

SAN FRANCISCO BEHAVIORAL HEALTH COMMISSION



**Mayor
London N. Breed**

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Bahlam Javier Vigil, Co-Chair
Stephen Banuelos, Co-Chair
Genesis Vasconez, MS, PMHNP-BC, Vice-Chair
Lisa Williams, Secretary
Terezia Bohrer, RN, MSW, CLNC
Judith Klain, MPH
Carletta Jackson-Lane, JD
Kescha S. Mason
Liza Murawski
Toni Parks
Harriette Stallworth Stevens, EdD
Lisa Wynn

AGENDA

**Behavioral Health Commission Executive Committee Meeting
Tuesday, September 13, 2022
5:00 PM – 6:00 PM**

REMOTE ACCESS

<https://us06web.zoom.us/j/82346365185?pwd=em1raGdZZTQwUTVMTHVYSXhUajAyUT09>

Meeting ID: 823 4636 5185

Passcode: 057260

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CALL TO ORDER

CHAIR: Vice-Chair Genesis Vasconez (she, her)

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

Roll Call

The Co-Chair will have the BHC Staff 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: Vice-Chair Genesis Vasconez (she, her) will Chair the Executive Committee to the absence of both Co-Chair Bahlam Javier Vigil (they/them/theirs), Co-Chair Stephen Banuelos

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. Discuss commissioner input on How to do the Data Notebook for 2022

Report from the Co-Chairs –

- 1.1 New BHC sf.gov website update: Discussion and possible action
- 1.2 Discuss progress on the BHS complaint process
- 1.3 Dates for future Commissioner Training
- 1.4 Annual Report 2021-2022 progress report
- 1.5 Progress on Oversight and Accountability resolution authored by Commissioner Murawski submitted to the Board of Supervisors – **see attached**

PUBLIC COMMENT:

ITEM 2.0 ACTION ITEMS - Discussion on action items

PUBLIC COMMENT

- 2.1 Vote to adopt minutes from the July 12, 2022 Executive Committee meeting **[action item]**

PUBLIC COMMENT

- 2.2 Vote to formalize the presentation of the Client Council by Mike Wise and Heather McDonnell Haney, BHS Liaison (Rams, Inc), before the full commission on July 20, 2022 - **[action item]**

PUBLIC COMMENT

- 2.3 What is the status of Conard House doing a presentation to the BHC?

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 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 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

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 [Error! Hyperlink reference not valid..](#)

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.

3.4 RESOLUTION: (MHB 02-2019) The Mental Health Board 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.

WHEREAS, permanent supportive housing residences provide behavioral health services and case management to vulnerable populations, and;

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

WHEREAS, permanent housing buildings require that building owners 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 1996 Health Insurance Portability and Accountability Act (**HIPAA**), that protects the privacy of their clients, 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 site incidents of severe bullying incidents and direct threats to harm, and;

THEREFORE, BE IT RESOLVED that, even with separate responsibilities and legal requirements between case management services and property management, it is essential that this mutual exclusivity not result in unsafe or unnecessarily stressful conditions for residents, and;

FURTHER RESOLVED, that residents of permanent supportive housing need an entity, agency, or City department where their grievances can be heard and addressed, and; **THEREFORE, BE IT RESOLVED** that The Behavioral Health Commission (BHC) formerly known as The Mental Health Board (MHB) 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.