

**HEALTH COMMISSION**  
**RULES AND REGULATIONS**

(In accordance with City Charter Section 4.104)

**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**

### **Health Commission Authority and Governance**

The Commission shall be the Governing Body of the Department of Public Health, which includes San Francisco General Hospital and Laguna Honda Hospital, 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 Section 4.102.

### **Management**

The Director of Health shall be the Chief Executive Officer of the Commission and 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 Health Director.

### **Appointments**

Health Commissioners are appointed by the Mayor pursuant to the City Charter Section 3.100. 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.

### **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.

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.

### **Meetings**

Meetings of the Commission will be held in the meeting room of the Public Health Department 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., subject to change due to unusual circumstances, with 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.

### **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 24 hours prior to the special meeting. The Commission may also hold informational meetings for the purpose of conveying information to the public and to receive information from the public. Informational meetings may be held at any convenient location and date as designated by the Commission. No official business shall be transacted at informational meetings.

### **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.

### **Temporary Meeting Place**

The Commission may designate some other appropriate meeting place as its temporary meeting place by providing notice to the public.

### **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.

### **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.

### **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.

### **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.

### **Quorum**

The Health Commission shall have a quorum of four members in order to transact official business. (Charter Section 4.104.)

### **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.

### **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.

### **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.

### **Minutes of the Proceedings**

The Executive Secretary of the Commission shall tape record each Commission meeting. 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.

### **Recess During a Meeting**

The Commission meeting may have one or more recesses at the discretion of the President.

### **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.

### **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.

### **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 a general discussion item, **Other Business**, during which Commissioners, the Director, and the public may bring up topics for discussion, providing that any action on a topic is taken after

public notice is provided, as well as an agenda item for Announcements/Reports from Commissioners

### **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.

### **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.

### **Rules of Order**

Unless provided herein, Robert's Rules of Order shall guide the Commission in its proceedings.

### **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.

### **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.

### **Committees**

The Commission shall have committees to review the policies, operations and directions of the Department. Committees may be appointed by the President as necessary. 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.

The Commission President is an "ex-officio" member of every Committee of the Commission and has the right to vote on the Committee. A majority of the members of the Health Commission may be in attendance and vote at committee meetings. However there will be no discussion of or deliberations on any matter not on the committee agenda. Committees will be noticed as a meeting of the full Commission in the event that a quorum is present under Sec. 67.3(b)(1) of the San Francisco Administrative Code.

### **Joint Conference Committees for Quality Assurance**

At least two members of the Health Commission shall serve on the Joint Conference Committee for Quality Assurance at 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 the policies of the Joint Commission on Accreditation of Hospitals. A Commissioner shall chair each Conference Committee for Quality Assurance.

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 1157(a) and (b), Health and Safety Code Section 1461, the California Constitution, Article I, Section 1, and 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 administrator of the hospital or deputy of a division.

### **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 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.