

1 [Health Code - Designation of City Attorney to Institute Mental Health Conservatorship and
2 Assisted Outpatient Treatment Proceedings]

3 **Ordinance amending the Health Code to designate the City Attorney rather than the**
4 **District Attorney to institute judicial proceedings under the Lanterman-Petris-Short Act**
5 **to appoint conservators for persons with mental health disorders and compel**
6 **participation in assisted outpatient treatment; and expressing the Board of**
7 **Supervisors’ intent to add positions to the Office of the City Attorney to institute such**
8 **proceedings, and appropriate funding for that purpose.**

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

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

17 Section 1. Background.

18 (a) The Lanterman-Petris-Short Act (“LPS Act”), California Welfare and Institutions
19 Code §§ 5000 et seq., authorizes the implementation of several programs and interventions
20 relating to behavioral health, including but not limited to the involuntary commitment of
21 persons needing psychiatric treatment, court-ordered mental health conservatorships, and
22 court-ordered assisted outpatient treatment.

23 (b) Sections 26530 and 27646 of the California Government Code, and Section
24 5114 of the California Welfare and Institutions Code, provide that the district attorney shall
25 represent the county in proceedings under the LPS Act, unless the county board of
supervisors designates the county counsel to do so.

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2 Section 2. Article 41 of the Health Code is hereby amended by adding Division III,
3 “Judicial Proceedings,” Section 4121, to read as follows:

4 **DIVISION III: JUDICIAL PROCEEDINGS**

5 **SEC. 4121. DESIGNATION OF CITY ATTORNEY.**

6 *The City Attorney is designated to represent the county in the following proceedings:*

7 *(a) Judicial proceedings authorized by Article 9 of Chapter 2 of Division 5 of the California*
8 *Welfare and Institutions Code (“The Assisted Outpatient Treatment Demonstration Project Act of*
9 *2002”); and*

10 *(b) Beginning January 1, 2019, judicial proceedings authorized by Chapter 3 of Division 5*
11 *of the California Welfare and Institutions Code (“Conservatorship for Gravely Disabled Persons”);*
12 *provided, however, that the City Attorney is not designated to represent the county in such proceedings*
13 *where they concern a person who meets the definition of “gravely disabled” as set forth in subsection*
14 *(h)(1)(B) of Section 5008 of the California Welfare and Institutions Code.*

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16 Section 3. Beginning with fiscal year 2018-2019, the Board of Supervisors intends to
17 add positions to the Office of the City Attorney to perform the functions described in Section 2
18 of this ordinance, and appropriate funds for the City Attorney’s budget to support those
19 positions.

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21 Section 4. Effective and Operative Dates; Ratification of Prior Acts.

22 (a) This ordinance shall become effective 30 days after enactment. Enactment
23 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or
24 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors
25

1 overrides the Mayor’s veto of the ordinance. However, as stated in Health Code Section
2 4121(b), the designation authorized therein shall not become operative until January 1, 2019.

3 (b) The Board of Supervisors hereby ratifies and confirms all actions taken by City
4 officials or City agencies in connection with the filing of petitions for assisted outpatient
5 treatment as authorized by Article 9 of Chapter 2 of Division 5 of the California Welfare and
6 Institutions Code and Division II of Article 41 of the Health Code.

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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: _____
11 ANNE PEARSON
12 Deputy City Attorney

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