

MAUI SERVICE AREA BOARD ON MENTAL HEALTH AND SUBSTANCE ABUSE

BY-LAWS

ARTICLE I

Name and Boundaries

Section 1. Name. The name of this body shall be the Maui Service Area Board on Mental Health and Substance Abuse, hereinafter referred to as the Board.

Section 2. Boundaries. The Board shall serve the Maui Service Area consisting of the islands of Maui, Molokai, and Lanai.

ARTICLE II

Purpose and Functions

Section 1. Purpose. The purpose of the Board is:

- a. To review the efficient conduct of service delivery and program monitoring and evaluation;
- b. To ensure public participation in mental health and substance abuse program planning;
- c. And to provide an accessible vehicle for consumer and provider input to the operational functioning of the Center.

Section 2. General Role. The Board shall seek public comment, review, advise and make recommendations to the Service Area Center Chief on the services of the Center. Clinical, administrative and supervisory functions of the Center shall be the responsibility of the Center Chief.

Section 3. Functions. The functions of the Board shall include, but are not limited to, the following:

- a. Serve as a communication link to and from consumers and residents of the service area by providing liaison with residents, community leaders and organized groups to comment and advise on unmet needs and problems.
- b. To bring to the attention of the Center and the State Council, through its Council Representative, local issues and concerns needing attention by the State Council.

- c. Review the Center's program of services, statistics, and other available information to assure that services are responsive to the needs of service area consumers and residents.
- d. Review general policies and procedures to make recommendations regarding the delivery of services to assure accessibility, availability and acceptability of services.
- e. Participate in and make recommendations concerning the development and updating of the service area plan and budget. The Center Chief shall promptly provide a written explanation to the Board when the service area plan or budget is at variance with the Board's recommendation(s).
- f. Provide information to the community about services of the Center available through the Center.
- g. Perform other such functions as agreed upon by the Board and Service Area Center Chief.
- h. Meet at least quarterly and conduct all Board meetings in accordance with Section 92, Hawaii Revised Statutes – Sunshine Law.

Section 4. Technical Assistance. The Adult Mental Health Division's (AMHD) Planner shall provide technical assistance, and the Service Area Center shall provide stenographic support to assist the Board in the performance of its functions.

ARTICLE III

Membership

Section 1. The Board shall be composed of nine (9) members who shall be appointed by the Governor of the State of Hawaii.

Section 2. Appointments to the Board shall be made for varying lengths of time by and at the discretion of the Governor of the State of Hawaii with terms to expire at the end of the State's fiscal year.

Section 3. Members of the Board shall be service area consumers, other residents and providers who have their principal place of business in the service area and who as a group are broadly representative of the service area. The majority shall be consumers and other residents who are non-providers of mental health, substance abuse of other health services.

Section 4. Members of the Board shall be reimbursed for expenses as provided in Section 334-10, Hawaii Revised Statutes.

Section 5. Members of the Board shall not vote on any questions about which they are in conflict of interest. Criteria for conflicts of interest shall be as established by law.

Section 6. Any service area consumer, other resident, health service provider or person with their principal place of business located in the service area may become an associate member of the Board by registering with the staff providing support to the Board. Information about the opportunity to be an associate member shall be widely disseminated by the Center and the Board.

Section 7. An associate member shall receive meeting notices and minutes and shall be entitled to participate but not vote in Board meetings.

Section 8. Members of the Board shall be deemed to be “employees of the State” when advising the Center in their capacity as Board members.

Section 9. Vacancies. When a Board vacancy occurs, the Board shall:

- a. Publish notice of the vacancy;
- b. Solicit nominations from a variety of sources, including consumer, provider, and other resident sources; and
- c. Forward to the Governor for consideration four (4) nominees from among the names nominated. The nominees shall be representative of the category of membership from which the vacancy occurred. The process of selecting the four (4) nominees shall include a documented effort to include consumers.

Section 10. Attendance

Compliance with Hawaii Revised Statutes 92-15.5 Nonattendance of board member; expiration of term.

- a. Notwithstanding any law to the contrary, the term of a board member shall expire upon the failure of the member, without valid excuse, to attend three consecutive meetings duly noticed to all members of the board and where the board failed to constitute quorum necessary to transact board business. The chair or acting chair of the board shall determine if the absence of the member is excusable. The expiration of the member's term shall be effective immediately after the third consecutive unattended meeting and unexcused absence. The vacancy shall be filled in the same manner as the original appointment.
- b. This section shall not apply to ex-officio members of a board.
- c. Notwithstanding the definition of "board" in section 92-2, this section shall apply only to a state board and shall not apply to a board of any political subdivision of the State or whose authority is strictly advisory. [L 2004, c 234, §1]
- d. Members are required to attend all regular meetings of the Board.

- e. Any member accumulating three (3) consecutive unexcused absences shall be removed from the Board.

ARTICLE IV

Officers

Section 1. Number of Officers. There shall be two (2) officers of the Board: a Chairperson and a Vice-Chairperson.

Section 2. Selection of Officers.

- a. The selection shall be determined from a slate of nominees, presented fifteen (15) days prior to the election, by a nominations committee appointed by the chairperson. Additional nominations shall be accepted from the floor.
- b. Nominees must be from the appointed members of the Board.
- c. Election shall be held annually, by secret ballot in accordance with Article VI, Voting; and shall be held at the first meeting of the new fiscal year.

Section 3. Term of Office.

- a. The officers will be elected annually for a one (1) year term.
- b. The term of office will begin and end with the fiscal year of the State of Hawaii.

Section 4. Vacancies. A vacancy in any office shall be filled by election of an appointed member to serve for the balance of the unexpired term.

Section 5. Duties of the Chairperson. It shall be the Chairperson's responsibility to:

- a. Perform all such duties as are incident to the office and such other duties as may be required by law, by these by-laws, or which may be prescribed the Board.
- b. Preside at meetings of the Board.
- c. Appoint all committees and committee chairpersons subject to approval by the Board, except as otherwise provided in these by-laws.
- d. Serve as a member of all standing and ad hoc committees except the Nominating Committee.
- e. Have such other powers and perform such other duties as may be assigned by the Board.

Section 6. Duties of the Vice-Chairperson. It shall be the Vice-Chairperson's responsibility to:

- a. Assist the Chairperson in the performance of duties and have all the powers of the Chairperson in the absence or disability of that officer.
- b. Assure adequate and appropriate Board membership.
- c. Handle conflict of interest questions and report to the Board any conflict of interest matters.

Section 7. Recorder.

- a. A Center staff member shall be designated as the Recorder.
- b. The Recorder shall record minutes of all meetings and make local arrangements for meetings, as well as assure compliance with "Sunshine Law," Chapter 92, Part 1, Hawaii Revised Statutes.

ARTICLE V

Meetings

Section 1. Regular meetings will be held at least quarterly or as often as the membership deems necessary.

Section 2. Special meetings may be called by the Chairperson or at the request of at least five (5) appointed members.

Section 3. All meetings shall be open to the public and guided by the State of Hawaii "Sunshine Law," HRS Chapter 92.

Section 4. Attendance at meetings shall be recorded.

Section 5. Written notice of regular meetings shall be given to the membership.

- a. At least one-week notice of a regular meeting shall be given to the membership.
- b. Minutes of all meetings shall be recorded and circulated to Board members and, upon request, to other interested agencies, organizations and individuals.

Section 6. Quorum

- a. A quorum for the purposes of doing business shall consist of a majority of the members serving on a board immediately before a meeting begins.
- b. If a quorum is present when a vote is taken, the affirmative vote of a majority of the members present shall constitute a valid act of a board unless this chapter,

part I of chapter 92, or the articles or bylaws of the board require the vote of a greater number of members.

Section 7. Rules of Order. Robert's Rules of Order, as revised, shall govern the conduct of the Board's business.

ARTICLE VI

Voting

Section 1. Every appointed member shall be a voting member.

Section 2. Concurrence of a majority of all the members to which the Board is entitled shall be necessary to make any action of the Board valid.

Section 3. Associate members may be granted voting privileges as member of standing or ad hoc committees of the Board.

ARTICLE VII

Committees

Section 1. Establishment of Committees. The Board may establish committees to assist in carrying out its responsibilities.

Section 2. Committee Membership.

- a. Members of the committees may be appointed or associate members of the Board.
- b. Center staff member(s) may serve as non-voting member(s) of any committee.
- c. The Chairperson of each committee shall be an appointed member of the Board.

Section 3. Standing Committees.

- a. Executive Committee, consisting of the two officers.
- b. Membership and Training Committee, to ensure that appropriate orientation be provided and made accessible to each new member.
- c. Legislative Committee.
- d. Outreach Committee, to facilitate communication with the community.

ARTICLE VIII

General Provisions

Section 1. These by-laws may be amended by a majority of all members to which the Board is entitled, provided that all appointed members have received written notice of the proposed amendment to be noted upon; and the date of acceptance shall be incorporated herein as part of this Section.

Section 2. No member shall vote on a question in which the member may be in “conflict of interest.” Criteria for “conflict of interest,” as established by the State of Hawaii Ethics Commission (HRS 84-17), shall be followed.

Section 3. Staff Personnel. The AMHD Planner shall provide technical assistance to the Board upon request.

These By-Laws have been adopted by the Maui Service Area Board for Mental Health and Substance Abuse.

By: _____

Date: _____

By: _____

Date: _____

By: _____

Date: _____

By: _____

Date: _____

By: _____

Date: _____

By: _____

Date: _____

By: _____

Date: _____

By: _____

Date: _____

By: _____

Date: _____

By: _____

Date: _____

By: _____

Date: _____