

1 [Making Environmental Findings and Establishing the San Francisco Dispute Resolution
2 Program, Administrative Fees and Community Funds.]

3 **Ordinance making required environmental findings; adding Article XVI section 2A.250**
4 **to Chapter 2A to designate the Mayor's Office of Criminal Justice as the agency**
5 **administering the Dispute Resolution Programs Act in San Francisco, authorize the**
6 **Mayor's Office of Criminal Justice to establish and manage a San Francisco Dispute**
7 **Resolution Program and establish a sliding-scale administrative fee for use of dispute**
8 **resolution programs; amending section 10.100-95 to provide that all penalties and fines**
9 **collected from participants in the Dispute Resolution Program be deposited in the**
10 **Mayor's Community Support Fund and make other technical amendments; repealing**
11 **section 10.100-295 and replacing it with a new section 10.100-295 to establish a San**
12 **Francisco Dispute Resolution Program Administrative Fund for the collection of filing**
13 **fees and administrative fees authorized under the Dispute Resolution Programs Act.**

14
15 Note: Additions are *single-underline italics Times New Roman*;
16 deletions are *strikethrough italics Times New Roman*.
17 Board amendment additions are double underlined.
18 Board amendment deletions are ~~strikethrough normal~~.

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

20 Section 1. Findings.

21 *The Planning Department has determined that the actions contemplated in this ordinance are in*
22 *compliance with the California Environmental Quality Act (California Public Resources Code sections*
23 *21000 et. seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No.*
24 *_____ and is incorporated herein by reference.*

25 Section 2. The San Francisco Administrative Code is hereby amended by adding
Chapter 2A, Article XVI, section 2A.250 to read as follows:

1 Article XVI. Mayor's Office of Criminal Justice.

2 Sec.2A.250. San Francisco Dispute Resolution Program.

3 (a) Purpose. The Legislature adopted the Dispute Resolution Programs Act of 1986 ("Act"),
4 (Business and Professions Code sections 465 et. seq., and implementing regulations at 16 California
5 Administrative Code section 3600 et. seq.) to encourage more effective and efficient dispute resolution
6 through the greater use of alternatives to the courts. The Board of Supervisors adopts this ordinance to
7 implement the Act in San Francisco. It is the intent of the Board that the provisions of this ordinance
8 be consistent with the provisions of the Act and its implementing regulations as currently enacted or as
9 hereafter amended.

10 (b) Administering Agency. Pursuant to 16 California Administrative Code section 3665, the
11 Mayor's Office of Criminal Justice is designated the administering agency for implementing the Act in
12 San Francisco.

13 (c) Establishment of San Francisco Dispute Resolution Program. The Mayor's Office of
14 Criminal Justice shall establish and manage a San Francisco Dispute Resolution Program to distribute
15 grants to public entities and nonpartisan, nonprofit agencies pursuant to the standards set forth in the
16 Act and its implementing regulations. Consistent with those standards, the Mayor's Office of Criminal
17 Justice shall distribute grants to ensure City residents the greatest possible access to dispute resolution
18 programs and services and to utilize local resources that are reflective of the diversity of the
19 community.

20 (d) Establishment of Community Courts Program. The Mayor's Office of Criminal Justice shall
21 establish a Community Courts Program as part of the San Francisco Dispute Resolution Program. The
22 Community Courts may resolve disputes occurring in their respective communities that are referred to
23 them by the District Attorney, San Francisco Police Department or other participating agencies.

1 (e) Establishment of Administrative Fee. The Mayor's Office of Criminal Justice is authorized
2 to collect an administrative fee from persons who elect to participate in the San Francisco Dispute
3 Resolution Program.

4 (1) Amount of Fee. The Mayor's Office of Criminal Justice, in consultation with the Controller,
5 shall set the administrative fee, which shall not exceed the cost of administering the Dispute Resolution
6 Program. The Mayor's Office of Criminal Justice shall develop a sliding scale schedule for assessment
7 of the fee, according to income and financial need. The Mayor's Office of Criminal Justice, in
8 consultation with the Controller, shall review the fee annually to ensure that the fee does not exceed the
9 cost of administering the Program.

10 (2) Collection of Fee. Subject to the exemption described in section 2A.250(e)(3) below, the
11 agencies providing dispute resolution services through the Dispute Resolution Program shall collect
12 the administrative fees according to the established fee schedule and deposit the fees in the San
13 Francisco Dispute Resolution Administrative Fund established in section 10.100-295. The agencies
14 shall explain the basis and amount of any fee to all participants, in advance of the services being
15 furnished. No fee shall be collected from any participant who is indigent, as defined in the Act and its
16 implementing regulations. The agencies providing dispute resolution services may not charge any fees,
17 other than those established herein, for services provided with San Francisco Dispute Resolution
18 Program Funds.

19 (3) Exemption from Fee. The Director of the Mayor's Office of Criminal Justice may exempt an
20 agency providing dispute resolution services through the Dispute Resolution Program from collecting
21 fees under this provision if the agency demonstrates either that:

- 22 (A) The client population it serves is primarily indigent and eligible for services without fee; or
23 (B) The client population it serves is unlikely to utilize the agency's services if the agency
24 charges a fee.

1 (f) Collection of Fines, Penalties. The agencies providing dispute resolution services through
2 the Dispute Resolution Program, including, but not limited to, the Community Court Program, may
3 assess penalties and fines from participants to resolve their disputes, consistent with state and local
4 law. Those payments shall be deposited in the Community Support Fund, established in section
5 10.100-95, for the community in which the dispute occurred.

6 Section 3. The San Francisco Administrative Code is hereby amended by amending
7 section 10.100-95, to read as follows:

8 Sec. 10.100-95. Mayor's Community Support Fund. ~~Court Resolution Program Funds.~~

9 (a) Establishment of Funds. The Mayor's Community Support Fund is Resolution
10 Program Funds are established as a category eight six funds to receive all penalties and fines;
11 fines and other payments collected from participants in the San Francisco Dispute Resolution Program
12 , established in Section 2A.250 ,including but not limited to the Community Court Program, to resolve
13 disputes. awarded to the City and County by a Community Court. A separate account fund shall be
14 established for each community court established or to be established, ~~including both the~~
15 ~~Bayview Community Court and the Taraval Community Court.~~ All penalties and fines collected from
16 participants in the San Francisco Dispute Resolution Program shall be deposited into the Mayor's
17 Community Support Fund account for the community in which the dispute occurred. In the event that
18 the community in which the dispute occurred does have an account, those fines or penalties resulting
19 from disputes shall be deposited into a City-wide account in the Mayor's Community Support Fund.
20 Moneys previously being held in the Mayor's Community Court Funds shall be deposited in the
21 respective Mayor's Community Support Fund account.

22 (b) Use of Funds. The City shall expend the moneys in the Mayor's Community Support
23 Fund Monies in these funds shall be expended by the City and County exclusively to support
24 community enrichment projects in the enhance public safety and quality of life in community served
25 by the respective account. Community Court, and to support that community's Community Court

1 ~~Program.~~ The Director of the Mayor's Office of Criminal Justice Council, in consultation with the
2 Police Chief, District Attorney, the Chief Executive Officer of the ~~Superior~~ Courts, and the
3 Controller, shall establish guidelines for the disbursement of moneys consistent with these
4 purposes. No cost that may be incurred by any City department in administering these
5 moneys shall be recovered therefrom.

6 (c) Exceptions to Fund Category. The Director of the Mayor's Office of Criminal
7 Justice, in consultation with appropriate City agencies and community representatives, Council, in
8 ~~consultation with the Police Chief, District Attorney, and the Chief Executive Officer of the Superior~~
9 ~~Courts,~~ may disburse moneys consistent with those guidelines, provided that any single
10 expenditure in excess of \$5000 may not be disbursed without prior approval of the Board of
11 Supervisors.

12 Section 4. The San Francisco Administrative Code is hereby amended by repealing
13 section 10.100-295, which reads as follows:

14 ~~SEC. 10.100-295. SAN FRANCISCO DISPUTE RESOLUTION PROGRAM FUND.~~

15 (a) — ~~Purpose of Fund. The City recognizes and acknowledges that there is a need for the~~
16 ~~encouragement and support of the development and use of alternate dispute resolution techniques~~
17 ~~designed to facilitate the informal resolution of disputes among members of the community. To this~~
18 ~~end, the City wishes, pursuant to State law, to establish a program of grants to public entities and~~
19 ~~nonpartisan nonprofit corporations for the establishment and continuance of informal dispute~~
20 ~~resolution programs pursuant to the State Dispute Resolution Programs (Chapter 8 [commencing with~~
21 ~~Section 465], Division 1 of the Business and Professions Code) operated under standards developed by~~
22 ~~the State Dispute Resolution Advisory Council of the Department of Consumer Affairs.~~

23 (b) — ~~Establishment of Fund. The San Francisco Dispute Resolution Program Fund is~~
24 ~~established as a category four fund for the purpose of receiving all monies received and collected by~~
25 ~~the City and County pursuant to the State enacted Dispute Resolution Programs. This fund will be~~

1 ~~administered by the Controller. The City may accept and deposit into this special fund funds from any~~
2 ~~public or private source, including increased civil action filing fees authorized by the Board of~~
3 ~~Supervisors in accordance with the State Dispute resolution Program, as set forth under Business and~~
4 ~~Professions Code Chapter 8, Division 1 (commencing with Section 465), for the purposes of facilitating~~
5 ~~the Dispute Resolution Program.~~

6 (c) ~~— Use of Fund. The disbursement of any monies from this fund shall be made only in a~~
7 ~~manner consistent with the State Dispute Resolution Program. The Board of Supervisors hereby~~
8 ~~authorizes payment to the General Fund of the City from the Dispute Resolution Program Fund of an~~
9 ~~amount not to exceed 10 percent of the total amount of said fund for any necessary and reasonable~~
10 ~~administrative costs incurred in connection therewith.~~

11 (d) ~~— Administration of Fund. The Mayor's Office of Community Development is hereby~~
12 ~~designated as administrator of the Dispute Resolution Program Fund and shall be responsible for the~~
13 ~~establishment and management of a program to distribute grants to public entities and nonpartisan,~~
14 ~~nonprofit agencies in the City and County of San Francisco, pursuant to the standards set forth in the~~
15 ~~Dispute Resolution Program Act: Funding and Operating Guidelines, in addition to other requirements~~
16 ~~specified under provisions of State law.~~

17 ~~The Mayor's Office of Community Development shall establish criteria for grant awards that~~
18 ~~give preference to community-based nonprofit conflict resolution programs and distribute grants on a~~
19 ~~balanced basis to ensure the greatest possible access to dispute resolution programs and services. The~~
20 ~~City and County of San Francisco shall uphold the legislative intent of Chapter 8, Division 1, Section~~
21 ~~465.5 of the Business and Professions Code, to the extent practicable, and utilize local resources that~~
22 ~~are reflective of the diversity of the community.~~

23 Section 5. The San Francisco Administrative Code is hereby amended by adding
24 section 10.100-295, to read as follows:

25 Sec. 10.100-295. San Francisco Dispute Resolution Program Administrative Fund.

1 (a) Establishment of Fund. The San Francisco Dispute Resolution Program Administrative
2 Fund is established as a category eight fund to accept and deposit moneys from any public or private
3 source for the administration of the San Francisco Dispute Resolution Program established in section
4 ____, including increased civil action filing fees authorized by the Board of Supervisors, pursuant to
5 Business and Professions Code section 470.3, and administrative fees collected from participants in the
6 San Francisco Dispute Resolution Program. Moneys previously being held in the San Francisco
7 Dispute Resolution Program Fund shall be deposited in the San Francisco Dispute Resolution Program
8 Administrative Fund.

9 (b) Use of Fund. Pursuant to California Business and Professions Code section 469, moneys
10 deposited in the Fund shall be used exclusively for the costs of operation of the San Francisco Dispute
11 Resolution Program.

12 (c) Exceptions to Fund Category. Pursuant to California Business and Professions Code
13 section 469, no more than ten percent of the Dispute Resolution Program Administrative Fund may be
14 used to finance the City's administration of the San Francisco Dispute Resolution Program

15
16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: _____
20 Amy S. Ackerman
21 Deputy City Attorney
22
23
24
25