

1 [Repealing Community Court Administration Fee]

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3 **Draft ordinance repealing Administrative Code Sections 10.100-95 and 10.183 to**  
4 **authorize the District Attorney to collect Administrative Fees from persons who are**  
5 **determined by the District Attorney to be eligible for the community courts program.**

6 Note: Additions are *single-underline italics Times New Roman*;  
7 deletions are *strikethrough italics Times New Roman*.  
8 Board amendment additions are double underlined.  
9 Board amendment deletions are ~~strikethrough normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 The San Francisco Administrative Code is hereby amended by repealing Sections 10.100-95  
11 and 10.183 to read as follows:

12 ~~SECTION 10.100-95. MAYOR'S COMMUNITY SUPPORT FUND. COURT RESOLUTION~~  
13 ~~PROGRAM FUNDS.~~

14 ~~(a) Establishment of Funds. The Mayor's Community Support Fund is Court~~  
15 ~~Resolution Program Funds are established as a category eight six funds to receive all penalties~~  
16 ~~and, fines and other payments collected from participants in the Community Court Program, as~~  
17 ~~established in Section 10.100-95, to resolve disputes or dismiss charges awarded to the City and~~  
18 ~~County by a Community Court. A separate account fund shall be established for each~~  
19 ~~Community Court established or to be established, including both the Bayview Community~~  
20 ~~Court and the Taraval Community Court. All penalties and fines collected from participants in the~~  
21 ~~Community Court Program to resolve incidents or dismiss charges shall be deposited into the Mayor's~~  
22 ~~Community Support Fund account for the community in which the dispute occurred. In the event that~~  
23 ~~the community in which the incident occurred does not have an account, those fines or penalties~~  
24 ~~collected shall be deposited into a City-wide account in the Mayor's Community Support Fund.~~

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1 Monies previously being held in the Mayor's Community Court Funds shall be deposited in the  
2 respective Mayor's Community Support Fund account.

3 (b) — Use of Funds. The City shall expend the moneys in the Mayor's Community Support  
4 Fund Monies in these funds shall be expended by the City and County exclusively to support  
5 community enrichment projects in enhance public safety and quality of life in the community served  
6 by the respective account. Community Court, and to support that community's Community Court  
7 Program. The Director of the Mayor's Office of Criminal Justice Criminal Justice Council, in  
8 consultation with the Police Chief, District Attorney, the Chief Executive Officer of the Superior  
9 Courts, and the Controller, shall establish guidelines for the disbursement of moneys  
10 consistent with these purposes. No cost that may be incurred by any City department in  
11 administering these moneys shall be recovered therefrom.

12 (c) — Exceptions to Fund Category. The Director of the Mayor's Office of Criminal Justice  
13 Criminal Justice Council, in consultation with appropriate City agencies and community  
14 representatives, the Police Chief, District Attorney, and the Chief Executive Officer of the Superior  
15 Courts, may disburse moneys consistent with these guidelines, provided that any single  
16 expenditure in excess of \$5000 may not be disbursed without prior approval of the Board of  
17 Supervisors.

18 SECTION 10.183. COMMUNITY COURT PROGRAM ADMINISTRATIVE FEE.

19 (a) — Purpose. In order to recover the cost to the City for the District Attorney to participate  
20 in the operation of the Community Courts Program, as described in section 10.100-295 of this Code,  
21 the City will collect a Community Court Program Administrative Fee as follows.

22 (b) — Collection of Fee. The District Attorney is authorized to collect the Administrative Fee  
23 from persons who are determined by the District Attorney to be eligible for the Community Court  
24 Program and who elect to participate in the Program. The District Attorney shall explain the basis and  
25 amount of any fee to each person in advance of his or her participation in the Community Court

1 Program. The District Attorney is also authorized to collect the Administrative Fee from persons who  
2 are eligible for and who elect to participate in the Program but whose cases are heard in an  
3 administrative office because there is no community court in the neighborhood in which the incident or  
4 dispute occurred.

5 (e) — Amount of Fee. Consistent with the Dispute Resolution Program Act (California  
6 Business and Professions Code section 465 et. seq. and implementing regulations at 16 California  
7 Administrative Code section 3600 et. seq.), the Administrative Fee shall be assessed on a sliding scale  
8 basis. Individuals whose income and resources fall below 100 percent of the federal poverty level shall  
9 pay no Administrative Fee. Individuals whose income and resources are between 100 to 200 percent of  
10 the federal poverty level shall pay \$75.00 per case. Individuals whose income and resources exceed  
11 200 percent of the federal poverty level shall pay \$115.00 per case. A business participating in the  
12 Community Courts Program shall pay \$165.00 per case. Beginning with fiscal year 2005-2006, the  
13 Controller shall each year review and adjust the Administrative Fees set in this section without further  
14 action by the Board of Supervisors to ensure that the Administrative Fees produce sufficient revenue to  
15 support the District Attorney's participation in the Community Court Program, but do not produce  
16 revenue that exceeds that necessary to support the District Attorney's participation.

17 (e) — No Additional Fees. No agency providing dispute resolution services through the  
18 Community Court Program may collect any additional administrative fees from participants in the  
19 Community Courts Program.

20 (f) — Use of Fee. Consistent with the budgetary and fiscal provisions of the Charter, proceeds  
21 received from collection of the Administrative Fee shall be used to recover the costs to the City for the  
22 District Attorney to participate in the operation of the Community Courts Program.

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APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
Deputy City Attorney