



NEW YORK CITY DEPARTMENT OF  
HEALTH AND MENTAL HYGIENE  
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Commissioner

## **BY-LAWS OF THE COMMUNITY SERVICES BOARD OF THE NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

### **Article 1 Name**

**Section 1.1** The name of the body shall be The Community Services Board of the New York City Department of Health and Mental Hygiene (the “Board”).

### **Article 2 Purposes Provision**

**Section 2.1** The Board is formed pursuant to § 41.05 (b) and 41.11(b) of the New York State Mental Hygiene Law and § 568 of the New York City Charter (“Charter”) to advise the Commissioner (the “Commissioner” and the Executive Deputy Commissioner for the Division of Mental Hygiene of the New York City Department of Health and Mental Hygiene (the “Executive Deputy Commissioner”) in all areas related to the Commissioner’s and the Executive Deputy Commissioner’s responsibility for the City’s community mental health, mental retardation/developmental disabilities and alcoholism facilities, services and programs.

**Section 2.2** The Board acts as an autonomous advisory body and may make its own recommendations and positions independent of those of the Department. Any recommendations and positions shall, when communicated, make clear that they are those of the Board or a Board subcommittee and not of the Department.

**Section 2.3** Board, Board subcommittee, and/or Board committee members shall not initiate any manner of activity which may commit the Board to a policy, measure or expense, unless the plan, proposal or position shall have been reviewed, approved and authorized at a duly constituted meeting of the Board.

**Section 2.4** In furtherance of its purpose, and otherwise subject to these By-Laws, the Board may take such actions as they deem appropriate, including but not limited to the passing of resolutions and the distribution of such resolutions to appropriate parties, including but not limited to New York State and New York City elected and appointed officials, the holding of hearings, and any other actions reasonably calculated to convey Board positions to appropriate individuals.

### **Article 3 Office Provisions**

**Section 3.1** The office of the Board shall be the business address of the Department of Health and Mental Hygiene.

**Section 3.2** The Board shall hold all meetings at the Department of Health and Mental Hygiene's office, unless previously voted at a meeting by the majority of members.

#### **Article 4 Membership Provisions**

**Section 4.1** The Board shall consist of fifteen members, and shall additionally have three subcommittees, one for mental health, one for mental retardation and developmental disabilities, and one for alcoholism and substance abuse.

**Section 4.2** The members of the Board shall be appointed by the Mayor from members of professions and the community as required by the New York State Mental Hygiene Law.

**Section 4.3** The members of the subcommittees shall be appointed by the Mayor from members of the community as required by the New York State Mental Hygiene Law.

**Section 4.4** The Board, the Commissioner, and the Executive Deputy Commissioner shall endeavor to make available to the Mayor, for use at the Mayor's discretion, recommendations for the filling of membership vacancies. Persons so recommended may, with the approval of the Commissioner and the Executive Deputy Commissioner, serve as members of the Board or a subcommittee pending appointment by the Mayor.

**Section 4.5** Members of the Board and the subcommittees shall serve thereon without compensation except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other City charges.

**Section 4.6** No one shall be ineligible for Board and subcommittee membership because one holds any other public office, employment or trust, nor shall anyone be made ineligible or forfeit one's right to any public office, employment or trust by reason of such appointment; provided, however, that no more than three employees of any component office of the State Department of Mental Hygiene, or any of its facilities, may be appointed as a member of the Board or its subcommittees, as provided in § 41.11(c) of the State Mental Hygiene Law.

#### **Article 5 Meetings and Quorum Provisions of the Board**

**Section 5.1** Meetings of members shall be held at the Department of Health and Mental Hygiene on, at least, a quarterly basis on dates previously voted by the majority of members. Meetings may be postponed by the Chairperson of the Board (the "Chairperson") or the Executive Deputy Commissioner in their discretion or upon request of a majority of the members. Notice of any such

postponement and/or a meeting location change shall be given as practicable to all members.

**Section 5.2** Special meetings may be called by the Chairperson in one's discretion and shall be called by the Chairperson upon the receipt of written requests therefore from at least three members or from the Executive Deputy Commissioner. Written notice of every special meeting, which shall include the place and time of the meeting, and the purpose or purposes for which such meeting is called, shall be given to each member not less than three full business days in advance.

**Section 5.3** Chairperson of the Board shall be chosen by the Executive Deputy Commissioner.

**Section 5.4** Chairpersons of the three subcommittees, as provided for in §41.11 (b) of the State Mental Hygiene Law, shall be chosen, in consultation with the Board's Chairperson, by the Department of Health and Mental Hygiene's Senior Management Staff, as it pertains to that Department's area of focus represented by such subcommittee or committee, from either Board or non-Board membership on the subcommittee or committee. Non-Board member subcommittee and committee Chairpersons shall be invited to attend regular Board meetings as warranted but shall not be entitled to vote at such Board meetings.

**Section 5.5** Board meetings shall be open to the general public except for executive sessions which may be called and business transacted thereat. Executive sessions shall be conducted consistent with the standards and procedures for such sessions as set forth in New York State Public Officers Law § 105.

**Section 5.6** The Chairperson shall preside at all meetings. If the Chairperson is absent from a meeting, the Vice-Chairperson if there shall be one, or an Acting Chairperson previously designated by the Chairperson, or failing such prior designation an Acting Chairperson selected by the Board at the meeting in question, shall preside.

**Section 5.7** The Executive Deputy Commissioner and staff to the Community Services Board shall attend all meetings when practicable. Other staff members of the Department may be invited to meetings from time to time by the Chairperson upon the request or with the approval of the Executive Deputy Commissioner.

**Section 5.8** The order of business at regularly scheduled meetings shall generally be the review and approval of minutes of the prior meetings, reports from the Chairperson, the Executive Deputy Commissioner, the Board subcommittees and committees, unfinished business, and new business. Such order may be reviewed by action of the Board.

**Section 5.9** The presence in person at a meeting of a majority of members having a vote shall be necessary to constitute a quorum for the transaction of business, except that two-thirds of such members shall be necessary to constitute a quorum for the removal of a member for cause.

**Section 5.10** If a member is unable to attend in person due to an extraordinary circumstance, members are allowed to attend meetings by videoconference subject to the conditions set forth in the linked [Resolution Relating to Virtual Participation](#).

## **Article 6 Voting and Conflicts of Interest**

**Section 6.1** All members shall be entitled to vote at meetings at which they are in attendance. Voting by proxy shall not be permitted. A majority of the members voting shall be sufficient for Board action except for the amendment of the By-Laws which shall require a two-thirds members vote.

**Section 6.2** If any matter arises before the Board directly involving a public or private voluntary hospital, clinic, laboratory, health welfare or mental hygiene agency or other similar institution of which any member of the Board is an officer, employee, or on the medical or consultant staff thereof, that member shall participate in the Board's deliberation on the matter only in so far as to provide any information requested of the member by the other members of the Board and that member shall not participate further in the Board's deliberations on the matter after having provided the required information.

## **Article 7 Notice and Minutes of Meetings; Board Correspondence and other Board Business**

**Section 7.1** Written/telephone notice to members at least three days in advance of all regular and special meetings shall be provided by staff to the Community Services Board. Notice of the Board meetings shall be provided to media outlets through direct correspondence from the Department of Health and Mental Hygiene's Communications Office and the public through the Department of Health and Mental Hygiene's website.

**Section 7.2** The staff to the Community Services Board is requested to ensure that accurate minutes are taken at each meeting; to arrange for the preparation and distribution of summaries thereof to members in advance of the next succeeding meeting; to arrange for the preparation and distribution to members of agendas and related material in advance of meetings; to attend to Board correspondence; and to attend to other Board business.

## **Article 8 Subcommittees**

**Section 8.1** As set forth in Mental Hygiene Law § 41.11 (b), the Board shall have separate subcommittees for mental health, mental retardation/developmental

disabilities, and alcoholism and substance abuse. The subcommittees shall have no more than nine members. Three members of each subcommittee shall also be members of the Board. All subcommittee members shall be appointed as provided for in § 41.11 of the State Mental Hygiene Law. Each subcommittee shall advise the Board on policy making functions vested in the Commissioner and the Executive Deputy Commissioner as such functions pertain to the field of services for the particular class of mentally disabled individuals represented by such subcommittee and shall otherwise have the powers and duties set forth in Mental Hygiene Law § 41.11 (b).

**Section 8.2** Chairpersons of the three subcommittees shall be, in consultation with the Board's Chairperson, chosen by the Department of Health and Mental Hygiene's Senior Management Staff, as it pertains to that Department's area of focus represented by such subcommittee, from either Board or non-Board membership of the subcommittee.

**Section 8.3** Each subcommittee shall meet, at least, twice a year on dates previously voted by the majority of members.

**Section 8.4** Each subcommittee's Chairperson may convene a special meeting of the subcommittee as deemed necessary or is so directed by the members of the subcommittee, the Chairperson of the Board, or the Executive Deputy Commissioner.

**Section 8.5** The Chairperson and Vice-Chairperson, if there shall be one, of the Board are designated as ex-officio members of the Board's subcommittees and shall attend regular subcommittee meetings when practicable but shall not be entitled to a vote.

**Section 8.6** Written, e-mail, or telephone notice shall be given to each member of every regular meeting, and or every special meeting, if possible, not less than three days in advance.

**Section 8.7** The presence in person at a meeting of a majority of members having a vote shall be necessary to constitute a quorum for the transaction of business.

**Section 8.8** The Department of Health and Mental Hygiene's Senior Management Staff, as it pertains to that Department's area of focus represented by such subcommittee, is responsible for assigning a staff person, whom will work with the Executive Deputy Commissioner's Community Service Board staff person, whom shall attend all meetings when practicable; provide written, telephone notice to members at least three days in advance of all regular and special meetings; work to ensure that accurate minutes are taken at each meeting;

arrange the preparation and distribution of summaries thereof to members in advance of the next succeeding meeting; organize the preparation and distribution to members of agendas and related materials in advance of meetings; address subcommittee correspondence, and handle any other subcommittee business.

## **Article 9 Board Committees; Special Advisors**

**Section 9.1** The Board and/or the Executive Deputy Commissioner may, in their discretion, designate an individual as a special consultant or advisor to the Board as they deem necessary and appropriate in connection with the Board's duties.

**Section 9.2** The Board and/or Executive Deputy Commissioner may, in their discretion, establish such additional committees and appoint non-Board and subcommittee membership thereto as they deem necessary and appropriate in connection with the Board and subcommittee's duties. Each committee with non-Board and subcommittee membership shall have at least one member who is a member of the Board.

**Section 9.3** Chairperson(s) of the committee(s) shall be chosen, in consultation with the Board's Chairperson, by the Department of Health and Mental Hygiene's Senior Management Staff, as it pertains to that Department's area of focus represented by such committee from either Board or non-Board membership of the subcommittee or committee.

**Section 9.4** Each committee shall meet, at least, twice a year on dates previously voted by the majority of members.

**Section 9.5** Each committee's Chairperson may convene a special meeting of the committee as deemed necessary or is so directed by the members of the committee, the Chairperson of the Board, or the Executive Deputy Commissioner.

**Section 9.6** The Chairperson and Vice-Chairperson, if there shall be one, of the Board are designated as ex-officio members of the Board's committee(s) and shall attend regular committee meetings when practicable but shall not be entitled to a vote.

**Section 9.7** The Department of Health and Mental Hygiene's Senior Management Staff, as it pertains to that Department's area of focus represented by such committee, is responsible for assigning a staff person, whom will work with the Executive Deputy Commissioner's Community Service Board staff person, whom shall attend all meetings when practicable; provide written, telephone notice to members at least three days in advance of all regular and special meetings; work to ensure that accurate minutes are taken at each meeting; arrange the preparation and distribution of summaries thereof to members in advance of the next succeeding meeting; organize the preparation and distribution to

members of agendas and related materials in advance of meetings; address committee correspondence, and handle any other committee business.

#### **Article 10      Removal of Members**

**Section 10.1** Any member of the Board or a Board subcommittee who, without notice and compelling personal reasons, fails to attend the majority of meetings, within a calendar year, shall meet with the Chairperson and the Executive Deputy Commissioner to discuss whether or not the member remains on the Board or a Board subcommittee. If agreeing after such meetings to continue to serve, the member is absent without valid and acceptable excuse for more than one of the next regular meetings, within the calendar year, then the member shall be considered to have resigned from office.

#### **Article 11      Amendments**

**Section 11.1** These By-Laws may be amended in accordance with applicable law by an affirmative vote by two-thirds of the members of the Board entitled to vote either at a special meeting called for such purpose, or if written notice of the proposed amendment or amendments has been given to each member at least three full business days prior to any regularly scheduled meeting, at such regularly scheduled meeting.