

BOARD of SUPERVISORS



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MEMORANDUM

Date: October 16, 2020

To: *AC* The Honorable Members, Board of Supervisors

From: Angela Calvillo, Clerk of the Board

Subject: Revisions to the Behavioral Health Commission (File No. 200951)

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. 200951 Administrative Code - Department of Public Health - Providing Staff for the Behavioral Health Commission

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

No. The Mental Health Board was renamed to this Behavioral Health Commission.

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

No. Suggest adding the following ““The Behavioral Health Commission shall hold a meeting not less than once every month.”

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

No. This Commission has special provisions that also allows the Commission to recommend removal of members, pursuant to Section 15.13(e): “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, the Board of Supervisors may remove a member



from the Commission if it determines that the member's conduct is seriously disruptive of the functioning of the Commission."

- Language establishing attendance requirements

Existing language on Page 4, lines 15-20, Section 15.13 (d), entitled "Behavioral Health Commission – terms of Removal" states "A member shall be removed from office if he or she is absent for four meetings in one 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.

- Number of seats and qualifications

The Ordinance proposes to amend the Commission's current membership qualifications to state that 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.

The California Welfare and Institutions Code, Section 5604, requires:

> At least nine (9) members shall be Consumers or the parents, spouses, siblings or adult children of Consumers;

> At least four (4) members shall be Consumers;

> At least four (4) members shall be family of Consumers.

> One (1) member shall be a child advocate (a family member or Consumer advocate for minors who use mental health services);

> One (1) 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 (2) 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.



NOTE: 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 and County, 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 section are met.

Any positions 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.

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

Terms shall be adjusted as follows:

All member terms shall be reset to begin at noon on January 1, 2021. Thereafter, members' terms shall be staggered as determined by the Clerk of the Board of Supervisors by no later than December 31, 2020. The Clerk of the Board of Supervisors shall determine by lot the initial terms for all 17 seats. Five seats shall have an initial one-year term expiring January 1, 2022, six seats shall have an initial two-year term expiring January 1, 2023, and six seats shall have three-year terms expiring January 1, 2024. After the initial terms expire, subsequent terms for all seats shall be three years.

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

- Administering department

The Department of Public Health provides 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.