevada County opted into the Drug Medi-Cal Organized Delivery System (ODS) Waiver which expands the array of Substance Use Disorder services that the Nevada County Behavioral Health Department can provide to Medi-Cal beneficiaries in Nevada County, which requires stakeholder input regarding the quality and effectiveness of the Substance Use Disorder services being provided; and

WHEREAS, pursuant to Section 11805 of the Health and Safety Code, a county may have an advisory board on alcohol and other drug problems appointed by the Board of Supervisors, which may be independent or under the jurisdiction of another health-related or human services advisory board established pursuant to state law, or have the same membership as that other advisory board; and

WHEREAS, it is recommended that the current Mental Health Board be renamed the Mental Health and Substance Use Advisory Board (MHSUAB), as a means of receiving stakeholder input and providing advisory functions the Board of Supervisors on both mental health and substance use issues, programs, and service needs in Nevada County; and

WHEREAS, on May 11, 2018, the Mental Health Advisory Board reviewed the attached proposed amended Bylaws that reflect the expanded functions and duties of the MHSUAB with regard to mental health, substance use, and co-occurring mental health and substance use issues, and approved submitting the amended Bylaws to the Nevada County Board of Supervisors for approval; and

WHEREAS, the amendments to the Bylaws include, inter alia, increasing the Board membership by two (2) members from eleven (11) members to thirteen (13) member, and requiring to the extent possible that the members have experience and knowledge of both the mental health system and substance use issues; changes to the quorum requirement of members from a simple majority to one person more than half of the appointed members, and modifying the process for selecting new members; and

WHEREAS, it is recommended that the proposed amendments to the Bylaws of the MHSUAB be approved.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors of the County of Nevada hereby approves the renaming of the Mental Health Advisory Board to the Mental Health and Substance Use Advisory Board, which shall include under its advisory duties a focus on mental health, substance abuse, and co-occurring mental health and substance use issues, and that the attached amended Bylaws of the Nevada County Mental Health and Substance Use Advisory Board be and are hereby approved.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 11th day of December, 2018, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Edward Scofield, Chair

12/11/2018 cc: BH\*  
AC\* (Hold)

3/26/2019 cc: BH\*\*  
AC\*(release)  
COB\*

**NEVADA COUNTY MENTAL HEALTH and SUBSTANCE USE ADVISORY BOARD  
BYLAWS**

**I. NAME**

**The name of this organization shall be the NEVADA COUNTY MENTAL HEALTH and SUBSTANCE USE ADVISORY BOARD.**

**II. VISION STATEMENT**

The vision of the Nevada County Mental Health and Substance Use Advisory Board, hereinafter referred to as "Advisory Board," is to promote and support policies and programs that effectively improve the lives of persons with severe mental illness and/or substance use.

**III. AUTHORITY**

The Advisory Board is advisory to the Board of Supervisors, the Director of the Nevada County Behavioral Health Department (NCBH Director), and the NCBH AOD (Alcohol and Other Drugs) Program Manager with regard to mental health, substance use, and co-occurring mental health and substance use issues and programs.

The Advisory Board is established pursuant to Welfare and Institutions Code Sections 5604, et seq, specifically those duties delineated at 5604.2, Health and Safety Code 11805 and Nevada County Board of Supervisors Resolution #18-565.

**IV. DUTIES AND RESPONSIBILITIES**

Pursuant to Welfare and Institutions Code Section 5604.2, the Nevada County Mental Health and Substance Use Advisory Board shall include the following duties and responsibilities:

**A.** The Advisory Board is solely advisory in character and is not by ordinance or other authority empowered to render decisions on behalf of the County or its officials, employees, agents, or volunteers.

**B.** Review and evaluate the community's needs, services, facilities, and special problems in relation to mental health, substance use, and co-occurring mental health and substance use issues in order to provide more effective programs for the benefit of all residents of Nevada County.

**C.** Review any County agreements entered into pursuant to Welfare and Institutions Code Sections 5650 and 14124.21; and Section 11772 of the Health and Safety Code.

- D.** Advise the Board of Supervisors, the NCBH Director and/or the AOD Program Manager, as appropriate, regarding any aspect concerning NCBH, and NCBH contracted, mental health, alcohol, drug, and co-occurring disorder programs.
- E.** Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process.
- F.** Submit an annual report to the Board of Supervisors outlining and evaluating the performance of local mental health, substance use and co-occurring mental health and substance use programs, other available services, and unmet needs within our county.
- G.** Review and make recommendations on applicants for the appointment of a local director of mental health services. The Advisory Board shall be included in the selection process prior to the vote of the governing body.
- H.** Remain informed about the various funding sources that fund, in whole or in part, NCBH, its programs, its contractors, and how that affects, and is projected to affect, services delivered to clients and then make recommendations based on this.
- I.** Perform such other duties and responsibilities as may be assigned to it by the Board of Supervisors.
- J.** Create and maintain a current summary of mental health and substance use reference information. This shall include, but not be limited to, some familiarity with the nature and etiology of brain disorders, substance use disorders, diagnostic classifications, treatment strategies, and medications.
- K.** The NCBH director at his/her discretion may appoint an advisory board member to attend Behavioral Health Department meetings that review mental health and substance use Requests for Proposals (RFP) and contracts.
- L.** Conduct public hearings on draft Mental Health Services Act (MHSA) plans, annual updates, and other matters as appropriate.
- M.** Assess the impact of the realignment of services from the state to the County, on services delivered to clients and on the local community.
- N.** Review and make recommendations based on County's performance outcome data from NCBH programs and from contractor programs, and communicate findings to the California Mental Health Planning Council.
- O.** Understand that no member represents the Advisory Board in an individual capacity or in any political activity.

## V. MEMBERSHIP

A. A full Board shall consist of thirteen (13) members.

B. Officers of the Board shall be a Chairperson and a Vice-Chairperson. Officers shall be elected biannually at the June meeting. The officers shall serve for a two year term of Office. The Chairpersonship is limited to two consecutive terms, and then if other members are unwilling to serve as the Chair, the current Chair may continue to serve on a year-to-year basis. The duties of the officers are:

- (1) Chairperson, who shall be empowered to Chair meetings, prepare meeting agendas in consultation with the NCBH Director, and appoint committees.
- (2) Vice Chairperson, who shall serve in the absence of the Chair.
- (3) Recording Secretary, who shall memorialize meeting content and distribute the minutes. The Recording Secretary shall be provided by the Behavioral Health Department.

### C. Appointment

Members shall be appointed by the Board of Supervisors.

### D. Terms

The term of each Board member shall be three years. The Board of Supervisors shall stagger appointments so that approximately one-third of the appointments expire each year. Upon the expired term of the Board member, the Board member may continue to participate on the Advisory Board until that Board member is replaced. Appointments made to fill unexpired terms shall end at the original expiration date. There is no restriction on the number of terms a member may serve on the Advisory Board.

### E. Qualifications

Members shall be appointed from a pool of applicants recommended by the Advisory Board who, to the extent possible, have experience and knowledge of mental illness and substance use and the county Behavioral Health Department. One member of the Board of Supervisors or his/her designee shall serve as an Advisory Board member.

### F. Composition

- (1) Members shall be appointed by the Board of Supervisors from the community-at-large. A member of the Board of Supervisors or his/her designee shall serve as an Advisory Board member.
- (2) At least 50% of the Advisory Board membership shall be consumers, who are receiving or have received mental health, substance use, or co-occurring mental health and substance use services, or the parents, spouse, sibling or adult

children of consumers. At least 20% of the total membership shall be families of consumers, and at least 20% of the total membership shall be consumers.

- (3) Except as provided in paragraph (4), no member of the Advisory Board or his/her spouse shall be a full-time or part-time County employee of a County mental health or substance use service, an employee of the State Department of Health Care Services, or an employee of, or a paid member of the governing body of, a mental health or substance use contract agency.
- (4) A consumer of mental health and/or substance use services who has obtained employment with an employer described in paragraph (3) 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.

The member shall abstain from voting on any financial or contractual issue concerning his or her employer that may come before the board.

- (5) If it is not possible to secure membership as specified, the Board of Supervisors may substitute representatives of the public interested in mental health and/or substance use and who are not prohibited as delineated above.

#### **G. Process for Selection**

Interested parties shall make application to the Board of Supervisors, attend at least two meetings, and be interviewed and recommended by the Director or his/her designee and the Advisory Board Chair.

#### **H. Leave of Absence**

A member shall submit their request for leave of absence in writing to the Mental Health and Substance Use Advisory Board for Advisory Board action.

#### **I. Vacancies**

Vacancies shall be filled in the same manner they were originally appointed, except that vacancy appointments may be made by the Board of Supervisors at any regularly scheduled meeting. Appointments for members that vacate the position through resignation, dismissal or other unscheduled means shall be appointed to complete the remainder of the vacated term.

#### **J. Cause for Removal of Members**

An Advisory Board member may be removed from the Advisory Board by the Nevada County Board of Supervisors under the following circumstances:

1. Failure to comply with the conflict of interest provisions set forth below.

2. Failure to attend (3) consecutive regular meetings without notification. Members shall advise the Recording Secretary if they will be absent from a meeting.
3. Conduct unbecoming a representative of the Commission and County, or interference with or obstruction of the goals of the Commission.

## **VI. CONDUCT OF MEETINGS**

### **A. Quorum**

- (1) A quorum shall be defined as one person more than half of the appointed members. The definition of appointed members excludes unfulfilled positions and those vacated by resignation or removal. A quorum shall be required for an Advisory Board action. No proxy votes are allowed, and in the absence of a quorum, the Chairperson shall have the discretion to adjourn the meeting.
- (2) A vote of that quorum shall constitute a vote of the Advisory Board. Votes on elections of officers and on adoption of amendments to the Bylaws shall require a majority of all members.

### **B. Meetings**

Regular meetings of the Advisory Board shall be held at least six times a year and at such times as may be deemed necessary by the Chairperson or the Director. Dates, times, and locations are to be determined by the Advisory Board, with provisions for special meetings as necessary.

The rules contained in the current edition of Roberts Rules of Order, Revised shall govern the Advisory Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws and the rules, policies and regulations of the Board of Supervisors.

### **C. Open Meeting Law and Agenda**

- (1) The Advisory Board shall be subject to the provisions of the Brown Act (commencing with Section 54950 of the California Government Code), or any successor statutes thereto, relating to meetings of local agencies.
- (2) Advisory Board meetings shall be open to the public except when the Ralph M. Brown Act permits closed sessions.
- (3) Meeting notice and agenda requirements are subject to the Ralph M. Brown Act.

**D. Conflict of Interest**

No Commission member shall cast a vote on any matter in which he or she has a financial interest as defined in the Political Reform Act of 1974 (Govt. Code §§81000, et seq.) and any regulations promulgated there under by the Fair Political Practices Commission.

**E. Compensation**


Members of the Advisory Board shall serve without compensation. The Behavioral Health Director may pay the actual expenses of Advisory Board members incurred incident to the performance of their official duties and functions, if funds are available. The expenses may include travel, lodging and meals for members of the Advisory Board while on official business as approved by the Behavioral Health Director. Such expenses and compensation must be approved in advance.

**VII. SUBCOMMITTEES OF THE BOARD**

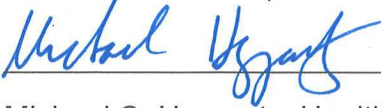
The Advisory Board may appoint subcommittees, and ad hoc committees as may from time-to-time for limited purposes be deemed necessary, which shall be comprised of Advisory Board members. All items will be brought back to the Advisory Board for action, and any recommendations by committees shall be approved by a majority vote of the Advisory Board prior to making an advisory recommendation to the Board of Supervisors.

**VIII. BYLAWS**

These bylaws shall become effective immediately upon approval by the Board of Supervisors. A recommendation to amend the existing bylaws by two-thirds of the members of the Advisory Board shall be forwarded to the Board of Supervisors, and will not take effect unless and until approved by the Board of Supervisors.

  
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Chair, Mental Health and Substance Use Advisory Board

Edward C. Scofield, Chair of the Board of Supervisors

  
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Michael C. Heggarty, Health and Human Services Director

  
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Phebe Bell, Behavioral Health Director