File No. 231076 **Committee Item No.** 2
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Rules Committee **Date** Dec 11, 2023

Board of Supervisors Meeting **Date** _____

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Completed by: Victor Young **Date** Dec 11, 2023
Completed by: _____ **Date** _____

[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.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
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").

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

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

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

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

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

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

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

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

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

SEC. 15.13. BEHAVIORAL HEALTH COMMISSION – TERMS OF REMOVAL

(a) Except for the Board of Supervisors member, the term of each member of the Behavioral Health Commission ("Commission") shall be three years. All member terms shall be reset to begin at noon on January 1, ~~2021~~*2024*. Thereafter, members' terms shall be staggered as determined by the Clerk of the Board of Supervisors ~~*by*~~ no later than *30 days after the effective date of the ordinance in Board File No. _____ amending this Section 15.13*~~*December 31, 20202023*~~. The Clerk of the Board of Supervisors shall determine by lot the initial terms for all ~~*17*~~*11* seats. ~~*Five*~~*Four* seats shall have an initial one-year term expiring January 1, ~~*2022*~~*2025*, ~~*six*~~*three* seats shall have an initial two-year term expiring January 1, ~~*2023*~~*2026*, and ~~*six*~~*three* seats shall have three-year terms expiring January 1, ~~*2024*~~*2027*. After the initial terms expire, subsequent terms for all seats shall be three years.

(b) No member shall serve more than two consecutive full terms. ~~*A member shall be deemed to have served a full term only if the member serves at least half of a full term.*~~ For the purpose of this term limit, ~~*the*~~ terms ~~*ending January 1, 20212024, and the initial terms*~~ beginning January 1, ~~*2021*~~*2024* shall count as full terms. Provided however, that a member whose term ends January 1, ~~*2021*~~*2024*, and who has served for six months or less, will not be deemed to have served a full term under this subsection (b).

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

~~*(d)*~~ *(c)* A member shall be removed from office if the member is absent for four meetings in one *12-month period* ~~*year*~~, unless the Commission grants that person a leave of absence. The Commission may grant leaves of absence for one or more meetings. Upon determining that a member has been absent for four meetings in a 12-month period and that no leave of absence had been granted for these meetings, the Commission shall provide

written notification to the Board of Supervisors. Upon receipt of the notification, the position shall be deemed vacant.

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

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

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

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

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FILE NO. 231076

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.

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BOARD of SUPERVISORS

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MEMORANDUM

Date: October 31, 2023

To: The Honorable Members, Board of Supervisors

From: Angela Calvillo, Clerk of the Board

Subject: Revisions to the Behavioral Health Commission (File No. 231076)

Board of Supervisors Rules of Order 2.21 establishes certain criteria that must be included in legislation creating and establishing, or reauthorizing, new bodies (boards/commissions/task forces/advisory bodies) and requires the Clerk of the Board to advise the Board on certain matters. In order to fulfill these requirements, the following is provided:

File No. 231076 **Administrative Code - Composition of Behavioral Health Commission**

- Does a current body address the same or similar subject matter?

  No. There are no other bodies that currently perform the same function as the Behavioral Health Commission.

- Language requiring the body to meet at least once every four months

  No. There is no requirement to meet at least once every four months. As you have for other bodies, consider adding the following: "The Commission shall hold a regular meeting not less than once every four months."

- Language indicating members serve at the pleasure of the appointing authority

  Yes. Section 15.13, entitled "Behavioral Health Commission – Terms of Removal," states "the Board of Supervisors may remove a member from the commission for cause or upon the commission's recommendation".

- Language establishing attendance requirements

Yes. Section 15.13, entitled "Behavioral Health Commission – Terms of Removal," states "A member shall be removed from office if the member is absent for four meetings in a one 12-month period."

- Number of seats and qualifications

The Ordinance proposes to amend the Commission's composition to reduce the number of members from 17 to 11, as follows:

- *Seats 1-3: At least three members shall be consumers*
- *Seats 4-6: At least three members shall be family of consumers*
- *Seats 7-9: Must be a person with experience and knowledge of the mental health system representing the public interest, which may include, but need not be limited to, people who engage with individuals living with mental illness in the course of daily operations, such as representatives of county offices of education, large and small businesses, hospitals, hospital districts, physicians practicing in emergency departments, city police chiefs, county sheriffs, and community and nonprofit service providers.*
- *Seat 10: One member shall be a veteran or veteran advocate.*
- *Seat 11: One member of the Board of Supervisors.*

The California Welfare and Institutions Code, Section 5604, requires:
Fifty percent of the board membership shall be consumers, or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received mental health services. At least 20 percent of the total membership shall be consumers, and at least 20 percent shall be families of consumers.

In counties with a population of 100,000 or more, at least one member of the board shall be a veteran or veteran advocate. In counties with a population of fewer than 100,000, the county shall give a strong preference to appointing at least one member of the board who is a veteran or a veteran advocate. A county shall notify its county veterans service officer about vacancies on the board, if a county has a veteran's service officer.

- Term limits (i.e., commencement date? staggered terms?)

The proposed Ordinance adjusts term limits, as follows:

No member shall serve more than two consecutive full terms. For the purpose of this term limit, terms beginning January 1, 2024, shall count as full terms. Provided however, that a member whose term ends January 1, 2024, and who has served for six months or less, will not be deemed to have served a full term.

The Clerk of the Board of Supervisors shall determine by lot the initial terms for all 11 seats. Four seats shall have an initial one-year term expiring January 1, 2025, three seats shall have an initial two-year term expiring January 1, 2026, and three seats shall have three-year terms expiring January 1, 2027. After the initial terms expire, subsequent terms for all seats shall be three years.

- Administering department

No. There is no administering department listed in the Ordinance. As you have for other bodies, consider adding the following: "The Department of Public Health shall provide administrative support to the Commission."

- Reporting requirements

The Commission shall review and evaluate the City and County's behavioral health needs, services, facilities and special problems and other duties as stated in Administrative Code, Section 15.14.

Reports: An Annual Report shall be submitted to the Board of Supervisors on the needs and performance of the City and County's mental health system.

- Sunset date

The Behavior Health Commission does not currently have a sunset date nor will it be suggested since this Commission is also governed and effectuated by California Welfare and Institutions Code, Section 5604 et seq.

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M E M O R A N D U M

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

FROM: Victor Young, Assistant Clerk

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.

Wynship W. Hillier, M.S.
3562 20th Street, Apartment 22
San Francisco, California 94110
(415) 505-3856
wynship@hotmail.com

October 30, 2023

Matt Dorsey, Chair
Rules Committee
San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102

Sent via email to bos@sfgov.org

RE: VOTE NO ON FILE NO. 231076, "ADMINISTRATIVE CODE—COMPOSITION OF BEHAVIORAL HEALTH COMMISSION"!

Honorable Committee Chair Dorsey:

File No. 231076 will harm the Behavioral Health Commission by making it too small, badly hampering its ability to carry out its work.

This proposed legislation would reduce the Commission's size by six seats or roughly 1/3 its current size, from 17 to 11 members, the absolute minimum prescribed by state law for San Francisco and one more than the minimum for any county in the State. But San Francisco is the thirteenth largest of 58 counties and devotes tremendous General Fund and special tax resources to its Behavioral Health Services, the division over which the Commission is charged with oversight. This division has an annual budget of $600M, far more than the amount per-capita of other counties. It has appx. 150 subcontractors and a patient population of 30,000, over 3% of the population of the City and County. There are appx. an additional 10,000 people in its target mental health population who are not patients. The division is subject to a combined total of 334 pages of mental health performance contracts with the state, directly or indirectly, all of which contracts the Commission is responsible for reviewing. The Commission is additionally charged with review and evaluation of the City and County's behavioral health needs, services, facilities, and special problems, review and approval of the procedures used to ensure citizen and professional involvement at all stages of the planning process for behavioral health services provided as part of the San Francisco Mental Health Plan, a $100M contract with the State accounting for 198 of the aforementioned 334 pages of performance contracts, and monitoring of the division's compliance and oversight over the division's compliance program therewith. The

Commission has fulfilled none of these obligations in the last 30 years. If the proposed legislation passes, it will make it still more difficult for the Commission to perform these duties and could make it impossible. San Francisco needs and deserves a local mental health board substantially larger than those of small counties like Sierra and Alpine to deal with its far larger and more diverse target population and far larger and more complex division!

A Poorly-Researched News Article Has Distorted the Issues in This Proposed Legislation.

The proposed legislation is related to a newspaper article that came out a week before the proposed legislation was introduced. The *San Francisco Standard* published "San Francisco Drug Crisis Commission Doing Nothing for Lack of Members" by David Sjostedt on October 10, mentioning the proposed legislation. Not only did this article badly mischaracterize the Commission's purpose in the headline, the title is otherwise misleading and the article rife with inaccuracies. The misnaming of the Commission is especially egregious because the Commission is San Francisco's local mental health board, mandated by state law 65 years ago. State law allows the Board of Supervisors to graft extra duties onto the Commission, but it has not always done so in an intelligent way. In 2019, the Board changed the Commission's name from "Mental Health Board" to "Behavioral Health Commission" and wherever the word "mental" appeared in its powers and duties, put the word "behavioral" its place, thus seeming to add oversight of overdose prevention, etc., to its mental health treatment oversight responsibilities. This ignored that the Commission's core, nitty-gritty functions that no one currently on it wants to do, such as reviewing 334 pages of performance contracts and oversight responsibilities related to the Plan no one wants to read, pertain only to the mental-health side of behavioral health, not the substance-abuse side. As such, the Commission's added powers and duties are like inviting your already-very-bad plumbing contractor to also dabble in electrical work.

Furthermore, it is not the case that the Commission is "Doing Nothing *for Lack of Members*," and this error is repeated in the body of the article:

> *"There are currently six active members on the 17-member Behavioral Health Commission . . .*
>
> *"Because there are fewer than nine active members, the commission lacks a quorum and hasn't been able to wield much of its power or hold meetings since February."*

There are currently *ten* active members on the Commission, i.e., more than a quorum. Thus, the Commission's inability to meet is due at least in part to Commissioners not showing up to meetings, not a lack of members alone. The attribution of inability to meet solely to lack of members is disingenuous because, while there are only six members with current appointments, the article elsewhere admits that members continue to serve, i.e., be "active" and contribute to quorum, after their appointments have expired. They often do so for periods longer than their

original appointments, which are for three years! Currently, four members are serving beyond their original appointments, bringing the total number of active members to ten. It is strictly illegal for members to serve beyond their appointments, but this illegality is supported by long-standing citywide custom, and the Behavioral Health Commission is not careful about legality.

While it was true that the Commission had not met with quorum since February when this article was written, the Commission did not meet during nearly half of the intervening months due to factors other than quorum. In March, unconstitutional interference by Behavioral Health Services caused a cancellation. In August, the Commission observed its customary recess. In July, the regular meeting was canceled due to "ongoing security concerns and inability to make quorum." It is not clear whether the "inability to make quorum" was due to more than one Commissioner expressing that they would not be able to attend the meeting that month or general discouragement due to inability of the Commission to attain quorum at its previous three regular meetings.

As for this lack of quorum preventing the Commission from doing their work, this too is misleading. If this had been the case, there would have been a backlog of resolutions on the agenda to be proposed at the Commission's regular monthly meeting on October 19. There was none, and the two members of the Commission who were interviewed for this article both asked to leave the meeting (which did draw a quorum – see below) early because they had other and presumably more important engagements to which to attend. (Mr. Grier was never a member of the Commission.) "People's lives are at risk" indeed!

Furthermore, if lack of quorum at meetings could be attributed to lack of appointments to the Commission rather than Commissioners just not showing up to meetings, then the committees of the Commission, *which have been fully appointed all year long*, would have been able to meet and prepare resolutions for the Commission to pass. They have not done so. In the six months immediately before Mr. Sjodedt's article came out, these committees noticed twelve regular meetings. Of these twelve, quora *of the committees* attended but five or less than half of them, causing the majority of meetings of committees in this period to be adjourned immediately. Resizing the Commission would have done nothing to avert this!

In fact, the Commission has made only a single advisory resolution in the past two-and-a-half years, during much of which it has been better appointed. This resolution was so appallingly bad that the Commission omitted it from their Annual Report and the Clerk of the Board of Supervisors refused to even put it on the public record, such that I had to append it to my lengthy letter lampooning it. Jan. 25, 2022, "THE SAN FRANCISCO BEHAVIORAL HEALTH COMMISSION HAS PASSED A RESOLUTION", pp. 175-87 in file no. 220118, communications packet for the Feb. 8, 2022, meeting of the Board of Supervisors, available here: https://sfgov.legistar.com/View.ashx?M=F&ID=10504772&GUID=4AB1E2DE-B3DE-4465-B0C4-C472F0EDAEB9. The Commission has also conducted a pittance of site visits during the same period, the reports of which it is illegally withholding from the public even while it complains to the press about being denied information by the Department!

Shortly after this article was published and the proposed legislation introduced, the Commission met on October 19 with ten members present and conducted business normally, raising the question of whether the earlier failures had been planned all along to develop false momentum for this proposed legislation.

The Commission's Membership Requirements Are Not the Problem.

The article then correctly mentioned the eight pending applications to the Commission but reported that "Victor Young [staff with the Clerk of the Board of Supervisors charged with oversight of the Commission – WH] . . . said it's difficult to find qualified members of the Commission due to the types of expertise needed for each seat." I have spoken with Mr. Young about this quotation and he said that he had been misquoted. He affirmed that membership requirements are not currently associated with specific seats. No legislative action regarding this is needed or appropriate!

In addition, the complex requirements in current legislation cannot be the cause of the current lack of appointments because the small number of current appointments relaxes the constraints posed by these requirements. Furthermore, both of the mental health professional seats and one of the two child/adult advocate requirements are currently filled, eliminating these particular requirements from the consideration of future applications. The remaining three members with current appointments are evenly distributed between a consumer, a family member of a consumer, and an interested member of the public. This means that, of the ten seats on the Commission currently available to non-Supervisors, three or four are available to consumers (because one seat may go to either a consumer or a family member of a consumer), two to four are available to family members of consumers (because of the previous ambiguity as well as uncertainty as to whether the current child/older adult advocate is a family member of a consumer or an interested member of the public), and four or three are available to interested members of the public, with the additional constraint that one of the available family-member-of-a-consumer or interested-member-of-the-public seats must go to a child/older adult advocate. While this highly complex arrangement is of doubtful utility and may make appointing members to the Commission administratively more difficult, it provides no legal constraint that would bar all eight currently-pending applicants from service, thus to continue current pressure on the quorum requirement (as if this was even the real problem)!

In further addition, and again as the article mentions, a member of the Board of Supervisors has not been appointed to the Commission, as required by law, in over a year and a half! The article failed to mention that neither of the two most recent Supervisor members attended even a single meeting of the Commission in person, a requirement under parliamentary rules. The problem in both seated Supervisor and non-Supervisor cases is that the Board and individual Supervisors are not making the needed and required appointments. Even when they do, the appointed members do not attend! Legislation shrinking the size of the Commission is not the correct response.

The proposed legislation would make it administratively more difficult to appoint new Commissioners in a different way. *S.F. Charter* § 4.101(a) requires that the composition of the Commission be "broadly representative of the . . . neighborhoods . . . of the City and County . . ." This is currently guaranteed by the requirement that each Supervisor appoint a member of the Commission, provided that they make their appointment from among their constituents. If all of the Commissioners are appointed by the Board, per the proposed legislation, then this committee will have to look at street addresses of the homes of individual Commissioners as well as applicants, determine what districts each live in, and make sure that there are not any other current appointments from a district before making an appointment from it.

Conclusion

In sum, the only result that the new legislation is sure to have besides allocating the necessary veteran seat is that it will freeze the current membership of the Commission and present a clear and insurmountable bar to any new appointments being made. Given the current lackadaisical attitude of current Commissioners, the intent seems to be to hobble the Commission by making sure that 30,000-patient, 150-contrator, and $600M/year Behavioral Health Services has an oversight board the same size as those in California's smallest counties, where patient populations are well under 100, contractors are nonexistent, and budgets far below $10M!

Very Truly Yours,

/s/
Wynship Hillier

cc: Editor, San Francisco Standard
Victor Young

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November 3, 2023

Matt Dorsey, Committee Chair
Rules Committee
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1 Dr. Carlton B. Goodlett Place, Room 244
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Sent via email to bos@sfgov.org

RE: YOUR COMMITTEE CAN RELIEVE QUORUM PRESSURE ON THE BEHAVIORAL HEALTH COMMISSION BY APPOINTING TWO ADDITIONAL MEMBERS TO IT JUST AS WELL AS BY REDUCING ITS SIZE (RELEVANT TO FILE NO. 231076, NO. 3 ON MONDAY'S AGENDA).

Honorable Committee Chair Dorsey:

As a correction to my letter of Oct. 30, the current vacancy announcement for the Behavioral Health Commission shows that Supervisor Joel Engardio has appointed Peter Murphy to Seat No. 5 on the Commission, bringing the number of active members to 11. Furthermore, the occupants of Seat Nos. 15 and 16 shown on the announcement, both appointed by the Board of Supervisors on recommendation from this Committee, have not attended meetings in nearly two years. Replacing them with two of the seven candidates with pending applications to the Commission would increase the number of active members to 13. This would be four greater than quorum, and one greater than needed for a 2/3 majority (required for some motions).

Using 13 active members as a comparison, reducing the size of the Commission from 17 to 11 would do nothing to reduce pressure on the quorum requirement. At 11 members, the two appointments could not be made. In addition, two of the current 11 active members would have to be *dismissed from the Commission* on the presumption that none of them meet requirements for the veteran or veteran advocate and seated Supervisor seats. At nine active members out of 11, the Commission would be three more than quorum and one member more than the requirement for a 2/3 majority. As far as pressure on the quorum and 2/3 majority requirements are concerned, these two alternatives are approximately equal.

These two alternatives are not equal in other ways. Having four additional people to prosecute the Commission's business (and the possibility of appointments by three individual Supervisors in the future) would be of great assistance, and it would give at least four additional people the experience (or additional experience) of wielding public power. For this reason, we ask that you amend your proposed legislation to leave the size of the Commission unchanged and recommend to the Board of Supervisors appointments to Seat Nos. 15 and 16 of the Commission from the remaining seven pending applications (or a future veteran or veteran advocate application) at a future meeting of your Committee.

In addition, the memorandum from the Clerk of the Board dated Oct. 31 and also included in the communications packet for this item at the hearing on Monday contains an error. The first bullet on p. 3 says that language should be added regarding administrative support for the Commission. Such language was added by Ord. No. 229-20 and currently appears in § 15.12.5, which would be unaffected by, and does not appear in, your proposed legislation.

Very Truly Yours,

/s/
Wynship Hillier