

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Grant Colfax, Director, Department of Public Health

FROM: Patricia Petersen, Senior Management Assistant *P. Petersen*

DATE: January 23, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 240015

Ordinance amending the Administrative Code to authorize the Department of Public Health to procure behavioral health and public health residential care and treatment services for patients of the Department without adhering to the competitive solicitation or Local Business Enterprise requirements of the Municipal Code.

If you have comments or reports to be included with the file, please forward them to Victor Young at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: victor.young@sfgov.org.

cc. Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Ana Validzic, Department of Public Health



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 240015 **File Type:** Ordinance **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Administrative Code - Procuring Behavioral Health and Public Health Residential Care and Treatment Services **Date Introduced:** 01/09/2024

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Ordinance amending the Administrative Code to authorize the Department of Public Health to procure behavioral health and public health residential care and treatment services for patients of the Department without adhering to the competitive solicitation or Local Business Enterprise requirements of the Municipal Code.

Sponsors: Mayor; Ronen and Mandelman

History of Legislative File 240015

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	01/09/2024	ASSIGNED UNDER 30 DAY RULE	Rules Committee	02/08/2024	

1 [Administrative Code - Procuring Behavioral Health and Public Health Residential Care and
2 Treatment Services]

3 **Ordinance amending the Administrative Code to authorize the Department of Public**
4 **Health to procure behavioral health and public health residential care and treatment**
5 **services for patients of the Department without adhering to the competitive solicitation**
6 **or Local Business Enterprise requirements of the Municipal Code.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Chapter 21A of the Administrative Code is hereby amended by adding
16 Section 21A.4, to read as follows:

17 **SEC. 21A.4. BEHAVIORAL HEALTH AND PUBLIC HEALTH RESIDENTIAL CARE**
18 **AND TREATMENT SERVICES.**

19 *(a) Findings.*

20 (1) On November 4, 2008, the voters approved Proposition T, the “Treatment on
21 Demand Act” requiring the Department of Public Health (“DPH”) to provide an adequate level of free
22 and low-cost medical substance abuse services and residential treatment slots commensurate with the
23 demand for these services. The Treatment on Demand Act requires the City to be flexible in providing
24 various treatment modalities for both residential substance abuse treatment services and medical
25 substance abuse treatment services.

1 (2) In 2019, the City enacted Ordinance No. 300-19, establishing Mental Health SF, a
2 program intended to improve access to mental health and substance use treatment by expanding
3 services to help residents who are experiencing homelessness and reduce excessive wait times and
4 provide adequate resources at every stage of treatment.

5 (3) To carry out the Treatment on Demand Act and Mental Health SF program, DPH
6 contracts with entities that provide residential care and treatment services, including but not limited to
7 residential care facilities, board and care facilities, mental rehabilitation centers, withdrawal
8 management facilities, and residential treatment facilities. Such facilities provide beds, behavioral
9 health treatment, medication, and counseling for DPH patients with behavioral health and substance
10 abuse needs.

11 (4) DPH also assists patients with other urgent public health needs, such as patients
12 with infectious or contagious diseases in need of a temporary isolation or quarantine location, and
13 domestic violence victims in need of temporary housing. Since those circumstances necessarily require
14 a rapid response, DPH must quickly procure services to address those needs from entities that provide
15 public health residential care services. For purposes of this Section, “Services” means the behavioral
16 health residential care and treatment services and the public health residential care services described
17 in subsections (a)(3) and (a)(4).

18 (5) DPH continues to experience waitlists for behavioral health residential care and
19 treatment programs, including for example, as long as four months, depending on the category of bed,
20 based on a June 2020 DPH study. The waitlists for such programs negatively affect the populations
21 served by DPH because people may not be able to access care at the moment they are ready to engage
22 in it, and may continue to experience harm associated with their mental health or substance use
23 disorder while awaiting care. Additionally, patients in need of isolation or quarantine rooms may wait
24 in higher-level acute care facilities if adequate spaces are not readily and quickly available, occupying
25 treatment and care spaces for patients in need of acute care.

1
2 (6) Without the authority to quickly procure Services from readily available Service
3 Providers, as defined herein, DPH will continue to experience waitlists for behavioral health treatment
4 programs and services and will not be able to quickly place patients with urgent public health needs in
5 an appropriate location. When there are increases in demand for such Services, DPH needs to be able
6 to respond rapidly to meet the demand. For purposes of this Section 21A.4, “Service Provider” means
7 any entity that provides either behavioral health residential care and treatment Services or public
8 health residential care Services, as described in this subsection (a).

9 (7) The Board of Supervisors hereby finds that the public interest is served by
10 authorizing DPH to timely and efficiently enter into agreements with Service Providers to meet the
11 imminent need for behavioral and public health needs of City residents. In light of this public purpose,
12 DPH may procure such Services without adhering to the competitive solicitation requirements of the
13 Administrative Code, the City’s Local Business Enterprise requirements in Chapter 14B of the
14 Administrative Code, or any other applicable competitive solicitation requirement.

15 (b) The Director of Health, or the Director’s designee, is hereby authorized to purchase
16 Services from Service Providers directly, without the approval of the Purchaser, and without adhering
17 to the requirements of Section 21.1 or Chapter 14B of the Administrative Code, or any other applicable
18 competitive procurement requirement.

19 (c) By January 31 of each year, DPH shall submit to the Health Commission an annual report
20 that includes the following information for each agreement that DPH executed during the prior fiscal
21 year under the authority of subsection (b): the name of the Service Provider; the Services to be
22 provided under the agreement; the amount of funds conveyed; the duration of the agreement; and any
23 measurable outcomes of the agreement.

1 (d) This Section 21A.4 shall expire by operation of law five years from its effective date. Upon
2 expiration of this Section, the City Attorney is authorized to cause this Section to be removed from the
3 Administrative Code.

4
5 Section 2. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor’s veto of the ordinance.

9
10 APPROVED AS TO FORM:
11 DAVID CHIU, City Attorney

12 By: /s/ Henry L. Lifton
13 HENRY L. LIFTON
 Deputy City Attorney

14 n:\legana\as2023\2300357\01728423.docx

LEGISLATIVE DIGEST

[Administrative Code - Procuring Behavioral Health and Public Health Residential Care and Treatment Services]

Ordinance amending the Administrative Code to authorize the Department of Public Health to procure behavioral health and public health residential care and treatment services for patients of the Department without adhering to the competitive solicitation or Local Business Enterprise requirements of the Municipal Code.

Existing Law

The proposed ordinance has not previously been codified.

Amendments to Current Law

The proposed ordinance would authorize the Department of Public Health (DPH) to directly purchase services from entities that provide either behavioral health residential care and treatment services or public health residential care services. The proposed ordinance would waive any competitive solicitation or local business enterprise requirements associated with procuring such services. DPH would be required to provide an annual report to the Health Commission regarding the department's utilization of such services. Finally, the proposed ordinance would sunset after five years.

Background Information

To carry out the Treatment on Demand Act and the Mental Health SF program, DPH contracts with entities that provide residential care and treatment services, including but not limited to residential care facilities, board and care facilities, mental rehabilitation centers, withdrawal management facilities, and residential treatment facilities. Such facilities provide beds, behavioral health treatment, medication, and counseling for DPH patients with behavioral health and substance abuse needs. DPH also procures services for patients with urgent public health needs, such as those with an infectious or contagious disease in need of isolation or quarantine. DPH continues to experience waitlists for behavioral health programs and the proposed ordinance would allow the department to quickly procure services from readily available service providers.

n:\legana\as2024\2300357\01727914.docx

From: [Paulino, Tom \(MYR\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Patil, Sneha \(DPH\)](#); [Kirkpatrick, Kelly \(DPH\)](#); [LIFTON, HENRY \(CAT\)](#); [Hajee, Zahra \(BOS\)](#); [Prager, Jackie \(BOS\)](#)
Subject: Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services
Date: Tuesday, January 9, 2024 2:10:25 PM
Attachments: [Final Ord - Waiving Solicitation Requirements for Residential Treatment Beds \(as of 1.9.2023\).DOCX](#)
[Leg Digest - Waiving Solicitation Requirements for Residential Treatment Beds.DOCX](#)
[Redline of 1.5 and 1.9 final versions.docx](#)

Hello Clerks,

Attached is an Ordinance amending the Administrative Code to authorize the Department of Public Health to procure behavioral health and public health residential care and treatment services for patients of the Department without adhering to the competitive solicitation or Local Business Enterprise requirements of the Municipal Code.

Please note that Sups. Mandelman and Ronen are cosponsors. Adding them to confirm.

Cheers,

Tom Paulino

He/Him

Liaison to the Board of Supervisors

Office of the Mayor

City and County of San Francisco

From: [Lifton, Henry \(CAT\)](#)
To: [BOS Legislation, \(BOS\)](#); [Paulino, Tom \(MYR\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [Patil, Sneha \(DPH\)](#); [Kirkpatrick, Kelly \(DPH\)](#); [Hajee, Zahra \(BOS\)](#); [Prager, Jackie \(BOS\)](#)
Subject: RE: Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services
Date: Tuesday, January 9, 2024 2:39:29 PM
Attachments: [image004.png](#)

Hi Lisa,

I am confirming that the attached ordinance is approved as to form and that use of my electronic signature has the same effect as my actual signature.

Thanks,
Henry

Henry Lifton

Deputy City Attorney
Office of City Attorney David Chiu
(415) 554-3915 Direct
www.sfcityattorney.org
Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

Attorney-Client Communication - Do Not Disclose
Confidential Attorney Work Product - Do Not Disclose

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Tuesday, January 9, 2024 2:37 PM
To: Paulino, Tom (MYR) <tom.paulino@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Patil, Sneha (DPH) <sneha.patil@sfdph.org>; Kirkpatrick, Kelly (DPH) <kelly.kirkpatrick@sfdph.org>; Lifton, Henry (CAT) <Henry.Lifton@sfcityatty.org>; Hajee, Zahra (BOS) <Zahra.Hajee@sfgov.org>; Prager, Jackie (BOS) <jackie.prager@sfgov.org>
Subject: RE: Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services

Thank you for the legislation submission.

We are seeking the approval of Deputy City Attorney Henry Lifton for use of his electronic signature and approval as to form. Kindly confirm that the attached ordinance is approved as to form, and the /s/ next to his name in the signature line of the ordinance has the same effect as his signature, by reply of this email.

Lisa Lew

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

From: Paulino, Tom (MYR) <tom.paulino@sfgov.org>

Sent: Tuesday, January 9, 2024 2:10 PM

To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Cc: Patil, Sneha (DPH) <sneha.patil@sfdph.org>; Kirkpatrick, Kelly (DPH) <kelly.kirkpatrick@sfdph.org>; LIFTON, HENRY (CAT) <Henry.Lifton@sfcityatty.org>; Hajee, Zahra (BOS) <Zahra.Hajee@sfgov.org>; Prager, Jackie (BOS) <jackie.prager@sfgov.org>

Subject: Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services

Hello Clerks,

Attached is an Ordinance amending the Administrative Code to authorize the Department of Public Health to procure behavioral health and public health residential care and treatment services for patients of the Department without adhering to the competitive solicitation or Local Business Enterprise requirements of the Municipal Code.

Please note that Sups. Mandelman and Ronen are cosponsors. Adding them to confirm.

Cheers,

Tom Paulino

He/Him

Liaison to the Board of Supervisors

Office of the Mayor

City and County of San Francisco

From: [Prager, Jackie \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#); [Paulino, Tom \(MYR\)](#)
Cc: [Patil, Sneha \(DPH\)](#); [Kirkpatrick, Kelly \(DPH\)](#); [Hajee, Zahra \(BOS\)](#)
Subject: Re: Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services
Date: Wednesday, January 10, 2024 9:26:01 AM
Attachments: [image004.png](#)

Confirming co-sponsor for Supervisor Ronen.

Thank you,

Jackie Prager
Legislative Aide
Office of Supervisor Hillary Ronen, District 9
jackie.prager@sfgov.org | 415-554-7743
Pronouns: she/her/hers

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Wednesday, January 10, 2024 9:25 AM
To: LIFTON, HENRY (CAT) <Henry.Lifton@sfcityatty.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Paulino, Tom (MYR) <tom.paulino@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Patil, Sneha (DPH) <sneha.patil@sfdph.org>; Kirkpatrick, Kelly (DPH) <kelly.kirkpatrick@sfdph.org>; Hajee, Zahra (BOS) <Zahra.Hajee@sfgov.org>; Prager, Jackie (BOS) <jackie.prager@sfgov.org>
Subject: RE: Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services

Thank you for your confirmation Henry.

We are seeking the confirmations from Supervisors Mandelman and Ronen's office so that we can process it accordingly this morning. Thank you in advance.

Jocelyn Wong
Legislative Clerk
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T: 415.554.7702 | F: 415.554.5163
jocelyn.wong@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

~~~~~

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

---

**From:** Lifton, Henry (CAT) <Henry.Lifton@sfcityatty.org>  
**Sent:** Tuesday, January 9, 2024 2:39 PM  
**To:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Paulino, Tom (MYR) <tom.paulino@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Cc:** Patil, Sneha (DPH) <sneha.patil@sfdph.org>; Kirkpatrick, Kelly (DPH) <kelly.kirkpatrick@sfdph.org>; Hajee, Zahra (BOS) <Zahra.Hajee@sfgov.org>; Prager, Jackie (BOS) <jackie.prager@sfgov.org>  
**Subject:** RE: Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services

Hi Lisa,

I am confirming that the attached ordinance is approved as to form and that use of my electronic signature has the same effect as my actual signature.

Thanks,  
Henry



**Henry Lifton**  
Deputy City Attorney  
Office of City Attorney David Chiu  
(415) 554-3915 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

**Attorney-Client Communication - Do Not Disclose**  
**Confidential Attorney Work Product - Do Not Disclose**

---

**From:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Sent:** Tuesday, January 9, 2024 2:37 PM  
**To:** Paulino, Tom (MYR) <[tom.paulino@sfgov.org](mailto:tom.paulino@sfgov.org)>; BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>

**Cc:** Patil, Sneha (DPH) <[sneha.patil@sfdph.org](mailto:sneha.patil@sfdph.org)>; Kirkpatrick, Kelly (DPH) <[kelly.kirkpatrick@sfdph.org](mailto:kelly.kirkpatrick@sfdph.org)>; Lifton, Henry (CAT) <[Henry.Lifton@sfcityatty.org](mailto:Henry.Lifton@sfcityatty.org)>; Hajee, Zahra (BOS) <[Zahra.Hajee@sfgov.org](mailto:Zahra.Hajee@sfgov.org)>; Prager, Jackie (BOS) <[jackie.prager@sfgov.org](mailto:jackie.prager@sfgov.org)>

**Subject:** RE: Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services

Thank you for the legislation submission.

We are seeking the approval of Deputy City Attorney Henry Lifton for use of his electronic signature and approval as to form. Kindly confirm that the attached ordinance is approved as to form, and the /s/ next to his name in the signature line of the ordinance has the same effect as his signature, by reply of this email.

**Lisa Lew**

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

---

**From:** Paulino, Tom (MYR) <[tom.paulino@sfgov.org](mailto:tom.paulino@sfgov.org)>

**Sent:** Tuesday, January 9, 2024 2:10 PM

**To:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>

**Cc:** Patil, Sneha (DPH) <[sneha.patil@sfdph.org](mailto:sneha.patil@sfdph.org)>; Kirkpatrick, Kelly (DPH) <[kelly.kirkpatrick@sfdph.org](mailto:kelly.kirkpatrick@sfdph.org)>; LIFTON, HENRY (CAT) <[Henry.Lifton@sfcityatty.org](mailto:Henry.Lifton@sfcityatty.org)>; Hajee, Zahra (BOS) <[Zahra.Hajee@sfgov.org](mailto:Zahra.Hajee@sfgov.org)>; Prager, Jackie (BOS) <[jackie.prager@sfgov.org](mailto:jackie.prager@sfgov.org)>

**Subject:** Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services

Hello Clerks,

Attached is an Ordinance amending the Administrative Code to authorize the Department of Public Health to procure behavioral health and public health residential care and treatment services for patients of the Department without adhering to the competitive solicitation or

Local Business Enterprise requirements of the Municipal Code.

Please note that Sups. Mandelman and Ronen are cosponsors. Adding them to confirm.

Cheers,

**Tom Paulino**

He/Him

Liaison to the Board of Supervisors

Office of the Mayor

City and County of San Francisco

**From:** [Hajee, Zahra \(BOS\)](#)  
**To:** [Prager, Jackie \(BOS\)](#); [BOS Legislation, \(BOS\)](#); [Paulino, Tom \(MYR\)](#)  
**Cc:** [Patil, Sneha \(DPH\)](#); [Kirkpatrick, Kelly \(DPH\)](#)  
**Subject:** Re: Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services  
**Date:** Wednesday, January 10, 2024 10:53:40 AM  
**Attachments:** [image004.png](#)

---

## Confirming cosponsorship for Supe Mandelman

### Zahra Hajee

Legislative Aide  
Office of Supervisor Rafael Mandelman, District 8  
zahra.hajee@sfgov.org | (415) 554-6986  
*she/her/hers*

---

**From:** Prager, Jackie (BOS) <jackie.prager@sfgov.org>  
**Sent:** Wednesday, January 10, 2024 9:25 AM  
**To:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Paulino, Tom (MYR) <tom.paulino@sfgov.org>  
**Cc:** Patil, Sneha (DPH) <sneha.patil@sfdph.org>; Kirkpatrick, Kelly (DPH) <kelly.kirkpatrick@sfdph.org>; Hajee, Zahra (BOS) <Zahra.Hajee@sfgov.org>  
**Subject:** Re: Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services

Confirming co-sponsor for Supervisor Ronen.

Thank you,

Jackie Prager  
Legislative Aide  
Office of Supervisor Hillary Ronen, District 9  
jackie.prager@sfgov.org | 415-554-7743  
Pronouns: she/her/hers

---

**From:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Sent:** Wednesday, January 10, 2024 9:25 AM  
**To:** LIFTON, HENRY (CAT) <Henry.Lifton@sfcityatty.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Paulino, Tom (MYR) <tom.paulino@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Cc:** Patil, Sneha (DPH) <sneha.patil@sfdph.org>; Kirkpatrick, Kelly (DPH) <kelly.kirkpatrick@sfdph.org>; Hajee, Zahra (BOS) <Zahra.Hajee@sfgov.org>; Prager, Jackie (BOS) <jackie.prager@sfgov.org>  
**Subject:** RE: Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services

Thank you for your confirmation Henry.



We are seeking the confirmations from Supervisors Mandelman and Ronen's office so that we can process it accordingly this morning. Thank you in advance.

**Jocelyn Wong**

Legislative Clerk

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

~~~~~

Disclosures: *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

From: Lifton, Henry (CAT) <Henry.Lifton@sfcityatty.org>

Sent: Tuesday, January 9, 2024 2:39 PM

To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Paulino, Tom (MYR) <tom.paulino@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Cc: Patil, Sneha (DPH) <sneha.patil@sfdph.org>; Kirkpatrick, Kelly (DPH) <kelly.kirkpatrick@sfdph.org>; Hajee, Zahra (BOS) <Zahra.Hajee@sfgov.org>; Prager, Jackie (BOS) <jackie.prager@sfgov.org>

Subject: RE: Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services

Hi Lisa,

I am confirming that the attached ordinance is approved as to form and that use of my electronic signature has the same effect as my actual signature.

Thanks,
Henry



Henry Lifton
Deputy City Attorney
Office of City Attorney David Chiu
(415) 554-3915 Direct
www.sfcityattorney.org
Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

Attorney-Client Communication - Do Not Disclose
Confidential Attorney Work Product - Do Not Disclose

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Tuesday, January 9, 2024 2:37 PM
To: Paulino, Tom (MYR) <tom.paulino@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Patil, Sneha (DPH) <sneha.patil@sfdph.org>; Kirkpatrick, Kelly (DPH) <kelly.kirkpatrick@sfdph.org>; Lifton, Henry (CAT) <Henry.Lifton@sfcityatty.org>; Hajee, Zahra (BOS) <Zahra.Hajee@sfgov.org>; Prager, Jackie (BOS) <jackie.prager@sfgov.org>
Subject: RE: Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services

Thank you for the legislation submission.

We are seeking the approval of Deputy City Attorney Henry Lifton for use of his electronic signature and approval as to form. Kindly confirm that the attached ordinance is approved as to form, and the /s/ next to his name in the signature line of the ordinance has the same effect as his signature, by reply of this email.

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information

from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

From: Paulino, Tom (MYR) <tom.paulino@sfgov.org>

Sent: Tuesday, January 9, 2024 2:10 PM

To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Cc: Patil, Sneha (DPH) <sneha.patil@sfdph.org>; Kirkpatrick, Kelly (DPH) <kelly.kirkpatrick@sfdph.org>; LIFTON, HENRY (CAT) <Henry.Lifton@sfcityatty.org>; Hajee, Zahra (BOS) <Zahra.Hajee@sfgov.org>; Prager, Jackie (BOS) <jackie.prager@sfgov.org>

Subject: Mayor -- Ordinance -- Procuring Behavioral Health and Public Health Residential Care and Treatment Services

Hello Clerks,

Attached is an Ordinance amending the Administrative Code to authorize the Department of Public Health to procure behavioral health and public health residential care and treatment services for patients of the Department without adhering to the competitive solicitation or Local Business Enterprise requirements of the Municipal Code.

Please note that Sups. Mandelman and Ronen are cosponsors. Adding them to confirm.

Cheers,

Tom Paulino

He/Him

Liaison to the Board of Supervisors

Office of the Mayor

City and County of San Francisco

1 [Administrative Code - Procuring Behavioral Health and Public Health Residential Care and
2 Treatment Services]

3 **Ordinance amending the Administrative Code to authorize the Department of Public**
4 **Health to procure behavioral health and public health residential care and treatment**
5 **services for patients of the Department without adhering to the competitive solicitation**
6 **or Local Business Enterprise requirements of the Municipal Code.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Chapter 21A of the Administrative Code is hereby amended by adding
16 Section 21A.4, to read as follows:

17 **SEC. 21A.4. BEHAVIORAL HEALTH AND PUBLIC HEALTH RESIDENTIAL CARE**
18 **AND TREATMENT SERVICES.**

19 (a) Findings.

20 (1) On November 4, 2008, the voters approved Proposition T, the “Treatment on
21 Demand Act” requiring the Department of Public Health (“DPH”) to provide an adequate level of free
22 and low-cost medical substance abuse services and residential treatment slots commensurate with the
23 demand for these services. The Treatment on Demand Act requires the City to be flexible in providing
24 various treatment modalities for both residential substance abuse treatment services and medical
25 substance abuse treatment services.

1 (2) In 2019, the City enacted Ordinance No. 300-19, establishing Mental Health SF, a
2 program intended to improve access to mental health and substance use treatment by expanding
3 services to help residents who are experiencing homelessness and reduce excessive wait times and
4 provide adequate resources at every stage of treatment.

5 (3) To carry out the Treatment on Demand Act and Mental Health SF program, DPH
6 contracts with entities that provide residential care and treatment services, including but not limited to
7 residential care facilities, board and care facilities, mental rehabilitation centers, withdrawal
8 management facilities, and residential treatment facilities. Such facilities provide beds, behavioral
9 health treatment, medication, and counseling for DPH patients with behavioral health and substance
10 abuse needs.

11 (4) DPH also assists patients with other urgent public health needs, such as patients
12 with infectious or contagious diseases in need of a temporary isolation or quarantine location, and
13 domestic violence victims in need of temporary housing. Since those circumstances necessarily require
14 a rapid response, DPH must quickly procure services to address those needs from entities that provide
15 public health residential care services. For purposes of this Section, “Services” means the behavioral
16 health residential care and treatment services and the public health residential care services described
17 in subsections (a)(3) and (a)(4).

18 (5) DPH continues to experience waitlists for behavioral health residential care and
19 treatment programs, including for example, as long as four months, depending on the category of bed,
20 based on a June 2020 DPH study. The waitlists for such programs negatively affect the populations
21 served by DPH because people may not be able to access care at the moment they are ready to engage
22 in it, and may continue to experience harm associated with their mental health or substance use
23 disorder while awaiting care. Additionally, patients in need of isolation or quarantine rooms may wait
24 in higher-level acute care facilities if adequate spaces are not readily and quickly available, occupying
25 treatment and care spaces for patients in need of acute care.

1
2 (6) Without the authority to quickly procure Services from readily available Service
3 Providers, as defined herein, DPH will continue to experience waitlists for behavioral health treatment
4 programs and services and will not be able to quickly place patients with urgent public health needs in
5 an appropriate location. When there are increases in demand for such Services, DPH needs to be able
6 to respond rapidly to meet the demand. For purposes of this Section 21A.4, "Service Provider" means
7 any entity that provides either behavioral health residential care and treatment Services or public
8 health residential care Services, as described in this subsection (a).

9 (7) The Board of Supervisors hereby finds that the public interest is served by
10 authorizing DPH to timely and efficiently enter into agreements with Service Providers to meet the
11 imminent need for behavioral and public health needs of City residents. In light of this public purpose,
12 DPH may procure such Services without adhering to the competitive solicitation requirements of the
13 Administrative Code, the City's Local Business Enterprise requirements in Chapter 14B of the
14 Administrative Code, or any other applicable competitive solicitation requirement.

15 (b) The Director of Health, or the Director's designee, is hereby authorized to purchase
16 Services from Service Providers directly, without the approval of the Purchaser, and without adhering
17 to the requirements of Section 21.1 or Chapter 14B of the Administrative Code, or any other applicable
18 competitive procurement requirement.

19 (c) By January 31 of each year, DPH shall submit to the Health Commission an annual report
20 that includes the following information for each agreement that DPH executed during the prior fiscal
21 year under the authority of subsection (b): the name of the Service Provider; the Services to be
22 provided under the agreement; the amount of funds conveyed; the duration of the agreement; and any
23 measurable outcomes of the agreement.

1 (d) This Section 21A.4 shall expire by operation of law five years from its effective date. Upon
2 expiration of this Section, the City Attorney is authorized to cause this Section to be removed from the
3 Administrative Code.

4
5 Section 2. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor’s veto of the ordinance.

9
10 APPROVED AS TO FORM:
11 DAVID CHIU, City Attorney

12 By: /s/ Henry L. Lifton
13 HENRY L. LIFTON
14 Deputy City Attorney

15
16
17
18
19
20
21
22
23
24
25
n:\legana\as2023\2300357\01728423.docx