

# SAN FRANCISCO BEHAVIORAL HEALTH COMMISSION

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**Mayor  
London N. Breed**

1380 Howard Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94103  
(415) 255-3474 fax: 255-3760  
[mhb@mhbsf.org](mailto:mhb@mhbsf.org)  
[www.mhbsf.org](http://www.mhbsf.org)  
[www.sfgov.org/mental\\_health](http://www.sfgov.org/mental_health)

Bahlam Javier Vigil, Vice-Chair  
Carletta Jackson-Lane, JD, Co-Chair  
Genesis Vasconez  
Harriette Stallworth Stevens, EdD  
Judith Klain, MPH  
Kescha MasonLisa Williams  
Stephen Banuelos, Secretary  
Terezie Bohrer, MSW, RN  
Toni Parks

## AGENDA

**Behavioral Health Commission Executive Committee Meeting  
Wednesday, February 9, 2022  
5:00 PM – 6:00 PM**

### REMOTE ACCESS

<https://us06web.zoom.us/j/84653870187?pwd=Nk5KSm1zR1RZK3dKNDN5MHZ6OUtGZz09>

Meeting ID: 846 5387 0187      Passcode: 764948  
Dial by your location      +1 669 900 6833 US (San Jose)

### CALL TO ORDER

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

### Roll Call

The Co-Chair will have the Executive Director call attention to the updated remote meeting resolution 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 – 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 the decision making process around the distribution of the new budget initiative by Mayor Breed

### **Report from the Co-Chair Jackson-Lane**

**1.1** Discuss the transition of Chairs and the process of nomination and voting

**1.2** Discuss vacancies and reappointments on the BHC

**1.3** Discuss the need for an active Board of Supervisor representative on the BHC

### **Public Comment**

#### **ITEM 2.0 ACTION ITEMS**

##### **2.1 Public Comment**

Discussion on Action Items

**2.2** Vote to approve unadopted minutes from January 12, 2022 Executive Committee meeting [**action item**]

#### **PUBLIC COMMENT**

**2.3** Vote to move Commissioner Vigil's consolidated resolution, previously viewed and voted on to move to the BHC meeting in February [**action item**]

#### **PUBLIC COMMENT**

#### **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](mailto: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](mailto: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 Pagpapalano. 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: [soft@sfgov.org](mailto:soft@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](http://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](http://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](http://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](http://www.sfdph.org/healthorders)) and one directive (Health Officer Directive No. 2020-33i, available online at [www.sfdph.org/directives](http://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.



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**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.

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