

[Administrative Code - Reauthorizing Reentry Council]

Ordinance amending the Administrative Code to reauthorize the Reentry Council and revise the membership, powers and duties, and sunset date.

NOTE: **Unchanged Code text and uncoded text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Background.

(a) The Reentry Council was established by Ordinance No. 215-08 to coordinate local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice system out-of-home placements, the California Department of Corrections and Rehabilitation facilities, and the United States Federal Bureau of Prison facilities. Codified at Chapter 5, Article I of the Administrative Code, which was subsequently amended by Ordinance No. 26-09 and Ordinance No. 44-11, the Reentry Council is scheduled to sunset on June 1, 2014 pursuant to Administrative Code Section 5.1-6.

(b) Section 5.1-6 provides, however, that Chapter 5, Article I will not sunset if the Board of Supervisors adopts an ordinance continuing its existence. Section 5.1-6 states that the Reentry Council shall submit a report to the Board recommending whether the Reentry Council should continue to operate and, if so, whether the Board should consider amendments that would enhance the capacity of the Reentry Council to further its goals, along with draft amendments to implement its recommendations.

1 (c) At the Reentry Council meeting of February 11, 2014, the Reentry Council decided
2 to recommend that it continue to operate, and also recommended several changes in various
3 provisions in Chapter 5, Article I. These recommendations are contained in a report dated
4 February 11, 2014, in the form of a letter to all members of the Board of Supervisors, including
5 a draft of recommended amendments to Chapter 5, Article I, contained in Attachment A to the
6 letter. The letter, including all attachments, is on file with the Clerk of the Board of
7 Supervisors in File No. _____.

8 Section 2. Reauthorization of Reentry Council.

9 Chapter 5, Article I of the Administrative Code is hereby continued in its entirety, with
10 the amendments as shown in Section 3 of this ordinance.

11 Section 3. The Administrative Code is hereby amended by revising Sections 5.1-3,
12 5.1-4, and 5.1-6 of Chapter 5, Article 1, to read as follows:

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

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

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

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

1 practices that address the needs of this population. The Council shall coordinate information
2 sharing, planning, and engagement among all interested private and public stakeholders to
3 the extent permissible under Federal and State law.

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

5 (a) Members. The Council shall consist of 23 members, seven of whom shall be
6 former inmates in the San Francisco County Jail, a California Department of Corrections and
7 Rehabilitation adult facility, and/or a United States Bureau of Prison facility. The Mayor, or his
8 designee, shall serve as a member, and shall also appoint three of these seven members. Of
9 these three members, at least one must be between the ages of 18 to 24 at the time of
10 appointment, and at least one shall have expertise in providing services to individuals exiting
11 the criminal justice system. The Board of Supervisors shall designate one of its members to
12 serve as a member of the Council, and shall appoint the other four of the seven members who
13 are former inmates. Of these four members, at least one shall have expertise in providing
14 services to individuals exiting the criminal justice system, at least one must have been
15 released from custody within two years of his or her appointment, *and* at least one must have
16 served multiple terms of incarceration, and at least one must self-identify as a survivor of violence
17 or crime. All members of the Council shall be exempt from the Charter requirement that they
18 be electors of the City and County of San Francisco.

19 The following City departments or agencies shall appoint one member each to the
20 Council: the Public Defender's Office, the District Attorney's Office, the Sheriff's Department,
21 the Police Department; the Adult Probation Department, the Juvenile Probation Department,
22 the Department of Economic and Workforce Development; the Human Services Agency, the
23 Department of Children Youth and Families, and the Department of Public Health. In addition,
24 Council co-chairs shall invite the San Francisco Superior Court, the Department of Child
25 Support Services, the California Department of Corrections and Rehabilitation Division of

1 Adult Parole Operations, and the United States Probation and Pretrial Services System to
2 appoint one member each to the Council. If any of these four agencies does not appoint a
3 representative, the Council co-chairs shall appoint an additional member.

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

6 (b) Quorum. ~~Eleven~~ Twelve members of the Council shall constitute a quorum, and
7 the Council shall have the authority to act on the vote of the majority of the quorum.

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

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

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

18 (f) Roles of Council Members. Each member of the Council shall retain his or her
19 official authority and duties granted under State law. In adopting this legislation, the Board of
20 Supervisors recognizes that each member of the Council retains his or her authority and
21 duties under State law and that where conflicts may arise out of members' dual roles, State
22 powers and duties shall supersede the duties that the ordinance creating the ~~council impose~~
23 Council imposes on Council members.

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

25 The Council shall have the following powers and duties:

1 (a) Identifying Funding Streams. The Council shall identify funding at the local,
2 State, and Federal level that is earmarked or available for services or programs designed to
3 serve individuals exiting the criminal justice system. In addition, the Council shall identify
4 conditions, restrictions, or limitations on each funding stream, and shall document these
5 findings in its reports to the Mayor, the Board of Supervisors, and other appropriate entities
6 consistent with subsection (d) below.

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

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

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

16 (e) Reports. At least once a year, the Council shall prepare and submit a report that
17 shall include but not be limited to information required under subsections (a), (b), (c), and (d)
18 above. City departments shall respond within 30 days to reasonable requests for information
19 submitted by the Council relevant to its ability to discharge its powers and duties under this
20 Chapter, provided that the disclosure of such information shall not be required where it would
21 violate Federal or State law. The Council shall provide the reports to: 1) the Mayor, 2) the
22 Board of Supervisors, 3) any City department or program identified by the Council in a report:
23 and 4) the public. These reports shall be public documents. Any City department identified in
24 a report may provide a response, within 30 days of issuance of the report, for inclusion into
25

1 the final report submitted to the Mayor and the Board of Supervisors, among others,
2 consistent with this subsection.

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

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

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

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

17 (j) The Council shall share information and work in collaboration with the San Francisco
18 Sentencing Commission, as required by San Francisco Ordinance 10-12 (SF Administrative Code
19 Section 5.250-2).

20 **SEC. 5.1-5. ATTENDANCE REQUIREMENT.**

21 The Council shall monitor the attendance of Council members. In the event that any
22 Council member misses two regularly scheduled Council meetings in a twelve-month period
23 without prior notice to the Council, the Council shall certify that fact in writing to the appointing
24 authority, and the member shall be deemed to have resigned from the Council on the date of
25 such certification. The Council shall request the appointing authority to appoint a new

1 member. The appointing authority shall appoint a successor to the resigned member not later
2 than 60 days after the date of the certification of resignation.

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

4 This legislation shall expire June 1, ~~2014~~ 2019, unless the Board of Supervisors
5 adopts an ordinance continuing its existence. The Council shall submit a report to the Board
6 of Supervisors ~~no fewer than six months prior to the expiration date~~ by January 1, 2019
7 recommending whether the Council should continue to operate, and if so, whether the Board
8 of Supervisors shall consider legislative changes that would enhance the capacity of the
9 Council to achieve the goals that the ordinance creating the council identifies, amendments
10 that further the Council's goals. The Council's recommendations shall include drafts of
11 ordinances that would implement its recommendations.

12 Section 4. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor's veto of the ordinance.

16 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
17 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
18 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
19 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
20 additions, and Board amendment deletions in accordance with the "Note" that appears under
21 the official title of the ordinance.

22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By:


25 ZACHARY PORIANDA
Deputy City Attorney

n:\legana\as2014\1400394\00904034.doc