

SAN FRANCISCO BEHAVIORAL HEALTH COMMISSION



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Kescha S. Mason
Liza Murawski
Toni Parks
Harriette Stallworth Stevens, EdD
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AGENDA

Behavioral Health Commission Executive Committee Meeting

Tuesday, May 10, 2022

5:00 PM – 6:00 PM

REMOTE ACCESS

<https://us06web.zoom.us/j/85120175024?pwd=UIMxVjV6dDNQa2xSNXBtN1E4ZjduZz09>

Meeting ID: 851 2017 5024 Passcode: 708670
Phone: +1 669 900 6833 US

CALL TO ORDER

COMMISSIONER'S: Carletta Jackson-Lane (she/her/hers), Co-Chair Bahlam Javier Vigil (they/them/theirs), Co-Chair Stephen Banuelos, Genesis Vascone (she, her), Secretary Lisa Williams (she/her)

Roll Call

The Co-Chair will have the Executive Director call attention to the updated remote meeting resolution California Government Code Section 54953(e) also known as AB361 which empowers local policy bodies to convene by teleconferencing technology during a proclaimed state of emergency under the State Emergency Services Act – see attached below **[action item]**

AGENDA CHANGES:**PUBLIC COMMENT:****ITEM 1.0 COMMISSIONER'S REPORTS**

Discuss the need for the Behavioral Health Commission (BHC) to be in on the decision-making process around the distribution of budget initiatives

Report from the Co-Chairs –

1.1 Governor's Care Court Proposal: Discussion and possible action.

1.2 BHS/BHC Websites, Old & New: Discussion and possible action.

Public Comment:**ITEM 2.0 ACTION ITEMS** - Discussion on action items**Public Comment**

2.1 A short presentation by the California Association of Mental Health Peer Run Organizations, to introduce the implementation of SB 803. SB 803 allows for Peer Certification of Peer Specialists and is being newly implemented in California. Vote needed to present before the full commission - **[action item]**

PUBLIC COMMENT

2.2 Vote to approve unadopted minutes from March 9, 2022 Executive Committee meeting **[action item]**

PUBLIC COMMENT

2.3 Vote to move complete consolidated resolution, authored by Co-Chair Vigil and Liza Murawski (a member of the public) previously viewed and voted on. A carry over from the April 20, 2022 meeting **[action item]**

PUBLIC COMMENT

2.4 Vote to move the newly revised By Laws on to the full BHC for review and potential adoption **[action item]**

PUBLIC COMMENT

2.5 MHSA to be on June 15, 2022 agenda for presentation, vote if necessary **[action item]**

ITEM 3.0 New BHC Business**3.1 Public Comment:**

4.0 Final Public Comment:

Adjournment

DISABILITY ACCESS

The ADA is a civil rights law that protects people with different types of disabilities from discrimination in all aspects of social life. More specifically, Title II of the ADA requires that all programs offered through the state and local government such as the City and County of San Francisco must be accessible and usable to people with disabilities. The ADA and City policy require that people with disabilities have equal access to all City services, activities, and benefits. People with disabilities must have an equal opportunity to participate in the programs and services offered through the City and County of San Francisco. If you believe your rights under the ADA are violated, contact the ADA Coordinator.

Ordinance 90-10 added Section 2A.22.3 to the Administrative Code, which adopted a Citywide Americans with Disabilities Act Reasonable Modification Policy that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City department responding to requests from the public for reasonable modifications.

Disability Accommodations: To request assistive listening devices, real time captioning, sign language interpreters, readers, large print agendas or other accommodations, please contact the Commission Secretary at (415) 558-6309, or commissions.secretary@sfgov.org at least 72 hours in advance of the hearing to help ensure availability.

Language Assistance: To request an interpreter for a specific item during the hearing, please contact the Commission Secretary at (415) 558-6309, or commissions.secretary@sfgov.org at least 48 hours in advance of the hearing.

SPANISH: Agenda para la Comisión de Planificación. Si desea asistir a la audiencia, y quisiera obtener información en Español o solicitar un aparato para asistencia auditiva, llame al 415-558-6309. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

CHINESE: 規劃委員會議程。聽證會上如需要語言協助或要求輔助設備，請致電415-558-6309。請在聽證會舉行之前的至少48個小時提出要求。

TAGALOG: Adyenda ng Komisyon ng Pagpaplan. Para sa tulong sa lengguwahe o para humiling ng Pantulong na Kagamitan para sa Pagdinig (headset), mangyari lamang na tumawag sa 415-558-6309. Mangyaring tumawag nang maaga (kung maaari ay 48 oras) bago sa araw ng Pagdinig.

RUSSIAN: Повестка дня Комиссии по планированию. За помощью переводчика или за вспомогательным слуховым устройством на время слушаний обращайтесь по номеру 415-558-6309. Запросы должны делаться минимум за 48 часов до начала слушания.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers, and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Telephone: (415)554-7724
Fax: 4(15) 554-5163
E-mail: sotf@sfgov.org

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from the Sunshine Ordinance Task Force or by printing Chapter 67 of the San Francisco Administrative Code from the internet at: **www.sfgov.org/sunshine**

To view Mental Health Board agendas and minutes, you may visit the MHB web page at: **www.sfgov.org/mental_health**. You may also go to the Government Information Center at the Main Library at Larkin and Grove in the Civic Center. You may also get copies of these documents through the MHB office at 255-3474.

LOBBYIST REGISTRATION AND REPORTING REQUIREMENTS

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website www.sfgov.org/ethics.

WELFARE & INSTITUTIONS CODE

ARTICLE II - Powers and Duties

The MHB shall:

1. Operate in accordance with state and local legislation pertaining to the MHB set forth in Welfare & Institutions Code Section 5604.2 and in S.F. Administrative Code, Section 15.4-1.
- a) Review and evaluate the mental health needs, services, priorities, facilities, and special problems of the City and County of San Francisco.
- b) Review any City and County agreements entered into pursuant to California Welfare and Institutions Code Section 5650.
- c) Advise the Governing bodies, the Director of Public Health, the Director of Community Behavioral Health Services, and the Mayor, as to any aspect of the local mental health program.
- d) Review and approve the procedures used to ensure citizen, consumer, family member, and professional involvement at all stages of the planning process.
- e) Review the procedures used to ensure the involvement of interested members of the mental health community and the public in the development of the budget for Community Behavioral Health Services and report on its findings to the Board of Supervisors.
- f) Submit an annual report to the Board of Supervisors on the needs and performance of the City and County's mental health system.
- g) Review and make recommendations on applicants for the appointment of Director of Mental Health. The MHB shall be included in the selection process prior to the selection of a person to fill this position.
- h) Review and comment on the City and County's performance outcome data and communicate its findings to the State Mental Health Commission. All such communications shall be reported to the Board of Supervisors, the Mayor, the Health Commission, the Director of Public Health, and the Director of Community Behavioral Health Services.

BEHAVIORAL HEALTH COMMISSION
RESOLUTION MAKING FINDINGS TO ALLOW TELECONFERENCED
MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION
54953(e)

WHEREAS, California Government Code Section 54953(e) empowers local policy bodies to convene by teleconferencing technology during a proclaimed state of emergency under the State Emergency Services Act so long as certain conditions are met; and

WHEREAS, In March, 2020, the Governor of the State of California proclaimed a state of emergency in California in connection with the Coronavirus Disease 2019 (“COVID-19”) pandemic, and that state of emergency remains in effect; and

WHEREAS, In February 25, 2020, the Mayor of the City and County of San Francisco (the “City”) declared a local emergency, and on March 6, 2020 the City’s Health Officer declared a local health emergency, and both those declarations also remain in effect; and

WHEREAS, On March 11 and March 23, 2020, the Mayor issued emergency orders suspending select provisions of local law, including sections of the City Charter, that restrict teleconferencing by members of policy bodies; those orders remain in effect, so City law currently allows policy bodies to meet remotely if they comply with restrictions in State law regarding teleconference meetings; and

WHEREAS, On September 16, 2021, the Governor signed AB 361, a bill that amends the Brown Act to allow local policy bodies to continue to meet by teleconferencing during a state of emergency without complying with restrictions in State law that would otherwise apply, provided that the policy bodies make certain findings at least once every 30 days; and

WHEREAS, While federal, State, and local health officials emphasize the critical importance of vaccination and consistent mask-wearing to prevent the spread of COVID-19, the City’s Health Officer has issued at least one order (Health Officer Order No. C19-07y, available online at www.sfdph.org/healthorders) and one directive (Health Officer Directive No. 2020-33i, available online at www.sfdph.org/directives) that continue to recommend measures to promote physical distancing and other social distancing measures, such as masking, in certain contexts; and

WHEREAS, The California Department of Industrial Relations Division of Occupational Safety and Health (“Cal/OSHA”) has promulgated Section 3205 of Title 8 of the California Code of Regulations, which requires most employers in California, including in the City, to train and instruct employees about measures that can decrease the spread of COVID-19, including physical distancing and other social distancing measures; and

WHEREAS, Without limiting any requirements under applicable federal, state, or local pandemic-related rules, orders, or directives, the City’s Department of Public Health, in coordination with the City’s Health Officer, has advised that for group gatherings indoors, such as meetings of boards and commissions, people can increase safety and greatly reduce risks to the health and safety of attendees from COVID-19 by maximizing ventilation, wearing well-fitting masks (as required by Health Officer Order No. C19-07), using physical distancing where the vaccination status of attendees is not known, and considering holding the meeting remotely if feasible, especially for long meetings, with any attendees with unknown vaccination status and where ventilation may not be optimal; and

WHEREAS, On July 31, 2020, the Mayor issued an emergency order that, with limited exceptions, prohibited policy bodies other than the Board of Supervisors and its committees from meeting in person under any circumstances, so as to ensure the safety of policy body members, City staff, and the public; and

WHEREAS, The Behavioral Health Commission has met remotely during the COVID-19 pandemic and can continue to do so in a manner that allows public participation and transparency while minimizing health risks to members, staff, and the public that would be present with in-person meetings while this emergency continues; now, therefore, be it

RESOLVED, That the Behavioral Health Commission finds as follows:

1. As described above, the State of California and the City remain in a state of emergency due to the COVID-19 pandemic. At this meeting, the Behavioral Health Commission has considered the circumstances of the state of emergency.
2. As described above, State and City officials continue to recommend measures to promote physical distancing and other social distancing measures, in some settings.
3. As described above, because of the COVID-19 pandemic, conducting meetings of this body and its committees in person would present imminent risks to the safety of attendees, and the state of emergency continues to

directly impact the ability of members to meet safely in person; and, be it

FURTHER RESOLVED, That for at least the next 30 days meetings of the Behavioral Health Commission and its committees will continue to occur exclusively by teleconferencing technology (and not by any in-person meetings or any other meetings with public access to the places where any policy body member is present for the meeting). Such meetings of the Behavioral Health Commission and its committees that occur by teleconferencing technology will provide an opportunity for members of the public to address this body and its committees and will otherwise occur in a manner that protects the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing; and, be it

FURTHER RESOLVED, That the staff of the Behavioral Health Commission is directed to place a resolution substantially similar to this resolution on the agenda of a future meeting of the Behavioral Health Commission within the next 30 days. If the Behavioral Health Commission] does not meet within the next 30 days, the staff is directed to place a such resolution on the agenda of the next meeting of the Behavioral Health Commission.

Resolution Urging the San Francisco City and County, Mayor, Board of Supervisors, The Departments of Public Health, and Homelessness and Supportive Housing to Invest Funds To Improve The Standard and Quality of Behavioral Health Services Provided by The City and County of San Francisco to Improve Equitable Access, Services Quality, Transparency, Facility and Staff Standard and Improve Departments Oversight and Quality Control Infrastructure.

Whereas, Permanent supportive housing residences provide behavioral health services and case management to vulnerable populations; and

Whereas, The people residing in these buildings often have behavioral health issues, are very low income and rarely have other housing options; and

Whereas, Permanent housing buildings require that building owners and operators have contracts with property management services to collect rents and oversee building maintenance and repairs; and

Whereas, It is contractually necessary for property management services and City and County of San Francisco funded case management and behavioral health services provided in these buildings to maintain a separation of duties; and

Whereas, It has been reported that supportive service staff are violating the 1996 Health Insurance Portability and Accountability Act (HIPAA), which protects the privacy of their clients; and

Whereas, Facilities in San Francisco that provide behavioral health services are in much need of repairs due to constant building malfunctions, proper facility size, and the inequitable distribution of facility resources per district, showing a need for better oversight of the physical infrastructure where services are provided to ensure proper maintenance and health regulation; and

Whereas, Some of these residences are in varying states of neglect and disrepair with incidents of mold, structural damage, missing or broken fixtures and appliances, vermin infestation, and outdated and potentially hazardous plumbing, electrical, and mechanical systems with rusty pipes and brown water; and

Whereas, After seeking resolution with case management, some residents have escalated their concerns through the designated channels and still fear retaliation for voicing their concerns around building conditions and property management practices; and

Whereas, Males significantly outnumber females in the majority of the permanent housing residences, and many female residents have expressed feeling unsafe, and cite incidents of severe bullying and direct threats of harm; and

Whereas, It has been reported that HSH and DPH are slow to, and often fail, to respond to community and stakeholder requests and information; and

Whereas; While San Francisco currently has workforce housing programs for vital employees of San Francisco such as teachers and law Enforcement Employees, these programs do not cover employees of Behavioral Health Services and housing providers, which, if extended to those employees, could aid in incentivizing employment in City-funded Behavioral Health Services and housing services, rooted in the communities they live in and serve; and

Whereas, According to Dr. Marlo Simmons, based on data from 11/12/20 on the total current vacancies for Behavioral Health Services positions, there are a total of 113 Vacancies (90 prioritized and moving through the hiring process, 23 vacant and not yet prioritized), that is 17.38% of BHS Positions Vacant (of the 650 who report to BHS), of which vacant positions, 9 are in the Senior Psychiatric Physician (2242 / 2243) job class, 37 are in the Behavioral Health Clinician (2930) job class, and 6 are in the Senior Behavioral Health Clinician (2932) job class; now, therefore, be it

Resolved, That the BHCSF of San Francisco thanks the Mayor, Board of Supervisors, Department of Public Health (DPH), and Department of Homelessness and Supportive Housing (HSH) of the City and County of San Francisco for their consistent commitment to bringing funds into the fold in the City's struggle for behavioral health services that tackle the problems and issues everyday San Franciscans face in terms of their behavioral health, and key environmental factors impacting their behavioral health such as homelessness and access to housing; and, be it

Further Resolved, That residents of permanent supportive housing need an entity, agency, or City department where their grievances can be heard and addressed; and, be it

Further Resolved, That the Behavioral Health Commission of San Francisco urges the City and County of San Francisco, Mayor, Board of Supervisors, DPH, and HSH to find ways to improve their oversight and accountability infrastructure to better oversee and monitor all behavioral health programs offered by the City and County of San Francisco; and, be it

Further Resolved, That the Behavioral Health Commission of San Francisco (BHCSF) urges the City and County of San Francisco to develop a system of oversight and accountability for buildings providing permanent supportive housing to people with behavioral health challenges; and, be it

Further Resolved, That even with separate responsibilities and legal requirements between case management services and property management, it is essential that this mutual exclusivity does not result in unsafe or unnecessarily stressful conditions for residents; and, be it

Further Resolved, That the BHCSF of San Francisco urges the City and County of San Francisco, Mayor, Board of Supervisors, DPH, and HSH to expand the City's workforce housing programs to include Behavioral Health Services providers and other employees working under

HSH and DPH to incentivize employees to live in the communities they work for and improve the quality of services provided by HSH and DPH employees; and, be it

Further Resolved, That the BHCSF urges HSH and DPH to make information accessible to the public around behavioral health and housing services and improve community outreach and advertisement for behavioral health and housing services, and make information accessible to all who request it as seamlessly as possible; and, be it

Finally Resolved, That the BHCSF urges the city and county of San Francisco Mayor, Board of Supervisors, DPH, and HSH to allocate funds to improve staff standards and quality, hire more behavioral health services staff to meet the increasing demand for services, and ensure that those programs are being offered and operated with high-quality standards and quality of life.

[Motion to Commit The Behavioral Health Commission of San Francisco (BHCSF) To Reach Out Respectfully and Responsibly With The Executive Director To Behavioral Health Organizations of San Francisco (BHOSF) to Create Working Relationships With Said Organizations and Allow BHCSF Commissioners To Reach In Their Capacity As Commissioners With BHCSF Executive Director In The Loop]

Supplemental Information

As the BHCSF Commissioners it is pivotal that our committees and the whole commission are allowed to reach out to BHOSF in order to create working relationships with them and create stronger visibility in order to make progress on behavioral health related issues.

Doing so in the capacity as commissioners alongside the BHCSF Executive Director respectfully would not just help us create more allies and visibility, but allow BHOSF know that the commission is active and alive aiding in recruitment, progress on behavioral health issues and allow us to be taken far more seriously. Therefore creating a stronger BHCSF.

Proposition

The BHCSF commits itself to reaching out to BHOSF in their capacity as commissioners alongside the BHC executive director.

The BHC and its committees will do so respectfully and with intention to create working relationships with BHOSF that work for the betterment of San Franciscans facing behavioral health issues in order to spearhead issues together.

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BYLAWS OF THE BEHAVIORAL HEALTH COMMISSION OF SAN FRANCISCO

ARTICLE I – NAME

The name of this organization shall be the Behavioral Health Commission of San Francisco, formerly known as the Mental Health Board (MHB) of San Francisco. “Behavioral Health” includes mental health and substance use disorder programs and services.

ARTICLE II – AUTHORITY, POWERS AND DUTIES

The San Francisco Behavioral Health Commission (BHC) is established pursuant to Cal. Welfare and Institutions Code § 5604, *et seq.*) and S.F. Administrative Code, §§ 15.12-15.14..

The purpose of the BHC is to:

1. Review and evaluate the community’s public behavioral health needs, services, facilities, and special problems in any facility within the City and County of San Francisco (City) where behavioral health evaluations or services are being provided, including but not limited to, schools, emergency departments, and psychiatric facilities. Facilities utilized out of the City to serve San Francisco residents with behavioral health needs, such as state hospitals and residential treatment programs, may be included in reviews and evaluations.
2. Review any City agreements entered into pursuant to Cal. Welfare and Institutions Code § 5650. The BHC may make recommendations to the Board of Supervisors (BOS) regarding concerns identified within these agreements.
3. Advise the BOS, the Director of Public Health (DPH), the Director of Behavioral Health Services (BHS) and Mental Health SF (MHSF) as to any aspect of the local behavioral health programs.
4. Request assistance, when needed, from the local patients’ rights advocates when reviewing and advising on behavioral health evaluations or services provided in public facilities with limited access.
5. Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process. Involvement shall include individuals with lived experience of mental illness and their families, community members, advocacy organizations, and mental health professionals. It shall also include other professionals

that interact with individuals living with mental illnesses on a daily basis, such as education, emergency services, employment, health care, housing, law enforcement, local business owners, social services, seniors, transportation, and veterans.

6. Review the procedures used to ensure the involvement of interested members of the behavioral health community and the public in the development of the budget for behavioral health services and report on its findings to the BOS.
7. Submit, in June, an Annual Report to the Director of BHS and MHSF and BOS on the needs and performance of the City's behavioral health system.
8. Review and make recommendations on applicants for the appointment of Director of BHS and MHSF. The BHC shall be included in the selection process prior to the selection of a person to fill this position.
9. Review and comment on the City's performance outcome data and communicate its findings to the California Behavioral Health Planning Council and/or other any other state designated agency that gathers such data. All such communications may be reported to the BOS, the Health Commission, DPH, and the Director of BHS and MHSF.
10. Assess the impact of the realignment of services from the State to the City on services delivered to clients and on the local community.
11. Conduct a public hearing on the draft MHSA three-year program and expenditure plan and annual updates at the close of the 30-day comment period as required by Cal. Welfare and Institutions Code § 5848, subsection (a). Each adopted plan and update shall include any substantive written recommendations for revisions. The BHC shall review the adopted plan or update and make recommendations to the Director of BHS and MHSF for revisions.
12. Work collaboratively with other interested groups on issues of mutual concern.
13. Comply with all applicable laws, including but not limited to the Ralph M. Brown Act (Cal. Government Code §§ 54950, *et seq.*) and the San Francisco Sunshine Ordinance (S.F. Administrative Code §§ 67.1, *et seq.*) in publishing notices, agendas, and minutes and carrying out its operations and functions. Where publication or posting on a website is required, the BHC shall use the Department of Public Health's website, or another website designated by the Department of Public Health.

ARTICLE III – MEMBERSHIP

The membership of the Behavioral Health Commission shall be as follows:

1. Consistent with Cal. Welfare and Institutions Code § 5604(a) and S.F. Administrative Code § 15.12, the number of members on the Behavioral Health Commission of San Francisco shall be 17.
2. The BHC shall ensure the composition of the Commission represents and reflects the diversity and demographics of the City as a whole, to the extent feasible.
3. The activities and affairs of individual members of the Commission, acting as Commission members, shall be conducted, and powers exercised, by and under the direction of the BHC and these Bylaws.
4. Except for the BOS member, the term of each member of the BHC shall be three years. 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.
5. 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, 2021, and the initial terms beginning January 1, 2021, shall count as full terms. Provided however, that a member whose term ends January 1, 2021, and who has served for six (6) months or less, will not be deemed to have served a full term under this subsection (b). The term of office of a member appointed by an individual BOS member is not affected by the Board of Supervisors member no longer continuing in that office.
6. The BHC serves in an advisory role to the BOS, and one member of the BOS shall be a member of the BHC.
7. Nine of the seats on the BHC shall be reserved for consumers, or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received behavioral health services. At least four of the nine seats shall be held by consumers, and at least four of these seats shall be held by family members of consumers. Family members may include consumers' domestic partners and significant others.
8. One member of the BHC 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.

9. For the remaining BHC seats, the BOS is encouraged to appoint individuals who have experience with and knowledge of the behavioral health system. This includes members of the community that engage with individuals living with a behavioral health condition in the course of daily operations, such as representatives of offices of education, large and small businesses, hospitals, physicians practicing in emergency departments, police chief, sheriffs, and community and nonprofit service providers.

10. Except as provided above, a member of the BHC or the member's spouse shall not be a full time or part-time employee of BHS, an employee of the state Health Department, or an employee of, or a paid member of the BOS or a mental health contract agency.

11. A consumer of behavioral health services who has obtained employment with an employer described above, and who holds a position in which the consumer does not have any interest, influence, or authority over any financial or contractual matter concerning the employer may be appointed to the BHC. The Commissioner shall abstain from voting on any financial or contractual issue concerning the member's employer that may come before the BHC.

12. BHC Commissioners shall abstain from voting on any issue in which the member has a financial interest as defined in Cal. Government Code § 87103.

13. A Commissioner shall be removed from office if the Commissioner has four (4) unexcused absences from regular meetings in one calendar year where no leave or excusal has been granted.

14. A leave of absence may be granted for up to four months with prior approval from the Executive Committee.

15. In cases of medical illness, family emergency or other exigency, the Executive Committee may retroactively grant leave, as necessary.

16. The BHC 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 BHC shall provide written notification to the BOS. Upon receipt of the notification, the position shall be deemed

vacant.¹⁷ The BHC may vote to excuse an absent member from a BHC meeting. Whenever the BHC does not take such a vote, then the minutes of the meeting from which the member is absent shall note that the absence is unexcused. Regular attendance at the BHC meetings is critical to the BHC's ongoing success.

18. The Commission may recommend to the BOS that a member be removed from the BHC on the grounds that the member's conduct is seriously disruptive of the functioning of the BHC. Once the BHC makes such a recommendation, the Board of Supervisors may remove a member from the BHC if it determines that the member's conduct is seriously disruptive of the functioning of the BHC.

19. No Commissioner shall be compensated for duties performed as a member of the BHC. Notwithstanding the previous sentence, a Commissioner may be reimbursed for the actual costs of attending meetings, conferences, or similar gatherings if attendance at the meeting, conference or similar gathering is approved in advance in writing by the BHC Chair.

ARTICLE IV – MEETINGS

1. Meetings of the BHC shall be held monthly as designated by the BHC, for a minimum of 11 meetings per year. Meetings may be held in person, or virtually via teleconference, as permitted by Cal. Government Code § 54953.

2. The BHC is subject to the provisions of the Brown Act and the San Francisco Sunshine Ordinance (Cal. Government Code §§ 54950 *et seq.*; S.F. Administrative Code §§ 67.1, *et seq.*).

3. Annual Meetings: There shall be a regular meeting, which shall constitute the annual meeting of the BHC, to be held in February of each year at which time the Officers will present their reports, a regular meeting schedule will be adopted for the next twelve (12) months, and officer elections held.

4. Regular Meetings: The BHC shall establish by resolution or motion the time and place for holding regular meetings at its annual meeting.

5. Special Meetings: Special meetings, for any purpose or purposes related to the business of the BHC, may be called at any time by the Chair or the Co-Chairs or by a majority of the BHC members in accordance with the Brown Act and San Francisco Sunshine Ordinance.

6. Actual notice of Annual and Regular Meetings shall be received by each member of the BHC at least 72 hours before the time set for the meeting by one of the following methods:

- a. Personal delivery of written notice; or
- b. First class mail, postage prepaid sent by first class mail shall be deposited in the U.S. Mail not less than five (5) days before the time set for the meeting; or
- c. Fax transmittal or e-mail of written notice; or
- d. Telephone, either directly to the member or to a person at the member's office who would reasonably be expected to communicate that notice promptly to the member;

;

; and

- e. All such notices shall be given or sent to the members address or telephone number as shown on the records of the BHC.

7. Notice of regular and special meetings shall be provided in accordance with the Brown Act and S.F. Sunshine Ordinance.

8. Special meetings shall be convened in the following manner:

- a. Upon the call of the Chair, provided at least one (1) another member of the Executive Committee concurs; or
- b. Upon the call of the Chair following the Chair's receipt of a written request signed by at least nine (9) Commissioners; and
- c. Any special meeting notice must be received at least 72 hours in advance and posted on the BHC web site and delivered to the Clerk of the Board of Supervisors and to the Government Information Center at the Main Branch of the SF Public Library.

9. A quorum for a BHC meeting is 51 percent of the number of members designated by law, rather than the number of seats actually filled. Currently this is nine (9) Commissioners.¹⁰⁴

10. Each Commissioner present must vote on every question put to a vote, unless excused by a majority vote of the BHC, or unless a legally recognized conflict of interest exists, as provided for in S.F. Administrative Code § 1.29.

11. Each Commissioner shall serve on at least one Standing Committee and shall attend the scheduled meetings of that Committee. The BHC Chair or Co-Chairs may assign a Commissioner to represent the BHC at related City board, commission or other committee meeting.

ARTICLE V – OFFICERS

1. The officers shall be Commissioners elected for the positions of Chair, Vice Chair, and Secretary. There may be two Co-Chairs sharing the duties of the Chair.
2. Officers shall be elected at the annual meeting of the BHC in February of even-number years and shall serve a term of two (2) years, or until their successors are elected. Nominations may be made by Commissioners.
3. Elections shall be held by a roll call vote of Commission members.
4. Vacancies occurring in the offices between elections shall be filled in the following manner:
 - a. At its next meeting the Chair or Co-Chairs, in consultation with the Executive Committee, shall appoint a Nominating Committee. The Nominating Committee shall then meet within 15 days. At the BHC meeting next following the Nominating Committee meeting, the Nominating Committee shall present its report to the BHC, and elections shall then occur, with nominations being accepted from the floor.
 - b. Officers may be removed from office for failure to carry out the duties of their office by a two-thirds (2/3) vote of the BHC, provided that forty-five (45) days' notice is given to all Commissioners.
 - c. If the Chair's office is vacated prior to the end of the two-year term, the Vice Chair shall assume the Chair's office and a replacement Vice Chair nominated at the next regularly scheduled meeting. The election for the new Vice Chair shall be held at the next regularly scheduled meeting following the nomination meeting.

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ARTICLE VI – DUTIES OF OFFICERS

1. The Chair or Co-Chairs, shall be the official spokesperson(s) of the BHC. The Chair or Co-Chairs shall carry out the policies of the BHC. The Chair or Co-Chairs shall preside at all meetings of the BHC and the Executive Committee and shall consult with the Director of BHS and MHSF. The Chair or Co-Chairs is/are ex-officio voting member(s) of all standing and ad hoc committees, but not of the Nominating Committee, unless the Chair is serving on the Nominating Committee.
2. The Vice Chair shall serve as an aide to the Chair, shall consult with Director of BHS and MHSF at the request of the Chair, and shall serve as Acting Chair in the Chair's absence.
3. The Secretary shall take the minutes of all BHC monthly meetings and Committee meetings and serve as Acting Chair in the absence of the Chair and Vice Chair.

ARTICLE VII – COMMITTEES

Section 1: Committees

1. A member of the BHC shall serve on at least one committee or work group.
2. The duties of the Chair or Co-Chairs shall be to at least annually establish or confirm ad hoc and standing committees; appoint the Chairs of committees and any liaisons to other groups, organizations, task forces or committees; and establish work groups which can determine their own membership and selection of officers or establish ad hoc committee(s) or discontinue any committee or work group.
3. The duties of Committee Chairs shall be to:
 - a. Set agenda for committee meetings;
 - b. Assure 72-hour notice and agenda are posted on website, prior to convening meeting;
 - c. Conduct Committee meetings;
 - d. Perform or oversee any special projects assigned to the Committee;
 - e. Perform or assign a Committee Member to take meeting minutes; and
 - f. Report on Committee's activities to the Executive Committee and the full BHC, at their respective monthly meetings.
4. Ad hoc committees may be established or eliminated in accordance with notice and agenda requirements in Article IV, above, by the Chair or Co-Chairs, with concurrence of the Executive Committee. Ad hoc committees include, but are not limited to: Nominating Committee, Strategic Planning Committee, Retreat Committee, Bylaws Revisions, Annual Report Committee, Planning Council Study Committee, Annual MHSA Plan Review and Public Hearing, Recruitment and Outreach Committee.
5. Standing Committees include, but are not limited to: Executive Committee, Program Evaluation Site Visit Committee, and Implementation Committee. Standing Committees may be established or eliminated in accordance with notice and agenda requirements in Article IV, above, by the BHC. Standing Committees have ongoing responsibilities concerning a particular subject matter that is not time limited.
6. Committees and work groups will conduct meetings in accordance with the Brown Act and the San Francisco Sunshine Ordinance (Cal. Government Code §§ 54950 *et seq.*; S.F. Administrative Code, §§ 67.1 *et seq.*).

Section 2: Standing Committees

1. Executive Committee shall be composed of the BHC officers, Chairs of the Standing Committees and one (1) At-Large Commissioner to be named by the Chair or Co-Chairs. The At-Large Commissioner is to be chosen from any category that is under-represented on the Executive Committee, e.g., gender, ethnic or sexual minority, or membership category (consumer, professional, etc.) The At-Large Commissioner will be a regular voting member of the Executive Committee. The duties of the Executive Committee shall be to:

- a. Prepare draft agendas for regular and special meetings of the BHC;
- b. Prepare the Annual Report as specified in Article II, Section 7 of these Bylaws;
- c. Handle urgent matters at properly noticed meetings within established policy between regular or special meetings with ratification of all action required by a majority vote of the full BHC at its next regular or special meeting, and to carry out any duties ordered by the full BHC;
- d. The Executive Committee will be the fiscal agent for the BHC. In this role the Committee will prepare the Annual BHC budget, submit the budget to DPH/BHS, and approve and monitor monthly BHC expenditures;
- e. The Executive Committee shall meet monthly;
- f. In special session, at the call of the Chair or Co-Chairs with the concurrence of one (1) Executive Committee member or one (1) Commissioner not on the Executive Committee or, in special session, at the call of the Chair or Co-Chairs, upon the receipt of a written request signed by at least four (4) Commissioners.
- g. Such a special session shall be held within five (5) days of the Chair or Co-Chair's receipt of the written request and posted 72 hours on the BHC website prior to the convening of the meeting; and
- h. The Executive Committee will proactively engage to resolve any internal and external conflicts related to behavioral health and BHC. The committee may only take action at a properly noticed meeting.

2. Program Evaluation Site Visit Committee shall be responsible for assisting each Commissioner to make at least four (4) visits annually to public behavioral health programs, utilizing the most current "BHC Site Visit Manual" for procedures and forms. The Committee shall:

- a. Convene monthly;
- b. Review and revises the "BHC Site Visit Manual" as needed;
- c. Provide a copy of the "BHC Site Visit Manual" to each Commissioner;
- d. Keep a current listing of behavioral health programs that may be selected for a site visit;
- e. Maintain a chart of sites visited by each Commissioner;
- f. Report at Executive and BHC meetings a summary of the findings of visits; and
- g. Submit all Site Visit Reports to the Director of BHS and MHSF.

3. The Implementation Committee shall devise and implement strategies for accomplishing the goals and objectives of the BHC. All BHC Commissioners shall have a proactive role in setting goals and objectives. The Implementation Committee shall:

- a. Convene monthly;
- b. Recommend which program areas, under the BHC's jurisdiction, should receive significant attention, using tools such as the BHC Strategic Plan and the BHS and MHSF Director's monthly report to the BHC;
- c. Research and attend community meetings and investigate relevant issues, such as City task forces or working groups formed by the BOS, DPH, or Mayor, and report this information back to the BHC membership and constituents.

ARTICLE VII – ATTENDANCE AND VACANCIES

1. All BHC members are required to contact the BHC Chair or Secretary prior to a meeting if they are unable to attend. Failure to do so will result in an unexcused absence.

2. A BHC member may be deemed by the Executive Committee to have ceased to discharge the duties of a BHC member based on attendance and/or performance of other assigned duties. If after review, the Executive Committee determines the member should be removed, a recommendation will be made to the full BHC. Upon two-thirds (2/3) vote, the BHC may recommend the removal of the member to the Board of Supervisors.

3. If a vacancy occurs due to the occurrence of any of the events described in Cal. Government Code § 1770, the Secretary shall advise the BHC, and the Executive Committee may commence the recruitment for a replacement and make recommendations to the BHC, which may in turn, make recommendations to the Board of Supervisors.

ARTICLE IX – RESIGNATIONS AND LEAVES OF ABSENCE

1. Any member may resign effective upon giving written notice to the Clerk of the BOS with a copy to the Chair or Co-Chairs, the Vice Chair, or the Secretary of the BHC. A notice which specifies a later time shall be effective upon the date of the resignation set forth in said notice.

2. A BHC member, who does not wish to resign and who needs leave from BHC commitments, may request a leave of absence for personal reasons. The request must be submitted in writing to the Chair or Co-Chairs of the BHC. The Executive Committee may approve this request for a period of time not to exceed four (4) months. A Commissioner on leave may request an extension in writing to the Chair or Co-Chairs and such extension is subject to the approval of the Executive Committee. The request for extension will be reviewed by the Executive Committee as to the reasonableness of the extension and the overall impact on the Board in carrying out its responsibilities.

ARTICLE X - CONDUCT OF BUSINESS

1. The parliamentary authority for the BHC shall be the most current edition of Robert's Rules of Order, to the extent to which it is consistent with these Bylaws, as well as all other applicable federal, state, or City legislation or regulation. All meetings must conform to the Brown Act and S.F. Administrative Code.

2. Public Testimony. The Chair may require persons speaking before the BHC or at committee to confine their remarks to the question before the BHC or committee, or, if speaking during the public comment period for non-agenda items, to matters within the BHC's subject matter jurisdiction. The Chair may also establish uniform speaker time limits at the beginning of each agenda item or public comment and may limit the total time for public comment on any item.

(References: Government Code section 54954.3(a), (b)(1); 78 Ops.Cal.Atty.Gen. 224 (1995).)

3. Disorderly Conduct. The presiding officer may turn off the microphone or may order removed from the meeting room any person who commits the following acts in respect to a meeting of the BHC or of a standing or special committee:

- a. Disorderly, contemptuous or insolent behavior toward the BHC or committee or any member thereof, tending to interrupt the due and orderly course of said meeting;
- b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;
- c. Disobedience of any lawful order of the presiding officer, which shall include an order to be seated or to refrain from addressing the BHC or committee;
- d. Usage and ringing of cell phones and pagers not in silent mode, in BHC and committee meetings;
- e. Any other interference with the due and orderly course of said meeting.

(References: Government Code, section 54957.9; *White v. City of Norwalk* (9th Cir. 1990) 900 F.2d 1421; *Kindt v. Santa Monica Rent Control Board* (9th Cir. 1995) 67 F.3d 266; *Norse v. City of Santa Cruz* (9th Cir. 2010) 629 F.3d 966; *Acosta v. City of Costa Mesa* 9th Cir. 2013) 718 F.3d 800.)

ARTICLE XI – AMENDMENTS

These Bylaws may be amended at any meeting of the BHC by a two-thirds (2/3) vote of the Commission when 15 days' notice has been given as described below. The BHC shall use the following procedure when amending the Bylaws:

- a. Proposals for change shall be noticed on the BHC agenda and a written copy sent to all BHC members a minimum of five (5) days prior to the meeting date on which proponents wish consideration and a vote on the change;

- b. The BHC must approve the change by a two-thirds (2/3) majority of those Commissioners in attendance at a regular or special meeting at which a quorum is present;
- c. The change, as approved, is to be signed and dated by the BHC Chair or Co-Chairs;
- d. Amended Bylaws are to be provided to each BHC member at the next regularly scheduled meeting;
- e. Bylaws shall be reviewed at least once every five (5) years recommending revisions needed to the BHC for approval;
- f. An original copy signed by the BHC Chair or Co-Chairs are to be filed with the BHC Secretary. Additionally, an appropriate historical log of all Bylaw amendments and the date of the changes are to be maintained by the BHC Secretary. The historical log is to be distributed to BHC members whenever revisions are recommended; and
- g. All Commissioners will be provided with the current BHC Bylaws and Policies and Procedures.

ARTICLE XII – CODE OF CONDUCT

Section 1: Code of Conduct

The BHC is committed to providing a welcoming, respectful, friendly, safe, supportive, and harassment-free environment for Commissioners, staff, presenters, and members of the public and expects all such individuals to act professionally, respecting the personal rights and dignities of all so as to create a productive, inclusive environment. All individuals should feel welcome and safe within the BHC regardless of their sex, gender, gender identity, gender expression, sexual orientation, pregnancy, race, color, ethnicity, national origin, ancestry, religion, creed, age, physical or mental disability, medical condition, genetic information, marital status, military or veteran status, body size, domestic violence victim status, employment status, type of employment, or any other legally protected classifications. All Commissioners and all others associated with the BHC shall comply with the applicable Code of Conduct as stated in the BHC Bylaws.

ARTICLE XIII – POLICIES AND PROCEDURES

The BHC may establish Policies and Procedures on matters not covered by these Bylaws.

CERTIFICATE

This is to certify that the foregoing is a true and correct copy of the Bylaws of the Behavioral Health Commission of San Francisco and that such Bylaws were duly adopted by the Behavioral Health Commission of San Francisco on the date set forth below.

Chair or Co-Chairperson(s)

Adopted: March , 2022