

HEALTH COMMISSION
RULES AND REGULATIONS

(In accordance with City Charter Sections 4.102, 4.104 and 4.110)

Approved on July 11, 1989
Amended on January 26, 1993
Amended on February 21, 1995
Amended on July 16, 1996
Amended on March 19, 2002
Amended on May 6, 2008
Amended January 17, 2012
Amended June 5, 2018

I. Health Commission Authority and Governance

- A. The Health Commission (“Commission”) shall be the Governing Body of the Department of Public Health (“Department”), which includes Zuckerberg San Francisco General Hospital and Trauma Center and Laguna Honda Hospital and Rehabilitation Center, as well as Community Mental Health, Substance Abuse, Community Public Health, Environmental Health, the Emergency Medical Services Agency, Forensics, and other administrative and service functions. The Commission, consistent with the overall objectives as established by the Mayor and the Board of Supervisors through the adoption of City legislation of the City and County, shall establish policy matters governing the various divisions of the Department and the hospitals, as established by the Mayor and the Board of Supervisors through the adoption of City legislation. As a policy making body, the Commission shall develop guiding principles and mission for the provision of public health services. The powers and duties of the Commission are in accordance with the City Charter Sections 4.102 and 4.110.
- B. The Commission shall address administrative matters solely through the Director of Health or her or his designee. Individual Commission members shall not dictate, suggest or interfere with administrative recommendations or actions of the Director of Health or her or his designees or subordinates. The full Commission may address administrative matters of the Department in accordance with the Commission’s power of hearing and inquiry under City Charter Section 4.102. The Commission may act on administrative matters only at a noticed meeting attended by a quorum, and only by means of a vote of the Commission or its committees. Management: The Director of Health shall carry out the policies set forth by the Commission. The Director of Health shall be responsible for the administration and management of the Department, will represent the Department with governmental bodies, and shall serve as the principal liaison between the Department and the Mayor. The Director of Health is appointed by the Mayor after the Commission submits at least three qualified applicants to the Mayor. The Commission removes the Director of Health. The Mayor may recommend removal of the Director of Health; and the Commission shall act on the Mayor’s recommendation by removing or retaining the Director of Health within 30 days. Failure to act on the Mayor’s recommendation shall constitute official misconduct. The Health Commission shall annually evaluate the Director of Health.

II. Membership

- A. Appointments: Health Commissioners are appointed by the Mayor pursuant to the City Charter Sections 3.100 and 4.110. The term of each member is four years. Each Commissioner must be registered to vote in the City and County of San Francisco at all times during their term of office. The Commission shall have less than a majority of direct care providers. Vacancies occurring on the Commission either during or at the expiration of the terms of the Commission shall be filled by the Mayor. The Board of Supervisors may reject a Mayor’s appointment by a two third (2/3) vote of the Board within 30 days following transmittal of Notice of Appointment. A Commissioner may be suspended by the Mayor and removed by the Board of Supervisors in accordance with City Charter Section 15.105. A Commissioner shall be removed by the Mayor if the Commissioner is guilty of official misconduct or convicted of a crime involving moral turpitude.
- B. Organization and Election of Officers: The Commission shall select a President and a Vice President from its members on a majority vote at the second meeting in March of each year or whenever there is a vacancy. The President and Vice President shall not serve in their respective office for more than four consecutive years. The President shall preside at all meetings of the Commission, shall preserve order and decorum, shall decide all questions of order subject to appeal to the Commission by any member, and shall in consultation with Commissioners appoint

any and all committees of the Commission. The President shall have the right to participate in the proceedings of the Commission.

- C. The Vice President of the Commission shall assume the duties of the President in the President's absence or when the President shall designate the Vice President to act. In the event of the death, resignation or permanent disability of the President, the Vice President shall act for the President until the Commission elects a President.

III. Meetings

- A. **Regular Meetings:** Meetings of the Commission will be held at the Department of Public Health at 101 Grove Street, Room #300 or Room 302, in San Francisco, on every first and third Tuesday of each month at 4:00 p.m., except that the Commission may designate a different location by motion or resolution or designate a different time, provided that the Commission give advance and proper notification to all interested parties. If the regularly-scheduled meeting is on a holiday, the meeting date shall be designated by a motion of the Commission.

The Commission shall conduct all of its business in a public forum. Meetings are noticed at the Main Public Library, 101 Grove, the Department of Public Health website and other appropriate public buildings at least 72 hours prior to each meeting.

- B. In the event that a quorum is not present, Commissioners may discuss the topics that were noticed, or other topics, with the individuals present, as the gathering is not a meeting of the body, provided that Commissioners comply with the obligations and requirements of their membership on the Commission. **Special Meetings:** Special Meetings of the Commission may be called at any time by the President or by a majority of the members of the Commission. Notice of the meeting must be given at least 72 hours prior to the Special Meeting. If the Commission holds a Special Meeting in a building other than its Regular Meeting place, it must give public notice of the meeting at least 15 days in advance. The 15-day notice does not have to include a formal agenda, but should specify the time, place, and generally identify the nature and purpose of the Special Meeting. A formal agenda must be posted 72 hours in advance of the Special Meeting. A Special Meeting may be strictly informational, for the purpose of conveying information to or receiving information from the public. Special Meetings that are strictly informational, must conform to all of the same requirements as any other Special Meeting, including proper notice and agenda requirements.

In the event that a quorum is not present, Commissioners may discuss the topics that were noticed, or other topics, with the individuals present, as the gathering is not a meeting of the body, provided that Commissioners comply with the obligations and requirements of their membership on the Commission.

- C. **Open and Public Meetings:** The Commission is governed by provisions of the Ralph M. Brown Act and the San Francisco Sunshine Ordinance, Chapter 67 of the San Francisco Administrative Code.

All Commission meetings shall be open and public and all persons shall be permitted to attend any meeting of the Commission. However, the Commission may, with appropriate notice, meet in closed session to consider and act upon matters authorized by Charter Section 4.104(2), the Ralph M. Brown Act, and the San Francisco Sunshine Ordinance.

- D. **Attendance:** Unless excused, all members of the Commission shall be in their respective seats at the hour appointed for each meeting of the Commission. The Director of Health and the Executive Secretary shall attend Commission meetings unless excused by the President of the Commission.

Except in the event of a notified absence (defined below), each member of the Health Commission is expected to attend each Regular or Special Meeting of the Health Commission. The Health Commission Executive Secretary shall maintain a record of members' attendance.

- E. Notified Absences: A member's absence shall constitute a "notified absence" where the member, in advance of the meeting, informs the Health Commission Executive Secretary or other person whom the Health Commission has designated that the member will be absent. An absence due to unforeseen circumstances such as illness or emergency shall also qualify as a notified absence where the member reports such absence to the Health Commission Executive Secretary as soon as reasonably possible. The Health Commission Executive Secretary shall record as non-notified all absences involving neither advance notice nor unforeseen circumstances.
- F. Reporting of Absences to the Mayor: The Health Commission Executive Secretary shall report all instances of non-notified absences as well as any instance of three consecutive absences of a member from Regular Meetings to the Mayor.
- G. Annual Attendance Report: At the end of each fiscal year, the Health Commission Executive Secretary shall submit a written report to the Mayor detailing each Health Commissioner's attendance at all meetings of the Health Commission for that fiscal year. The report will include attendance at the Health Commission's Committee meetings.
- H. Quorum: The Health Commission shall have a quorum of four members in order to transact official business. (Charter Section 4.104.)
- I. Call to Order and Roll Call: The President shall call each Commission meeting to order at the appointed hour. Immediately after the call to order, the Executive Secretary to the Commission shall call the roll of the members of the Commission and shall record those present and those absent and shall enter in the minutes the names of those members present at the first roll call as well as the names and time of appearance of those members who arrive subsequent to the first roll call.
- J. Voting: All Commissioners present shall vote on all action items pending before the Commission unless a member is excused from voting by a motion adopted by a majority of the members present (Charter Section 4.104). Action items on the Commission calendar shall be voted on either by roll call vote, voice vote or by a show of hands. The vote on resolutions and motions shall be "ayes" and "nays".

Except as otherwise provided herein, an affirmative vote of the majority of the members of the Commission shall be required for the passage of any resolution or motion. A majority vote of the Commission is four out of seven.

- K. Rules of Debate: When a member desires to address the Commission, he or she shall seek recognition by addressing the presiding officer, and when recognized, shall proceed to speak, confining his or her remarks to the question before the Commission. No discussion shall take place until a resolution or motion has been moved and seconded, or a calendared item has been introduced.
- L. Recordings and Minutes of the Proceedings: The Executive Secretary of the Commission shall ensure that every Commission meeting is recorded via audio device or audio/video device. All recordings of Regular or Special Meetings must be kept indefinitely. All recordings of closed sessions must be kept for at least ten years, or permanently if feasible. The Executive Secretary shall also record the proceedings of each Commission meeting in the minutes of the Commission

and shall forward a copy of the minutes to the Mayor, the Board of Supervisors and to the Main Public Library within ten (10) days of the completion of the meeting.

All motions/resolutions will be noted with an indication of who will implement the motion/resolution, what will be implemented, and the date for any requested follow-up report. The Executive Secretary will include any follow-up report as an agenda item on the date specified in the original action. Such follow-up reports may be removed from the agenda only by action of the Commission.

- M. Recess During a Meeting: The Commission meeting may have one or more recesses at the discretion of the President.
- N. Adjournment of Meetings: The Commission may adjourn any regular, special or adjourned Special Meeting to a time and place specified in the order of adjournment.
- O. Cancellation of Meetings: The Commission shall provide notice of the cancellation of a meeting to the public as soon as reasonably possible. The Commission shall post the cancellation notice at the meeting site and at the Department office. To the extent time permits, the Commission will post the cancellation notice on its website, at the San Francisco Main Library Government Information Center, and mail notice of the cancellation to those members of the public who have requested in writing to receive meeting agendas. The Commission will make every effort to give notice of the cancellation to parties with a matter on the agenda and to persons who normally receive agendas by e-mail.
- P. Agendas: Agendas for the Commission meetings will be set by the Commission President, in consultation with the Director of Health. The Commissioners may recommend items for consideration through the Executive Secretary of the Commission or Commission President. The Mayor, members of the Board of Supervisors and members of the public may also request items to be considered by the Commission. Requests shall be made by notifying the Executive Secretary.
- Q. Items to be Heard by the Commission: Only matters that have been calendared will be heard by the Commission at any meeting, unless action on the item is authorized under the Brown Act and the Sunshine Ordinance. The Commission shall consider information items and action items. The Commission shall approve the budget for the Department, including estimates of revenues and expenditures, reappropriations, accepting and expending grants, receipt of gifts, and contractual agreements. The Commission shall also approve budget modifications, fund transfers, and major program deletions, additions, and changes. Authorization for the Department to accept and expend grants, enter into contractual agreements, accept gifts, or approve expenditures of funds may be made in the form of a motion.

The Commission shall review proposed rates, fees and other similar charges. If approved, the Commission shall recommend such rates, fees and other similar charges to the Mayor for submission to the Board of Supervisors.

The Commission shall consider policy matters relating to health needs of the public, including program additions, deletions, or modifications. All declarations of policy shall be made in the form of a resolution.

The Commission shall develop and keep current an Annual Statement of Purpose outlining its areas of jurisdiction, authorities, purpose and goals, subject to review and approval by the Mayor and the Board of Supervisors. The Commission may include in the Annual Statement of Purpose the Annual Report describing the Commission's activities that is required by Charter Section 4.103.

The Executive Secretary shall call each item prior to consideration by the Commission. Discussions by the Commission shall be limited to the items called from the agenda. Each Commission agenda shall have an Other Business item, during which Commissioners, the Director, and the public may bring up topics for consideration at future meetings, providing that any discussion or action on a topic is taken after proper public notice is provided.

- R. **Public Participation and Testimony:** Members of the public are encouraged to attend the meetings and address the Commission on the items under consideration. The President of the Commission shall ask for public comments prior to calling for a vote on action items. Testimony shall be limited to comments pertaining to the items under consideration by the Commission. The President shall be the judge of the pertinence of such comments, and has the authority to limit this privilege if the comments are not pertinent to the question before the Commission or the comments are reiterative of points made by previous speakers. Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission that are not on the meeting agenda during general public comment. The Brown Act forbids a Commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at general public comment. Members of the public may address the Commission for up to three minutes each. The President may place a reasonable overall limit on testimony on a particular item. The Executive Secretary may be asked to time the speakers, and notify the speakers when they have exceeded the time limitation. Speakers who wish to testify before the Commission shall be requested to sign up at the beginning of each meeting, but they may remain anonymous if they choose. During public comment to the Commission remarks shall be addressed to the Commission as a whole, not to individual commissioners and not to the audience. When a member of the public is addressing the Health Commission, and when time limits have been placed on public testimony, the Chair of the meeting, in order to afford all public speakers a uniform time limit for testimony, shall allow persons requesting translation assistance to testify for twice the amount of the time limit, thereby providing uniform time for the speaker's testimony, as well as the time necessary for the translation of the testimony for the benefit of the Commissioners and the public. When an agenda item is heard at one meeting and public testimony is taken on the item and the item is continued to the next meeting for deliberation and action, the President of the Commission can preclude individuals who have already provided testimony from testifying at the subsequent meeting. Individuals who have points to make regarding issues that were not raised at the first meeting will be allowed to testify.
- S. **Reports:** For each Commission meeting, the Executive Secretary shall provide the Commission with written reports prepared by the Department providing background information on the items under consideration. The Executive Secretary shall provide all resolutions recommended by Department of Public Health staff for consideration by the Commission, and shall amend the resolutions as directed by the Commission. The Executive Secretary shall make available to the public copies of resolutions under consideration at the Commission meeting.

For each Commission meeting, the Director of Health shall provide the Commission with a summary of pertinent information on the operations of the Department. The Director's Report shall be summarized in the Commission's minutes.

- T. **Rules of Order:** Unless provided otherwise herein, Robert's Rules of Order shall guide the Commission in its proceedings.

IV. Committees

- A. The Commission shall have committees to review the policies, operations and directions of the Department. Committees may be created by the President as necessary. Committee members are appointed by the President. Policies shall be considered and established by the whole

Commission. The President of the Commission will appoint one Commissioner to be a liaison to any other appropriate body needing Commission representation.

- B. A committee may notice a meeting as a committee meeting and simultaneously, as a Special Meeting of the Commission. If a quorum of the Health Commission is present at a committee meeting, the meeting shall be a Special Meeting of the Health Commission and all Commissioners present may participate in the discussion and vote on items on the agenda. The meeting may take place as a committee meeting for operational purposes, i.e. the chair of the committee presides over the meeting and the minutes are prepared and approved at the subsequent committee meeting. Action taken at these Special Meetings shall be treated as recommendations or tentative decisions with no legal effect and shall be reviewed and approved at a Regular Meeting of the Commission. The Health Commission Executive Secretary shall make a note of the presence of the additional Commissioners in the minutes, and discussion shall be limited to items properly noticed on the agenda.

If a committee meeting is not properly noticed as a Special Meeting of the Health Commission and a quorum of the Health Commission is present at a committee meeting, the additional Commissioners attending the meeting may only observe and may not participate in the discussion or vote on an item on the agenda. The committee's recommendations shall be reported to the Health Commission for discussion and possible action. The Health Commission Executive Secretary shall make a note of the presence of the additional Commissioners in the minutes, and discussion shall be limited to items properly noticed on the agenda.

- C. Joint Conference Committees for Quality Assurance: At least two members of the Health Commission shall serve on the Joint Conference Committee for Quality Assurance ("Joint Conference Committee" or "JCC") at Zuckerberg San Francisco General Hospital and at least two members of the Commission shall serve on the Joint Conference Committee for Quality Assurance at Laguna Honda Hospital as required under federal and state regulations and, in relation to ZSFG, the standards of The Joint Commission. A Commissioner shall chair each Joint Conference Committee..

Joint Conference Committee meetings shall be open to the public. However, Joint Conference Committees may, with appropriate notice, meet in Closed Session to consider and act upon matters authorized by Charter Section 4.104(2), the Ralph M. Brown Act, the San Francisco Sunshine Ordinance, California Evidence Code Sections 1156, 1156.1, 1157(a) and (b), 1157.5, 1157.6, Health and Safety Code Section 1461, the California Constitution, Article I, Section 1, or any other applicable laws. The agendas for the Joint Conference Committees for Quality Assurance shall be set by the Chair of the Committee, in consultation with the CEO of the hospital or her or his designee.

- D. Health Commission Non-Hospital Committees.

1. The Finance and Planning Committee reviews items related to the Department's finance, budget, and planning issues including the Department's contracts, financial reports, and financial programs. The Health Commission President will assign three Commissioners to serve on this Committee. The Finance and Planning Committee shall have a quorum of two members in order to transact official business.

2. The Community and Public Health Committee reviews the Department's non-hospital programs and projects to ensure quality assurance. The Health Commission President will assign three Commissioners to serve on this Committee. The Community and Public Health Committee shall have a quorum of two members in order to transact official business.

- E. The President may appoint a Commissioner to a Health Commission committee temporarily when a committee member is unavailable to attend a committee meeting. The temporarily

appointed Commissioner shall have the same voting rights, obligations, and duties of the regular committee members for the period of her/his temporary appointment to such committee.

V. Role of the Executive Secretary

The Commission shall appoint an Executive Secretary to manage the affairs and operations of the Commission. The Executive Secretary shall serve at the pleasure of the Commission. In the performance of all duties, the Executive Secretary shall be responsible to the Commission and shall report directly to the President of the Commission. The Executive Secretary is responsible for arranging a thorough orientation for newly appointed Health Commissioners to include information sessions with San Francisco Department of Public Health Executive Staff and the City Attorney's Office in addition to tours of San Francisco Department of Public Health facilities.

The Executive Secretary shall handle Commission correspondence and shall respond to letters and inquiries on behalf of the Commission. The Executive Secretary shall record the actions of the Commission and shall maintain minutes of the Commission meetings. The Executive Secretary shall prepare the agenda and notice for each Commission meeting, brief members of the Commission on agenda items, and may provide analyses on budgetary, programmatic and policy items under consideration by the Commission.

The Executive Secretary has the authority to review and sign financial and personnel transaction records, leases, and purchase orders on behalf of the Commission. The Executive Secretary shall review and sign all ordinances and resolutions upon approval of the Commission. The Executive Secretary shall perform such other duties as defined by the Commission. The Commission shall annually evaluate the Executive Secretary.

VI. Adoption, Amendment, and Suspension of the Rules and Regulations

A. Adoption and Amending Rules and Regulations: The adoption of the Rules and Regulations shall be by motion and shall require an affirmative recorded vote of a majority of the members of the Commission.

When adopted, such Rules and Regulations shall remain in effect, unless suspended or amended as provided herein. An amendment to the Rules and Regulations may, after at least two weeks notice, be adopted by the affirmative vote of a majority of the members of the Commission.

B. Suspension of the Rules and Regulations: Except for this rule and such other rules already stated in the Charter, ordinances or resolutions by the Board of Supervisors, or other provisions of the law, any of these Rules and Regulations may be suspended by the affirmative vote of two thirds (2/3's) of the members of the Commission, provided that such suspension is entered in the minutes of the Commission.

A motion to suspend the Rules and Regulations is debatable.