

File No. 220186

Committee Item No. 6

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee Date May 11, 2022

Board of Supervisors Meeting Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
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- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Brent Jalipa Date May 6, 2022

Completed by: Brent Jalipa Date _____

1 [Accept and Expend Grant - Retroactive - State of California - Board of State and Community
2 Corrections - County Resentencing Pilot Program - Amendment to the Annual Salary
3 Ordinance - FYs 2021-2022 and 2022-2023 - \$1,350,000]

4 **Ordinance retroactively authorizing the Office of the District Attorney to accept and**
5 **expend a grant in the amount of \$1,350,000 from the State of California Board of State**
6 **and Community Corrections to fund the County Resentencing Pilot Program; and**
7 **amending Ordinance No. 109-21 (Annual Salary Ordinance File No. 210644 for Fiscal**
8 **Years (FYs) 2021-2022 and 2022-2023) to provide for the addition of one grant-funded**
9 **position in Class 8177 Attorney-Civil/Criminal (FTE 1.0) and one grant-funded position**
10 **in Class 8173 Legal Assistant (FTE 1.0) in the Office of the District Attorney for the**
11 **period of September 1, 2021, through September 1, 2024.**

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

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

17
18 Section 1. Findings.

19 (a) The San Francisco District Attorney (“District Attorney”) was awarded \$1,350,000
20 by the State of California Board of State and Community Corrections to support the County
21 Resentencing Pilot Program, and was notified of the distribution of funds via e-mail in August
22 2021 but did not receive the Notice of Award letter and checks until November 2021.

23 (b) The County Resentencing Pilot Program was established via the State Budget
24 trailer bill [SB 145](#).

25

1 (c) The program period is from September 1, 2021 to September 1, 2024, with the final
2 report due to the California State Legislature from an evaluator by January 31, 2025

3 (d) The grant does not include any provision for indirect costs.
4

5 Section 2. Authorization to accept and expend grant funds.

6 (a) The Board of Supervisors hereby authorizes the District Attorney to
7 accept and expend, on behalf of the City and County of San Francisco, State of California
8 Board of State and Community Corrections grant funds in the amount of \$1,350,000 to
9 support the County Resentencing Pilot Program’s two-fold goal: 1) ensure that the District
10 Attorney in each county has the resources needed to exercise their discretion under Penal
11 Code 1170(d)(1); and 2) evaluate a collaborative approach to exercising prosecutorial
12 resentencing discretion.

13 (b) The District Attorney proposes to maximize use of available grant funds on
14 program expenditures by not including indirect costs in the grant budget, and indirect costs
15 are hereby waived.

16 (c) The total personnel budget for the two (2) new positions (2.0 FTE) is \$1,100,000
17 of the total grant award of \$1,350,000 for the term September 1, 2021 to September 1, 2024.
18 The balance of the grant award is allocated to pay for \$250,000 in contractual services with a
19 community-based organization.

20 (d) Any interest earned on the grant funds must go to the funded activities.
21

22 Section 3. Grant funded positions: Amendment to Fiscal Year 2021-2022 and Fiscal
23 Year 2022-2023 Annual Salary Ordinance.
24
25

1 The hereinafter designated sections and items of Ordinance No.109-21 (Annual Salary
2 Ordinance File No. 210644 for FY 2021-2022 and FY 2022-2023) are hereby amended so
3 that the same shall read as follows:

4 Department: DAT (229313) District Attorney

5 Program: DA Resentencing Pilot Program

6 Fund: 13720

7 Project ID: 10038293

8

| Amendment | No. of Positions | Class | Compensation Schedule | Department |
|--------------------|------------------|-----------------------------------|-------------------------------|------------|
| Add in FY2021-2022 | 0.27 FTE | 8177 Attorney (Civil/Criminal) | \$5,069 - \$8,880 Biweekly | DAT |
| Add in FY2022-2023 | 1.0 FTE | 8177 Attorney (Civil/Criminal) | \$5,069 - \$8,880 Biweekly | DAT |
| Add in FY2021-2022 | 0.27 FTE | 8173 Legal Assistant | \$3,312 - \$4,334 Biweekly | DAT |
| Add in FY2022-2023 | 1.0 FTE | 8173 Legal Assistant | \$3,312 - \$4,334 Biweekly | DAT |

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1 APPROVED AS TO FORM:

2 David Chiu, City Attorney

3

4

5 By: /s/ _____

6 Sarah Crowley

7 Deputy City Attorney

8

9 APPROVED: /s/ _____

10 London N. Breed

11 Mayor

12

13 APPROVED: /s/ _____

14 Ben Rosenfield

15 Controller

16

17 Recommended:

18

19 /s/ _____

20 Chesa Boudin

21 District Attorney

22

23

24

25

APPROVED AS TO CLASSIFICATION

DEPARTMENT OF HUMAN RESOURCES

By: /s/ _____

Carol Isen

Human Resources Director

File Number: 220186
(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: **County Resentencing Pilot Program**
2. Department: **Office of the District Attorney**
3. Contact Person: **Lorna Garrido** Telephone: **(628) 652-4035**
4. Grant Approval Status (check one):
 Approved by funding agency Not yet approved
5. Amount of Grant Funding Approved or Applied for: **\$1,350,000**
6. a. Matching Funds Required: **n/a**
b. Source(s) of matching funds (if applicable): **n/a**
7. a. Grant Source Agency: **State of California Board of State and Community Corrections**
b. Grant Pass-Through Agency (if applicable): **n/a**
8. Proposed Grant Project Summary:

To support the County Resentencing Pilot Program’s two-fold goal: 1) ensure that the District Attorney in each county has the resources needed to exercise their discretion under PC 1170(d)(1); and 2) evaluate a collaborative approach to exercising prosecutorial resentencing discretion.

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: **Two (2) new positions**
11. Explain the disposition of employees once the grant ends? **Positions shall be coded “G” for grant funded and only exist during the duration of this grant program.**
12. a. Amount budgeted for contractual services: **\$250,000 for community-based non-profit organization**
b. Will contractual services be put out to bid? **Yes**
c. If so, will contract services help to further the goals of the Department’s Local Business Enterprise (LBE) requirements? **N/A**
d. Is this likely to be a one-time or ongoing request for contracting out? **One-time**
13. a. Does the budget include indirect costs?

Yes No

b. 1. If yes, how much? **N/A**

b. 2. How was the amount calculated? **N/A**

c. 1. If no, why are indirect costs not included?

Not allowed by granting agency 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? **10% of**

salaries and benefits, \$1,100,000 x 10% = \$110,000

14. Any other significant grant requirements or comments:

****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. These requirements include, but are not limited to:

1. Having staff trained in how to provide reasonable modifications in policies, practices and procedures;
2. Having auxiliary aids and services available in a timely manner in order to ensure communication access;
3. Ensuring that any service areas and related facilities open to the public are architecturally accessible and have been inspected and approved by the DPW Access Compliance Officer or the Mayor's Office on Disability Compliance Officers.

If such access would be technically infeasible, this is described in the comments section below:

Comments:

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

Jessica Geiger

(Name)

Facilities Manager

(Title)

Date Reviewed: 01/20/2022

Jessica Geiger

Digitally signed by Jessica Geiger
Date: 2022.01.20 15:00:48 -08'00'

(Signature Required)

Overall Department Head or Designee Approval:

Eugene Clendinen

(Name)

Chief Administrative & Financial Officer

(Title)

Date Reviewed: 01/20/2022

Eugene Clendinen

Digitally signed by Eugene Clendinen
Date: 2022.01.20 15:30:28 -08'00'

(Signature Required)



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 22, 2021

San Francisco County District Attorney's Office
Attn: Eugene Clendinen
350 Rhode Island Street
North Building, Suite 400N
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(c) which provides that the San Francisco County District Attorney's Office will receive \$1,100,000 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.

In addition, pursuant to Provision (4) of Item 5227-115-0001, included in this disbursement is an additional \$250,000 to allow district attorneys' offices to contract with a community-based organization pursuant to subdivisions (b) and (c) of Penal Code section 1170.01.

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

DAT - COUNTY RESENTENCING PILOT PROGRAM

YEAR 1 BUDGET PERIOD - SEPTEMBER 1, 2021 TO AUGUST 31, 2022

| 8177 Attorney | FTE | Bi-weekly Rate | # pay periods | TOTAL |
|---|------|---------------------------|---------------|----------------------|
| Salary Step 10 | 1.00 | \$ 7,040 | 11.5 | \$ 80,959 |
| | | Annual Rate/amount | Amount | |
| Benefits | | | | |
| Social Security | | 6.20% | \$ 8,853.60 | |
| Social Sec. - Medicare | | 1.45% | \$ 1,173.90 | |
| Health Ins | | \$ 3,582 | \$ 3,582.00 | |
| Dependent Cov | | \$ 12,756 | \$ 12,756.40 | |
| Long Term Disability | | 0.35% | \$ 283.36 | |
| Retirement | | 22.90% | \$ 18,539.55 | |
| Unemployment Ins | | 0.27% | \$ 218.59 | |
| Dental Rate | | \$ 1,324 | \$ 1,324.00 | |
| Total Benefit | | | | \$ 46,731.39 |
| | | | | |
| | | | | |
| 8173 Legal Assistant | FTE | Bi-weekly Rate | # pay periods | TOTAL |
| Salary Step 5 | 1.00 | \$ 4,070 | 11.5 | \$ 46,807 |
| | | Annual Rate/amount | Amount | |
| Benefits | | | | |
| Social Security | | 6.20% | \$ 2,902.05 | |
| Social Sec. - Medicare | | 1.45% | \$ 678.70 | |
| Health Ins | | \$ 3,942 | \$ 3,942.00 | |
| Dependent Cov | | \$ 11,066 | \$ 11,066.40 | |
| Long Term Disability | | 0.35% | \$ 163.83 | |
| Retirement | | 23.40% | \$ 10,952.88 | |
| Unemployment Ins | | 0.27% | \$ 126.38 | |
| Dental Rate | | \$ 1,232 | \$ 1,232.00 | |
| Total Benefit | | | | \$ 31,064.23 |
| | | | | |
| Total Personnel (Salary & Benefit) Cost for Year 1 | | | | \$ 205,561.51 |
| | | | | |
| CBO | | | | \$ 50,000.00 |
| | | | | |
| YEAR 1 BUDGET TOTAL | | | | \$ 255,561.51 |

SUMMARY

YEAR 1 BUDGET PERIOD - SEPTEMBER 1, 2021 TO AUGUST 31, 2022

| | |
|---|----------------------|
| Total Salary | \$ 127,765.89 |
| Total Benefit | \$ 77,795.62 |
| Total Personnel (Salary & Benefit) Cost for Year 1 | \$ 205,561.51 |
| CBO | \$ 50,000.00 |
| YEAR 1 BUDGET TOTAL | \$ 255,561.51 |

YEAR 2 BUDGET PERIOD - SEPTEMBER 1, 2022 TO AUGUST 31, 2023

| 8177 Attorney | FTE | Bi-weekly Rate | # pay periods | TOTAL |
|---|------|---------------------------|---------------|----------------------|
| Salary Step 11 | 1.00 | \$ 7,566 | 26.1 | \$ 197,482 |
| | | Annual Rate/amount | Amount | |
| Benefits | | | | |
| Social Security | | 6.20% | \$ 8,853.60 | |
| Social Sec. - Medicare | | 1.45% | \$ 2,863.48 | |
| Health Ins | | \$ 3,780 | \$ 3,780.00 | |
| Dependent Cov | | \$ 13,704 | \$ 13,704.00 | |
| Long Term Disability | | 0.35% | \$ 691.19 | |
| Retirement | | 22.90% | \$ 45,223.28 | |
| Unemployment Ins | | 0.27% | \$ 533.20 | |
| Dental Rate | | \$ 1,377 | \$ 1,377.00 | |
| Total Benefit | | | | \$ 77,025.75 |
| | | | | |
| | | | | |
| 8173 Legal Assistant | FTE | Bi-weekly Rate | # pay periods | TOTAL |
| Salary Step 5 | 1.00 | \$ 4,166 | 26.1 | \$ 108,724 |
| | | Annual Rate/amount | Amount | |
| Benefits | | | | |
| Social Security | | 6.20% | \$ 6,740.91 | |
| Social Sec. - Medicare | | 1.45% | \$ 1,576.50 | |
| Health Ins | | \$ 4,159 | \$ 4,159.00 | |
| Dependent Cov | | \$ 11,920 | \$ 11,920.00 | |
| Long Term Disability | | 0.39% | \$ 424.02 | |
| Retirement | | 23.40% | \$ 25,441.49 | |
| Unemployment Ins | | 0.27% | \$ 293.56 | |
| Dental Rate | | \$ 1,281 | \$ 1,281.00 | |
| Total Benefit | | | | \$ 51,836.48 |
| | | | | |
| Total Personnel (Salary & Benefit) Cost for Year 2 | | | | \$ 435,068.10 |
| | | | | |
| CBO | | | | \$ 100,000.00 |
| | | | | |
| YEAR 2 BUDGET TOTAL | | | | \$ 535,068.10 |

SUMMARY

YEAR 2 BUDGET PERIOD - SEPTEMBER 1, 2022 TO AUGUST 31, 2023

| | |
|---|----------------------|
| Total Salary | \$ 306,205.87 |
| Total Benefit | \$ 128,862.23 |
| Total Personnel (Salary & Benefit) Cost for Year 2 | \$ 435,068.10 |
| CBO | \$ 100,000.00 |
| YEAR 2 BUDGET TOTAL | \$ 535,068.10 |

YEAR 3 BUDGET PERIOD - SEPTEMBER 1, 2023 TO SEPTEMBER 1, 2024

| 8177 Attorney | FTE | Bi-weekly Rate | # pay periods | TOTAL |
|---|------|---------------------------|---------------|----------------------|
| Salary Step 12 | 1.00 | \$ 8,179 | 26.1 | \$ 213,477 |
| | | Annual Rate/amount | Amount | |
| Benefits | | | | |
| Social Security | | 6.20% | \$ 8,853.60 | |
| Social Sec. - Medicare | | 1.45% | \$ 3,095.42 | |
| Health Ins | | \$ 3,780 | \$ 3,780.00 | |
| Dependent Cov | | \$ 13,704 | \$ 13,704.00 | |
| Long Term Disability | | 0.35% | \$ 747.17 | |
| Retirement | | 22.90% | \$ 48,886.21 | |
| Unemployment Ins | | 0.27% | \$ 576.39 | |
| Dental Rate | | \$ 1,377 | \$ 1,377.00 | |
| Total Benefit | | | | \$ 81,019.78 |
| | | | | |
| | | | | |
| 8173 Legal Assistant | FTE | Bi-weekly Rate | # pay periods | TOTAL |
| Salary Step 5 | 1.00 | \$ 4,291 | 26.1 | \$ 111,999 |
| | | Annual Rate/amount | Amount | |
| Benefits | | | | |
| Social Security | | 6.20% | \$ 6,943.93 | |
| Social Sec. - Medicare | | 1.45% | \$ 1,623.98 | |
| Health Ins | | \$ 4,159 | \$ 4,159.00 | |
| Dependent Cov | | \$ 11,920 | \$ 11,920.00 | |
| Long Term Disability | | 0.39% | \$ 436.80 | |
| Retirement | | 23.40% | \$ 26,207.73 | |
| Unemployment Ins | | 0.27% | \$ 302.40 | |
| Dental Rate | | \$ 1,281 | \$ 1,281.00 | |
| Total Benefit | | | | \$ 52,874.83 |
| | | | | |
| Total Personnel (Salary & Benefit) Cost for Year 3 | | | | \$ 459,370.34 |
| | | | | |
| CBO | | | | \$ 100,000.00 |
| | | | | |
| YEAR 3 BUDGET TOTAL | | | | \$ 559,370.34 |

SUMMARY

YEAR 3 BUDGET PERIOD - SEPTEMBER 1, 2023 TO SEPTEMBER 1, 2024

| | |
|---|----------------------|
| Total Salary | \$ 325,475.73 |
| Total Benefit | \$ 133,894.61 |
| Total Personnel (Salary & Benefit) Cost for Year 3 | \$ 459,370.34 |
| CBO | \$ 100,000.00 |
| YEAR 3 BUDGET TOTAL | \$ 559,370.34 |

Summary for Years 1- 3
 Total Budget for 3 years \$1,350,000
 Total Award for 3 years \$1,350,000
 Under (Over) award amount \$0



Chesa Boudin
District Attorney

January 20, 2022

Angela Calvillo, Clerk of the Board
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Dear Ms. Calvillo,

Attached please find a copy of the proposed Ordinance for the Board of Supervisors approval, which retroactively authorizes the Office of the District Attorney to accept and expend a grant in the amount of \$1,350,000 from the State of California Board of State and Community Corrections for the County Resentencing Pilot Program for the grant period September 1, 2021 through September 1, 2024.

The retroactive request is due to the receipt of the award notice in November 2021 which is after the County Resentencing Pilot Program's start date of September 1, 2021. No grant activities have begun and no expenditures have been incurred.

The purpose of the grant is to support the County Resentencing Pilot Program's two-fold goal: 1) ensure that the District Attorney in each county has the resources needed to exercise their discretion under PC 1170(d)(1); and 2) evaluate a collaborative approach to exercising prosecutorial resentencing discretion. The County Resentencing Pilot Program was established via the State Budget trailer bill [SB 145](#).

The following is a list of accompanying documents

- Grant information form
- Grant budget
- Grant award letter

If you have any questions, please contact Tara Anderson at Tara.Anderson@sfgov.org.

Sincerely,

Chesa Boudin
San Francisco District Attorney

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lorna Garrido
DATE: February 18, 2022
SUBJECT: Accept and Expend Ordinance for Subject Grant
GRANT TITLE: County Resentencing Pilot Program

Attached please find the original* and 1 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

N/A Grant application – This is a pilot program made possible by State budget legislation specifically identifying SF District Attorney’s Office as a recipient.

X Grant award letter from funding agency

 Ethics Form 126 (if applicable)

 Contracts, Leases/Agreements (if applicable)

X Other (Explain): Cover letter for Department submission and Legislative Digest prepared by City Attorney

Special Timeline Requirements:

Please schedule at the earliest available date. Thank you.

Departmental representative to receive a copy of the adopted resolution:

Name: Lorna Garrido

Phone: (628) 652-4035

Interoffice Mail Address: 350 Rhode Island Street, North Building, Suite 400N, 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).