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.

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

SEC. 15.12. MENTAL BEHAVIORAL HEALTH BOARD 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 San Francisco Mental Behavioral Health Board Commission (“Commission”).

(b) The San Francisco Mental Health Board Commission shall consist of 17 members. Each member of the Board of Supervisors shall appoint a member of the Mental Health Board
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 members of the Board Commission shall be consumers or the parents, spouses, siblings, or adult children of consumers; with at least four members shall being consumers; and at least four other members shall being family of consumers. For purposes of this subsection (c), "family" includes domestic partners and significant others. For purposes of this subsection, 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 subsection are met.

(d) In addition to the requirements of subsection (c), one member of the Board 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.

(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.

(f) The Board Commission membership shall reflect the ethnic diversity of the client population in the County City. The composition of the Board Commission shall, to the extent
feasible, represent the demographics of the City and County as a whole. *Except as provided in subsection (g), no member of the Mental Health Board Commission or his or her spouse shall be a full-time or part-time County employee of a County mental health service, an employee of the State Department of Mental Health Care Services, or an employee of, or a paid member of the governing body of, a Bronzan-McCormodel 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 financial or contractual issue concerning his or her employer that may come before the Commission.

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

**SEC. 15.13. MENTAL BEHAVIORAL HEALTH BOARD 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 for three years. Members serving on the Mental Health Advisory Board at the time this ordinance takes effect shall be members of the San Francisco Mental Health Board and shall continue serving the remainder of the terms of office that would have applied had the Advisory Board remained in existence; provided, however, that *nothing shall preclude any member from resigning, and that the term of office of any member may be terminated for the reasons and subject to the procedures set forth in this Section 15.13.*
(b) No member shall serve more than two consecutive terms. Terms served by
members prior to the effective date of this ordinance shall be counted in implementing this term limit. A
member shall be deemed to have served a term only if he or she serves at least 18 months of a term.

(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) A member shall be removed from office if he or she is absent for four meetings in one year, unless the Mental Health Board Commission grants that person a leave of absence. The Board 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 Board Commission shall provide written notification to the Board of Supervisors. Upon receipt of the notification, the position shall be deemed vacant.

(e) The Mental Health Board Commission may recommend to the Board of Supervisors that a member be removed from the Board Commission on the grounds that the member's conduct is seriously disruptive of the functioning of the Mental Health Board Commission. Once the Mental Health Board Commission makes such a recommendation, the Board of Supervisors may remove a member from the Mental Health Board Commission if it determines that the member's conduct is seriously disruptive of the functioning of the Mental Health Board Commission.
SEC. 15.14. MENTAL BEHAVIORAL HEALTH BOARDCOMMISSION – POWERS AND DUTIES.

(a) The San Francisco Mental Behavioral Health Board Commission ("Commission") shall:

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

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

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

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

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

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

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

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

(9) Assess the impact of the realignment of services from the State to the City and County on services delivered to clients and on the local community; and-
(10) In accordance with California Welfare and Institutions Code Section 5848(b), conduct a public hearing on the Adult and Older Adult Mental Health System of Care Act, California Welfare and Institutions Code Sections 5845-5848, draft three-year program and expenditure plan, and annual updates at the close of the 30-day comment period, as set forth in California Welfare and Institutions Code Section 5857(a). The Commission shall review the adopted plan or update(s) to the plan, and make recommendations to the Board of Supervisors, the Health Commission, the Director of Health, and the Director of Behavioral Health Services.

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

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

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

By: VIRGINIA DARIO ELIZONDO
Deputy City Attorney
File Number: 190497    Date Passed: October 08, 2019

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.

September 23, 2019 Rules Committee - RECOMMENDED

October 01, 2019 Board of Supervisors - PASSED ON FIRST READING
   Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

October 08, 2019 Board of Supervisors - FINALLY PASSED
   Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani and Yee
   Excused: 2 - Haney and Walton

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/8/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved: 10/18/19