

# San Miguel County Behavioral Health Solutions Advisory Panel

Bylaws

Date: January 23, 2020

## **ARTICLE I** **PURPOSE**

The San Miguel County Mental Health Advisory Panel (“MHAP”) was established by the voters of San Miguel County on November 6, 2018, to make recommendations for spending priorities to the Board of County Commissioners related to San Miguel County’s Mental Health Fund (“MHF”). On January 23, 2020, MHAP changed the name of the group to the San Miguel County Behavioral Health Solutions Advisory Panel (“BHSAP”).

## **ARTICLE II** **BALLOT DIRECTIVES**

The voters of San Miguel County approved an ad valorem property tax mill levy of three-quarters of one mill (0.75) to fund community-based mental health and substance abuse services in the County, including:

- Mental health counselors and programs in schools;
- Mental health and substance abuse crisis and emergency response services;
- Suicide prevention programs; and
- Alcohol, opioid, and substance abuse prevention and treatment programs.

## **ARTICLE III** **MEMBERSHIP AND TERMS**

**Eligibility:** Any person living in San Miguel County and maintaining full-time residency or representing a required seat on the BHSAP shall be considered eligible to be a member of the panel.

**Selection:** At a minimum, the BHSAP will include:

- One San Miguel Board of County Commissioner or appointed representative;
- One representative from the Telluride Regional Medical Center;
- One representative from the Uncompahgre Medical Center;
- One representative recommended jointly by the Telluride and Norwood School Districts;
- One representative recommended by the Regional Behavior Health Service Provider; and
- Two community members at-large to be selected by the Board of County Commissioners (“BOCC”). The community member at-large seats will be selected from candidates who respond to notices of vacancy through an interview process or the BOCC may replace this vacancy with the Alternate Community Member. Selections will be made with no regard given to gender, age, race, or religion and there shall be no discrimination in any manner.

**Alternate Community Member and Responsibilities:** At the discretion of the BOCC, they may appoint one Alternate Community Member. The Alternate Community Member shall be a full voting member and eligible to be an officer and may be selected to fill a vacant community member at-large seat.

**Terms:** The BHSAP shall be comprised of a minimum of seven members (“Members”). Terms of Members at the time of initial appointment shall be: two Members for one year; three Members for two years, two Members for three years. Thereafter BHSAP Members shall be appointed for a two-year term. A Member may serve consecutive terms with a panel quorum vote and then written approval from the BOCC. Terms shall begin and end on July 1 through June 30.

**Attendance:** Attendance is highly encouraged. In the event that more than 3 absences over a 12-month span occur, membership shall be subject to review by the panel and the Member may be dismissed.

#### **ARTICLE IV** **RESPONSIBILITIES**

BHSAP shall have the following responsibilities:

1. Accept fiduciary responsibility for taxpayer money;
2. Remain up to date on mental health and substance abuse issues and resources in the county, state, and nation;
3. Declare and adhere to conflicts of interest and confidentiality policies;
4. Attend regular meetings;
5. Conduct research related to other public funding mechanisms for mental health and substance abuse treatment services;
6. Participate with other Members to develop the BHSAP’s systems and processes and continually evaluate their effectiveness;
7. Create annual budget;
8. Develop process for gathering and analyzing data annually;
  - a. Involve stakeholders in the process to ensure a community-minded approach to all mental health and substance abuse issues;
  - b. Establish clearly defined guidelines by which funds may be applied for and distributed;
  - c. Establish all recordkeeping systems for fund disbursements;
  - d. Establish a process to determine desired outcomes of funding and how those outcomes will be measured;
9. Establish a communication plan with all stakeholders, including:
  - a. BOCC;
  - b. Mental health and substance abuse treatment facilities and professionals; and
  - c. The community – taxpayers;
10. Establish an Mental Health Fund Strategic Plan and Evaluation Plan, and publish a publicly available annual report.
11. Once processes are established, provide oversight of BHSAP activity and use of funds; and
12. Oversee contracting of all entities hired by the BHSAP.
13. Any other responsibility as delegated by the BOCC.

#### **ARTICLE V** **MEETINGS OF THE PANEL**

**Regular Meetings:** Over the next 12 to 24 months, Members may be required to meet as often as monthly. After processes and procedures have been established and adopted, the regular meeting schedule will be determined by a majority vote of the BHSAP.

**Special Meetings:** Special meetings of the BHSAP may be called, either by the Chair or by other Members, and held at any time and in any place.

**Minutes:** Minutes of each meeting of the BHSAP (“Minutes”) shall include a record of the proceedings, actions taken, recommendations made and attendance. The Minutes shall be prepared by the Secretary or other individual designated by the Secretary, and shall be signed by the preparer. The original and one copy of the Minutes shall be kept on file at San Miguel County’s principal office. One copy of the Minutes shall be sent to each Member with the board packet prior to the next regular meeting.

**Meeting Governance:** The Chair shall have the authority to call to order, conduct and adjourn all meetings of the Panel. When the Chair is not present, the Vice Chair shall have such authority. If neither the Chair nor the Vice Chair is present but a quorum of Members does exist, the Members who are present may elect by majority vote a Temporary Chair to serve as chief governance officer for that specific meeting.

**Virtual Attendance:** Members may attend virtually at regular or special meetings.

## **ARTICLE VI** **OFFICERS**

**Elections:** Elections of officers shall take place in June of each year.

**Officers:** The BHSAP shall elect a Chair, a Vice Chair, a Secretary and a Treasurer. Each officer shall have the powers and duties and meet the requirements as designated below.

**Terms:** Officers shall serve their full term as outlined in Article III or until removed or replaced.

**Removal or Replacement of Officers:** Any officer of the panel may be removed or replaced with or without cause by a two-thirds majority vote of all Members.

### **Duties of the Officers:**

1. **Chair:** The Chair shall preside at all meetings, supervise the work of the BHSAP, direct the work of Members and also serve as a voting Member. The Chair shall create an agenda for each meeting and ensure it is delivered to the other Members at least 24 hours before each meeting.
2. **Vice-Chair:** The Vice-Chair shall be the officer next in seniority after the Chair and, upon the death, absence or disability of the Chair, shall have the authority, powers, and duties of the Chair. The Vice-Chair shall have such additional authority, powers, and duties as prescribed by these Bylaws.
3. **Secretary:** The Secretary shall give, or cause to be given, notice of all meetings (including special meetings) of the BHSAP, keep written minutes of such meetings, and be responsible for the maintenance of BHSAP records.
4. **Treasurer:** The Treasurer shall, subject to rules and procedures established by the BHSAP, be responsible for reviewing expenditures and ensuring proceeds from the MHF are being expended in alignment with the ballot initiative.

**ARTICLE VII**  
**CONFLICT OF INTEREST**

In addition to full compliance with Colorado statutes pertaining to conflicts of interest regarding public entities, including C.R.S. §18-8-308 and §24-18-101 et seq., as amended, the following rules shall apply to all Members:

1. A Member shall disqualify himself or herself from voting on any issue with which he or she has a potential conflict of interest. For purpose of this section, a “potential conflict of interest” exists where a Member has a financial interest of any kind that would, or reasonably could, affect a Member’s judgment with respect to transactions to which the entity is a party. Any potential conflict of interest shall be made a matter of record in the minutes of the meeting of the BHSAP at the time the transaction becomes a topic of action.
2. A Member with such potential conflict of interest as defined above shall recuse himself or herself from the discussion and vote pertaining to such matter; however, the BHSAP may ask, and the Member with a “potential conflict of interest” may answer, pertinent questions of fact necessary to determine whether such conflict of interest exists.
3. A potential conflict of interest shall be differentiated from a perceived bias. For purposes of this section, a “perceived bias” shall mean a perception that others have that a Member may have an inclination or prejudice for or against someone or something. Perceived biases may exist and will not preclude a Member from voting on any issue.

**ARTICLE VIII**  
**CONFIDENTIALITY**

Members shall exercise care not to disclose confidential information acquired in connection with such status or information that might be adverse to the interest of the MHF. Furthermore, Members shall not disclose or use personal information related to BHSAP or MHF for personal or professional profit or benefit.

**ARTICLE IX**  
**INDEMNIFICATION**

To the extent permitted by law, the BHSAP shall indemnify any person who is serving or has served as a Member against all reasonable expenses, including, but not limited to, judgments, fines, amounts paid in settlement costs, and legal fees actually and necessarily incurred by him or her in connection with the defense of any litigation, action, suit or proceeding, civil or administrative, to which he or she may have been a party by reason of being or having been a Member, but only if he or she acted in good faith within the scope of his or her authority for a purpose he or she reasonably believed to be in the best interest of the BHSAP. A Member shall have no right to reimbursement for matters in which he or she has been adjudged liable to the BHSAP for wanton and willful misconduct in the performance of his or her duties. The Colorado Governmental Immunity Act, amended from time to time, is incorporated by reference into these Bylaws.

**ARTICLE X**  
**GENERAL PROVISIONS**

**Fiscal Year:** The fiscal year of the BHSAP and the MHF shall begin on the first day of January and end on the 31<sup>st</sup> day of December of each year.

**Ownership of Documents:** Written records and other documents relating to the MHAH are the property of the BHSAP and San Miguel County. Records and documents shall not be shared or released without proper authorization. The Secretary shall be deemed the custodian of records.

**Review, Approval, and Amendments:** These Bylaws shall be reviewed from time to time, with any amendments approved by an affirmative vote of no less than two-thirds of the Members.

**Voting:** Each Member shall be entitled to one vote which can be made orally or by electronic means.

**Quorum:** Five (5) of the Members of the BHSAP entitled to vote, represented in person via electronic means, shall constitute a quorum at a meeting of the members. If less than a quorum of the Members entitled to vote is represented at a meeting, a majority of the Members so represented may adjourn the meeting from time to time without further notice.

**Tie-Breaking Votes:** A tie equals a failed vote.

**Annual Report:** The Panel shall publish a publically available annual report setting forth in sufficient scope and detail the more important acts concerning the business and services of the Panel.

These Bylaws were passed and adopted by the BHSAP at a duly called meeting held on January 23, 2020.