

File No. 101480

Committee Item No. \_\_\_\_\_  
Board Item No. 3

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date March 3, 2011

Board of Supervisors Meeting

Date March 8, 2011

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Completed by: Arthur Vloo  
Completed by: \_\_\_\_\_

Date March 3, 2011  
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An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

FILE NO. 101480

[Administrative Code - Reentry Council; Composition of Membership, Powers and Duties, and Sunset Date]

**Ordinance amending San Francisco Administrative Code Sections 5.1-1, 5.1-3, 5.1-4, and 5.1-6 to amend the membership, powers and duties, and sunset date of the Reentry Council.**

NOTE: Additions are single-underline italics Times New Roman;  
deletions are ~~strike-through 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. The San Francisco Administrative Code is hereby amended by amending Section 5.1-1, to read as follows:

**SEC. 5.1-1. REENTRY COUNCIL.**

The City hereby establishes a Reentry Council ("Council"). Subject to the fiscal and budgetary provisions of the Charter, the Public Defender's Office, the District Attorney's Office, the Adult Probation Department, and the Mayor's Office shall each designate ~~one~~ staff ~~member~~ to provide administrative support to the Council.

Section 2. The San Francisco Administrative Code is hereby amended by amending Section 5.1-3, to read as follows:

**SEC. 5.1-3. MEMBERSHIP AND ORGANIZATION.**

(a) Members. The Council shall consist of ~~21~~ 23 members, seven of whom shall be former inmates in the San Francisco County Jail, a California Department of Corrections and Rehabilitation adult facility, and/or a United States Bureau of Prison facility. The Mayor, or his designee, shall serve as a member, and shall also appoint three of these seven members. Of these three members, at least one must be between the ages of 18 to 24 at the time of appointment, and

1 at least one shall have expertise in providing services to individuals exiting the criminal justice system.

2 The Board of Supervisors shall designate one of its members to serve as a member of the Council,  
3 and shall appoint the other four of these the seven members who are former inmates. Of these four  
4 members, at least one of these seven members shall have expertise in providing services to  
5 individuals exiting the criminal justice system, at least one of these seven members must have  
6 been released from custody within two years of his or her appointment, and at least one must  
7 have served multiple terms of incarceration, and at least one must be between the ages of 18 to 24 at  
8 the time of appointment. All members of the Council shall be exempt from the Charter  
9 requirement that they be electors of the City and County of San Francisco.

10 The following City departments or agencies shall appoint one member each to the  
11 Council: the Public Defender's Office, the District Attorney's Office, the Sheriff's Department,  
12 the Police Department; the Adult Probation Department, the Juvenile Probation Department,  
13 the Department of Economic and Workforce Development; the Human Services Agency, the  
14 Department of Children Youth and Families, and the Department of Public Health. In addition,  
15 Council co-chairs shall invite the San Francisco Superior Court, the Department of Child  
16 Support Services, the California Department of Corrections and Rehabilitation Division of  
17 Adult Parole Operations, and the United States Probation and Pretrial Services System to  
18 appoint one member each to the Council. If any of these four agencies does not appoint a  
19 representative, the Council co-chairs shall appoint an additional member.

20 Members shall serve two-year terms and shall serve at the pleasure of the appointing  
21 authority. Members may serve multiple terms.

22 (b) Quorum. ~~Seven~~ Eleven members of the Council shall constitute a quorum, and the  
23 Council shall have the authority to act on the vote of the majority of the quorum.  
24  
25

1 (c) Officers. The ~~three~~four members appointed by the Adult Probation Department,  
2 District Attorney's Office, the Public Defender's Office, and the Sheriff's Department,  
3 respectively, as well as the Mayor or the Mayor's representative, shall co-chair the Council.

4 (d) Subcommittees. The Council may establish subcommittees to be convened as  
5 directed by the Council. The Council's co-chairs shall appoint members to the  
6 subcommittees. Subcommittees shall report findings and make recommendations to the full  
7 Council for their consideration. The membership of these subcommittees shall be open to  
8 non-members of the Council who shall be drawn from a range of diverse experiences,  
9 identities, and interests related to the issue of reentry.

10 (e) Meeting Frequency. The Council shall meet in full at least three times per year.

11 (f) Roles of Council Members. Each member of the Council shall retain his or her  
12 official authority and duties granted under State law. In adopting this legislation, the Board of  
13 Supervisors recognizes that each member of the Council retains his or her authority and  
14 duties under State law and that where conflicts may arise out of members' dual roles. State  
15 powers and duties shall supersede the duties that the ordinance creating the council impose  
16 on Council members.

17  
18 Section 3. The San Francisco Administrative Code is hereby amended by amending  
19 Section 5.1-4, to read as follows:

20 **SEC. 5.1-4. POWERS AND DUTIES.**

21 The Council shall have the following powers and duties:

22 (a) Identifying Funding Streams. The Council shall identify funding at the local, State,  
23 and Federal level that is earmarked or available for services or programs designed to serve  
24 individuals exiting the criminal justice system. In addition, the Council shall identify conditions,  
25 restrictions, or limitations on each funding stream, and shall document these findings in its

1 reports to the Mayor, the Board of Supervisors, and other appropriate entities consistent with  
2 subsection (d) below.

3 (b) Identifying Programs Serving Individuals Exiting the Criminal Justice System. The  
4 Council shall identify programs serving individuals exiting the criminal justice system who  
5 reside in San Francisco or who will be released to San Francisco, including program capacity.

6 (c) Identifying Needs of Reentry Population. The Council shall identify any unmet  
7 needs of this population, and propose ways to meet those needs based on existing research  
8 and best practices.

9 (d) Identifying Barriers. The Council shall also identify barriers to safe and successful  
10 reentry presented by local, State, and Federal law, and propose ways to reduce the impact of  
11 these barriers.

12 (e) Reports. At least once a year, the Council shall prepare and submit a report that  
13 shall include but not be limited to information required under subsections (a), (b), (c), and (d)  
14 above. City departments shall respond within 30 days to reasonable requests for information  
15 submitted by the Council relevant to its ability to discharge its powers and duties under this  
16 Chapter, provided that the disclosure of such information shall not be required where it would  
17 violate Federal or State law. The Council shall provide the reports to: 1) the Mayor, 2) the  
18 Board of Supervisors, 3) any City department or program identified by the Council in a report:  
19 and 4) the public. These reports shall be public documents. Any City department identified in  
20 a report may provide a response, within 30 days of issuance of the report, for inclusion into  
21 the final report submitted to the Mayor and the Board of Supervisors, among others,  
22 consistent with this subsection.

23 (f) The Council shall share information and work in collaboration with the San Francisco  
24 Community Corrections Partnership, as established by the California Community Corrections  
25 Performance Incentives Act of 2009 (CA Penal Code Section 1228-1233.8).

1 (f) Retaliation Prohibited. No City officer or employee may retaliate against other City  
2 staff or the staff of programs identified by the Council for cooperating with the Council or for  
3 participating in any activity involving the Council. This section is not intended to create a  
4 private right of action against the City and County of San Francisco.

5 (h) The Council shall share information and work in collaboration with the San  
6 Francisco Juvenile Justice Coordinating Council, as required by the Juvenile Crime  
7 Enforcement and Accountability Challenge Grant Program (CA Welfare and Institutions Code  
8 Section 749.2-749.27).

9 (i) The Council shall appoint one member to the Workforce Investment Community  
10 Advisory Committee, as required by San Francisco Ordinance 270-07 (SF Administrative  
11 Code Section 30.7).

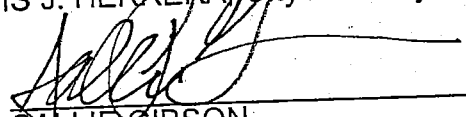
12 Section 4. The San Francisco Administrative Code is hereby amended by amending  
13 Section 5.1-6, to read as follows:

14 **SEC. 5.1-6. SUNSET CLAUSE.**

15 This legislation shall expire June 1, ~~2014~~2011, unless the Board of Supervisors adopts  
16 an ordinance continuing its existence. The Council shall submit a report to the Board of  
17 Supervisors no fewer than six months prior to the expiration date recommending whether the  
18 Council should continue to operate, and if so, whether the Board of Supervisors shall consider  
19 legislative changes that would enhance the capacity of the Council to achieve the goals that  
20 the ordinance creating the council identifies, amendments that further the Council's goals.  
21 The Council's recommendations shall include drafts of ordinances that would implement its  
22 recommendations.

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APPROVED AS TO FORM:  
DENNIS J. HERRERA City Attorney

By:   
SALLIE GIBSON  
Deputy City Attorney

## **LEGISLATIVE DIGEST**

[Reentry Council – Composition of Membership; Powers and Duties; Sunset Date]

**Ordinance amending San Francisco Administrative Code Sections 5.1-1, 5.1-3, 5.1-4, and 5.1-6 to amend the membership, powers and duties, and sunset date of the Reentry Council.**

### **Existing Law**

The Reentry Council is a 21-member body that coordinates local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice system out-of-home placements, California Department of Corrections facilities, and United States Federal Bureau of Prison facilities. The Council provides information to the Mayor, the Board of Supervisors, other appropriate agencies, and the public regarding available programs, barriers faced by this population, and best practices to meet the needs of this population. Members are appointed by the Mayor, the Board of Supervisors and various City departments. The Mayor also serves as a Council member or appoints a designee.

Seven of the 21 members must be former inmates. The Mayor appoints three of these members. The Board of Supervisors appoints the other four.

### **Amendments to Current Law**

This ordinance will amend the provisions of the Administrative Code relating to the Reentry Council as follows:

1. The ordinance would increase the membership of the council from 21 to 23 by adding a member from the Board of Supervisors and a member appointed by the Department of Children, Youth and Families. (Section 5.1-3(a).)
2. The ordinance would allocate responsibilities between the Mayor and the Board of Supervisors for appointing former inmates with specific backgrounds. Of the three members appointed by the Mayor, at least one should be between the ages of 18 and 24, and at least one should have expertise in providing services to individuals exiting the criminal justice system. Of the four members appointed by the Board of Supervisors, at least one should have expertise in providing services to individuals exiting the criminal justice system, at least one should have been released within the prior two years, and at least one should have served multiple terms of incarceration. (Section 5.1-3(a).)
3. The number of Council members necessary to constitute a quorum would increase from 7 to 11. (Section 5.1-3(b).)



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4. The Council member appointed by the Adult Probation Department would be added as a co-chair of the Council, increasing the number of co-chairs from 4 to 5. (Section 5.1-3(c).)
5. The Adult Probation Department would be added as a department responsible for providing administrative support to the Council, in addition to the Public Defender, the District Attorney and the Mayor's Office. (Section 5.1-1.)
6. As an additional enumerated duty, the Council would share information and collaborate with the San Francisco Community Corrections Partnership. (Section 5.1-4.)
7. The expiration date of the legislation would be extended from June 1, 2011 to June 1, 2014.

