

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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MEMORANDUM

TO: Geoffrey Grier, Behavioral Health Commission
Amber Gray, Behavioral Health Commission

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: October 23, 2023

SUBJECT: LEGISLATION INTRODUCED

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

File No. 231076

Ordinance amending the Administrative Code to reduce the membership of the Behavioral Health Commission from 17 to 11 seats; provide that the full Board of Supervisors rather than individual Supervisors makes these appointments; require that at least one seat be held by a veteran or veteran advocate; reduce the minimum number of seats reserved for consumers and families of consumers from nine to six; reset staggered terms for all seats; and remove seat requirements for child advocates and certain mental health professionals.

If you have comments or reports to be included with the file, please forward them to me 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.



City and County of San Francisco

Master Report

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

File Number: 231076	File Type: Ordinance	Status: 30 Day Rule
Enacted:		Effective:
Version: 1	In Control: Rules Committee	
File Name: Administrative Code - Composition of Behavioral Health Commission		Date Introduced: 10/17/2023
Requester:	Cost:	Final Action:
Comment:	Title: Ordinance amending the Administrative Code to reduce the membership of the Behavioral Health Commission from 17 to 11 seats; provide that the full Board of Supervisors rather than individual Supervisors makes these appointments; require that at least one seat be held by a veteran or veteran advocate; reduce the minimum number of seats reserved for consumers and families of consumers from nine to six; reset staggered terms for all seats; and remove seat requirements for child advocates and certain mental health professionals.	
Sponsor: Dorsey		

History of Legislative File 231076

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	10/17/2023	ASSIGNED UNDER 30 DAY RULE	Rules Committee	11/16/2023	

[Administrative Code - Composition of Behavioral Health Commission]

Ordinance amending the Administrative Code to reduce the membership of the Behavioral Health Commission from 17 to 11 seats; provide that the full Board of Supervisors rather than individual Supervisors makes these appointments; require that at least one seat be held by a veteran or veteran advocate; reduce the minimum number of seats reserved for consumers and families of consumers from nine to six; reset staggered terms for all seats; and remove seat requirements for child advocates and certain mental health professionals.

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Board amendment additions are in double-underlined Arial font.
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Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. The Administrative Code is hereby amended by revising Sections 15.12 and 15.13, to read as follows:

SEC. 15.12. BEHAVIORAL HEALTH COMMISSION – COMPOSITION AND APPOINTMENT OF MEMBERS.

(a) There is hereby established a mental health board pursuant to the requirements of California Welfare and Institutions Code Sections 5604 et seq., to be known as the Behavioral Health Commission (“Commission”).

1 (b) The Commission shall consist of ~~17~~ 11 members. ~~Each member of the Board of~~
2 ~~Supervisors shall appoint a member of the Commission.~~ The Board of Supervisors shall appoint ~~the~~
3 ~~remaining six~~ members, one of whom shall be a member of the Board of Supervisors.

4 (c) As required by California Welfare and Institutions Code Section 5604, at least
5 ~~nine~~ six members of the Commission shall be consumers or the parents, spouses, siblings, or
6 adult children of consumers, with at least ~~four~~ three members being consumers and at least
7 ~~four~~ three other members being family of consumers. For purposes of this subsection (c),
8 “family” includes domestic partners and significant others. For purposes of this ~~subsection~~
9 Section 15.12, a “consumer” is a person who has received mental health and/or substance use
10 services in San Francisco from any program operated or funded by the City, from a State
11 hospital, or from any public or private nonprofit mental health agency. The Board of
12 Supervisors member position shall not count in determining whether the “consumer” and
13 “family of consumer” requirements of this subsection are met.

14 ~~—(d) In addition to the requirements of subsection (c), one member of the Commission shall be~~
15 ~~a child advocate (a family member or consumer advocate for minors who use mental health services);~~
16 ~~one member shall be an older adult advocate (a family member or consumer advocate for persons 60~~
17 ~~years of age or older who use mental health services); and two members shall be from the following~~
18 ~~professions: psychiatry, psychology, mental health social work, nursing with a specialty in mental~~
19 ~~health, marriage and family counseling, psychiatric technology, or administrator of a hospital~~
20 ~~providing mental health services or of a community mental health facility.~~

21 (d) In addition to the requirements of subsection (c), one member of the Commission shall be
22 a veteran or veteran advocate. For the purposes of this subsection (d), a “veteran advocate” includes
23 a parent, spouse, or adult child of a veteran, or an individual who is part of a veteran organization
24 including but not limited to the Veterans of Foreign Wars or the American Legion. A member may
25 satisfy the requirements of both subsection (c) and this subsection (d) concurrently. The Board of

1 Supervisors member position shall not count in determining whether the “veteran” or “veteran
2 advocate” requirement of this subsection (d) is met.

3 (e) Any positions on the Commission not allocated to specific types of members
4 may be filled by persons with experience and knowledge of the mental health system
5 representing the public interest, which may include, but need not be limited to, people who
6 engage with individuals living with mental illness in the course of daily operations, such as
7 representatives of county offices of education, large and small businesses, hospitals, hospital
8 districts, physicians practicing in emergency departments, city police chiefs, county sheriffs,
9 and community and nonprofit service providers.

10 (f) The Commission membership shall reflect the ethnic diversity of the client
11 population in the City. The composition of the Commission shall, to the extent feasible,
12 represent the demographics of the City as a whole. Except as provided in subsection (g), no
13 member of the Commission or the member’s spouse shall be a full-time or part-time County
14 employee of a County mental health service, an employee of the State Department of Health
15 Care Services, or an employee of, or a paid member of the governing body of, a mental health
16 contract agency.

17 (g) A consumer who has obtained employment with an employer described in
18 subsection (f), and who holds a position in which the consumer has no interest, influence, or
19 authority over any financial or contractual matter concerning the employer may be appointed
20 to the Commission. Such a member shall not participate in any matter concerning the
21 member’s employer if prohibited by state or local law.

22 (h) References in the Administrative Code or any other part of the Municipal Code,
23 or any City ordinance, to the Advisory Board of the Community Mental Health Services, or to
24 the San Francisco Mental Health Board shall be deemed references to the Commission.

1 **SEC. 15.13. BEHAVIORAL HEALTH COMMISSION – TERMS OF REMOVAL**

2 (a) Except for the Board of Supervisors member, the term of each member of the
3 Behavioral Health Commission (“Commission”) shall be three years. All member terms shall
4 be reset to begin at noon on January 1, ~~2021~~2024. Thereafter, members’ terms shall be
5 staggered as determined by the Clerk of the Board of Supervisors ~~by~~ no later than 30 days after
6 the effective date of the ordinance in Board File No. _____ amending this Section 15.13~~December 31,~~
7 ~~2020~~2023. The Clerk of the Board of Supervisors shall determine by lot the initial terms for all
8 ~~17~~11 seats. ~~Five~~Four seats shall have an initial one-year term expiring January 1, ~~2022~~2025,
9 ~~six~~three seats shall have an initial two-year term expiring January 1, ~~2023~~2026, and ~~six~~three
10 seats shall have three-year terms expiring January 1, ~~2024~~2027. After the initial terms expire,
11 subsequent terms for all seats shall be three years.

12 (b) No member shall serve more than two consecutive full terms. ~~A member shall be~~
13 ~~deemed to have served a full term only if the member serves at least half of a full term.~~ For the
14 purpose of this term limit, ~~the~~ terms ~~ending January 1, 2021~~2024, ~~and the initial terms~~ beginning
15 January 1, ~~2021~~2024 shall count as full terms. Provided however, that a member whose term
16 ends January 1, ~~2021~~2024, and who has served for six months or less, will not be deemed to
17 have served a full term under this subsection (b).

18 ~~—(c) The term of office of a member appointed by an individual Board of Supervisors member~~
19 ~~is not affected by the Board of Supervisors member no longer continuing in that office.~~

20 ~~(d)~~(c) A member shall be removed from office if the member is absent for four
21 meetings in one 12-month period ~~year~~, unless the Commission grants that person a leave of
22 absence. The Commission may grant leaves of absence for one or more meetings. Upon
23 determining that a member has been absent for four meetings in a 12-month period and that
24 no leave of absence had been granted for these meetings, the Commission shall provide
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1 written notification to the Board of Supervisors. Upon receipt of the notification, the position
2 shall be deemed vacant.

3 ~~(e)~~(d) The Commission may recommend to the Board of Supervisors that a member
4 be removed from the Commission on the grounds that the member's conduct is seriously
5 disruptive of the functioning of the Commission. ~~Once the Commission makes such a~~
6 ~~recommendation,~~The Board of Supervisors may remove a member from the Commission for
7 cause or upon the Commission's recommendaion if it determines that the member's conduct is
8 seriously disruptive of the functioning of the Commission.

9
10 Section 2. Effective Date. This ordinance shall become effective 30 days after
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
13 of Supervisors overrides the Mayor's veto of the ordinance.

14
15 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
19 additions, and Board amendment deletions in accordance with the "Note" that appears under
20 the official title of the ordinance.

21
22 APPROVED AS TO FORM:
23 DAVID CHIU, City Attorney

24 By: /s/ Charles Bruce
25 CHARLES L. BRUCE
Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Composition of the Behavioral Health Commission]

Ordinance amending the Administrative Code to reduce the membership of the Behavioral Health Commission from 17 to 11 seats; provide that the full Board of Supervisors rather than individual Supervisors make these appointments; require that at least one seat be held by a veteran or veteran advocate; reduce the minimum number of seats reserved for consumers and families of consumers from nine to six; reset staggered terms for all seats; and remove seat requirements for child advocates and certain mental health professionals.

Existing Law

Welfare and Institutions Code Section 5604 provides that each County shall have a mental health board. Chapter 15 of the Administrative Code provides for 17 members of the Behavioral Health Commission ("Commission"). Each member of the Board of Supervisors appoints one member to the Commission. The remaining six seats are appointed by the Board of Supervisors. The Commission members consist of consumers, family of consumers, a child advocate, two members from defined Mental Health professions, and members representing the public interest with experience and knowledge of the Mental Health system. At least nine seats are reserved for consumers or family of consumers. Each seat has a maximum three-year term with approximately one-third of seats expiring each successive year.

Amendments to Current Law

The amendment to Chapter 15 of the Administrative Code provides for 11 members of the Behavioral Health Commission. All 11 seats are appointed by the Board of Supervisors. The Commission members consist of consumers, family of consumers, a veteran or veteran advocate, and members representing the public interest with experience and knowledge of the Mental Health system. At least six seats are reserved for consumers or family of consumers. Each seat has a maximum three-year term with approximately one-third of seats expiring each successive year.

Background Information

Welfare and Institutions Code Section 5604 was amended effective January 1, 2023. The amendments to the statute revised the description of the composition of mental health boards. This amendment to Chapter 15 of the Administrative Code aligns the composition of the Behavioral Health Commission with the requirements of Welfare and Institutions Code Section 5604.

FILE NO. 231076

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning : "Supervisor inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Ordinance amending the Administrative Code to reduce the membership of the Behavioral Health Commission from 17 to 11 seats; provide that the full Board of Supervisors rather than individual Supervisors makes these appointments; require that at least one seat be held by a veteran or veteran advocate; reduce the minimum number of seats reserved for consumers and families of consumers from nine to six; reset staggered terms for all seats; and remove seat requirements for child advocates and certain mental health professionals.

Signature of Sponsoring Supervisor:

For Clerk's Use Only

From: [Tam, Madison \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [BRUCE, CHARLES \(CAT\)](#); [Dorsey, Matt \(BOS\)](#)
Subject: Introduction - Dorsey - Ordinance - Administrative Code - Composition of Behavioral Health Commission
Date: Tuesday, October 17, 2023 2:29:51 PM
Attachments: [Introduction Form - BHC.pdf](#)
[LEG DIGEST - Amending Composition of Members of Behavioral Health Commission v2.DOCX](#)
[Ordinance Amending Composition of Members Rev 3 Final.DOCX](#)

Good afternoon,

Please see attached for introduction:

1. Ordinance – Administrative Code – Composition of Behavioral Health Commission
2. Legislative digest for the ordinance
3. Introduction form for the ordinance

I am cc'ing Deputy City Attorney Charles Bruce to confirm his signature.

Madison Tam 譚詩薇

Legislative Aide

Office of Supervisor Matt Dorsey, District 6

Madison.r.tam@sfgov.org | (415) 554-7973

From: [Bruce, Charles \(CAT\)](#)
To: [Tam, Madison \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [Dorsey, Matt \(BOS\)](#)
Subject: RE: Introduction - Dorsey - Ordinance - Administrative Code - Composition of Behavioral Health Commission
Date: Tuesday, October 17, 2023 2:37:40 PM

Confirmed.

Charles L. Bruce

Deputy City Attorney
Office of City Attorney David Chiu
(415) 355-3305 Direct
www.sfcityattorney.org

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

From: Tam, Madison (BOS) <madison.r.tam@sfgov.org>
Sent: Tuesday, October 17, 2023 2:30 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Bruce, Charles (CAT) <Charles.Bruce@sfcityatty.org>; Dorsey, Matt (BOS) <matt.dorsey@sfgov.org>
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22 APPROVED AS TO FORM:
23 DAVID CHIU, City Attorney

24 By: /s/ Charles Bruce
25 CHARLES L. BRUCE
Deputy City Attorney

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