

Chair
George Meldrum Jr., M.A.



ADVISORY COUNCIL
— TO THE DIVISION OF —
SUBSTANCE ABUSE & MENTAL HEALTH



Meeting Documents

Thursday, October 17, 2019

1. Meeting Notice
2. Proposed Agenda
3. Draft Minutes for Approval
4. Motion I
5. Motion II
6. Motion III
7. Motion IV
8. Overview of Bylaw and Rules Changes



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DIVISION OF SUBSTANCE ABUSE & MENTAL HEALTH
ACT-DSAMH
HERMAN M. HOLLOWAY SR. HEALTH AND SOCIAL SERVICES CAMPUS
1901 NORTH DUPONT HIGHWAY, NEW CASTLE, DE 19720

Chair
George Meldrum Jr., M.A.



ADVISORY COUNCIL
— TO THE DIVISION OF —
SUBSTANCE ABUSE & MENTAL HEALTH



Meeting Notice

The regular meeting of the Advisory Council to the Division of Substance Abuse and Mental Health (ACT-DSAMH) will be held on Thursday, October 17, 2019 at 9:00 am, in the 3rd Floor Conference Room of the Jesse S. Cooper Building located in Dover, DE at 417 Federal Street.



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ADVISORY COUNCIL
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October 17, 2019

9:00 am to 10:30 am

Dover, DE

Agenda

Order of Business: Regular

I. Roll Call

II. Reading and Approval of Minutes

III. Reports

- i. Officers
 - a. Chair

IV. Special Orders

- i. Consideration of Motion I to Amend the Bylaws of the Council
- ii. Consideration of Motion II to Appoint an Executive Secretary
- iii. Consideration of Motion III to Adopt Standing Rules for the Council
- iv. Consideration of Motion IV to Appoint Associate Members to the Council

V. New Business

VI. Adjournment



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ADVISORY COUNCIL

TO THE DIVISION OF SUBSTANCE
ABUSE AND MENTAL HEALTH



DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH

Draft Meeting Minutes – July 19, 2018

Full Members

Present: Akester, Carter, Hill, Kalbrosky, Manning, Martin, Meadows, Pettyjohn

Excused: Meldrum, Phillips

Absent: Ayers, Daniels, Guest, Hall, Jolly, Rieger

Associate Members

Present: Fahey, Lorenz, McKenna, Sygowski

Excused:

Absent: Alberque, Furber, Hoefmen, Larks, McCole

The regular meeting of the Advisory Council to the Division of Substance Abuse and Mental Health (ACT-DSAMH) was held on Thursday, July 19, 2018 at 9:07 A.M., in the Chapel of the Herman M Holloway Sr. Campus on the Campus of the Delaware Department of Health and Human Services in New Castle, Delaware, the Chairman being in the chair and members present. Lacking a quorum the meeting proceeded with no official action being taken.

Reports were given by Chairman Martin, Patricia Hill on behalf of the DPC Advisory Committee, Helena Carter on behalf of the Children's Committee and Chairman Martin on behalf of the Membership Committee.

DSAMH Director Elizabeth Romero made a presentation to the Council.

The meeting adjourned at 11:05 A.M.

ADVISORY COUNCIL

TO THE DIVISION OF SUBSTANCE
ABUSE AND MENTAL HEALTH



DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH

Draft Meeting Minutes – September 20, 2018

Full Members

Present: Akester, Alois, Hall, Hill, Kalbrosky, Manning, Martin, Meadows, Pettyjohn, Phillips

Excused: Meldrum

Absent: Carter, Daniels, Guest, Jolly

Associate Members

Present: Fahey, Lorenz, McKenna, Sygowski

Absent: Alberque, Furber, Hoefman, Larks, McCole

The regular meeting of the Advisory Council to the Division of Substance Abuse and Mental Health (ACT-DSAMH) was held on Thursday, September 20, 2018 at 9:05 A.M., in the Chapel of the Herman M Holloway Sr. Campus on the Campus of the Delaware Department of Health and Human Services in New Castle, Delaware, the Chairman being in the chair and members present. The minutes from the May 2018 meeting were approved as corrected.

Reports were given by Chairman Martin, Patricia Hill on behalf of the DPC Advisory Committee, Andrea Guest on behalf of the Employment Committee and Chairman Martin on behalf of the Membership Committee and Community Service Committee.

The meeting adjourned.

ADVISORY COUNCIL

TO THE DIVISION OF SUBSTANCE
ABUSE AND MENTAL HEALTH



DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH

Draft Minutes – January 17, 2019

Full Members

Present: Alois, Hill, Meadows, Meldrum, Pettyjohn, Phillips

Excused: Akester, Kalbrosky, Pettyjohn

Absent: Carter, Daniels, Guest, Hall, Manning, Willis

Associate Members

Present: Fahey, Larks, Lorenz, McKenna, Sygowski

Absent: Alberque, Furber, Hoefftman, McCole

The regular meeting of the Advisory Council to the Division of Substance Abuse and Mental Health (ACT-DSAMH) was held on Thursday, January 17, 2019 at 9:11 A.M., in the Chapel of the Herman M Holloway Sr. Campus on the Campus of the Delaware Department of Health and Human Services in New Castle, Delaware, the Acting Chair being in the chair and members present. Lacking a quorum the meeting proceeded without taking official action.

Reports were given by Acting Chair Hill, Acting Chair Hill on behalf of the DPC Advisory Committee, Christine Alois on behalf of the Children's Committee and Susan Phillips on behalf of the Community Service Committee.

Presentations were also given to the committee by DSAMH Director Elizabeth Romero, Lynn Fahey and Bruce Lorenz.

The Council moved to review the bylaws.

The meeting adjourned at 10:39 A.M.

Chair
Trish Hill, MSW, CPRS

Vice-Chair
George Meldrum Jr., M.A.



ADVISORY COUNCIL
— TO THE DIVISION OF —
SUBSTANCE ABUSE & MENTAL HEALTH



Draft Minutes – March 21, 2019

Full Members

Present: Akester, Alois, Hill, Kalbrosky, Meadows, Meldrum, Pettyjohn, Willis

Excused: Carter, Manning, Phillips

Absent: Daniels, Guest, Hall

Associate Members

Present: Fahey, Larks, Lorenz, Sygowski

Excused: McKenna

Absent: Alberque, Furber, Hoeftman, McCole

The regular meeting of the Advisory Council to the Division of Substance Abuse and Mental Health (“the Council”) was held on Thursday, January 17, 2019 at 9:03 A.M., in the Chapel of the Herman M Holloway Sr. Campus on the Campus of the Delaware Department of Health and Human Services in New Castle, Delaware, the Acting Chair being in the chair and members present. The minutes of the regular meetings of July 2018, September 2018, and January 2019 were read and approved as corrected.

Acting Chair Hill gave a report.

Mr. Meldrum assumed the chair.

Nominations were opened for the position of Chair of the Council. Acting Chair Hill was nominated. Acting Chair Hill was elected to the position of Chair of the Council.

Chair Hill assumed the chair.

Nominations were opened for the position of Vice-Chair of the Council. Acting Mr. Meldrum was nominated. Mr. Meldrum was elected to the position of Vice-Chair of the Council.

Division of Substance Abuse and Mental Health (DSAMH) Director Romero gave a report on DSAMH.

Mr. Aronson of DSAMH gave a presentation on parliamentary procedure.

Chair Hill made the following motion:

That Mr. Aronson transmit a copy of the proposed bylaw revisions drafted by DSAMH, the current Council bylaws, Mr. Aronson’s presentation, Federal Law relating to the Council, and Delaware Code to the members of the Council via email no later than March 22, 2019. That members provide feedback and questions on the proposed changes by no later than April 11, 2019 (within 21 days) to Mr. Aronson to be collated for the next regular meeting of the Council. That a motion to made changes to the bylaws be placed on the agenda for the next regular meeting under special orders and that the email serve as notice to members in accordance with the current bylaws.



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The motion was adopted.

Chair Hill made a motion to discuss potential changes to the Council's enabling language in Delaware Code at the next meeting.

The motion was adopted.

The meeting adjourned at 10:23 AM.



Repeal of Current Bylaws and Adoption of New Bylaws

Chair Meldrum moves the adoption of the following resolution:

- 1 *Resolved*, That the Council amend its bylaws by striking them in
- 2 their entirety, and replacing them with the language contained on lines
- 3 one (1) through two hundred and sixty-one (261) inclusive below:

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ARTICLE I
NAME, OBJECT, AND DUTIES

1 **Section 1. Name.**

2 As provided for in 29 Del. C. § 7909 the name of this council
3 shall be Advisory Council to the Division of Substance Abuse and
4 Mental Health (ACT-DSAMH).

5 **Section 2. Object.**

6 ACT-DSAMH is an advisory council established under the
7 authority of 29 Del. C. § 7909 to serve in an advisory capacity to the
8 Director of the Division of Substance Abuse and Mental Health
9 (DSAMH).

10 **Section 3. Duties.**

11 The following are the duties of ACT-DSAMH:

- 12 (a) Consider matters related to alcoholism, drug abuse,
13 mental health and any other matters that may be
14 referred to it by the Governor or the Department
15 of Health and Social Services (DHSS); and,
16 (b) Study, research, plan and advise the Director,
17 Secretary, General Assembly and the Governor on
18 matters it deems appropriate to enable the Division
19 and the Department to function in the best
20 possible manner; and,
21 (c) Serve as a State Mental Health Planning Council;
22 meeting the criteria outlined in 42 USC §300x-3;
23 and,
24 (d) Review plans provided to the Council pursuant to
25 42 USC §300x-4(a) by the State and to submit to
26 the State any recommendations of the Council for
27 modifications to the plans; and,

- 28 (e) Serve as an advocate for adults with a serious
29 mental illness, children with a severe emotional
30 disturbance, and other individuals with mental
31 illnesses or emotional problems; and,
32 (f) Monitor, review, and evaluate, not less than once
33 each year, the allocation and adequacy of mental
34 health services within the State.

ARTICLE II

MEMBERSHIP

35 **Section 1. Number of Members.**

36 Pursuant to 29 Del. C. § 7909 the number of members of the
37 Council shall be seventeen (17).

38 **Section 2. Terms of Members.**

39 Pursuant to 29 Del. C. § 7909, members shall serve for a term
40 of three (3) years. There is no limit to the number of terms that a
41 member may serve.

42 **Section 3. Appointment of Members.**

43 Pursuant to 29 Del. C. § 7909, members shall be appointed by
44 the Governor.

45 **Section 4. Political Affiliation of Members.**

46 Pursuant to 29 Del. C. § 7909, at least six (6), but not more
47 than eight (8), members of the Council shall be affiliated with one (1)
48 of the major political parties and at least five (5), but not more than
49 seven (7), of the newly appointed members shall be affiliated with the
50 other major political party. Any person who declines to announce such
51 person's political affiliation shall also be eligible for appointment as a
52 member of the Council.

53 **Section 5. Residency of Members.**

54 Pursuant to 42 USC §300x.3, members shall be residents of the
55 State of Delaware.

56 **Section 6. Composition of Membership.**

57 Pursuant to 42 USC §300x.3, membership of the Council shall
58 include:

- 59 (a) Representatives of the principal state agencies with
60 respect to:
- 61 (1) Mental health,
 - 62 (2) Education,
 - 63 (3) Vocational rehabilitation,
 - 64 (4) Criminal justice,
 - 65 (5) Housing,
 - 66 (6) Social services, and,
 - 67 (7) The development of the plan submitted
68 pursuant to title XIX of the Social Security Act
69 [42 U.S.C. 1396 et seq.];
- 70 (b) Public and private entities concerned with the
71 need, planning, operation, funding, and use of
72 mental health services and related support services;
73 and,
- 74 (c) Adults with serious mental illnesses who are
75 receiving (or have received) mental health services;
76 and,
- 77 (d) The families of such adults or families of children
78 with emotional disturbance.

79 **Section 7. Additional Requirements.**

80 Pursuant to 42 USC §300x.3, the ratio of parents of children
81 with a serious emotional disturbance to other members of the Council
82 shall be sufficient to provide adequate representation of such children
83 in the deliberations of the Council; and not less than fifty (50) percent
84 of the members of the Council are individuals who are not State
85 employees or providers of mental health services.

86 **Section 8. Resignation from Membership.**

87 Any member desiring to resign from the Council shall submit
88 their resignation in writing to the Governor and provide copies of the
89 letter to the DHSS Secretary, DSAMH Director and Chair of the
90 Council.

91 **Section 9. Recommendation for Termination.**

92 Upon a two-thirds vote of the Council at a properly noticed
93 meeting, the Council may recommend termination of a member's
94 appointment to the Governor.

95 **Section 10. Vacancies.**

96 Upon the resignation or termination of a member, the Council
97 shall make recommendations of candidates to the Governor to fill the
98 vacant position. Any member appointed in the event of a vacancy shall
99 fill the remainder of that member's term.

100 **Section 11. Non-Voting Members**

101 (a) The Council shall have the authority to establish
102 and define non-voting members and adopt policies
103 governing them.

104 (b) The Director of DSAMH shall be an ex-officio,
105 non-voting member of the Council.

ARTICLE III

OFFICERS

106 **Section 1. Officers and Duties.**

107 Pursuant to 29 Del. C. § 7909, the officers of the Council shall
108 be a Chair and a Vice-Chair. The officers shall perform the duties
109 prescribed by these bylaws and by the parliamentary authority adopted
110 by the Council.

111 **Section 2. Time of Elections.**

112 The officers of the Council shall be elected at the annual
113 meeting of the Council.

114 **Section 3. Nominating Procedure.**

115 At the annual meeting, the Membership Committee shall
116 present their report and nominate candidates for each office.
117 Additional nominations from the floor shall be permitted.

118 **Section 4. Ballot Election.**

119 The officers shall be elected by ballot. The Council may
120 dispense with the election by ballot in the event only one candidate is
121 nominated for the office and affirm the election *viva voce*.

122 **Section 5. Term of Office.**

123 Pursuant to 29 Del. C. § 7909, officers shall serve a term of one
124 (1) year or until their successors are elected. Their term shall begin at
125 the end of the annual meeting in which they are elected.

126 **Section 6. Removal from Office.**

127 Officers may be removed from office at the pleasure of the
128 members of the Council by a two-thirds vote at a properly noticed
129 meeting.

130 **Section 7. Office-Holding Limitations.**

131 No member shall hold more than one office at a time. There
132 are no limits on the number of terms an officer can serve.

133 **Section 8. Resignation.**

134 Any officer desiring to resign shall submit their resignation in
135 writing to the Executive Secretary who shall transmit a copy to all
136 members of the Council.

137 **Section 9. Vacancies.**

138 In the event of a vacancy in the office of Chair, the Vice-Chair
139 shall immediately assume the office of Chair. In event of a vacancy in
140 the office of Vice-Chair, a replacement shall be elected from the
141 membership at the meeting immediately following the occurrence of
142 the vacancy following the procedure set forth in Art. III §4 of these
143 bylaws and assuming the office of Vice-Chair immediately upon
144 election.

ARTICLE IV MEETINGS

145 **Section 1. Regular Meetings.**

146 Regular meetings of the Council shall be held quarterly, at a
147 time and place designated by the chair.

148 **Section 2. Annual Meeting.**

149 An annual meeting of the members shall take place following
150 the fourth regular meeting of the Council in a calendar year. The
151 specific date, time and location of the annual meeting shall be
152 designated by the chair. At the annual meeting, the Council shall elect
153 officers, receive reports on the activities of the committees and
154 determine the goals of the Council for the coming year.

155 **Section 3. Special Meetings.**

156 Special meetings may be called by the Chair as necessary.

157 **Section 4. Notice of Meetings.**

158 Members of the Council shall be notified of each meeting, by
159 email, not less than twenty-one (21) calendar days prior to the meeting.

160 **Section 5. Quorum.**

161 The members present at any properly noticed meeting shall
162 constitute a quorum.

ARTICLE V

COMMITTEES

163 **Section 1. Membership Committee.**

164 A membership committee comprised of (5) members of the
165 Council shall be appointed by the Chair promptly after each annual
166 meeting. It shall be the duty of this committee to make nominations
167 of officers of the Council; recommend discipline of members to the
168 Council; and, make recommendations to the Governor of candidates
169 for filling vacancies that may occur on the Council.

170 **Section 2. Title XIX Committee.**

171 A Title XIX Committee Comprised of seven (7) members of
172 the Council shall be appointed by the Chair promptly after each annual
173 meeting. It shall be the duty of this committee to review and provide
174 comment on the plan submitted by the State of Delaware to the federal
175 government pursuant to 42 USC §300x-4(a). At the regular meeting
176 immediately before the plan is to be submitted, the committee shall
177 provide a report to the Council. Upon a majority vote of members
178 present, that report shall be submitted with the plan to the federal
179 government.

180 **Section 3. Other Committees.**

181 Such other committees, standing or special, may be established
182 the Council as it shall from time to time deem necessary to carry out
183 its work by a vote of a majority of members present at a properly
184 noticed meeting. Their membership shall be appointed by the Chair
185 unless this rule is suspended by a two-thirds vote before the
186 appointment of members.

187 **Section 4. Meetings of Committees.**

188 Committees shall meet as often as required to accomplish their
189 objectives. Committee members shall be noticed by email no less than
190 seven (7) days prior to the scheduled meeting.

191 **Section 5. Committee Rules.**

192 Committees may adopt further rules or regulations to facilitate
193 the conducting of meetings provided they do not conflict with the
194 bylaws of the Council.

195 **Section 6. Status Reports.**

196 The committee chair shall provide an informational status
197 report on the work of the committee at each meeting of the Council.
198 Should the chair be unable to attend the meeting they shall submit a
199 written report via email to the Executive Secretary.

200 **Section 7. Committee Reports of Special Committees.**

201 Upon completion of the duties assigned to the special
202 committee, the committee chair shall submit a committee report via
203 email to the Executive Secretary. This report shall be approved by a
204 majority of the membership of the committee. Members of the
205 committee not voting in the majority shall be allowed to submit a
206 minority report in whole or in part to the Executive Secretary. Within
207 seven days (7) of receiving the reports, the Executive Secretary shall
208 transmit them to the members of the committee. Adoption of the
209 committee report shall be placed on the agenda for the next regular
210 meeting following the distribution of the report to the membership of
211 the Council under special orders.

212 **Section 8. Discharge of Special Committees.**

213 Special committees are discharged following the close of the
214 meeting in which their committee report is presented unless the report
215 is referred back to the committee. A special committee may also be
216 discharged by a majority of members present at a properly noticed
217 meeting of the Council.

ARTICLE VI
FREEDOM OF INFORMATION ACT

218 The Council shall at all times maintain compliance with 29 Del.
219 C. §10001.10004.

ARTICLE VII

COMPENSATION

220 Pursuant to 29 Del. C. § 7909 Members of the Council shall
221 serve without compensation; however, they may be reimbursed for
222 reasonable and necessary expenses incident to their duties as members
223 of the Council.

ARTICLE XIII

EXECUTIVE SECRETARY

224 **Section 1. Office and Duties.**

225 There shall be an Executive Secretary of the Council that shall
226 perform the duties prescribed by these bylaws and the duties of
227 Secretary prescribed by the parliamentary authority adopted by the
228 Council.

229 **Section 2. Qualifications, Nomination, and Confirmation.**

230 The Executive Secretary shall be a DSAMH employee
231 nominated by the Director of DSAMH and approved by a majority
232 vote of the Council.

233 **Section 3. Term, Removal.**

234 The Executive Secretary shall serve at the pleasure of the
235 Director of DSAMH and the Council until their resignation or removal
236 by the Director of DSAMH.

237 **Section 4. Council Membership.**

238 The Executive Secretary shall be an ex-officio, non-voting
239 member of the Council.

ARTICLE IX
PARLIAMENTARY AUTHORITY

240 The rules contained in Robert’s Rules of Order Newly Revised
241 shall govern the Council in all cases in which they are applicable and
242 in which they are not inconsistent with these bylaws, any special rules
243 of order the Council may adopt, or any statutes applicable to the
244 Council that do not authorize the provisions of these bylaws to take
245 precedence.

ARTICLE X
AMENDMENT OF BYLAWS

246 **Section 1. Vote Required, Submission Prior to Meeting.**

247 These bylaws may be amended at any regular meeting of the
248 Council by a two-thirds vote, provided the proposed amendment was
249 submitted via email to the Executive Secretary and transmitted to all
250 members prior to the meeting in which it is to be considered.

251 **Section 2. Approval by Director of DSAMH.**

252 Pursuant to 29 Del. C. § 7909, amendments to the bylaws shall
253 not be considered to be adopted until they are approved in writing by
254 the Director of DSAMH.

255 **Section 3. Amendments Due to Changes in Law.**

256 In the event 29 Del. C. § 7909 or 42 USC §300x-3 are amended
257 or repealed, a motion to amend the bylaws to bring them into
258 compliance shall be placed on the agenda under special orders at the
259 next meeting of the Council following the repeal or amendment. This
260 motion to amend the bylaws may be adopted by a majority vote of the
261 members present at that meeting.



Appointment of Executive Secretary

Chair Meldrum moves the adoption of the following resolution:

- 1 *Resolved,* That the Council accept the nomination of the
- 2 Director of the Division of Substance Abuse and Mental Health; and
- 3 *Resolved,* That the Council appoint Joe Aronson as Executive
- 4 Secretary of the Council pursuant to Article VIII § 2 of the Bylaws.



Adoption of Rules

1 Chair Meldrum moves the adoption of the following
2 resolution:

3 *Resolved,* That the Council adopt the following as standing rules
4 for the Council the language contained on lines six (6) through one
5 hundred and seventy-two (172) inclusive below:

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RULE 1. ORDER OF BUSINESS.

6 **Section 1. Regular Meetings**

7 The order of business for regular meetings of the Council shall
8 be as follows:

- 9 I. Reading and Approval of Minutes
- 10 II. Reports of Officers, DSAMH Director, and Committees
- 11 III. Special Orders (*if necessary*)
- 12 IV. Unfinished Business (*if necessary*)
- 13 V. New Business

14 **Section 2. Annual Meeting.**

15 The order of business for the annual meeting of the Council
16 shall be as follows:

- 17 I. Reading and Approval of Minutes
- 18 II. Reports of Officers
- 19 III. Special Orders
 - 20 A. Election of Chair
 - 21 1. Report of Membership Committee
 - 22 B. Election of Vice-Chair
 - 23 2. Report of Membership Committee
- 24 IV. Annual Reports of Committees
- 25 V. New Business

26 **Section 3. Special Meetings.**

27 The order of business for special meetings of the Council shall
28 be as follows:

- 29 I. Special Orders

RULE 2. ASSOCIATE MEMBERS.

30 Pursuant to the Bylaws, Article II §11, the Council establishes
31 a category of non-voting members who shall be known as associate
32 members. Associate members shall enjoy no privileges of membership
33 or special rights except for those specified in these rules.

Section 1. Number of Associate Members.

34 The number of associate members shall not exceed sixteen
35 (16).
36

Section 2. Terms of Associate Members.

37 Associate members shall serve for a term of three (3) years.
38 There is no limit to the number of terms that an associate member may
39 serve. The term for associate members shall begin upon their
40 appointment by the Chair or the reported recommendation of the
41 Membership Committee.
42

Section 3. Appointment and Confirmation.

43 Associate members may be appointed by the Chair or upon
44 recommendation to the Council by the Membership Committee.
45 Associate members shall be confirmed by a majority vote of the
46 Council at the regular meeting following their appointment.
47

Section 4. Rights.

- 48
- 49 a. Associate members shall have the right to serve on
50 committees.
 - 51 b. Associate members shall have the right to make an
52 original main motion.
 - 53 c. Associate members shall have the right to
54 participate in debate or discussion on an original

55 main motion or amendment to an original main
56 motion.

57 d. Associate members may deliver reports of
58 committees on which they serve in the event of the
59 absence of the Chair of the committee.

60 **Section 5. Duties.**

61 Associate members shall serve on at least one (1) committee at
62 all times.

63 **Section 6. Termination of Associate Members.**

64 Associate members may be terminated by a majority vote at a
65 properly noticed meeting of the Council.

**RULE 3. NOTICE, RECORDS, MAINTENANCE,
AND CORRESPONDENCE**

66 **Section 1. Public Meeting Notice.**

67 Pursuant to 29 Del. C. §10004 and Article VII of the Bylaws
68 notice of all meetings of the Council shall be given at least seven (7)
69 days prior to the meeting. The notice shall include a copy of the agenda
70 as it is at that time, noting that it is subject to change. The notice shall
71 be posted at the main office of DSAMH as well as electronically posted
72 to the website designated in 29 Del. C. §10004.

73 **Section 2. Records.**

74 The Council shall maintain minutes of all meetings and shall
75 make such minutes available for public inspection and copying as a
76 public record. Such minutes shall include a record of those members
77 present and a record, by individual members, of each vote taken and
78 action agreed upon.

79 **Section 3. Maintenance of Records.**

80 Records of the Council shall be maintained by the Executive
81 Secretary.

82 **Section 4. Correspondence.**

83 Notices and other correspondence of the Council shall be
84 distributed by the Executive Secretary.

RULE 4. FORMS OF MOTIONS

85 Motions shall be submitted in writing to the Executive
86 Secretary for distribution to members no later than ten (10) days prior
87 to the meeting in which it shall be considered.

RULE 5. CONDUCT IN MEETINGS

88 **Section 1. Recognition.**

89 Members may raise a hand instead of standing when seeking
90 to obtain the floor.

91 **Section 2. Members and Chair to Remain Seated.**

92 Members and the Chair may remain seated at all times during
93 the meeting.

94 **Section 3. Members Permitted to Speak Multiple Times.**

95 There is no limit to the number of times that a member may
96 speak to a debatable question. A motion to close or limit debate,
97 including motions to limit the number of times a member may speak
98 to a question are in order and do not require suspension of this rule.
99 Appeals, however, are debatable under regular rules in which members
100 may only speak once while the chair may speak twice.

101 **Section 4. Chair Permitted to Speak Informally.**

102 The chair may, without leaving the chair, speak in debate and
103 discussion.

RULE 6. ATTENDANCE OF MEMBERS

104 **Section 1. Absence.**

105 A member is declared absent when they are not present at a
106 properly noticed meeting of the Council, except as otherwise provided
107 for in this rule.

108 **Section 2. Excuse.**

109 A member shall be declared excused provided they have
110 submitted notice in writing of their inability to attend a properly
111 noticed meeting of the Council, to the Executive Secretary, prior to
112 the meeting in which they would otherwise be absent; and, have
113 submitted any reports in writing to the Executive Secretary.

114 **Section 3. Roll Call; Announcement.**

115 Following the calling of a meeting to order, the Executive
116 Secretary shall call the roll of the members of the Council noting those
117 present, absent and excused. The Executive Secretary shall then
118 announce the number of members present to the Council.

119 **Section 4. Attendance Requirement and Tracking;
120 Notification; Referral.**

121 Members are expected to attend all properly noticed meetings
122 of the Council and to inform the Council when they are unable to
123 attend. The Executive Secretary shall keep a record of attendance for
124 each member. Members shall be sent a notice of their recorded
125 absence within thirty (30) days of the meeting in which they were

126 absent. Should a member be declared absent for two (2) or more
127 meetings in a calendar year, the Executive Secretary shall notify the
128 Chair of the Council and the Chair of the Membership Committee. At
129 the regular meeting following the notification, a motion to recommend
130 discipline of that member shall be referred to the Membership
131 Committee upon a majority vote.

132 **RULE 7. STANDING COMMITTEES**

133 Pursuant to Article V §4 of the Bylaws the Council establishes
134 standing committees under this rule.

135 **Section 1. Delaware Psychiatric Center (DPC) Advisory** 136 **Committee.**

137 A DPC Advisory Committee committee comprised of up to
138 seven (7) members shall be appointed by the Chair. It shall be the duty
139 of this committee to consider matters related to the DPC.

140 **Section 2. Policy and Advocacy Committee.**

141 A Policy and Advocacy Committee comprised of up to seven
142 (7) members shall be appointed by the Chair. It shall be the duty of
143 this committee to:

- 144 a. Consider and evaluate matters of public policy concerning
145 behavioral health; and,
- 146 b. Make recommendations to the Council on legislation
147 pertaining to behavioral health at the state and federal level;
148 and,
- 149 c. Advocate on behalf of the Council and its stated positions
150 to federal, state and local government and officials.

151 **Section 3. Communications Committee.**

152 A Communications Committee comprised of up to seven (7)
153 members shall be appointed by the Chair. It shall be the duty of this
154 committee to:

- 155 a. Provide an annual report to the Secretary of the
156 Department of Health and Social Services and the
157 Governor on the work of the Council; and,
- 158 b. Provide comment and feedback on DSAMH public-facing
159 initiatives and campaigns; and,
- 160 c. Make recommendations to the Council of public relations
161 efforts that could be beneficial to DSAMH.

162 **Section 4. Services Committee.**

163 A Services Committee comprised of up to seven (7) members
164 shall be appointed by the Chair. It shall be the duty of this committee
165 to consider matters related to the provision of services for behavioral
166 health and make recommendations to the Council.

167 **Section 5. Provider Committee.**

168 A Provider Committee comprised of up to seven (7) members
169 shall be appointed by the Chair. It shall be the duty of this committee
170 to consider matters of importance to providers or behavioral health
171 treatment and programming, and to make recommendations to the
172 Council.



Appointment of Associate Members

Chair Meldrum moves the adoption of the following resolution:

- 1 *Resolved*, That the Council accepts the appointments of Lynn
- 2 Fahey, James Larks, Bruce Lorenz, John McKenna, and Charles
- 3 Sygowski by the Chair; and
- 4 *Resolved*, That the Council confirms the appointments of Lynn
- 5 Fahey, James Larks, Bruce Lorenz, John McKenna, and Charles
- 6 Sygowski pursuant to Rule 2 § 3 of the Bylaws.



INTRODUCTION

The proposed revision to the bylaws of the Advisory Council to the Division of Substance Abuse and Mental Health (the Council) represents a needed update to bring the bylaws of the Council in line with state and federal law as well as provide a structure and format that is simple to use. The goal of these revisions is to allow the Council to operate in the most efficient manner possible while fulfilling its multiple responsibilities.

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CURRENT BYLAWS

The current bylaws were adopted by the Council in March of 2010. It is unclear what revisions were made at that time, but members of the Council have reported that they were minor changes to bylaws that had been previously in effect for some time.

While well-intentioned by the members of the Council at that time, the bylaws as currently constructed contain conflicting provisions, incorrect citations, grants the Council powers it does not have and is in a format that makes them difficult to use.

EXAMPLES OF ISSUES

The following are just a few of the examples of issues contained in the current bylaws.

SECTION I – NAME

One glaring issue is that the name of the Council is wrong. It should be the Advisory Council to the Division of Substance Abuse and Mental Health, not the Governor’s Advisory Council. The name is clearly identified in Delaware Code.

SECTION II – GRANTS POWERS NOT IN STATE OR FEDERAL CODE

Section II of the current bylaws grant powers to the Council that are nowhere to be found in Delaware or Federal Code. According to 29 Del. C. § 7909, “The Council may study, research, plan and advise...” 42 USC 300x-3 mentions that the Council, “...serve as an advocate...” for those with mental illness and, “...to monitor, review and evaluate...” The bylaws state that the Council, “...is to provide leadership, support, oversight, education...” none of those tasks are under its remit.

SECTION III – CONFUSES GOALS WITH REMIT

Section III of the current bylaws which is titled, “Goals,” adds some of the Federal Code but once again adds additional responsibilities beyond its remit. Additionally, goals are not generally part of bylaws.

SECTION IV

Section IV contains many issues. There are issues with the formatting and numbering. It incorrectly cites Federal Code (ex. principal state agencies) and adds requirements, not in Federal Code (ex. Provider types). It fails to mention certain requirements of members (ex. Delaware resident). In the Associate member section, it makes references to requirements found later in the bylaws and creates confusion over if associate members are to be appointed or elected, referring to both.

SECTION V

Section V adds the requirement that the terms of the Chair and Vice-Chair must be served concurrently. This creates issues as one reading of the bylaws would suggest that if the terms shall (must) be served concurrently then if one of them resigns the other’s term would end. The language here is needlessly confusing. Section V also adds requirements, not in code.

SECTION VI - MEETINGS

The number of full meetings of the Council may be an area to revisit especially with attendance issues. Committees should meet more frequently than the Council. The section on the election of officers is needlessly complicated and adds in requirements of the Chair that should be in its own section. Robert's Rules of Order is the 1915 version of Robert's Rules of Order Newly Revised is the current edition. The quorum is too high and needlessly so. There are better ways to set quorums that also help drive attendance. The Council has no authority to terminate members and this section implies that it does.

SECTION VII – COMMITTEES

There is no need to establish all these committees in the bylaws. They are more appropriately created through motions or added to the rules.

REVISION

After reviewing the bylaws and going through some of these concerns as part of a presentation at the Council's meeting of March 21, 2019 the consensus of the Council was that they bylaws should be revised, and that instead of trying to amend the current bylaws, it would make more sense to repeal the current bylaws and replace them with new ones.

At this meeting proposed new bylaws were discussed but not voted upon.

At this meet, a motion was made and adopted that Mr. Aronson transmits a copy of the proposed bylaw revisions drafted by DSAMH, the current Council bylaws, Mr. Aronson's presentation, Federal Law relating to the Council, and Delaware Code to the members of the Council via email no later than March 22, 2019. That members provide feedback and questions on the proposed changes by no later than April 11, 2019 (within 21 days) to Mr. Aronson to be collated for the next regular meeting of the Council. That a motion to made changes to the bylaws is placed on the agenda for the next regular meeting under special orders and that the email serve as notice to members in accordance with the current bylaws.

Mr. Aronson sent all of the information to members and received no comments to be collated. In the interim period, a revised set of proposed bylaws were drafted that corrected errors and omissions and reformatted to make them easier to use. It is that set of bylaws that are included here and will be considered by the Council.

PROPOSED BYLAWS AND RULES

With this proposed change, the Council will both bylaws and rules. The bylaws are the permanent rules of the Council and cannot be changed without a two-thirds vote. The rules also govern the Council but may be amended by a simple majority. Bylaws should rarely be amended whereas rules can be used to meet more immediate needs of the Council. This is a more common structure and one that works very well for organizations like the Council.

BYLAWS OVERVIEW

The proposed bylaws are organized into ten articles.

Article	Title
I	Name, Object, and Duties
II	Membership
III	Officers
IV	Meetings
V	Committees
VI	Freedom of Information Act

VII	Compensation
VIII	Executive Secretary
IV	Parliamentary Authority
X	Amendment of Bylaws

Each article contains only the essential information required. More detailed additions are prescribed in the rules.

NOTABLE CHANGES TO BYLAWS

The following are some of the more notable changes in the proposed bylaws compared to the current bylaws.

ARTICLE I – NAME, OBJECT, AND DUTIES

- Although it has been referred to as “The Governor’s Advisory Council to the Division of Substance Abuse and Mental Health,” or, “The GAC,” the name provided for in 29 Del. C. § 7909 is actually, “Advisory Council to the Division of Substance Abuse and Mental Health.” This is now properly identified.
- Outlines the object/purpose of the Council according to 29 Del. C. § 7909.
- Under “duties” the proposed bylaws outline all of the specific responsibilities as outlined in Delaware and Federal Code. These duties are taken essentially verbatim from the statute.
- Removes language related to Council authority not in law.

ARTICLE II – MEMBERS

- Corrects the composition of Council members to conform exactly to Delaware and Federal Code.
- Adds requirements under the law not currently in the bylaws.
- Adds procedures for resignation, the recommendation of termination, and vacancies.
- Allows the Council to establish and define non-voting (associate) members. Removes the associate member requirements from bylaws.
- Adds the Director of DSAMH to the Council as an ex-officio (by virtue of their office) non-voting member. This will allow the Director to present reports to the Council and provide information without having to make a motion each time. Essentially this already happens in practice. This does not change the number of members of the committee and is not counted as part of the quorum.

ARTICLE III – OFFICERS

- Sets the timing of the election of officers to an annual meeting.
- Outlines a nominating procedure.
- Prescribes a ballot election.
- Sets out the term of office including that they shall serve until a successor is elected.
- Outlines the process for removing officers.
- Prescribes process for resignation.
- Outlines the process for dealing with vacancies.

ARTICLE IV - MEETINGS

- Changes the number of required meetings from 6 to 5.
- Sets out three meeting types: regular, annual, and special.
- Requires four regular meetings and one annual meeting yearly.
- Outlines notice requirements.

- Changes the current quorum requirement from “one more than the current majority of members” to “members present at any properly noticed meeting.” This is a commonly used standard, essentially, what it means is that since all members have been given advance notice of the meeting, if they choose not to attend, they are giving their approval for the Council to act in their absence.
- Removes the “telephone poll” option as it does not conform to Delaware Code.

ARTICLE V – COMMITTEES

- Outlines the composition and requirements of two permanent committees: membership and Title XIX.
- Allows the establishment of additional committees in the rules.
- Outlines: notice for committee meetings, committee rules, committee reports, and the discharge of committees.

ARTICLE VI – FOIA & ARTICLE VII –COMPENSATION

- These are unchanged and conform to the Delaware Code.

ARTICLE VIII – EXECUTIVE SECRETARY

- Adds the position of Executive Secretary as an ex-officio, non-voting member of the Council. The committee needs a Secretary to handle the administrative tasks of the Council as well as maintain the records of the Council. Many times this is an elected position but in this case rather than burden a member with that responsibility, a DSAMH staffer nominated by the Director and approved by the Council shall serve in that role.

ARTICLE IX – PARLIAMENTARY AUTHORITY

- Establishes as the parliamentary authority the correct version of *Robert’s*.
- Expands on the precedence of *Robert’s*.

ARTICLE X – AMENDMENT OF BYLAWS

- Outlines the process for amending the bylaws.
- Outlines a process for the automatic consideration of a motion to change the bylaws due to a change in the law.

NOTABLE CHANGES IN RULES

Currently, the Council does not have adopted rules. Instead, all of the governance is included in the bylaws. This proposal creates rules that the Council can amend more easily to fit those needs.

RULE 2 – ASSOCIATE MEMBERS

- This rule outlines all of the requirements for associate members.
- A number of associate members remain capped at 16 and the term remains three years.
- A new process for appointing associate members has the membership committee recommend associate members to the Chair who then appoints them. They are then confirmed by a majority vote of the Council.

- Associate members rights are defined. They may serve on committees, make original main motions, participate in debate or discussion on original main motions or amendments to original main motions, and they may deliver committee reports when the Chair of the committee is absent.
- Associate members must serve on at least one committee.
- Associate members may be terminated by a majority vote of the Council.

RULE 4 – FORMS OF MOTIONS

- Motions are to be submitted in writing ten days before the meeting where they will be considered.

RULE 5 – CONDUCT IN MEETINGS

- Raised hand allowed instead of standing for seeking recognition.
- Members may remain seated during meetings.
- Members may speak multiple times (rather than twice) in debate or discussion.
- The chair may speak in debate without giving up the Chair.

RULE 6 – ATTENDANCE OF MEMBERS

- Sets out requirements for a member being absent & excused.
- Requires an attendance roll call at each meeting.
- Prescribes attendance requirements, notice, and disciplinary referral to the Membership Committee for more than two absences in a year.

RULE 7 - STANDING COMMITTEES

- Establishes the following as standing committees:
 - Delaware Psychiatric Center (DPC) Advisory Committee
 - Currently in bylaws
 - Policy and Advocacy Committee
 - Part of committee currently in bylaws
 - Communications Committee
 - Part of committee currently in bylaws
 - Services Committee
 - Combination of committees currently in bylaws
 - Provider Committee
 - New

SUMMARY

The proposed bylaws and rules will allow the Council to function in the most efficient manner and comply will all legal requirements. This framework will ensure that meetings are productive and that all members feel their time is being wisely used.