

1 [Making Environmental Findings and Establishing the Community Courts Program and  
2 Administrative Fee.]

3 **Ordinance making required environmental findings; amending section 10.100-95 of the**  
4 **Administrative Code to provide that monies collected from participants in the**  
5 **Community Court Program to settle disputes or dismiss charges be deposited in the**  
6 **Mayor's Community Support Fund and make other technical amendments; amending**  
7 **section 10.100-295 of the Administrative Code to designate the Mayor's Office of**  
8 **Criminal Justice as administrator of the Dispute Resolution Program and Fund and to**  
9 **designate the Mayor's Office of Criminal Justice and the District Attorney's Office as**  
10 **administrators of the Community Courts Program; and to add section 10.183 to the**  
11 **Administrative Code to establish and authorize the District Attorney to collect a**  
12 **Community Court Program Administrative Fee to recover the City's costs for the**  
13 **District Attorney to participate in the operation of the Community Courts Program.**

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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  
22 ordinance are in compliance with the California Environmental Quality Act (California Public  
23 Resources Code sections 21000 et. seq.). Said determination is on file with the Clerk of the  
24 Board of Supervisors in File No. \_\_\_\_ and is incorporated herein by reference.  
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1 Section 2. The San Francisco Administrative Code is hereby amended by amending  
2 Section 10.100-95, to read as follows:

3 SECTION 10.100-95. MAYOR'S COMMUNITY SUPPORT FUND, ~~COURT RESOLUTION~~  
4 ~~PROGRAM FUNDS~~.

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

18 (b) Use of Funds. The City shall expend the moneys in the Mayor's Community Support  
19 Fund Monies in these funds shall be expended by the City and County exclusively to support  
20 community enrichment projects in ~~enhance public safety and quality of life in~~ the community served  
21 by the respective account, Community Court, and to support that community's Community Court  
22 Program. The Director of the Mayor's Office of Criminal Justice ~~Criminal Justice Council~~, in  
23 consultation with the Police Chief, District Attorney, the Chief Executive Officer of the Superior  
24 Courts, and the Controller, shall establish guidelines for the disbursement of moneys  
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1 consistent with these purposes. No cost that may be incurred by any City department in  
2 administering these moneys shall be recovered therefrom.

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

9 Section 3. The San Francisco Administrative Code is hereby amended by amending  
10 Section 10.100-295, to read as follows:

11 SECTION 10.100-295. SAN FRANCISCO DISPUTE RESOLUTION PROGRAM FUND.

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

21 (b) Establishment of Fund. The San Francisco Dispute Resolution Program Fund is  
22 established as a category four fund for the purpose of receiving all monies received and  
23 collected by the City and County pursuant to the State-enacted Dispute Resolution Programs.  
24 This fund will be administered by the Controller. The City may accept and deposit into this  
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1 special fund funds from any public or private source, including increased civil action filing fees  
2 authorized by the Board of Supervisors in accordance with the State Dispute resolution  
3 Program, as set forth under Business and Professions Code Chapter 8, Division 1  
4 (commencing with Section 465), for the purposes of facilitating the Dispute Resolution  
5 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  
8 hereby authorizes payment to the General Fund of the City from the Dispute Resolution  
9 Program Fund of an amount not to exceed 10 percent of the total amount of said fund for any  
10 necessary and reasonable administrative costs incurred in connection therewith.

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

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

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1           (e) Community Courts Program. The Mayor's Office of Criminal Justice, in partnership  
2 with the District Attorney, shall establish and maintain a Community Courts Program as part of the  
3 Dispute Resolution Program. The Community Courts may handle cases occurring in their respective  
4 communities that are referred to them by the District Attorney, San Francisco Police Department, or  
5 other participating agencies. Consistent with state and local law, in settling disputes or resolving  
6 cases, the Community Courts may require participants to perform community service or pay monies  
7 into the Mayor's Community Support Fund, as established in Section 10.100-95.

8           Section 4. The San Francisco Administrative Code is hereby amended by adding  
9 Section 10.183, to read as follows:

10           SECTION 10.183. COMMUNITY COURT PROGRAM ADMINISTRATIVE FEE.

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

14           (b) Collection of Fee. The District Attorney is authorized to collect the Administrative Fee  
15 from persons who are determined by the District Attorney to be eligible for the Community Court  
16 Program and who elect to participate in the Program. The District Attorney shall explain the basis and  
17 amount of any fee to each person in advance of his or her participation in the Community Court  
18 Program. The District Attorney is also authorized to collect the Administrative Fee from persons who  
19 are eligible for and who elect to participate in the Program but whose cases are heard in an  
20 administrative office because there is no community court in the neighborhood in which the incident or  
21 dispute occurred.

22           (c) Amount of Fee. Consistent with the Dispute Resolution Program Act (California  
23 Business and Professions Code section 465 et. seq. and implementing regulations at 16 California  
24 Administrative Code section 3600 et. seq.), the Administrative Fee shall be assessed on a sliding scale  
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1 basis. Individuals whose income and resources fall below 100 percent of the federal poverty level shall  
2 pay no Administrative Fee. Individuals whose income and resources are between 100 to 200 percent of  
3 the federal poverty level shall pay \$75.00 per case. Individuals whose income and resources exceed  
4 200 percent of the federal poverty level shall pay \$115.00 per case. A business participating in the  
5 Community Courts Program shall pay \$165.00 per case. Beginning with fiscal year 2005-2006, the  
6 Controller shall each year review and adjust the Administrative Fees set in this section without further  
7 action by the Board of Supervisors to ensure that the Administrative Fees produce sufficient revenue to  
8 support the District Attorney's participation in the Community Court Program, but do not produce  
9 revenue that exceeds that necessary to support the District Attorney's participation.

10 (e) No Additional Fees. No agency providing dispute resolution services through the  
11 Community Court Program may collect any additional administrative fees from participants in the  
12 Community Courts Program.

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

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

18 By: \_\_\_\_\_  
19 AMY S. ACKERMAN  
20 Deputy City Attorney