

ORLEANS COUNTY

COMMUNITY SERVICES BOARD

BY-LAWS

Adopted 1/28/03

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ARTICLE I - History and Background

Mental Hygiene Law 41.05

- a. To be eligible for state aid pursuant to this chapter, a local government shall establish a local governmental unit, which shall be an identifiable entity within the local government.
- b. Each local governmental unit shall have a Community Services Board for services to the mentally ill, the mentally retarded and developmentally disabled and those suffering from alcoholism and substance abuse which shall have separate sub-committees for mental health, mental retardation and developmental disabilities, and alcoholism, except that, at the discretion of the local government, a subcommittee for alcoholism and substance abuse may be substituted for a sub-committee for alcoholism.
- c. Each local governmental unit shall have a director who shall be its chief executive officer. Charter governments may rest policy-making functions in the director or they may rest all or some of such functions in the board. In all other cases, the policy-making functions shall rest in the board.
- d. Applications to the state for aid pursuant to this chapter shall be made by the respective local governmental units, except that an application for capital costs may be made by a voluntary agency in accordance with the provisions of this article.
- e. Each local governmental unit shall direct and administer a local comprehensive planning process for its geographic area, consistent with established statewide goals and objectives. All providers of services and department facilities shall participate in and provide information for this planning process. The department shall provide technical assistance as may be requested by such local governmental units, within available resources.

ARTICLE II - Identification and Purpose

The Orleans County Community Services Board (hereafter referred to as the Board) is appointed by the Orleans County Legislature (hereafter referred to as the Legislature) to carry out the functions as set forth in Mental Hygiene Law. The purpose of the Board is as follows:

- (1) Shall provide planning to develop effective services and service delivery systems to residents of Orleans County in the areas of Mental Health, Mental Retardation and Developmental Disabilities, and Alcoholism and Substance Abuse (hereafter referred to as MH, MR/DD, A/SA) and will participate and encourage planning efforts with other health planning agencies.
- (2) Shall provide direct services or contract with public and/or private agencies to provide services to residents of Orleans County in the areas of MH, MR/DD, and A/SA.
- (3) Shall have responsibility for encouraging development of services where gaps in service exists, coordinate existing services to insure efficiency, prevent overlap of services, and monitor services to insure the effectiveness of the services provided to Orleans County residents.

ARTICLE III - Membership and Meetings

Section A - Composition and Appointment

- (1) The membership of the Board shall be composed of nine (9) members appointed by the Legislature.
- (2) In accordance with Mental Hygiene Law 41.11, "whenever practicable at least one member shall be a licensed physician and one member shall be a certified psychologist and otherwise at least two members shall be licensed physicians, such members to have demonstrated an interest in the field of services for the mentally disabled. The other members shall represent the community interest in all the problems of the mentally disabled and shall include representatives from community agencies for the mentally ill, the mentally retarded and developmentally disabled, and those suffering from alcoholism and substance abuse." In accordance with exception granted by New York State Office of Mental Health, the membership of a clergyman may be substituted for the physician or psychologist position.
- (3) Recommendations for new members shall be submitted by the Board for appointment by the Legislature. Individuals recommended for appointment must have a demonstrated interest in providing services for the mentally ill, and/or mentally retarded and developmentally disabled and/or those who have problems with alcohol or substance abuse. Priority shall be given to including representation from all geographic areas of the county.
- (4) A person's public office or employment shall not bar appointment as a member of a board or subcommittee, nor shall membership serve as a bar to other public office or employment; provided, however, that no employee of the department or of a department facility may hereafter be appointed as a member of a board or subcommittee. (MHL 41.11 c)
No person who has a family member employed by the Community Services Department shall hereafter be recommended for appointment to the Board.
- (5) Members of the Board shall be appointed for a term of four (4) years. Terms of Board members may be for less than four (4) years, as voted by the Board, in order to stagger the term expiration dates. After 5/1/92, no more than thirty (30) percent of Board member's terms, exclusive of county legislatures, shall expire in any one year.

(6) No person may serve as a member of the Board for more than two full consecutive four year terms exclusive of filling an unexpired term unless, for a specific reason, a waiver to this rule is granted by the Legislature. (MHL 41.11 d)

(7) The Board shall recommend to the Legislature the removal from its membership those members who miss three (3) consecutive regularly scheduled meetings without sufficient and reasonable cause (MHL 41).

Section B - Meetings

(1) The Board shall meet monthly (a minimum of nine (9) meetings per year) at a time and place announced by the Chairperson to best suit the convenience of the members. Special meetings shall be called by the Chairperson when it is deemed necessary or when the three (3) members request such a meeting.

(2) Notices of meetings and an agenda shall be mailed to members no fewer than three (3) days prior to the meeting together with the minutes of the previous meeting.

(3) A quorum at any meeting of the Board shall be a simple majority (51%) of the currently appointed members of the Board. All votes, unless otherwise noted shall be by a simple majority. On an emergency basis and as directed by the Executive Committee, board votes may be solicited via electronic means.

(4) All meetings of the Board shall be open meetings. The Board may go into executive session upon a simple majority vote of the Board members present.

(5) An Annual Meeting of the Board shall be held in May at which the Director shall present an Annual Report.

(6) Roberts Rules of Order shall be followed in the conduct of the meetings.

ARTICLE IV - Powers and Duties

Section A - In accordance with Mental Hygiene Law, the Board shall have powers and duties as set forth in Section 41.13.

Section B - In addition to the duties prescribed by Mental Hygiene Law, the Board shall:

1. Recruit and evaluate the Director.
2. Review and recommend approval of budgets from contract agencies.
3. Review (at least quarterly) significant program activities of all mental hygiene providers including county run, county contract, state provided, and other activities.

ARTICLE V - Officers and Duties

Section A - Elections

1. A chairperson, vice-chairperson, and secretary shall be elected by the Board at the June meeting to serve a one year term. The slate of officers to be elected shall be presented to the Board by a nominating committee appointed by the chairperson (see Article VI Section D) at the May meeting of the Board.
2. Should it become necessary to replace the Chairperson of the Board, the Vice-Chairperson shall assume the duties of the Chairperson and the nominating committee shall have a slate prepared to elect a new Vice-Chairperson at the next regularly scheduled Board meeting.
3. Should it become necessary to replace the Secretary, the nominating committee shall have a slate prepared to elect a secretary at the next regular Board meeting.
4. As a general rule no officer shall be elected for more than two consecutive years to the same office. Exceptions to be determined by the Board.
5. An officer may be removed from office by a two-thirds vote of Board members present when a quorum of the Board is in attendance at a duly constituted Board Meeting.

Section B - Duties

1. Chairperson:
 - a. Shall chair all official Board meetings.
 - b. Shall be an Ad Hoc member of the MH, MR/DD, A/SA Subcommittees (hereafter referred to as the Subcommittees) of the Board.
 - c. Shall appoint chairpersons of the Subcommittees.
 - d. Shall appoint Ad Hoc committees of the Board as deemed necessary.
 - e. Shall appoint members of the nominating and membership committee and shall designate three (3) Board members to serve on each of the Subcommittees.
 - f. Shall have the power to call Executive Committee meetings and special Board meetings.
 - g. Shall be the official spokesperson for the Board.
 - h. Shall be the liaison between the Board and the Community Services Director.
 - i. Shall set the agenda for Board meetings in consultation with the Community Services Director.

2. Vice-Chairperson:

- a. Shall assume all responsibility of the Chairperson in his/her absence.
- b. Shall have the responsibility of planning the orientation of new Board members.

3. Secretary:

- a. Shall have responsibility for taking or reviewing official minutes of all Board meetings.

ARTICLE VI - Committees: Membership and Duties

Section A - Subcommittees (MH, MR/DD, A/SA)

1. Membership: The recommendation concerning reducing the membership of the subcommittees from three (3) members to two (2) members cannot be made without obtaining an exception of this Mental Health Law requirement. RECOMMENDATION of the Chairman to remain at three (3) members, with each member of the Board serving on a Subcommittee.

a. In accordance with Mental Hygiene Law, "the Community Services Board shall have separate subcommittees for mental health (MH), mental retardation and developmental disabilities (MR/DD), and alcoholism and substance abuse (A/SA). Each separate subcommittee shall have no more than nine members appointed by the local government. At least three of each such subcommittees shall be posed of persons who have demonstrated an interest in the field of services for the particular class of mentally disabled and shall include former patients, parents or relatives of such mentally disabled persons and community agencies serving the particular class of mentally disabled. Each separate subcommittee shall advise the Community Services Board and the Director of Community Services regarding the exercise of all policy-making functions vested in such Board or Director, as such functions pertain to the field of services for the particular class of mentally disabled individuals represented by such subcommittees.

b. Members of Subcommittees shall be appointed for a term of four (4) years. Vacancies shall be filled for unexpired terms.

c. No person may serve as a member of a Subcommittee for more than two consecutive four year terms exclusive of filling an unexpired term unless, for a specific reason, a waiver to this rule is granted by the Legislature.

d. From among the Board members appointed to serve on each Subcommittee, the Chairperson of the Board shall appoint one Board member to serve as Chairperson of each Subcommittee.

e. Recommendations for new Subcommittee members (see Article VI, Section D 2) shall be submitted by the Board for appointment by the Legislature.

f. Staff members from MH, MR/DD, A/SA providers and funding agencies and state and regional offices shall be available as consultants to the Subcommittees but will have no voting powers.

g. Each Subcommittee shall meet a minimum of six times a year at a time and place announced by the Chairman of the Subcommittee to best suit the convenience of the members.

h. The Board shall recommend to the Legislature the removal from Subcommittee membership those who miss three (3) consecutive regularly scheduled meetings without reasonable cause.

2. Duties

a. Provide leadership and input in the preparation of the annual implementation plan.

b. Shall have responsibility for evaluating services and service delivery systems in Orleans County germane to their committee and shall present statistical data to the Board at least quarterly.

c. Shall identify gaps in service and advise the Board and Director in regard to implementation of services in their area of expertise.

d. Shall recommend to the Nominating and Membership Committee non Board members to serve on their respective committees.

e. Shall review budgets for the direct service and/or contract agencies in their area of responsibility before such budgets are submitted to the Board.

f. Shall review all new programs in their area of responsibility and make recommendation to the Board in writing as to funding and implementation of the programs.

g. Shall establish major goals on an annual basis, define how these goals shall be accomplished, and evaluate progress toward meeting these goals at the end of each year.

h. Shall discuss problems concerning services in the area of their expertise brought by consumer, referring agencies, and others and, when appropriate, refer to the Special Review Committee.

i. Act as an advocacy group for the particular class of mentally disabled and make the public aware of services offered to that group.

Section B - Executive Committee

1. The Executive Committee (6 members) shall be composed of the Chairperson of the Board, Vice-Chairperson, most immediate Past Chairperson, and the Chairpersons of each of the three Subcommittees (MH, MR/DD, A/SA). The Executive Committee (4 members) shall be composed of the chairman of the Board, the vice-chairman, the immediate past chairman and the secretary/treasurer.

2. The Executive Committee shall meet at the direction of the Chairperson of the Board. Its duties include:
 - a. Act for the Board in emergencies and when so directed by the Board.
 - b. Assist the Director in terms of administrative planning.
 - c. Review the performance of the Director on an annual basis with a report of such evaluation to be sent to the Legislature.

Section C - Special Review Committee

1. The Special Review Committee shall have four (4) members appointed by the Chairperson of the Board and shall be chaired by a physician member of the Board. The other members shall be a staff psychiatrist or psychologist, a staff social worker, and the Director.
2. This committee shall meet at least quarterly and/or as the need arises to review untoward incidences pertaining to clients seen at the Mental Health Clinic, Friendship House, and Alcohol and Substance Abuse Services and report the review of these incidences as specified by Mental Hygiene Law.
3. The committee shall develop a written special review plan as mandated by Mental Hygiene Law.
4. The Special Review Committee as a standing committee of the Board must keep minutes of its meetings on file and regularly report all of its review decisions to the Board and to the Director.
5. Clients/patients and family members who are not satisfied with the outcome of the Special Review Committee may request a review of their concerns with the Board. This review shall be carried out in a manner and time to be determined by the Chairperson and the Executive Committee. If satisfaction is not achieved in a Board review, the Board should encourage the individual to contact the Western New York Regional Office of Mental Health which is the responsible authority for program operating certificate compliance.

Section D - Membership and Nominating Committee

1. Shall have three members appointed by the Chairperson.
2. Shall act as a screening committee and make recommendation to the Board for new Board members and Subcommittee members to be submitted by the Board to the Legislature for appointment.
3. Shall be responsible for recording attendance of Board members.
4. Shall submit a slate of officers at the May meeting of the Board to be voted on at the June meeting.

ARTICLE VII - Community Services Director

Section A - Qualifications and Selection

1. As provided by Mental Hygiene Law 41.09, "the Board shall appoint and remove the Director. Salaries and allowable expenses shall be set by the appointing authority." The Board will consult with the Legislature before setting a salary.
2. The qualifications for the Director shall be as prescribed by New York State Mental Hygiene Law.
3. When a vacancy in the position occurs, the Chairperson of the Board shall appoint a Recruitment Committee of Board members representing the areas of MH, MR/DD, A/SA. The Chairperson shall also request a member of the Legislature to serve as a member of the committee. Consultants from the Regional Offices may also be asked to serve in an advisory capacity on this committee. The Recruitment Committee will screen candidates for the position and present two or more finalists for selection by the Board.

Section B - Duties and Responsibilities

1. Serve as chief executive officer of the Board and be responsible for carrying out all policies of the Board.
2. Keep Community Services Board and the Legislature informed of the needs and programs in the area of MH, MR/DD, A/SA.
3. Exercise general supervision over mental hygiene services and facilities rendered, operated or supported by the Board.
4. Exercise general supervision over the treatment of clients in services which are operated under the direction of the Board.
5. Coordinate mental hygiene services with other health and welfare groups providing services.
6. Interpret programs and policies of Board to the community.
7. Monitor and evaluate quality of care provided to county residents for MH, MR/DD, and A/SA.
8. Prepare annual plans, budgets and reports for submission to the Board and other appropriate agencies.
9. Recruit and supervise Community Services Department personnel with guidelines set forth by the Board, the Legislature, County Civil Service, and Mental Hygiene Law.
10. Control the finances of the operation within the approved budget.
11. Prepare statistical and/or narrative reports relating to finance, clinical services and staff activity.
12. Make an annual report to the Board of the programs under his direction.

13. Attend all meetings of the Board and of the Subcommittees as needed.

14. Recommend to the Board the provision of services and establishment of facilities, including contracts therefore, and other matters necessary or desirable to accomplish the purposes of this article.

15. Perform other duties as requested by the Board, the Legislature, State and Regional Offices.

16. When a staff member leaves the employ of the Community Services Department, the Director will conduct an exit interview and share the information thus acquired with the Board.

17. Under Grievance Procedure as set forth in Municipal Law Article 16 Section 684, the Director will act in accordance with Article VI Section B.2 d of these By-Laws.

ARTICLE VIII - Review and Amendment of By-Laws

1. The Executive Committee shall review the By-Laws on an annual basis and recommend any revisions to the Board as they deem necessary and appropriate. Board members may make suggestions for By-Laws to the Executive Committee for review and recommendations.

2. Recommendations for the amendment of the By-Laws shall be presented in writing at a duly constituted Board meeting for discussion and voted on at the next duly constituted Board meeting.

3. A two-thirds vote of members present (when there is a quorum present) shall be necessary to amend the By-Laws.

Accepted by Community Services Board
1/28/03