

BOARD of SUPERVISORS



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MEMORANDUM

TO: Dr. Grant Colfax, Director, Public Health
Helynna Brooke, Mental Health Board

FROM: Victor Young, Assistant Clerk
Rules Committee

A handwritten signature in black ink that reads "Victor Young".

DATE: May 14, 2019

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation on May 7, 2019:

File No. 190497

Ordinance amending the Administrative Code to change the name of the Mental Health Board to the Behavioral Health Commission; to include in the definition of a "consumer" one who receives substance use services; and to permit a consumer who is an employee in a behavioral health public or private agency and who does not have any interest, influence, or authority over any financial or contractual matter concerning the employer, to be appointed to the Commission.

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.

c: Greg Wagner, Public Health
Dr. Naveena Bobba, Public Health
Sneha Patil, Public Health

1 [Administrative Code - Mental Health Board/Behavioral Health Commission]

2
3 **Ordinance amending the Administrative Code to change the name of the Mental Health**
4 **Board to the Behavioral Health Commission; to include in the definition of a**
5 **“consumer” one who receives substance use services; and to permit a consumer who**
6 **is an employee in a behavioral health public or private agency and who does not have**
7 **any interest, influence, or authority over any financial or contractual matter concerning**
8 **the employer, to be appointed to the Commission.**

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. Chapter 15 of the Administrative Code is hereby amended by revising
18 Sections 15.12, 15.13, and 15.14, to read as follows:

19 **SEC. 15.12. ~~MENTAL BEHAVIORAL HEALTH BOARD~~ COMMISSION –**
20 **COMPOSITION AND APPOINTMENT OF MEMBERS.**

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

24 (b) The ~~San Francisco Mental Health Board~~ Commission shall consist of 17 members.
25 Each member of the Board of Supervisors shall appoint a member of the ~~Mental Health Board~~

1 Commission. The Board of Supervisors shall appoint the remaining six members, one of whom
2 shall be a member of the Board of Supervisors.

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

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

21 (e) Any positions on the Commission not allocated to specific types of members may
22 be filled by persons with experience and knowledge of the mental health system representing
23 the public interest.

24 (f) The Board Commission membership shall reflect the ethnic diversity of the client
25 population in the County City. The composition of the Board Commission shall, to the extent

1 feasible, represent the demographics of the City ~~and County~~ as a whole. Except as provided in
2 subsection (g), No member of the ~~Mental Health Board~~ Commission or his or her spouse shall be
3 a full-time or part-time County employee of a County mental health service, an employee of
4 the State Department of ~~Mental Health~~ Care Services, or an employee of, or a paid member of
5 the governing body of, a ~~Bronzan-McCorquodale~~ mental health contract agency.

6 (g) A consumer who has obtained employment with an employer described in subsection (f),
7 and who holds a position in which the consumer has no interest, influence, or authority over any
8 financial or contractual matter concerning the employer may be appointed to the Commission. Such a
9 member shall not participate in any financial or contractual issue concerning his or her employer that
10 may come before the Commission.

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

15
16 **SEC. 15.13. ~~MENTAL BEHAVIORAL HEALTH BOARD~~ COMMISSION – TERMS OF**
17 **REMOVAL.**

18 (a) Except for the Board of Supervisors member, the term of each member of the
19 Behavioral Health Commission (“Commission”) shall be for three years. ~~Members serving on the~~
20 ~~Mental Health Advisory Board at the time this ordinance takes effect shall be members of the San~~
21 ~~Francisco Mental Health Board and shall continue serving the remainder of the terms of office that~~
22 ~~would have applied had the Advisory Board remained in existence; provided, however, that n~~ Nothing
23 shall preclude any member from resigning, and ~~that~~ the term of office of any member may be
24 terminated for the reasons and subject to the procedures set forth in this ~~s~~ Section 15.13.

1 (b) No member shall serve more than two consecutive terms. *Terms served by*
2 *members prior to the effective date of this ordinance shall be counted in implementing this term limit.* A
3 member shall be deemed to have served a term only if he or she serves at least 18 months of
4 a term.

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

8 (d) A member shall be removed from office if he or she is absent for four meetings
9 in one year, unless the *Mental Health Board Commission* grants that person a leave of absence.
10 The *Board Commission* may grant leaves of absence for one or more meetings. Upon
11 determining that a member has been absent for four meetings in a 12-month period and that
12 no leave of absence had been granted for these meetings, the *Board Commission* shall provide
13 written notification to the Board of Supervisors. Upon receipt of the notification, the position
14 shall be deemed vacant.

15 (e) The *Mental Health Board Commission* may recommend to the Board of
16 Supervisors that a member be removed from the *Board Commission* on the grounds that the
17 member's conduct is seriously disruptive of the functioning of the *Mental Health*
18 *Board Commission*. Once the *Mental Health Board Commission* makes such a recommendation,
19 the Board of Supervisors may remove a member from the *Mental Health Board Commission* if it
20 determines that the member's conduct is seriously disruptive of the functioning of the *Mental*
21 *Health Board Commission*.

1 **SEC. 15.14. ~~MENTAL BEHAVIORAL~~ HEALTH BOARD ~~COMMISSION~~ – POWERS**
2 **AND DUTIES.**

3 (a) The *San Francisco Mental Behavioral Health Board Commission* (“*Commission*”)
4 shall:

5 (1) Review and evaluate the City and County's mental health needs, services,
6 facilities, and special problems;

7 (2) Review any City and County agreements entered into pursuant to *California*
8 *Welfare and Institutions Code Section 5650*;

9 (3) Advise the Board of Supervisors, the Health Commission, the Director of
10 Health, and the Director of *Mental Behavioral Health Services*, as to any aspect of the local
11 *mental behavioral* health program;

12 (4) Review and approve the procedures used to ensure citizen and professional
13 involvement at all stages of the planning process;

14 (5) Review the procedures used to ensure the involvement of interested members
15 of the *mental behavioral* health community and the public in the development of the budget for
16 *mental behavioral* health services and report on the matter to the Board of Supervisors;

17 (6) Submit an annual report to the Board of Supervisors on the needs and
18 performance of the City and County's *mental behavioral* health system;

19 (7) Review and make recommendations on applicants for the appointment of
20 Director of *Mental Behavioral Health Services*. The *Mental Health Board Commission* shall be
21 included in the selection process prior to the selection of a person to fill this position;

22 (8) Review and comment on the City and County's performance outcome data
23 and communicate its findings to the State Mental Health Commission;

24 (9) Assess the impact of the realignment of services from the State to the City and
25 County on services delivered to clients and on the local community; *and*.

1 (10) In accordance with California Welfare and Institutions Code Section 5848(b), conduct
2 a public hearing on the Adult and Older Adult Mental Health System of Care Act, California Welfare
3 and Institutions Code Sections 5845-5848, draft three-year program and expenditure plan, and annual
4 updates at the close of the 30-day comment period, as set forth in California Welfare and Institutions
5 Code Section 5857(a). The Commission shall review the adopted plan or update(s) to the plan, and
6 make recommendations to the Board of Supervisors, the Health Commission, the Director of Health,
7 and the Director of Behavioral Health Services.

8 (b) Members of the Mental Health Board Commission shall abstain from voting on any
9 issue in which the member has a financial interest as defined in California Government Code
10 Section 87103~~of the Government Code~~. The Mental Health Board Commission is subject to the
11 provisions of California Government Code Sections 54950 et seq. relating to the conduct of
12 open meetings by local agencies.

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

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

1 Section 4. Undertaking for the General Welfare. In enacting and implementing this
2 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
3 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
4 is liable in money damages to any person who claims that such breach proximately caused
5 injury.

6
7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By: 
10 VIRGINIA DARIO ELIZONDO
Deputy City Attorney

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