

# **Trumbull County Mental Health and Recovery Board By-Laws**

## **ARTICLE I: NAME AND PURPOSE**

The Trumbull County Mental Health and Recovery Board, hereinafter referred to as the TCMHRB, shall conduct business and fulfill duties based on the following stated mission and vision:

The **mission** of the Trumbull County Mental Health and Recovery Board is to improve the well-being of our community by establishing and maintaining a person-centered, recovery-oriented system of behavioral health services in Trumbull County.

Vision Statement:

Trumbull County residents will have access to the most progressive mental health and substance use disorder treatment and prevention services available.

- We believe that mental health issues and substance use disorders are treatable diseases.
- We believe treatment works and people can recover from mental health and substance use disorders.
- We support a comprehensive system of care that is individualized, strength based, culturally responsive and recipient driven.
- We fund programs and services that are evidence-based and outcomes driven.
- We promote collaboration between the Trumbull County Mental Health and Recovery Board, the provider agencies, and the community.
- We advocate for consumers and support service accountability.

## **ARTICLE II: SOURCE OF AUTHORITY**

Subject to rules issued by the director of the Ohio Department of Mental Health and Addiction Services and Section 340.01 of the Ohio Revised Code, the Trumbull County Mental Health and Recovery Board shall carry out the below duties:

## **ARTICLE III: DUTIES**

The TCMHRB shall serve as the community substance use disorder and mental health services planning agency for Trumbull County and in so doing it shall:

Evaluate the need for facility services, substance use and addiction services, mental health services, and recovery supports.

In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, evaluate strengths and challenges and set priorities for substance use and addiction services, mental health services, and recovery supports. A board shall include treatment and prevention services when setting priorities for substance use and mental health services.

In accordance with guidelines issued by the director of mental health and addiction services under division (F) of section [5119.22](#) of the Revised Code, annually develop and submit to the department of mental health and addiction services a community addiction and mental health plan that addresses the needs of all residents of the district currently receiving inpatient services in state-operated hospitals, the needs of other populations as required by state or federal law or programs, and the needs of all children subject to a determination made pursuant to section [121.38](#) of the Revised Code. The board shall operate in accordance with the plan approved by the department.

Further, as specified in section 340 of the Ohio Revised Code the TCMHRB shall:

Promote, arrange, and implement working agreements with social agencies, both public and private, and with judicial agencies.

Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving addiction services, mental health services, or recovery supports from a community addiction services provider or community mental health services provider or alleging abuse or neglect of a resident receiving addiction services or with mental illness or severe mental disability residing in a residential facility licensed under section [5119.34](#) of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the board shall provide information about such investigations to the department.

Cooperate with the director of mental health and addiction services in visiting and evaluating whether the certifiable services and supports of a community addiction services provider or community mental health services provider satisfy the certification standards established by rules adopted under that section.

Conduct program audits that review and evaluate the quality, effectiveness, and efficiency of addiction services, mental health services, and recovery supports provided by community addiction services providers and community mental health services providers under contract with the board and submit the board's findings and recommendations to the department of mental health and addiction services.

Review an application for a residential facility license and provide to the department of mental health and addiction services any information about the applicant or facility that the board would like the department to consider in reviewing the application.

Audit, in accordance with rules adopted by the auditor of state pursuant to section [117.20](#) of the Revised Code, at least annually all programs, addiction services, mental health services, and recovery supports provided under contract with the board. In so doing, the board may contract for or employ the services of private auditors. A

copy of the fiscal audit report shall be provided to the director of mental health and addiction services, the auditor of state, and the Trumbull County auditor.

Recruit and promote local financial support for addiction services, mental health services, and recovery supports from private and public sources.

Approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for addiction services, mental health services, and recovery supports provided by community addiction services providers and community mental health services providers that have contracted with the board under section [340.036](#) of the Revised Code.

Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the addiction services, mental health services, and recovery supports under the jurisdiction of the board, including a fiscal accounting.

Establish a method for evaluating referrals for court-ordered treatment and affidavits filed pursuant to section [5122.11](#) of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to court-ordered treatment and whether alternatives to hospitalization are available and appropriate.

Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the list of addiction services, mental health services, and recovery supports submitted and approved are available to severely mentally disabled persons residing within its service district. The board shall establish the procedure for authorizing payment for the services and supports, which may include prior authorization in appropriate circumstances. In accordance with section [340.037](#) of the Revised Code, the board may provide addiction services and mental health services directly to a severely mentally disabled person when life or safety is endangered and when no community addiction services provider or community mental health services provider is available to provide the service.

Ensure that housing built, subsidized, renovated, rented, owned, or leased by the board or a community addiction services provider or community mental health services provider has been approved as meeting minimum fire safety standards and that persons residing in the housing have access to appropriate and necessary services, including culturally relevant services, from a community addiction services provider or community mental health services provider. This division does not apply to residential facilities licensed pursuant to section [5119.34](#) of the Revised Code.

Establish a mechanism for obtaining advice and involvement of persons receiving addiction services, mental health services, or recovery supports on matters pertaining to services and supports in the alcohol, drug addiction, and mental health service district.

## **ARTICLE IV: BOARD MEMBERSHIP**

Each board of alcohol, drug addiction, and mental health services shall establish rules, operating procedures, standards, bylaws, and policies. Full opportunity for discussion shall be provided for each policy preceding a vote. A policy shall be adopted by affirmative vote of the majority of Board members voting. The policy shall become effective upon adoption by the Board.

### *Section 1: Selection*

For all boards, half of the members shall be interested in mental health services and half of the members shall be interested in alcohol, drug, or gambling addiction services. All members shall be residents of the service district. The membership shall, as nearly as possible, reflect the composition of the population of the service district as to race and sex.

The TCMHRB is an eighteen-member board. The director of mental health and addiction services shall appoint eight members of the board and the board of county commissioners shall appoint ten members.

The director of mental health and addiction services shall ensure that at least one member of the board is a clinician with experience in the delivery of mental health services, at least one member of the board is a person who has received or is receiving mental health services, at least one member of the board is a parent or other relative of such a person, at least one member of the board is a clinician with experience in the delivery of addiction services, at least one member of the board is a person who has received or is receiving addiction services, and at least one member of the board is a parent or other relative of such a person. A single member who meets both qualifications may fulfill the requirement for a clinician with experience in the delivery of mental health services and a clinician with experience in the delivery of addiction services.

### *Section 2: Terms of Service*

Each member shall be appointed for a term of four years, commencing the first day of July. No member shall serve more than two consecutive four-year terms under the same appointing authority. A member may serve for three consecutive terms under the same appointing authority only if one of the terms is for less than two years. A member who has served two consecutive four-year terms or three consecutive terms totaling less than ten years is eligible for reappointment by the same appointing authority one year following the end of the second or third term, respectively.

### *Section 3: Vacancies*

When a vacancy occurs, appointment for the expired or unexpired term shall be made in the same manner as an original appointment. The board shall notify the appointing authority either by certified mail or, if the board has record of an internet identifier of record associated with the authority, by ordinary mail and by that internet identifier of record of any vacancy and shall fill the vacancy within sixty days following that notice.

#### *Section 4: Resignations and Terminations*

Any member of the board may be removed from office by the appointing authority for neglect of duty, misconduct, or malfeasance in office, and shall be removed by the appointing authority if the member is barred by this section from serving as a board member. The member shall be informed in writing of the charges and afforded an opportunity for a hearing. Upon the absence of a member within one year from either four board meetings or from two board meetings without prior notice, the board shall notify the appointing authority, which may vacate the appointment and appoint another person to complete the member's term.

#### *Section 5: Compensation*

Members of the board shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties, as defined by rules of the department of mental health and addiction services.

#### *Section 6: Training*

Each year each board member shall attend at least one in-service training session provided or approved by the department of mental health and addiction services.

### **ARTICLE V: MEETINGS**

#### *Section 1: Regular Meetings*

Regular meetings of the Board shall be held monthly, with the exception of August of each year. The date, time, and place of each meeting are to be determined by the Board. Special meetings may be called by the President, Vice President, or any three Board members by giving notice to all members at least 24 hours in advance of the meeting as to time and place. Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. The TCMHRB shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that immediately of the time, place, and purpose of the meeting. The meetings held by any committee established by a board of alcohol, drug addiction, and mental health services shall be considered to be meetings of a public body subject to section [121.22](#) of the Revised Code.

#### *Section 2: Quorum*

A quorum shall consist of at least a majority of members currently appointed to the Board. If there are vacancies on the Board, a quorum shall consist of a majority of positions filled by the appointing authorities at the time the meeting is held. A motion may be passed by an affirmative vote of one more than half of a quorum present at any given meeting.

### *Section 3: Executive Session*

The members of a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

- To consider the appointment of a public employee or official
- To consider the employment of a public employee or official
- To consider the dismissal of a public employee or official
- To consider the discipline of a public employee or official
- To consider the promotion of a public employee or official
- To consider the demotion of a public employee or official
- To consider the compensation of a public employee or official
- To consider the purchase of property for public purposes
- To consider the sale of property at competitive bidding
- To confer with an attorney for the Board concerning disputes involving the Board that are the subject of pending or imminent court action
- To prepare for, conduct or review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment
- To consider a matter required to be kept confidential by federal law or regulations or state statutes

#### Procedure for going into Executive Session:

The Board's vote to go into executive session must be by a roll call vote of a majority of a quorum of those present. The motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session. The Board of Directors shall also include in their resolution any other individuals joining in the executive session, including the Executive Director of the TCMHRB. A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized as stated above and conducted at an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or formal action violated and rules of the above section.

### *Section 4: Cancellation of Meeting*

The President in consultation with the Executive Director may cancel a regularly scheduled meeting. All Board members will be notified directly of the cancellation within two (2) hours of the regularly scheduled meeting. A public announcement will be provided to local media.

### *Section 5: Addressing the Board*

All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting. Any resident of Trumbull County may address the Board; however, the Board is not obligated to act on the request of the petitioner unless the matter has been presented to each Board member in writing at least 48 hours before the meeting. The address will not be permitted to exceed five minutes.

### *Section 6: Annual Report*

The Board shall produce an annual report each year to be shared with key stakeholders and made available to the general public. The annual report will also be placed on the Board's website. The annual report is to be completed by December 31 for the previous fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup>).

### *Section 7: Election of Officers*

The election of officers shall be held no later than the June meeting of the Board. Elected officers shall be sworn in and begin their terms at the July Board meeting. The following officers shall be elected:

- A. President
- B. Vice-President
- C. Treasurer
- D. Secretary

Election Procedures: The President shall call for nominations from the floor for each elected office individually. After the President calls for the nominations for a specific officer, any member may make a nomination. Nominations do not require a second. The person nominated is given the opportunity to accept or decline the nomination. When all nominations are finished for that office, the nominations are closed and the election for that office takes place. This process shall be repeated for each of the four elected officers. If only one person is nominated from the floor for an office, the President may declare that officer as being elected by acclamation. (Example: "There being no other nominations from the floor, I declare the office of \_\_\_\_\_ to be elected by acclamation.")

Elections for each office will be held in an open, public meeting and votes will be indicated by each Board member raising his/her hand for the nominated member. The President will refrain from voting and will cast the deciding vote in the event of a tie. This process is repeated as needed until all four officers are selected. A person nominated and not elected may be nominated again for another office.

### *Section 8: Vacancy of Elected Office*

If a vacancy occurs during the term of office for any elected officer, the Board of Directors shall elect a new officer to fill the remainder of the term within sixty (60) days.

## **ARTICLE VI: DUTIES OF THE OFFICERS**

### *Section 1: The President*

The President of the Board shall preside at all regular and special meetings of the Board. The President shall sign all provider agency contracts and contract amendments. The President shall be responsible for the prompt and impartial dispatch of matters presented for Board consideration and shall perform such other duties as may be prescribed by law or by action of the Board. The President shall be a member, ex officio, of all standing committees. The President shall encourage all members of the Board to attend committee meetings and assign the Administrative Committee Chair.

### *Section 2: The Vice-President*

The Vice-President of the Board shall perform all the duties of the President in the event of the inability of the President to perform the duties. The Vice-President serves as the Chair of the Program Committee.

### *Section 3: The Treasurer*

The Treasurer of the Board shall perform all the duties of the President or Vice-President in the event of their inability to perform their duties. The Treasurer serves as the chair of the Board's Budget and Finance Committee and will monitor agency financial reports as well as levy campaign finances.

### *Section 4: The Secretary*

The Secretary reviews the preparation and assures distribution of all meeting minutes and maintains the attendance records. The Secretary assures notices are properly made related to all public meetings of the Board and maintains an up-to-date listing of all current Board members.

## **ARTICLE VII: STANDING AND SPECIAL (AD HOC) COMMITTEES**

In addition to the regular attendance at Board meetings, individual Board members are required to serve on a standing committee and voluntarily serve at functions that support the efforts of the Board.

### *Section 1: Standing Committees*

The President of the Board shall encourage Board members to attend committees of the Board. Each member must participate on at least one committee. The Committee Chair may request the non-voting participation of any member of the community who can provide skill or expertise to assist the committee on specific issues. Committee meetings will be called by the committee chair as required.



Administrative Committee: The Committee shall be responsible for making recommendations to the full Board on matters concerning the internal operations of the Board, which shall include approval of Personnel Policies and Procedures, Salary Ranges, Executive Director's evaluations, recruitment of new Board members, determining content of orientation for new Board members, Board training, and revision of Board By Laws.

Program Committee: The Committee shall be responsible for making recommendations to the full Board related to the planning and evaluation of alcohol, drug addiction and mental health services, shall study community needs, develop and recommend program priorities, develop and recommend policies for evaluating contracted services, review program compliance audits of contracted services and initiate long-range planning to include principles, goals and strategies for the Board's direction, and undertake an annual review of the current Strategic Plan as addressed in the Community Plan.

The Program Committee shall meet monthly, except for the month of August.

Budget and Finance Committee: The Committee shall be responsible for the fiscal management of the Board, shall develop and recommend fiscal policies, develop, and recommend allocations for services in accordance with priorities established by the Administrative and Program Committees, plan for solicitation and procurement of local funds (levy) for support of contracted services, review and recommend the Board's annual administration budget, and review fiscal audits of contracting agencies.

### *Section 2: Special Committees*

The President of the Board, with Board approval, may appoint special (Ad Hoc) committees as needed. The meetings held by any committee established by a board of alcohol, drug addiction, and mental health services shall be considered to be meetings of a public body subject to section 121.22 of the Revised Code.

## **ARTICLE VIII: EXECUTIVE DIRECTOR**

Each board of alcohol, drug addiction, and mental health services shall employ a qualified mental health or addiction services professional with experience in administration or a professional administrator with experience in mental health services or addiction services to serve as executive director of the board and shall prescribe the director's duties.

The board shall fix the compensation of the executive director. In addition to such compensation, the director shall be reimbursed for actual and necessary expenses incurred in the performance of the director's official duties. The board, by majority vote of the full membership, may remove the director for cause, upon written charges, after an opportunity has been afforded the director for a hearing before the board on request.

The board may delegate to its executive director the authority to act in its behalf in the performance of its administrative duties.

As used in this section, "mental health professional" and "addiction services professional" mean an individual who is qualified to work with mentally ill persons or persons receiving addiction services, pursuant to standards established by the director of mental health and addiction services under Chapter 5119. of the Revised Code.

### **ARTICLE IX: CONFLICT OF INTEREST AND ETHICS**

Pursuant to Chapter 340.02:

No member or employee of a board of alcohol, drug addiction, and mental health services shall serve as a member of the board of any provider with which the board of alcohol, drug addiction, and mental health services has entered into a contract for the provision of services or facilities. No member of a board of alcohol, drug addiction, and mental health services shall be an employee of any provider with which the board has entered into a contract for the provision of services or facilities. No person shall be an employee of a board and such a provider unless the board and provider both agree in writing.

No person shall serve as a member of the board of alcohol, drug addiction, and mental health services whose spouse, child, parent, brother, sister, grandchild, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law serves as a member of the board of any provider with which the board of alcohol, drug addiction, and mental health services has entered into a contract for the provision of services or facilities. No person shall serve as a member or employee of the board whose spouse, child, parent, brother, sister, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law serves as a county commissioner of a county or counties in the alcohol, drug addiction, and mental health service district.

No Board member shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the Board member with respect to that person's duties.

No Board member shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the Board member with respect to that person's duties.

No person shall promise or give to a Board member anything of value that is of such a character as to manifest a substantial and improper influence upon the Board member with respect to that person's duties.

### **ARTICLE X: INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES**

No member or employee of a board of alcohol, drug addiction, and mental health services shall be liable for injury or damages caused by any action or inaction taken within the scope of the member's official duties or the employee's employment, whether

or not such action or inaction is expressly authorized by this section or any other section of the Revised Code, unless such action or inaction constitutes willful or wanton misconduct. Chapter 2744. of the Revised Code applies to any action or inaction by a member or employee of a board taken within the scope of the member's official duties or employee's employment. For the purposes of this division, the conduct of a member or employee shall not be considered willful or wanton misconduct if the member or employee acted in good faith and in a manner that the member or employee reasonably believed was in or was not opposed to the best interests of the board and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.

### **ARTICLE XI: AMENDMENTS**

These by-laws may be amended or repealed by members of the Board by presenting revisions at a regular meeting of the Board. The revisions must then be approved by majority vote at a subsequent regular meeting of the Board. These by-laws shall be reviewed at least every three years.

### **ARTICLE XII: CONFLICTING PROVISIONS**

In the event any of the provisions herein conflict with any Federal, State or Local laws, regulations, or ordinances, then such laws, regulations or ordinances shall take precedence and be applied.

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May 17, 2011  
March 20, 2012  
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