

ORDINANCE NO. 10361 (NEW SERIES)

AN ORDINANCE REPEALING ARTICLE LVI OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE SAN DIEGO COUNTY ALCOHOL AND DRUG ADVISORY BOARD AND ADDING A NEW ARTICLE LVI RELATING TO THE COUNTY OF SAN DIEGO BEHAVIORAL HEALTH ADVISORY BOARD

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. ARTICLE LVI (commencing with Section 881) of the San Diego County Administrative Code is hereby repealed.

Section 2. A new ARTICLE LVI (commencing with Section 881) of the San Diego County Administrative Code is hereby added to read as follows:

ARTICLE LVI. COUNTY OF SAN DIEGO BEHAVIORAL HEALTH ADVISORY BOARD

SEC. 881. COUNTY OF SAN DIEGO BEHAVIORAL HEALTH ADVISORY BOARD

There is hereby created and established the County of San Diego Behavioral Health Advisory Board, hereinafter referred to as "Advisory Board," pursuant to the State of California Health and Safety Code Section 11805 and Welfare and Institutions Code Section 5604. This Advisory Board is established to comply with the requirements of Welfare and Institutions Code Section 5604, to encourage public participation in the policies and programs relating to the County's Alcohol and Drug Services and Mental Health Services programs, hereinafter referred to as Behavioral Health Services (BHS), and to advise the Board of Supervisors, the Chief Administrative Officer and the Director of Health and Human Services Agency (HHSA) and the Director of BHS on programs and issues pertaining to BHS.

It is the intent that every member of the Advisory Board's membership shall exhibit a sincere commitment to represent both the mental health and alcohol and substance drug communities to an equal extent.

SEC. 881.1 LACK OF AFFILIATION.

The Advisory Board is a non-partisan, non-sectarian, non-profit making organization. It shall not officially take part in, nor lend its influence to, any political issues.

SEC. 881.2 ADVISORY CAPACITY.

The Advisory Board shall act in an advisory capacity only to the Board of Supervisors, the Chief Administrative Officer, the Director of HHSA and the Director of BHS. It is not empowered by ordinance, establishing authority or policy to render a decision of any kind on behalf of the County or its appointed or elected officials.

SEC. 881.3 MEMBERSHIP AND SELECTION.

- (a) The Advisory Board shall be limited to twenty-one (21) members.
- (b) The Board of Supervisors shall appoint twenty (20) members from the general public, consisting of four (4) members per supervisorial district and the Board of Supervisors will designate a Supervisor for the 21st seat. The supervisorial appointees from each district shall consist of one member each from the following categories: a Person in Recovery; a Family Member; a Prevention Specialist; and a Treatment and Recovery Specialist, as described below:
 - (1) Person in Recovery: an individual with a mental illness and/or an addiction experience(s) and manages his or her recovery.
 - (2) Family Member: parents, spouses, siblings, or adult children of individual(s) who are receiving, have received or are in need of services for their illness.
 - (3) Prevention Specialist: an individual who may have a major interest in all matters related to the prevention and early intervention of mental health and substance use disorders. It does not require certification or licensing. The individual may be a member of the community concerned with Behavioral Health issues in the County (e.g. educator, law enforcement, primary care practitioner).
 - (4) Treatment and Recovery Specialist: mental health and/or substance abuse practitioner may include but is not limited to State licensed or certified specialists with disciplines in behavioral health as well as other experienced practitioners.

SEC. 881.4 TERM OF OFFICE.

- (a) Each member nominated by each Supervisor shall serve a term of three years.
- (b) If a member's term will extend beyond the end of the term of the nominating Supervisor, the member shall remain in the position for the remainder of the member's term unless a new member is nominated for the position by the re-elected or newly-elected Supervisor of the nominating supervisorial district and appointed by the Board of Supervisors.
- (c) No member shall serve more than three consecutive terms.
- (d) Members shall serve their terms at the pleasure of the appointing Supervisor.
- (e) Vacancies shall be filled in accordance with Section 881.5. Vacancies shall be filled for the unexpired term of the member being replaced.

SEC. 881.5 VACANCIES.

A vacancy shall occur as a result of any of the following events before the expiration of the term:

- (a) If a member has three unexcused absences in a calendar year, such member shall be ineligible to remain as an Advisory Board member.

- (b) The death of a member;
- (c) The resignation of a member.

Any member whose term has expired hereunder may, at the discretion of the Behavioral Health Director and concurrence of the member, continue to discharge the duties as a member until a successor has been appointed hereunder.

SEC. 881.6 EXCLUSIONS.

- (a) No member of the Advisory Board or his or her spouse shall be a full-time or part-time employee of BHS, or an employee of, or a paid member of the governing body of a BHS contract agency or in the service of, or an employee of, the California Department of Health Care Services.
- (b) No member of the Advisory Board shall be a member of any other advisory body to, or a person who holds any similar position or title on a compensated or non-compensated basis in a program that seeks or possesses a license pursuant to Chapter 9 of the California Health and Safety Code (commencing with Section 11836).
- (c) Members of the Advisory Board shall abstain from voting on any issue in which the member has a financial interest as defined in Section 87103 of the California Government Code.

SEC. 881.7 CONFLICT OF INTEREST.

Members of the Advisory Board shall disclose to the Clerk of the Board of Supervisors in writing any outside employment or activity engaged in for compensation which relates to their duties or to their functions and responsibilities as an Advisory Board member. No member of the Advisory Board shall make, participate in making or in any way attempt to use her/his position as a member of an advisory board to influence a decision in which she/he knows or has reason to know that she/he has a financial interest, except in those cases where the member is appointed to represent an entity or group having a financial interest in a matter coming within the Advisory Board's area of responsibility.

No person shall be appointed to, or serve on, the Advisory Board who participates in the making of County contracts in which such person is financially interested within the terms of Government Code Section 1090 et seq. This prohibition is not applicable to persons with "remote interests" as defined in subdivision (b) of Government Code section 1091, provided that the person discloses the interest in accordance with subdivision (a) of Government Code section 1091 and the person does not influence or attempt to influence other Advisory Board members to act favorably in respect to the contract in which the person has a remote interest.

SEC. 881.8 DUTIES.

Advisory Board members shall have the following duties:

- (a) Review the County's Behavioral Health contracts and grants awarded to support services and initiatives administered through the Behavioral Health Services Division;
- (b) Review and comment on reports to the Board of Supervisors and other entities as necessary and appropriate regarding the needs and performance of County funded behavioral health programs;
- (c) Review and evaluate the County's behavioral health needs, services, facilities, and special issues as they arise;
- (d) Review any County agreements entered into pursuant to Section 5650 of the California Welfare and Institutions Code;
- (e) Advise the Behavioral Health Services Division Director and follow communication protocol as described in HHSA E-7 policy to inform the Board of Supervisors as to any aspect of County behavioral health programs;
- (f) Submit an annual report to the Board of Supervisors on the needs and performance of the County behavioral health system;
- (g) Review and make recommendations on applicants for the appointment of the Behavioral Health Services Division Director. The Advisory Board shall be included in the Director's selection process prior to the vote of the Board of Supervisors;
- (h) Review and comment on County's performance outcome data, as it relates to behavioral health matters, and communicate its findings to the California Mental Health Planning Council; and
- (i) Assess the impact of the realignment of services from the State to the County on behavioral health services delivered to clients and on the local community.

SEC. 881.9 MEMBER RESPONSIBILITIES.

Each member has the responsibility to:

- (a) Attend all regularly scheduled meetings;
- (b) Accurately and timely perform any filing obligations with the Clerk of the Board of Supervisors;
- (c) Complete any ethics training required by law in a timely manner;
- (d) Know all ordinances, by-laws, and rules governing the Advisory Board that are provided by the Clerk of the Advisory Board;
- (e) Understand she/he does not represent the Advisory Board in an individual capacity or in any political activity; and

- (f) Expand knowledge of the continuum of behavioral health services and prepare for the meetings in advance by reviewing related materials provided prior to the meetings by the Clerk of the Advisory Board.

SEC 881.10 ESTABLISHMENT OF COMMITTEES.

- (a) Executive Committee. Executive Committee duties are to provide organizational direction on behalf of the Advisory Board and advise the Advisory Board on decisions and business matters. They will consult with the BHS director for agenda setting. At the initial meeting of the Advisory Board, nominations from the floor will be accepted to establish a slate of officers for the Executive Committee. A special meeting will be called in the same month following the initial meeting for the sole purpose of electing officers. For subsequent elections, the Advisory Board bylaws will define the election process.
- (b) Sub-Committees. The Advisory Board may appoint subcommittees comprised of Advisory Board members on an as needed basis for the purpose of carrying out the functions and duties of the Advisory Board. Actions and recommendations of subcommittees shall not be deemed actions and recommendations of the Advisory Board and shall not bind the Advisory Board or its members.
- (c) Ad Hoc Work Groups. The Advisory Board may form ad hoc work groups on an as needed basis for the purpose of carrying out the functions and duties of the Advisory Board. Any ad hoc work group appointed shall consist of at least one Advisory Board member and may include BHS stakeholders as deemed appropriate and approved by the BHS Director. Actions and recommendations of ad hoc work groups shall not be deemed actions and recommendations of the Advisory Board and shall not bind the Advisory Board or its members.

881.11 OFFICERS AND THEIR DUTIES.

- (a) The Chairperson shall be the principal executive officer and the official spokesperson of the Advisory Board. She/he shall preside over all meetings of the Advisory Board and the Executive Committee and shall carry out the policies of the Advisory Board and the Executive Committee. She/he shall make all committee appointments with the exception of the Nominating Committee; subject to the approval of the Advisory Board, she/he shall be an ex-officio member of all committees (except the Nominating Committee) and shall vote only in the case of a committee tie. She/he shall have the general powers and duties of management usually vested in the office of the Chairperson and the powers and duties as prescribed in the bylaws. The Chairperson of the Advisory Board shall be in consultation with the Behavioral Health Services Director.
- (b) The 1st Vice-Chairperson shall do everything necessary to assist the Chairperson in the performance of her/his duties. The 1st Vice-Chairperson shall exercise the powers of the Chairperson when and if the Chairperson is absent. The 1st Vice-Chairperson shall exercise the powers of the Chairperson when and if the Chairperson

is absent and be bound by any voting restraints. In the absence of both the Chairperson and 1st Vice-Chairperson, the 2nd Vice-Chairperson shall exercise the powers of the Chairperson and be bound by any voting restraints of the Chairperson.

- (c) The Members-at-Large shall do everything necessary to assist the Chairperson in the performance of her/his duties.

881.12 ADVOCATES AND REPRESENTATIVES.

The Chairperson shall, subject to approval by the Advisory Board, make the following advocate and representative appointments to represent areas of special Advisory Board interest and to make recommendations to the Advisory Board. The advocates are not members of the Advisory Board and do not vote.

- (a) Person in Recovery Advocate

It shall be the duty and responsibility of the Person in Recovery Advocate to make recommendations on behavioral health matters relating to or affecting the recovering population.

- (b) Child Advocate

It shall be the duty and responsibility of the Child Advocate to make recommendations on behavioral health matters relating to or affecting children, youth and families.

- (c) Advocate for Multi-Ethnic Concerns

It shall be the duty and responsibility of the Advocate for Multi-Ethnic Concerns to make recommendations on behavioral health matters relating to or affecting the multi-ethnic population.

- (d) Older Adult Advocate

It shall be the duty and responsibility of the Older Adult Advocate to make recommendations on behavioral health matters relating to or affecting the older adult population.

- (e) Representative to the California Association of Local Mental Health Boards/Commission (CALMHB/C)

The representative to CALMHB/C shall represent the Advisory Board to the CALMHB/C and required regional and state-wide meetings as appropriate and provide reports to the Advisory Board.

- (f) Additional Advocates

Additional advocates shall be selected as determined by the Advisory Board and designated by the Chairperson.

SEC. 881.13 ORGANIZATION.

- (a) Officers. At a minimum, the Advisory Board shall elect from its membership a Chairperson, a First Vice-Chairperson and a Second Vice-Chairperson. The duties and

responsibilities of each elected position shall be defined in the bylaws. The Advisory Board may elect from its membership other officers as deemed necessary for the conduct of its business as prescribed herein.

- (b) The Advisory Board shall prepare and adopt the by-laws and other rules which may be necessary for the conduct of its business. The by-laws and any changes to the by-laws shall be approved by the Board of Supervisors.
- (c) A quorum shall be one person more than one-half of the appointed members.
- (d) An affirmative vote of a majority of members in attendance shall be required for the passage of any business or matter before the Advisory Board.
- (e) Voting shall be on the basis of one vote per person and no proxy, telephone or absentee voting shall be permitted.
- (f) No Advisory Board member shall abstain unless a member states that she/he has a conflict of interest with or is uninformed about the subject matter to be voted upon.
- (g) Chairperson shall vote only in the case of a tie.

SEC. 881.14 MEETINGS, MINUTES AND AMENDMENTS.

- (a) All meetings of the Advisory Board and its subcommittees shall be open to the public and shall be held in accessible, public places in compliance with the requirements of the Brown Act. Notices and agendas of all regular meetings shall be mailed electronically to Advisory Board members and posted in a publicly accessible place for a period of 72 hours prior to the meeting.
- (b) A minimum of 10 regular meetings per year shall be held.
- (c) Minutes of meetings shall be prepared by the Clerk of the Advisory board or a delegate of the Clerk. Approved Minutes shall be posted publicly.
- (d) The bylaws may be amended at any regular meeting of the Advisory Board by a vote of the majority of the existing membership, subject to the approval of the Board of Supervisors. The amendment shall be submitted in writing to the Clerk of the Advisory Board at the previous regular meeting.

SEC. 881.15 COMPENSATION AND EXPENSES.

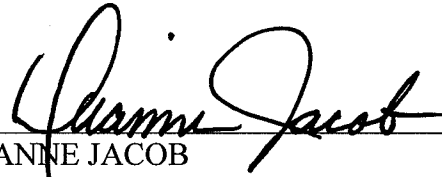
Members of the Advisory Board shall serve without compensation. Advisory Board members shall be reimbursed for expenses incurred in performing their duties under this article, including mileage reimbursement in accordance with Administrative Code Section 471.

SEC. 881.16. SUNSET.

This Article shall be reviewed as a part of the regularly scheduled sunset review process.

Section 3. This ordinance shall take effect thirty (30) days after its adoption. Within fifteen (15) days after the date of adoption of this ordinance, a summary shall be published once with the names of those members voting for and against the same in the newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 2nd day of December, 2014.



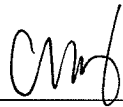
DIANNE JACOB
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 2nd day of December, 2014.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By 
Christina Gomez, Deputy



Ordinance No. 10361 (N.S.)

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