

Amendment of the Whole
August 7, 2008

FILE NO. 080564

ORDINANCE NO.

1 [Reentry Council]

2

3 **Ordinance amending the San Francisco Administrative Code by adding Sections 5.1-1**
4 **through 5.1-6 to: establish a Reentry Council; set forth the Council's purpose, powers**
5 **and duties; and establish membership criteria.**

6

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

9

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

10

Section 1. The San Francisco Administrative Code is hereby amended by adding

11

Sections 5.1-1 though 5.1-6 to read as follows:

12

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

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

17

18 **SEC. 5.1-2. PURPOSE.**

19 *The purpose of the Council is to coordinate local efforts to support adults exiting San Francisco*
20 *County Jail, San Francisco juvenile justice system out-of-home placements, the California*
21 *Department of Corrections and Rehabilitation facilities, and the United States Federal Bureau of*
22 *Prison facilities. The Council shall provide the Mayor, the Board of Supervisors, the public, and any*
23 *other appropriate agency with accurate and comprehensive information about programs that serve this*
24 *population, barriers faced by this population, best practices to meet the needs of this population, and*
25 *funding sources for programs and practices that address the needs of this population. The Council*

1 shall coordinate information sharing, planning, and engagement among all interested private and
2 public stakeholders to the extent permissible under federal and state law.

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

5 (a) **Members.** The Council shall consist of ~~19-21~~ members, ~~six~~seven of whom shall be former
6 inmates in the San Francisco County Jail, a California Department of Corrections and Rehabilitation
7 adult facility, and/or a United States Bureau of Prison facility. The Mayor, or his designee, shall
8 serve as a member, and shall also appoint three of these ~~six~~seven members, and ~~t~~The Board of
9 Supervisors shall appoint the other three members. At least two of these ~~six~~seven members shall have
10 expertise in providing services to individuals exiting the criminal justice system. At least one of these
11 ~~six~~seven members must have been released from custody within two years of his or her appointment; at
12 least one must have served multiple terms, and at least one must be between the ages of 18 to 24 at the
13 time of appointment.

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

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

1 **(b) Quorum.** *Seven members of the Council shall constitute a quorum, and the Council shall*
2 *have the authority to act on the vote of the majority of the quorum.*

3 **(c) Officers.** *The three members appointed by the District Attorney's Office, the Public*
4 *Defender's Office, and the Sheriff's Department, respectively, shall co-chair the Council.*

5 **(d) Subcommittees.** *The Council may establish subcommittees to be convened as directed by*
6 *the Council. The Council's co-chairs shall appoint members to the subcommittees. Subcommittees*
7 *shall report findings and make recommendations to the full Council for their consideration. The*
8 *membership of these subcommittees shall be open to non-members of the Council who shall be drawn*
9 *from a range of diverse experiences, 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 official*
12 *authority and duties granted under State law. In adopting this legislation, the Board of Supervisors*
13 *recognizes that each member of the Council retains his or her authority and duties under State law and*
14 *that where conflicts may arise out of members' dual roles, State powers and duties shall supersede the*
15 *duties that the ordinance creating the council impose on Council members.*

16
17 **SEC. 5.1-4. POWERS AND DUTIES.**

18 *The Council shall have the following powers and duties:*

19 **(a) Identifying Funding Streams.** *The Council shall identify funding at the local, state, and*
20 *federal level that is earmarked or available for services or programs designed to serve individuals*
21 *exiting the criminal justice system. In addition, the Council shall identify conditions, restrictions, or*
22 *limitations on each funding stream, and shall document these findings in its reports to the Mayor, the*
23 *Board of Supervisors, and other appropriate entities consistent with subsection (d) below.*

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

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

6 **(d) Identifying Barriers.** *The Council shall also identify barriers to safe and successful reentry*
7 *presented by local, state, and federal law, and propose ways to reduce the impact of these barriers.*

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

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

22
23 **SEC. 5.1-5. ATTENDANCE REQUIREMENT.**

24 *The Council shall monitor the attendance of Council members. In the event that any Council*
25 *member misses two regularly scheduled Council meetings in a twelve-month period without prior*

1 notice to the Council, the Council shall certify that fact in writing to the appointing authority, and the
2 member shall be deemed to have resigned from the Council on the date of such certification. The
3 Council shall request the appointing authority to appoint a new member. The appointing authority
4 shall appoint a successor to the resigned member not later than 60 days after the date of the
5 certification of resignation.

6

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

8 This legislation shall expire June 1, 2011, unless the Board of Supervisors adopts an ordinance
9 continuing its existence. The Council shall submit a report to the Board of Supervisors no fewer than
10 six months prior to the expiration date recommending whether the Council should continue to operate,
11 and if so, whether the Board of Supervisors shall consider legislative changes that would enhance the
12 capacity of the Council to achieve the goals that the ordinance creating the council identifies.
13 amendments that further the Council's goals. The Council's recommendations shall include drafts of
14 ordinances that would implement its recommendations.

15

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

18

19 By: _____
20 JENNIFER WILLIAMS
21 Deputy City Attorney

22

23

24

25