

File No. 200951

Committee Item No. 3

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Oct. 19, 2020

Board of Supervisors Meeting

Date \_\_\_\_\_

### Cmte Board

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- Award Letter
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### OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date Oct 15, 2020

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Administrative Code - Department of Public Health - Providing Staff for the Behavioral Health  
2 Commission]

3 **Ordinance amending the Administrative Code to require the Department of Public**  
4 **Health to provide administrative staff to support the Behavioral Health Commission; to**  
5 **expand the membership criteria to conform to state law; and to reset all Commission**  
6 **member terms as of January 1, 2021, to be staggered so that no more than one-third of**  
7 **the members' terms expire at one time.**

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

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

16 Section 1. The Administrative Code is hereby amended by revising Sections 15.12 and  
17 15.13, and adding Section 15.12.5, to read as follows:

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

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

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

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

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

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

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

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

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

17  
18 **SEC. 15.12.5 BEHAVIORAL HEALTH COMMISSION – STAFFING.**

19 The Department shall provide administrative staff to the Behavioral Health Commission with  
20 Department employees.

21  
22 **SEC. 15.13. BEHAVIORAL HEALTH COMMISSION – TERMS OF REMOVAL.**

23 (a) Except for the Board of Supervisors member, the term of each member of the  
24 Behavioral Health Commission (“Commission”) shall be ~~for~~ three years. All member terms shall  
25 be reset to begin at noon on January 1, 2021. Thereafter, members’ terms shall be staggered as

1 determined by the Clerk of the Board of Supervisors by no later than December 31, 2020. The Clerk of  
2 the Board of Supervisors shall determine by lot the initial terms for all 17 seats. Five seats shall have  
3 an initial one-year term expiring January 1, 2022, six seats shall have an initial two-year term expiring  
4 January 1, 2023, and six seats shall have three-year terms expiring January 1, 2024. After the initial  
5 terms expire, subsequent terms for all seats shall be three years. ~~Nothing shall preclude any member~~  
6 ~~from resigning, and the term of office of any member may be terminated for the reasons and subject to~~  
7 ~~the procedures set forth in this Section 15.13.~~

8 (b) No member shall serve more than two consecutive full terms. A member shall be  
9 deemed to have served a full term only if he or she serves at least ~~18 months~~ half of a full term.  
10 For the purpose of this term limit, the terms ending January 1, 2021 and the initial terms beginning  
11 January 1, 2021 shall count as full terms.

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

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

21 (e) The Commission may recommend to the Board of Supervisors that a member be  
22 removed from the Commission on the grounds that the member's conduct is seriously  
23 disruptive of the functioning of the Commission. Once the Commission makes such a  
24 recommendation, the Board of Supervisors may remove a member from the Commission if it  
25

1 determines that the member’s conduct is seriously disruptive of the functioning of the  
2 Commission.

3  
4 Section 2. Effective Date. This ordinance shall become effective 30 days after  
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
7 of Supervisors overrides the Mayor’s veto of the ordinance.

8  
9 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
13 additions, and Board amendment deletions in accordance with the “Note” that appears under  
14 the official title of the ordinance.

15  
16  
17 APPROVED AS TO FORM:  
18 DENNIS J. HERRERA, City Attorney

19 By: /s/ Virginia Dario Elizondo  
20 VIRGINIA DARIO ELIZONDO  
21 Deputy City Attorney

22 n:\legana\as2020\2100037\01471440.docx

## **LEGISLATIVE DIGEST**

[Administrative Code - Department of Public Health - Providing Staff for the Behavioral Health Commission]

**Ordinance amending the Administrative Code to require the Department of Public Health to provide administrative staff to support the Behavioral Health Commission; to expand the membership criteria to conform to state law; and to reset all Commission member terms as of January 1, 2021, to be staggered so that no more than one-third of the members' terms expire at one time.**

### Existing Law

The Behavioral Health Commission ("BHC"), formerly named the Mental Health Board, was created in 1993 pursuant to California Welfare & Institutions Code §§ 5604, et seq., to review and evaluate the community's mental health needs, services, facilities, and special problems, and to advise the Director of Health, the Director of Community Behavioral Health Services, the Health Commission and the Board of Supervisors on mental health programs. Commissioners serve for a three-year term.

### Amendments to Current Law

The amendment would require the Department of Public Health to provide support staff to the BHC with a department employee, rather than through a contractor. The amendment resets the terms of all Commissioners beginning January 1, 2021, and staggering those terms so only one-third of the Commissioners' terms expire at a time. The amendment adds recommended categories of individuals to be considered for BHC membership in conformance with state law.

BOARD of SUPERVISORS



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

## MEMORANDUM

TO: Dr. Grant Colfax, Director, Department of Public Health  
Loy Proffitt, Behavioral Health Commission

FROM: Victor Young, Assistant Clerk  
Rules Committee

A handwritten signature in cursive script that reads "Victor Young".

DATE: August 27, 2020  
SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Rules Committee received the following proposed legislation on August 18, 2020:

**File No. 200951**

**Ordinance amending the Administrative Code to require the Department of Public Health to provide administrative staff to support the Behavioral Health Commission; to expand the membership criteria to conform to state law; and to reset all Commission member terms as of January 1, 2021, to be staggered so that no more than one-third of the members' terms expire at one time.**

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](mailto:victor.young@sfgov.org).

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



**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#); [Li Lovett Herzstein, Daniel \(BOS\)](#); [Young, Victor \(BOS\)](#)  
**Subject:** RE: Sup. Mar co-sponsoring #200951  
**Date:** Tuesday, August 25, 2020 9:24:28 AM  
**Attachments:** [image001.png](#)

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Sorry. Actually adding Victor to the email would be helpful. Thank you!

***Jocelyn Wong***

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)

---

**From:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Sent:** Tuesday, August 25, 2020 9:24 AM  
**To:** Li Lovett <[d4lilovett@gmail.com](mailto:d4lilovett@gmail.com)>; BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Cc:** Herzstein, Daniel (BOS) <[daniel.herzstein@sfgov.org](mailto:daniel.herzstein@sfgov.org)>  
**Subject:** RE: Sup. Mar co-sponsoring #200951

Looping in Rules Committee Clerk, Victor Young, for processing.

Thank you,

***Jocelyn Wong***

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.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services*



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*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:** Li Lovett <[d4lilovett@gmail.com](mailto:d4lilovett@gmail.com)>  
**Sent:** Monday, August 24, 2020 7:05 PM  
**To:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Cc:** Herzstein, Daniel (BOS) <[daniel.herzstein@sfgov.org](mailto:daniel.herzstein@sfgov.org)>  
**Subject:** Sup. Mar co-sponsoring #200951

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

BOS Legislation staff--

Please add Supervisor Mar as a Co-sponsor to file #200951 [Department of Public Health - Providing Staff for Behavioral Health Commission].

I am sending from this email until [li.lovett@sfgov.org](mailto:li.lovett@sfgov.org) is active, as I just started in the D4 Supervisor's office.

Thanks,

Li Lovett

Li Miao Lovett  
Legislative Aide,  
Office of D4 Supervisor Gordon Mar

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [Angulo, Sunny \(BOS\)](#); [BOS Legislation, \(BOS\)](#); [Young, Victor \(BOS\)](#)  
**Cc:** [Peskin, Aaron \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mullan, Andrew \(BOS\)](#)  
**Subject:** RE: PESKIN - Co-sponsor BHC legislation - File No 200951  
**Date:** Tuesday, October 6, 2020 3:58:58 PM  
**Attachments:** [image001.png](#)

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Thank you Sunny. Looping in Victor Young, committee clerk for Rules Committee for processing.

**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.

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---

**From:** Angulo, Sunny (BOS) <[sunny.angulo@sfgov.org](mailto:sunny.angulo@sfgov.org)>  
**Sent:** Tuesday, October 6, 2020 3:48 PM  
**To:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Cc:** Peskin, Aaron (BOS) <[aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)>; Stefani, Catherine (BOS) <[catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org)>; Mullan, Andrew (BOS) <[andrew.mullan@sfgov.org](mailto:andrew.mullan@sfgov.org)>  
**Subject:** PESKIN - Co-sponsor BHC legislation - File No 200951

Hello,

Please add Supervisor Peskin as co-sponsor to File No. 200951, Administrative Code - Department of Public Health - Providing Staff for the Behavioral Health Commission.

Thank you!

Best,  
Sunny