

# **BY-LAWS of the Wisconsin Council on Mental Health**

**March 20, 2013**

## **ARTICLE I**

### **Purpose and Responsibilities**

#### **Section 1. Authority**

The Council is created in the Department of Health Services (DHS) pursuant to sec. 15.197(1), Wis. Stats. Its responsibilities are specified under sec. 51.02, Wis. Stats. and 42 U.S.C. Subchapter XVII, Part B, Subpart i.

#### **Section 2. Purpose**

The purpose of the Council is to assist the State in the review, development and implementation of a comprehensive mental health system with a coordinated array of services and other assistance for adults and children with mental illness or who have other mental health problems. The goal of a comprehensive mental health system is to facilitate recovery through independence, productivity, and integration into the community as well as to advocate for and promote wellness, prevention, and early intervention.

#### **Section 3. Responsibilities**

**3.1** The Council shall do all of the following.

- a. Advise the DHS, the Legislature and the Governor on the use of state and federal resources and on the provision and administration of programs for persons who are mentally ill or who have other mental health problems, for groups who are not adequately served by the mental health system, for the prevention of mental health problems and for other mental health related purposes.
- b. Provide recommendations to the DHS on the expenditure of federal funds received under the Mental Health Block Grant under 42 United State Code (USC) 300x-300x-9 and participate in developing, monitoring, and evaluating the implementation of the Mental Health Block Grant Plan.
- c. Review all DHS plans for services affecting persons with mental illness, monitor the implementation of the plans, and provide its recommendations concerning the plans to the Secretary of the Department of Health Services within such time as the Secretary may require.

- d. Serve as an advocate for individuals with a serious mental illness (SMI), and for children and youth with severe emotional disturbance (SED), and other individuals with mental illness or mental health issues.
- e. Per federal requirement, monitor, review and evaluate, not less than once each year, the allocation and adequacy of mental health services within the State.
- f. Meet at least four times annually, and visit, as a body, community or institutional mental health programs at least once per year to remain current in community and institutional mental health programs in Wisconsin.
- g. Promote the development and administration of a delivery system for community mental health that is sensitive to the needs of recipients of the services.

**3.2** The Council may do all of the following.

- a. Report to the public concerning needs of persons with mental illness or other mental health problems and the issues that affect persons of all ages.
- b. Report to DHS what resources are necessary for the Council to fulfill its statutory obligations.
- c. Form committees for consideration of policies or programs for persons of all ages who have mental illness or other mental health problems.
- d. Take other actions permitted by State and Federal Regulations.

## **ARTICLE II**

### **Membership**

#### **Section 1. Authority**

In accordance with State Statutes, Council members shall generally be appointed for staggered three-year terms, at the discretion of the Governor.

#### **Section 2. Members**

The Council strives to have statewide geographic representation, which includes urban and rural populated areas; and to have representation from varied stakeholder and minority groups.

- 2.1** Twenty-one (21) to twenty five (25) members shall be appointed by the Governor, generally for three-year terms, at the discretion of the Governor and as defined by State law.

## 2.2 Ex-officio members

- a. Ex-officio members may be appointed by the Chair to serve on Committees, special task forces, and subcommittees that are established by the Council. Such individuals may vote and participate fully in the committees, task forces and subcommittees, but may not vote on the Council. Ex-officio members may participate in the discussions of the Council upon invitation by the Council Chair.
- b. Appointments recommended by the Secretaries of State Agencies in order to meet Federal regulations concerning the composition of a state Planning Council may serve as ex-officio members of the Council pending appointment by the Governor. These ex-officio members may not vote at any meeting of the Council.

## 2.3 Terms of Appointed Council members

- a. Appointed Council members shall remain in office until the effective date of their resignation, removal by the Governor, or expiration of their term of appointment if they are not reappointed, until their successor is named and appointed by the Governor, whichever comes first; or as required by State law.

## 2.4 Voting on the Council

- a. Each member of the Council is entitled to one vote on the Council concerning matters that come before the Council for a vote.
- b. Voting by proxy shall not be allowed.
- c. Members may assign alternates to attend meetings in their place with approval of the Chair. Use of alternates is subject to the participation requirements in Art. III, Sec.6. Alternates do not count for purposes of determining a quorum for the meeting. Alternates may participate in Council discussions but may not vote.

**2.5 Code of ethics.** All members of the Council are bound by the Code of Ethics for State Public Officials, Chapter 19, Wis. Stats., except that they are not required to file a statement of economic interest. Ex-officio members are not required to file an oath of office. As soon as reasonably possible after appointment or commencement of a conflicting interest and before voting on any grant, members shall reveal any actual or potential conflict of interest, including any affiliation with an applicant or recipient of mental health block grant funds other than residence in a county.

**2.6 Nondiscrimination.** The Council will not discriminate because of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record or participation in the armed forces, National Guard or reserves.

**2.7 Nomination process.** While the Governor makes the appointments to the Council, the

Council will follow the following process in making appointment recommendations to the DHS and the Governor:

- a. **Monitoring Expiration of Terms of Appointment.** The Nominating Committee, along with the Office of the Governor and Department staff, will monitor when Council terms expire. It will also monitor the composition of the Council with respect to the age, race, geographic and other representation factors specified in Sec. 2.8, and regarding the requirements of state and federal law with respect to composition of the Council.
- b. **Publicizing vacancies:** The Nominating Committee of the Council, with support of Bureau staff, will publicize upcoming vacancies, ensuring that publicity includes interested and underrepresented groups, including mental health agencies, mental health stakeholder groups, consumers, advocates, parents of minors, family members, and providers. Publicity materials will clearly state that Council appointments are made by the Governor and are subject to a criminal justice background check. Materials should also state that the Governor normally considers the Council's recommendations in making Council appointments.
- c. While any person may apply directly to the Governor according to the procedures of that Office, all applicants will be asked to provide materials to the Council as well. Bureau staff should make contact with the Office of the Governor as necessary to keep the Nominating Committee and Council informed regarding applicants, including those that may have failed to inform the Committee of their application.
- d. Applicants shall provide a letter of interest or cover letter, along with a resume and any other materials requested by the Office of the Governor. The Nominating Committee, in consultation with Department staff, may request additional materials and may interview the best-qualified candidates. The Committee may establish standardized questions to identify barriers to attendance or other factors related to ability to perform the function of member of the Council; and to identify any accommodations necessary to overcome potential barriers to full participation. All questions will be standard questions established by the Committee and asked of all candidates. The Committee or staff will acknowledge each application, advising the applicant regarding any missing materials requested by the Committee. The Committee or staff will review each complete application.
- e. The Nominating Committee shall report to the Council regarding its review of application materials, interviews, and make recommendations to the Council concerning resignations and appointments. Only matters acted on by vote of the Council shall be considered a Council recommendation and be forwarded to the DHS and Governor as a recommendation.

## **2.8 Council Composition**

- a. Council members shall be persons who have a recognized interest in and demonstrated knowledge of mental health issues.
- b. The Council shall include representatives of:
  - 1) Adults who self-identify as having experienced a serious mental illness who are receiving or have received mental health services (consumers),
  - 2) Family members of adult consumers,
  - 3) Parents of minor children with emotional disturbance,
  - 4) The principle state agencies with respect to mental health, education, vocational rehabilitation, housing, medical assistance or as required by state and federal law,
  - 5) Statewide advocacy organizations, groups or individuals concerned with mental health services,
  - 6) Professional and para-professional providers of mental health services,
  - 7) County agencies concerned with the planning, provision, operation or use of community or institutional mental health services or facilities,
  - 8) Or otherwise as specified by state and federal regulations.
- c. The Council will strive to be a diverse group with respect to race, ethnic and geographical origin and sex;
- d. The ratio of parents of minor children with a serious emotional disorder to other members of the Council shall be sufficient to provide adequate representation of such children in the deliberations of the Council; and
- e. Not less than fifty (50) percent of Council members shall be individuals who are not State employees or providers of mental health services.

**2.9 Removal from Office.** The Governor may remove members from the Council. The Council may recommend removal for cause but the Governor makes the final decision regarding removal.

### **Section 3. Officers**

Officers of the Council shall be elected from the voting membership of the Council for terms of two years. An officer may not be elected to more than two consecutive terms. The Officers of the Council shall be Chairperson, Vice-chairperson, and Past Chairperson.

**3.1 Chairperson.** The chairperson is the presiding officer and is responsible for carrying out the Council's business in an orderly and expeditious manner and assuring that the rights of the members are recognized. The chairperson may appoint a designee to preside at a meeting if the vice-chairperson is unable to preside in their absence. The chairperson is also responsible for organizing the work of the Council through its committee structure, scheduling Council meetings and setting the agenda in concert with the Executive Committee. The chairperson may serve as an ex-officio member of each Council committee. The chairperson shall represent the positions of the Council before the

Legislature, Governor and other public and private organizations, unless such responsibilities are specifically delegated to others by the Council or Chairperson.

- 3.2 Vice-chairperson.** The vice-chairperson shall preside in the absence of the chairperson and shall automatically succeed to the chair should it become vacant through resignation or removal of the chairperson until a new chairperson is elected. The vice-chairperson shall also serve as the Council representative on the Governor's Committee for People with Disabilities (GCPD). If unable to attend GCPD meetings, the vice-chairperson's designee shall represent the Council.
- 3.3 Second Vice-chairperson.** The second vice-chairperson shall preside in the absence of the chairperson and vice-chairperson and shall automatically succeed to the chair should it become vacant through resignation or removal of the chairperson and vice chairperson until a new chairperson is elected.
- 3.4 Past Chairperson.** The immediate past chairperson shall serve as a member of the Council until expiration of their appointed term, and may serve as an ex-officio member during the term of her or his successor if the term of office as member of the Council has expired. The past chair shall also serve as an ex-officio member of the Executive Committee.

## **ARTICLE III**

### **Council Meetings**

#### **Section 1. Council Year**

The Council year shall begin at the same time as the state fiscal year, July 1.

#### **Section 2. Meetings**

- 2.1 Regular and special meetings.** Regular meetings shall be held at least four times per year at dates and times to be determined by the Council. Special meetings may be called by the chairperson and shall be called by the chairperson upon the written request of three members of the Council.
- 2.2 Notice of meetings.** The Council chairperson shall give a minimum of seven days written notice for all Council meetings. An agenda shall accompany all meeting notices. Public notice shall be given in advance of all meetings as required by Wisconsin's Open Meetings Law. If a meeting date is changed, sufficient notice shall be given to the public.
- 2.3 Quorum.** A simple majority of the membership qualified to vote shall constitute a quorum to transact business.

### **Section 3. Public Participation**

Consistent with the Wisconsin Open Meetings law, meetings are open to the public and shall be Noticed as such as required by Wisconsin Open Meetings laws and regulations.

### **Section 4. Conduct of Meetings**

- 4.1** Meetings shall be conducted in accordance with a modified form of Robert's Rules of Order, except as provided by these by-laws or Council action.
- 4.2** The Council, or any committee or task force, may authorize participation by telephone conference or similar medium that allows for simultaneous communication between members as permitted by law.

### **Section 5. Agendas**

- 5.1** Prior to every Council meeting, an agenda shall be set by the Executive Committee of the Council.
- 5.2** Prior to every Council meeting, a public notice will be sent to the state official newspaper.
- 5.3** Agendas shall include approval of minutes from prior meetings, any action items recommended by a committee, an opportunity for public comment, and other appropriate matters.
- 5.4** Requests for items to be included on the agenda shall be submitted to the chairperson two weeks prior to the meeting.

### **Section 6. Attendance Requirements**

- 6.1** All Council members are expected to attend all meetings of the Council and meetings of any Committee, Task Force or Sub-Committee to which they have been appointed. Attendance means presence at the meeting for more than half of the meeting.
- 6.2** Council members who are sick, hospitalized or who have some other important reason for not attending should notify the Chairperson or the Chairperson's designee at least a week before the meeting. If that is not possible, notice should be given as soon as possible.
- 6.3** Any member of the Council who is absent from two meetings within a year will be contacted by the Chairperson to discuss the reasons for absence and whether the member will be able to continue serving. Members who do not believe that they can continue should tender their resignation in writing to the Chairperson of the Council. Any resignations will be announced to the Council and forwarded to the appointing authority.

**6.4** At any time the Chairperson, after consultation with the member, believes that a member will not be able to fulfill the duties of membership, but the member declines to submit a resignation, he or she should bring the matter to the Executive Committee. If the Executive Committee confirms that recommendation, it shall place the matter on the next Council agenda. The Chairperson shall ensure that the member at issue is given notice that the Council will consider a recommendation to the appointing authority regarding the membership. When the Council, after the member at issue is given the opportunity to be heard, agrees with the recommendation, it shall recommend to the appointing authority that the member be removed from the Council and a replacement appointed to fulfill the member's term.

### **Section 7. Staff Services**

- 7.1** The Bureau of Prevention, Treatment and Recovery shall provide staff services. Staff services shall include: recording of attendance and minutes of Council and Committee meetings, preparation of draft Council and Committee agendas, arrangements for Council and Committee meeting rooms, finalization of Council correspondence for signature of the Council chairperson, analysis of pending legislation and current policy and program issues, preparation of special reports, and other materials pertinent to Council business.
- 7.2** Staff shall provide materials, including drafts of the Mental Health Block Grant application, in sufficient time for careful review and input prior to submission.

### **Section 8. Reimbursement of Council and Committee Members**

Members may be reimbursed in accordance with Section 15.09, Wis. Stats.

## **ARTICLE IV**

### **Section 1. Committees**

- 1.1** There shall be an Executive Committee as provided below. The Executive Committee is a standing committee of the Council.
- 1.2** The Council may establish other standing committees, ad hoc committees and task forces as necessary or convenient to conduct its business. These committees or task forces may make recommendations to the Council and perform such other duties as designated by the Council. These committees or task forces may not act on behalf of the Council except when given such authority with respect to a specific matter and within specific limitations designated by the full Council.
- 1.3** Committees may determine their own schedules subject to direction from the full Council.

### **Section 2. Composition of Committees or task forces**

- 2.1 All Council members are required to actively participate in at least one Committee of the Council. While each Council member may identify the Committee he or she is most interested in, the final appointment shall be made by the Chair balancing the interests of the member with the needs of the Council.
- 2.2 Council committees or task forces may include members of the public as well as Council members provided that no less than one Council member, including at least one consumer or family member, are on the committee or task force.
- 2.3 The Council Chairperson may appoint a chairperson to each Committee who must be a member of the Council. In circumstances where no Council member is willing to accept appointment as a Committee Chairperson, the Chairperson may appoint a willing member of the committee to assume the role of Committee Chairperson when explicitly authorized by a majority of the Council, for a period of up to six months. The Council Chairperson, with the advice of the Committee Chairperson, may appoint other committee members.
- 2.4 Committees and task forces may designate other officers and subcommittees as necessary or convenient subject to limitation imposed by the Council.

### **Section 3. Requirements for all Committees**

- 3.1 A motion or resolution creating a committee or task force shall designate the mission and duties of the committee or task force. The Council may also specify considerations for the Chairperson to follow in appointing committee chairpersons and members and such other matters as appropriate.
- 3.2 Committee members may have designated alternates who will be appointed by the Council Chairperson. Alternates shall represent the same stakeholder group as the committee member. Alternates may participate in committee discussions but may only vote in the absence of the committee member. Alternates are counted for purposes of quorum and use of alternates is designed to allow committees to regularly achieve quorum. Use of alternates does not excuse committee members from the participation requirements in 3.5, below.
- 3.3 All Committee members are expected to attend all meetings of the Committee or task force. Attendance means presence at the meeting for more than half of the meeting.
- 3.4 Committee members who are sick, hospitalized or who have some other important reason for not attending should notify the Chairperson or the Chairperson's designee at least a week before the meeting. If that is not possible, notice should be given as soon as possible.
- 3.5 Any committee member who is absent from two meetings within a year will be contacted by the committee chairperson to discuss the reasons for absence and whether the member will be able to continue serving. Members who do not believe that they can continue should tender their resignation in writing to the Chairperson of the Council. Any resignations will be announced to the Council Chairperson and to the committee.

- 3.6** At any time the Committee Chairperson believes that a member will not be able to fulfill the duties of membership, he or she should bring the matter to the Council Chairperson. The Council Chairperson may remove Committee members, other than Executive Committee members, after notice of proposed removal to and an opportunity to be heard by the member consistently with this process.

#### **Section 4. Requirements for Committee Chairpersons.**

The chairperson of each committee is responsible for:

- a) Ensuring that the by-laws and every applicable directive of the Council are followed by the committee;
- b) Ensuring that recommendations of the committee are conveyed to the full Council;
- c) Submitting meeting minutes in the approved format to the Council; and
- d) Coordinating work with other committees where items could be of mutual interest.

#### **Section 5. Executive Committee**

- 5.1** The Executive Committee shall be comprised of the Council Chairperson, Vice-Chairperson and Second Vice-Chairperson along with the Chairs of all standing committees. Co-chairs of standing committees may participate in the Executive Committee meetings and may vote on behalf of the Committee Chair if the Committee Chair is absent. The immediate Past Chairperson of the Council is an ex-officio member of the Executive Committee. Chairpersons of adhoc committees or task forces are ex-officio members of the Executive Committee.

- 5.2** The Council may designate the number of members of the Executive Committee and other membership provisions. The membership of the committee shall include adequate representation of consumers and family members.

- 5.3** The Committee will have the following responsibilities;
- a) Provide policy direction to and periodically evaluate the performance of the Council and its activities relating to direction from the Bureau of Prevention, Treatment and Recovery and the Bureau Director;
  - b) Meet at least once between regular meetings of the Council;
  - c) Propose an agenda for Council meetings;
  - d) Provide for annual review of the by-laws;
  - e) Act on behalf of the Council when a rapid response is required, provided that any such action is reported to the Council at its next meeting for discussion and ratification; and
  - f) Other duties designated by the Council

#### **5.4 Rapid Response**

The Executive Committee may act on behalf of the full Council only under the following circumstances:

- a) When specifically authorized by the Council;

- b) When action is needed to implement a position already taken by the Council;
- c) Except when limited by the Council, the Executive Committee may act upon the recommendation of a Committee, other than the Executive Committee, if such action is necessary before a Council meeting may reasonably be convened, provided that if more than one committee has made differing recommendations concerning the subject, the Executive Committee may not act except to request further study of the subject; or
- d) Except when limited by the Council, the Executive Committee, by unanimous consent, may take such other action as it deems necessary before a Council meeting may reasonably be convened, and its activities relating to direction from the Bureau of Prevention, Treatment and Recovery and the Bureau Director;

### **Section 6. Nominating Committee**

The Vice-chair of the Council shall convene a Nominating Committee as needed to coordinate the process for all appointments to the Council as outlined in Art. II, Sec. 7. In consultation with the Council Vice-Chairperson who shall serve as committee chair, the Council Chairperson shall appoint other members, including at least one consumer and one family member. The Nominating Committee shall make recommendations to the Council regarding nominations and have such other duties as assigned by the Council.

## **ARTICLE V**

**Amendments** –The by-laws may be amended, or new by-laws adopted, after seven (7) days written notice of the section(s) to be amended. Notice is to be given to all Council members. A motion to amend or adopt bylaws requires a two-thirds vote of the Council members present at a regularly scheduled meeting at which a quorum is present.