

File No. 220040

Committee Item No. 8

Board Item No. 8

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee Date February 16, 2022

Board of Supervisors Meeting Date March 1, 2022

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Grant Information Form
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

Completed by: Brent Jalipa Date February 11, 2022

Completed by: Brent Jalipa Date February 25, 2022

[Accept and Expend Grant and Amend the Annual Salary Ordinance - Retroactive - Board of State and Community Corrections - Resentencing Pilot Program - \$750,000]

Ordinance retroactively authorizing the Public Defender’s Office (PDR) to accept and expend a grant in the amount of \$750,000 from the Board of State and Community Corrections, to comply with Penal Code, Section 1170.01(e)’s mandate to use these funds to support the resentencing of individuals under newly enacted Penal Code, Section 1170.03, for example, by “ensuring adequate staffing of deputy public defenders and other support staff to represent incarcerated persons under consideration for resentencing, identifying and recommending incarcerated persons” who should be considered for resentencing, “and developing reentry and release plans” for the period of September 1, 2021, through September 1, 2024; and to amend the Annual Salary Ordinance No. 109-21 (Annual Salary Ordinance, File No. 210644 for Fiscal Years 2021-2022 and 2022-2023) to provide for the addition of two grant-funded positions, one FTE in Class 8446 Court Alternative Specialist I and one FTE in Class 8173 Legal Assistant for the PDR Resentencing Pilot Program.

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

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

Section 1. Findings

(a) Recent criminal justice reform legislation (AB 1540 Ting) passed by the California Legislature in 2021, to be effective on January 1, 2022, together with existing law (Penal Code section 1170 (d)), will potentially provide thousands of people in California prisons and

1 hundreds from San Francisco with the opportunity to have their sentences significantly
2 reduced in the interests of justice and based on a variety of factors.

3 (b) San Francisco County was selected to be part of the County Resentencing Pilot
4 Program and thus to receive \$750,000 to spend over three years in order to support
5 individuals seeking resentencing under newly enacted Penal Code section 1170.03. (AB 145.)
6 The County Resentencing Pilot Program is described in Penal Code section 1170.01 and
7 mandates that, "All funding provided to a participating public defender's office shall be used
8 for the purposes of supporting the resentencing of individuals pursuant to the pilot, including,
9 but not limited to, ensuring adequate staffing of deputy public defenders and other support
10 staff to represent incarcerated persons under consideration for resentencing, identifying and
11 recommending incarcerated persons" who should be considered for resentencing, "and
12 developing reentry and release plans."

13 (c) To meet this mandate, the County Resentencing Pilot Program, also referred to as
14 The Freedom Project at the San Francisco Public Defender's Office, needs to add one full-
15 time court alternative specialist (otherwise knowns as a mitigation specialist or social worker)
16 and one full-time legal assistant, at minimum.

17 (d) The Freedom Project's mission is to exponentially reduce mass incarceration
18 through legislative change and direct representation, ensuring all released are safe and
19 supported.

20 (e) With the two additional grant-funded full-time positions, the Public Defender's Office
21 will be able to monitor and evaluate both the change in client capacity and the outcomes.

22 (f) The grant award period is September 1, 2021 to September 1, 2024.

23 (g) The grant does not include any provision for indirect costs.

24
25 **Section 2. Authorization to Accept and Expend Grant Funds**

1 (a) The Board of Supervisors hereby authorizes the Public Defender to accept and
2 expend \$750,000 in grant funds from the Board of State and Community Corrections, to
3 comply with Penal Code section 1170.01(e)'s mandate to use these funds to support the
4 resentencing of individuals under newly enacted Penal Code section 1170.03, for example, by
5 "ensuring adequate staffing of deputy public defenders and other support staff to represent
6 incarcerated persons under consideration for resentencing, identifying and recommending
7 incarcerated persons" who should be considered for resentencing, "and developing reentry
8 and release plans".

9 (b) The Board of Supervisors hereby authorizes the Public Defender to maximize
10 use of available grant funds on program expenditures by not including indirect costs in the
11 grant budget, and waiving indirect costs.

12 (c) The Board of Supervisors hereby authorizes the Public Defender to expend any
13 interest earned in accordance with the terms under which the principal is received and
14 expended.

15
16 **Section 3. Grant funded positions; Amendment to Fiscal Years 2021-2022 and**
17 **2022-2023 Annual Salary Ordinance.**

18 The hereinafter designated sections and items of Ordinance No. 109-21 (Annual Salary
19 Ordinance File No. 210644 for FYs 2021-2022 and 2022-2023) are hereby amended to add
20 two (2) positions to the Public Defender's Office as follows:

21
22 Department: PDR (232082) Public Defender's Office
23 Program: PDR Resentencing Pilot Program
24 Fund: 13720
25 Project ID: 10038314

Activity ID: 0001

Amendment	No. of Positions	Class	Compensation Schedule	Department
Add in FY 21-22	0.33 FTE	8446 Court Alternative Specialist I	\$3,392 Biweekly	PDR
Add in FY 21-22	0.33 FTE	8173 Legal Assistant	\$4,024 Biweekly	PDR
Add in FY 22-23	1 FTE	8446 Court Alternative Specialist I	\$3,392 Biweekly	PDR
Add in FY 22-23	1 FTE	8173 Legal Assistant	\$4,024 Biweekly	PDR

APPROVED AS TO FORM:

David Chiu, City Attorney

APPROVED AS TO CLASSIFICATION

DEPARTMENT OF HUMAN RESOURCES

By: /s/

Christina Fletes-Romo

Deputy City Attorney

By: /s/

Carol Isen

Human Resources Director

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPROVED: _____ /s/

Mayor

APPROVED: _____ /s/

Ben Rosenfield
Controller

Recommended:

/s/ _____

Manohar Raju
Public Defender

LEGISLATIVE DIGEST

[Accept and Expend Grant and Amend the Annual Salary Ordinance - Retroactive - Board of State and Community Corrections - Resentencing Pilot Program - \$750,000]

Ordinance retroactively authorizing the Public Defender's Office (PDR) to accept and expend a grant in the amount of \$750,000 from the Board of State and Community Corrections, to comply with Penal Code, Section 1170.01(e)'s mandate to use these funds to support the resentencing of individuals under newly enacted Penal Code, Section 1170.03, for example, by "ensuring adequate staffing of deputy public defenders and other support staff to represent incarcerated persons under consideration for resentencing, identifying and recommending incarcerated persons" who should be considered for resentencing, "and developing reentry and release plans" for the period of September 1, 2021, through September 1, 2024; and to amend the Annual Salary Ordinance No. 109-21 (Annual Salary Ordinance, File No. 210644 for Fiscal Years 2021-2022 and 2022-2023) to provide for the addition of two grant-funded positions, 1 FTE in Class 8446 Court Alternative Specialist I and 1 FTE in Class 8173 Legal Assistant for the PDR Resentencing Pilot Program.

Background Information

The Public Defender's Office received a \$750,000 grant from the Board of State and Community Corrections as part of the newly enacted County Resentencing Pilot Program under Penal Code section 1170.03. The purpose of the funding is to ensure adequate staffing of deputy public defenders and support staff to represent individuals who are incarcerated and under consideration for resentencing, identify and recommend individuals who should be considered for resentencing, and develop reentry and release plans.

Proposed Ordinance

The proposed ordinance retroactively authorizes the Public Defender's Office to accept and expend a \$750,000 grant from Board of State and Community Corrections to comply with the State's County Resentencing Pilot Program and support the resentencing of individuals. The grant term is September 1, 2021 through September 1, 2024. The grant does not include a provision for indirect costs. The grant funds will be used to pay for staff salaries in the Public Defender's Office.

Pursuant to Administrative Code § 10.170-1(d), the ordinance also amends the Annual Salary Ordinances for FYs 2021-2022 and 2022-2023 to reflect the addition of a grant funded Class 8446 Court Alternative Specialist I position (FTE .33 for FY 2021-2022, and FTE 1.0 for FY

FILE NO. 220040

2022-2023) and a Class 8173 Legal Assistant (FTE .33 for FY 2021-2022, and FTE 1.0 for FY 2022-2023) at the Public Defender's Office.

n:\govern\as2022\9690101\01576848.docx

File Number: 220040
(Provided by Clerk of Board of Supervisors)

Grant Ordinance Information Form
(Effective July 2011)

Purpose: Accompanies proposed Board of Supervisors ordinances authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: BSCC Resentencing Pilot Program Grant
2. Department: Public Defender
3. Contact Person: Angela Auyong Telephone: 415-553-1677
4. Grant Approval Status (check one):
☒ [X] Approved by funding agency ☐ [] Not yet approved
5. Amount of Grant Funding Approved or Applied for: \$ 750,000
6. a. Matching Funds Required: \$ 0
b. Source(s) of matching funds (if applicable):
7. a. Grant Source Agency: State of California
b. Grant Pass-Through Agency (if applicable):
8. Proposed Grant Project Summary: To potentially provide thousands of people in California prisons and hundreds from San Francisco with the opportunity to have their sentences significantly reduced in the interests of justice and based on a variety of factors.
9. Grant Project Schedule, as allowed in approval documents, or as proposed:
Start-Date: September 1, 2021 End-Date: September 1, 2024
10. Number of new positions created and funded: 2
11. Explain the disposition of employees once the grant ends? Seeking additional funding support from the grantor for extension if possible or requesting general fund support.
12. a. Amount budgeted for contractual services: \$ 0
b. Will contractual services be put out to bid?
c. If so, will contract services help to further the goals of the Department's Local Business Enterprise (LBE) requirements?
d. Is this likely to be a one-time or ongoing request for contracting out?
13. a. Does the budget include indirect costs?
☐ [] Yes ☒ [X] No
b. 1. If yes, how much? \$
b. 2. How was the amount calculated?
c. 1. If no, why are indirect costs not included?
☐ [] Not allowed by granting agency ☒ [X] To maximize use of grant funds on direct services
☐ [] Other (please explain):

- c. 2. If no indirect costs are included, what would have been the indirect costs?
- 14.** Any other significant grant requirements or comments: No

****Disability Access Checklist****

15. This Grant is intended for activities at (check all that apply):

<input checked="" type="checkbox"/> Existing Site(s)	<input type="checkbox"/> Existing Structure(s)	<input checked="" type="checkbox"/> Existing Program(s) or Service(s)
<input type="checkbox"/> Rehabilitated Site(s)	<input type="checkbox"/> Rehabilitated Structure(s)	<input type="checkbox"/> New Program(s) or Service(s)
<input type="checkbox"/> New Site(s)	<input type="checkbox"/> New Structure(s)	

16. The Departmental ADA Coordinator or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

Comments:

Departmental ADA Coordinator or Mayor's Office of Disability Reviewer:

Arlene Laxamana

(Name)

Human Resources Manager

(Title)

Date Reviewed: 11/19/2021



(Signature Required)

Overall Department Head or Designee Approval:

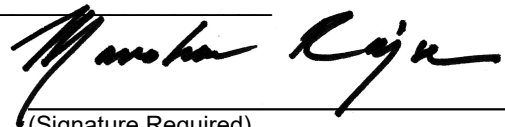
Manohar Raju

(Name)

Public Defender

(Title)

Date Reviewed: 11/19/2021



(Signature Required)

BUDGET: BSCC Resentencing Pilot Program Budget

		3-Year Budget			
Cost Category		Year 1	Year 2	Year 3	Budget Total
I. Personnel					
PDR	8446 - Court Alternative Specialist	\$ 73,292	\$ 80,016	\$ 84,870	\$ 238,178
PDR	8446- Fringe & Benefits	\$ 33,275	\$ 36,327	\$ 38,531	\$ 108,133
PDR	8173 - Legal Assistant	\$ 86,973	\$ 94,895	\$ 99,645	\$ 281,513
PDR	8173 - Fringe & Benefits	\$ 37,746	\$ 41,184	\$ 43,246	\$ 122,176
TOTAL		\$ 231,286	\$ 252,422	\$ 266,292	\$ 750,000



LINDA M. PENNER
Chair

KATHLEEN T. HOWARD
Executive Director

STATE OF CALIFORNIA

BOARD OF STATE AND COMMUNITY CORRECTIONS

2590 VENTURE OAKS WAY, SUITE 200 • SACRAMENTO CA 95833 • 916.445.5073 • BSCC.CA.GOV



GAVIN NEWSOM
Governor

October 22nd, 2021

San Francisco County Office of the Public Defender
Attn: Angela Auyong
555 7th Street
San Francisco, CA 94103

To whom it may concern,

Attached you will find a warrant for funds being distributed to your agency per the Budget Act of 2021.

This disbursement is being made in accordance with Assembly Bill 128, Chapter 21, Statutes of 2021, Item 5227-115-0001, Provision 2(f) which provides that the San Francisco County Public Defender will receive \$750,000 for the County Resentencing Pilot Program. Detailed requirements for participation in the County Resentencing Pilot Program are set forth in Penal Code section 1170.01, which was added by Assembly Bill 145, Chapter 80, Statutes of 2021.

For questions regarding the evaluation requirements set forth in Penal Code section 1170.01, please contact one of the following individuals at the RAND Corporation:

Lois Davis	(310) 393-0411 x 7330	Imdavis@rand.org
Melissa Labriola	(703)-413-0100 x 5573	labriola@rand.org

If you have any questions regarding this funding distribution, please contact Lee Sutter, Chief Fiscal Officer, at Lee.Sutter@bscc.ca.gov or (916) 712-2887.

Thank you,

LINDA PENNER
Board Chair
Board of State and Community Corrections

From: [Goossen, Carolyn \(PDR\)](#)
To: [Harris, Danielle \(PDR\)](#); [Jalipa, Brent \(BOS\)](#)
Subject: Re: BOS File No. 2220040 - Accept and Expend Grant and Amend the Annual Salary Ordinance - Retroactive - Board of State and Community Corrections - Resentencing Pilot Program - \$750,000
Date: Thursday, February 24, 2022 3:36:43 PM

Thanks Brent!

Also, please see the following explanation regarding “retroactive approval:”

The Public Defender Accept and Expend Grant is considered “retroactive” because the state grant technically began September 1, 2021. However, the Public Defender’s Office has not hired anyone yet nor has it begun activities that are related to the grant.”

Thank you!
Carolyn

From: "Harris, Danielle (PDR)" <danielle.harris@sfgov.org>
Date: Thursday, February 24, 2022 at 3:20 PM
To: "Jalipa, Brent (BOS)" <brent.jalipa@sfgov.org>
Cc: "Goossen, Carolyn (PDR)" <carolyn.goossen@sfgov.org>
Subject: Re: BOS File No. 2220040 - Accept and Expend Grant and Amend the Annual Salary Ordinance - Retroactive - Board of State and Community Corrections - Resentencing Pilot Program - \$750,000

Got it! Thank you very much.

From: "Jalipa, Brent (BOS)" <brent.jalipa@sfgov.org>
Date: Thursday, February 24, 2022 at 12:27 PM
To: "Harris, Danielle (PDR)" <danielle.harris@sfgov.org>
Subject: BOS File No. 2220040 - Accept and Expend Grant and Amend the Annual Salary Ordinance - Retroactive - Board of State and Community Corrections - Resentencing Pilot Program - \$750,000

Good afternoon,

As you are aware, your following item was heard in the Budget & Finance Committee on February 16, 2022, and forwarded to the full Board for March 1, 2022:

- **File No. 220040** - Accept and Expend Grant and Amend the Annual Salary Ordinance - Retroactive - Board of State and Community Corrections - Resentencing Pilot Program - \$750,000

This legislation authorizes “retroactive” approval. Due to the full Board’s concerns regarding “retroactive” approvals, please make sure you - or a department representative - will be in

attendance to answer any questions or concerns when the full Board considers this matter.

If you would like to include additional written explanation regarding the “retroactive” approval, please forward to me and I will disseminate to the Members and include in the legislative file.

Thank you for your continued collaboration on the legislative process.

Regards,

Brent Jalipa

Assistant Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Manohar Raju, Public Defender

DATE: December 10, 2021

SUBJECT: Accept and Expend Ordinance for Subject Grant

GRANT TITLE: Board of State and Community Corrections
Resentencing Pilot Program Grant

Attached please find the original* and one copy of each of the following:

X Proposed grant ordinance; original* signed by Department, Mayor, Controller

X Grant information form, including disability checklist

X Grant budget

 Grant application

X Letter of Intent or grant award letter from funding agency

 Ethics Form 126 (if applicable)

 Contracts, Leases/Agreements (if applicable)

 Other (Explain):

Special Timeline Requirements:

Departmental representative to receive a copy of the adopted ordinance:

Name: Angela Auyong

Phone: 415-553-1677

Interoffice Mail Address: 555 7th Street, San Francisco, CA 94103

Certified copy required Yes ☐

No ☒

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning : "Supervisor [] inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. [] from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No. []
- ☐ 9. Reactivate File No. []
- ☐ 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Safai

Subject:

[Accept and Expend Grant and Amend the Annual Salary Ordinance – Retroactive – Board of State and Community Corrections - Resentencing Pilot Program - \$750,000]

The text is listed:

Ordinance retroactively authorizing the San Francisco Public Defender's Office to accept and expend a grant in the amount of \$750,000 from the Board of State and Community Corrections, to comply with Penal Code section 1170.01(e)'s mandate to use these funds to support the resentencing of individuals under newly enacted Penal Code section 1170.03, for example, by "ensuring adequate staffing of deputy public defenders and other support staff to represent incarcerated persons under consideration for resentencing, identifying and recommending incarcerated persons" who should be considered for resentencing, "and developing reentry and release plans" for the period of September 1, 2021 to September 1, 2024; and to amend the Annual Salary Ordinance No. 109-21 (Annual Salary Ordinance, File No. 210644 for FYs 2021-2022 and 2022-2023) to provide for the addition of two (2) grant-funded positions, 1 FTE in Class 8446 Court Alternative Specialist I and 1 FTE in Class 8173 Legal Assistant for PDR Resentencing Pilot Program.

Signature of Sponsoring Supervisor: []