

**WINNEBAGO COUNTY**  
**Winnebago County Community Mental Health Board**

**BY-LAWS**

**PREAMBLE**

The Winnebago County Community Mental Health Board was established by the Winnebago County Board by County Ordinance in 2019 and pursuant to the Community Mental Health Act, 405 ILCS 20/3(a). These governing by-laws are based on the Community Mental Health Act, as amended from time to time.

**ARTICLE I: NAME**

The name of this organization shall be the WINNEBAGO COUNTY COMMUNITY MENTAL HEALTH BOARD (hereinafter referred to as “WCCMHB”)

**ARTICLE II: PURPOSE**

The purpose of the WCCMHB is to plan, implement and monitor a system of mental health and addiction services for Winnebago County residents suffering from serious mental illness and addictions, as authorized by the Community Mental Health Act, 405 ILCS 20/0.1 *et seq.* Providing services to individuals whose illnesses prevent their functioning in age-appropriate social roles shall be the service priority of the WCCMHB. The use of clinical, evidenced based practices will allow individuals with serious mental illness and addictions to remain in the community while accessing their care needs.

**ARTICLE III: AUTHORITY**

Section 1. The WCCMHB has been established by the Winnebago County Board by County Ordinance and pursuant to the authority granted by the Community Mental Health Act, 405 ILCS 20/0.1 *et seq.*, as amended from time to time, and shall operate pursuant to that authority.

**ARTICLE IV: RESPONSIBILITIES**

The WCCMHB is responsible for the following functions to carry out its purpose.

Section 1. Annually review and evaluate community needs and available community mental health and addiction services including training and education in Winnebago County. Based upon said review, establish a priority list aimed at filling and maintaining the array of services listed in the Community Support System model. Major priorities will address critical gaps in service in Winnebago County.

Section 2. Solicit, review, and comment on all applications for mental health related services aimed at filling identified service gaps in mental health and addiction services available in Winnebago County.

Section 3. Submit a written plan for a program of community mental health services for persons with mental illness and addictions to the Chairperson of the Winnebago County Board and to the Winnebago County Board. Such plan shall be for the ensuing 12-month period. In addition, long-range planning shall also address anticipated needs for the following three years, and such plan shall be reviewed and modified, if advisable, every 12 months thereafter.

Section 4. The WCCMHB will assume fiscal responsibility of the Community Mental Health Fund. The fund amount represents a half cent of the Winnebago County sales tax receipts, as adopted by referendum in March, 2020 pursuant to 55 ILCS 5/5-1006.5. The money, after being received in the General Fund shall be assigned a fund number for the Community Mental Health Fund. These funds may only be used to provide mental health services for Winnebago County residents. Funds from other sources independent of this retail sales tax levy may also be included in separate line items within the Community Mental Health Fund.

Section 5. Within 120 days after the end of the fiscal year, submit an annual report including the budget for the previous fiscal year including all monies that have been disbursed and program information in regard to the work of the WCCMHB as it deems of general interest through publication in the local newspaper, and make said annual report available to the Chairperson and Winnebago County Board as well as the Illinois Department of Human Services and members of the General Assembly representative of the jurisdiction.

Section 6. Carry out the WCCMHB's duties as required by the Community Mental Health Act.

#### **ARTICLE V: MEMBERSHIP**

Section 1. There shall be seven members of the WCCMHB. Upon request of the WCCMHB to the County Board Chairperson, two additional members may be added.

Section 2. All members shall be appointed to the WCCMHB by the Chairperson of the Winnebago County Board and with the approval of the County Board. Any member may be removed by the Chairperson of the Winnebago County Board for cause after being given a written statement of charges and an opportunity to be heard.

Section 3. All members shall be residents of Winnebago County and be representative of interested groups in the community as designated by county ordinance and state statute. Only one member shall be a member of the County Board. No member may be an employee of any government entity or service provider who either disburses or receives funds from the WCCMHB. Nor should any member be a board member or employee of any entity offering service or operating under contract to the WCCMHB.

Section 4. The term of office is four years measured from the first day of the year of appointment. Members of the WCCMHB shall receive staggered appointments that provide for board continuity as required under the Community Mental Health Act. Vacancies shall be filled for unexpired terms in the manner described in Section 2.

#### **ARTICLE VI: OFFICERS**

Section 1. Officers shall be: President, Vice President, Secretary and Treasurer and WCCMHB shall hold a meeting prior to July 1 of each year at which officers shall be elected for the ensuing year beginning July 1.

Section 2. If a vacancy occurs in the office of President, the Vice President shall succeed to the office of President for the remainder of the term. A vacancy in either the office of Secretary or Treasurer shall be filled by another WCCMHB member for the remainder of the term. A new WCCMHB member will be sought to fill the opening that occurs and recommended for appointment and approval as indicated in Article V, Section 2.

## **ARTICLE VII: DUTIES OF OFFICERS**

Section 1. The President shall be responsible for oversight and fulfillment of all functions of the WCCMHB as established by the Winnebago County Board by County Ordinance and the requirements of the Community Mental Health Act.

Section 2. The Vice President shall preside in the absence of the President and perform other duties requested by the President.

Section 3. The Secretary shall be responsible for preparing minutes of all meetings of the WCCMHB and, in collaboration with the President, producing the agenda and notices of meetings, in accordance with time frames of the Open Meetings Act. The Secretary shall also carry out other duties assigned to the office of Secretary.

Section 4. The Treasurer shall be responsible for providing verbal and written reports for all public WCCMHB meetings that inform members of the status of all revenue into and disbursements from the Community Mental Health Fund, including the Mental Health Sales Tax. The Treasurer shall be the WCCMHB's liaison to the County Treasurer in facilitating the transfer of collected retail sales tax funds to the Winnebago County Board of Health as fiscal agent for the Community Mental Health Fund and for their disbursement at the appropriate times to funded entities as established by the WCCMHB annual budget. The Treasurer shall collaborate with the President in presenting the annual WCCMHB budget to the County Finance Committee, if requested, and if needed, the County Board for approval. The Treasurer shall assist in fulfilling requirements described in Article IV, Section 5 of these By-laws.

The Treasurer shall monitor the revenues received by Winnebago County from the Mental Health Sales Tax in order to assure that the WCCMHB will be able to make an annual public accounting of such monies in accordance with the aims of the Community Mental Health Act.

The Treasurer, in conjunction with other WCCMHB members, shall develop and maintain an accountability process that accounts for monies and services funded by the WCCMHB on an annual basis.

## **ARTICLE VIII: MEETINGS**

Meetings will be held at least quarterly, but may be held more frequently upon agreement of the WCCMHB. Special meetings may be called upon a written request signed by at least two members and filed with the Secretary. Special meetings and WCCMHB decisions made between meetings by other means of communication shall comply with the Open Meetings Act.

## **ARTICLE IX: COMPENSATION**

Section 1. No members shall receive payment, except expenses, for service on the WCCMHB.

Section 2. Members shall not personally benefit in any way from any proceeds received or disbursed for the purpose of fulfilling the functions of the WCCMHB.

Section 3. Personnel. The WCCMHB is authorized to enter into contracts, including multi-year contracts, hire such personnel as may be necessary to carry out the purposes of the Community Mental Health Act and to prescribe the duties and establish salaries and provide other compensation and expenditures as required for such personnel and contracts for services which shall be paid from the Community Mental Health Fund as directed by the WCCMHB.

## **ARTICLE X: RECORDS**

The WCCMHB shall keep minutes of proceedings of all meetings of the WCCMHB, reports of committees, written plans for community mental health services, annual budget and report and record of any contracts or joint agreements as required by law.

## **ARTICLE XI: COMMITTEES**

Section 1. Committees may be appointed, as needed, by the President with a majority vote of the WCCMHB. Upon the formation of a committee, the duties and responsibilities of the committee shall be set forth in writing by the President.

Section 2. Committees shall operate by the same rules for quorum, voting and procedure as the WCCMHB.

## **ARTICLE XII: AMENDMENTS**

The By-laws may be amended by a majority vote of the members present at a meeting called for that purpose with 30-day written advance notice of the meeting and its purpose.

## **ARTICLE XIII: PARLIAMENTARY AUTHORITY AND QUORUM**

Section 1. Robert's Rules of Order Revised shall govern all WCCMHB meetings.

Section 2. A quorum is a majority of the members.

## **ARTICLE XIV: FISCAL YEAR**

The fiscal year of the WCCMHB shall be the same as the County fiscal year.

## **ARTICLE XV: POLICIES AND PROCEDURES**

The policies and procedures of the WCCMHB are attached hereto as Exhibit A. Said policies and procedure shall be updated from time to time by WCCMHB.

## EXHIBIT A

### WINNEBAGO COUNTY Winnebago County Community Mental Health Board

#### POLICIES AND PROCEDURES

##### 1.0 RULES FOR MEETING ATTENDANCE

###### A. Rules for Individual Member Remote Attendance

- A. A quorum of the Winnebago County Community Mental Health Board (“WCCMHB”) (or any of its committees) shall be physically present at the location of an open or closed meeting.
- B. Provided a quorum is physically present, a WCCMHB member may be allowed to attend the meeting by audio or video conferencing, if available.
- C. Any member who wishes to be considered present at a meeting by audio or video conference may make such a request to the WCCMHB (or applicable committee) by notifying the President (or applicable committee chair) prior to the meeting, unless advance notice is impractical, that the member cannot physically attend the meeting for one of the following reasons:
  - a. Personal illness or disability;
  - b. Employment purposes or WCCMHB business; or
  - c. A family or other emergency.
- D. An affirmative vote by a majority of the WCCMHB (or applicable committee) physically present may allow the member to attend a meeting as provided in Section 1.0(A)(2) above.
- E. The minutes of every meeting shall reflect the members physically present, absent, and present by audio or video conference.

###### B. Remote Attendance Without a Quorum Physically Present in the Event of a Disaster Declaration

Notwithstanding the provisions of Section 1.0(A) above, when the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act and any part of Winnebago County is covered by the disaster declaration, then any open or closed meeting of WCCMHB (or any of its committees) subject to the requirements of the Illinois Open Meetings Act (5 ILCS 120) may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as the requirements of the Illinois Open Meetings Act, as may be amended, for such meetings have been met.

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**2.0 ANTI-RETALIATION POLICY**

**A. Introduction**

In accordance with the Public Officers Prohibited Activities Act (50 ILCS 105/4.1), the Winnebago County Community Mental Health Board (“WCCMHB”) prohibits retaliation against an employee who (1) reports an “improper governmental” action as defined in this policy; (2) cooperates with an investigation by the “auditing official” related to a report of improper governmental action; or (3) testifies in a proceeding or prosecution arising out of an improper governmental action.

**B. Definitions**

“Auditing official” for the WCCMHB is the WCCMHB’s Attorney or other individual so appointed by the WCCMHB Attorney whose duties include but are not limited to receiving, registering, and investigating complaints and information concerning misconduct, inefficiency, and waste within the WCCMHB; investigating the performance of officers, employees, functions, and programs; and promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the WCCMHB.

“Employee” means anyone employed by the WCCMHB, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. “Employee” also includes members of appointed or elected boards or commissions, whether or not paid. “Employee” also includes persons who have been terminated because of any report or complaint submitted under this policy.

“Improper governmental action” means any action by a WCCMHB employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a federal, State, or unit of local government law or rule; is an abuse of authority; violates the public’s trust or expectation of his or her conduct; is of substantial and specific danger to the public’s health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee’s, elected official’s, board member’s, commission member’s, or committee member’s official duties to be subject to a claim of “improper governmental action”. “Improper governmental action” does not include a unit of local government personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

“Retaliate”, “retaliation”, or “retaliatory action” means any adverse change in an employee’s employment status or the terms and conditions of employment that results from an employee’s protected activity under this policy. “Retaliatory action” includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory

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performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee's protected activity under this policy.

**C. Reporting Alleged Retaliation**

To invoke the protections of this policy, an employee shall make a written report of improper governmental action to the auditing official. An employee who believes he or she has been retaliated against in violation of this policy must submit a written report to the auditing official within 60 days of gaining knowledge of the retaliatory action. If the auditing official is the individual doing the improper governmental action, then a report under this subsection may be submitted to the State's Attorney.

**D. Investigating Alleged Retaliation**

The auditing official shall investigate all reports of improper governmental action as set forth herein. To the extent allowed by law, the identity of an employee reporting information about an improper governmental action shall be kept confidential unless the employee waives confidentiality in writing. The auditing official shall take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action. If the auditing official concludes that an improper governmental action has taken place or concludes that anyone has hindered the auditing official's investigation into the report, the auditing official shall notify in writing the WCCMHB President and any other individual or entity the auditing official deems necessary in the circumstances. If the auditing official deems it appropriate, the auditing official may transfer a report of improper governmental action to the appropriate State's Attorney.

1. After receipt of a written report from an employee who believes he or she has been retaliated against in violation of the anti-retaliation provisions of 50 ILCS 105/4.1 to the auditing official within 60 days of gaining knowledge of the retaliatory action, the auditing official will investigate said report. If the auditing official is the individual committing the improper action, then a report may be submitted to the State's Attorney's Office.
2. The identity of an individual reporting improper governmental action will be kept confidential, unless waived in writing or otherwise required by law.
3. All witnesses with possible knowledge identified by the reporting employee will be interviewed, as well as anyone identified by the auditing official during the investigation process who may have knowledge. The auditing official may also request and/or review records available through the WCCMHB or other verifiable sources.
4. The auditing official will take written notes for each interview. Both the question and the response shall be written down as verbatim as possible.

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5. The auditing official shall reach conclusions as to whether a violation of anti-retaliation occurred.
6. Notes and records related to an investigation are to be stored separate from a complaining employee's personnel records and secured to maintain privacy.
7. Notes shall be stored for a period of at least one year or until the matter is resolved.
8. If improper governmental action is found then the auditing official shall create a typed written report and provide such to the WCCMHB President and/or any other individual or entity the auditing official deems necessary in the circumstances.
9. The auditing official shall administer remedies, as provided by statute for violations, and otherwise address and redress related concerns.

**E. Remedies Available to an Employee Subject to Retaliation for Reports of Improper Governmental Action**

If an auditing official finds that an employee has been retaliated against for reporting improper governmental action, the auditing official may on behalf of the WCCMHB reinstate the employee, reimburse the employee for lost wages or expenses incurred, promote the employee, or provide the employee some other form of restitution. In instances where an auditing official determines that restitution will not suffice, the auditing official may make his or her investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole.

**F. Dissemination of the Anti-Retaliation Policy**

Every employee shall receive a complete copy of Section 4.1 of the Public Officers Prohibited Activities Act upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written process created by the auditing official for investigating complaints of improper governmental actions.



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**3.0 ADVISORS**

**A. Introduction**

Two advisors were appointed by the Chairperson of the Winnebago County Board with the approval of the County Board to advise the Winnebago County Community Mental Health Board (“WCCMHB”). The advisors are not members of WCCMHB and do not vote.

This policy shall provide for how WCCMHB shall utilize advisors, how advisors shall conduct themselves during their tenure with the WCCMHB, and how advisor positions shall be phased out upon the resignations of the advisors.

**B. Utilization of Advisors**

An advisor means a special purpose person serving the WCCMHB. An advisor may be used for specific or immediate problems or needs of the WCCMHB and to help the WCCMHB make effective decisions in a quicker manner.

An advisor shall provide specific expertise in mental health and be assigned specific duties as from time to time may be established by the President with the advice and consent of the members of the WCCMHB.

Advisors shall be entitled to notice of and may attend all meetings of the WCCMHB and its committees. Advisors may participate in all meetings of the WCCMHB and its committees but shall not vote.

**C. Duties and Responsibilities**

It shall be the duty and responsibility of each advisor as follows:

1. Each advisor will consider and make periodic recommendations to the WCCMHB in respect to his/her specific expertise in mental health. The WCCMHB will take into consideration, but will not be bound by, advisor recommendations.
2. No financial commitments will be made by any advisor on behalf of the WCCMHB.
3. Advisors will direct all media inquiries to the WCCMHB.
4. All records created by an advisor shall be turned over to the WCCMHB periodically upon request and upon resignation.
5. Advisors shall not cause any member of the WCCMHB to violate the Open Meetings Act.
6. No advisor may be an employee of any government entity or service provider who either disburses or receives funds from the WCCMHB. Nor should any advisor be a board member or employee of any entity offering service or operating under contract to the WCCMHB.

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7. No advisors shall receive payment for service on the WCCMHB or for expenses incurred in relation to WCCMHB. Advisors shall not personally benefit in any way from any proceeds received or disbursed for the purpose of fulfilling the functions of the WCCMHB.

**D. Termination of Advisor Position**

Upon the resignation of an advisor, no one shall be appointed to fulfill the vacancy and the advisor position shall terminate immediately.

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