

1 [Shelter Monitoring Committee.]

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3 **Ordinance adding Article XII to Article 20 of the San Francisco Administrative Code to**
4 **establish a Shelter Monitoring Committee to monitor and report on emergency**
5 **homeless shelters funded in whole or in part by the City.**

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

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

12 Section 1. The San Francisco Administrative Code is hereby amended by adding a
13 new Article XII to Article 20, to read as follows:

14 Article XII – Shelter Monitoring Committee.

15 Sec. 20.300. FINDINGS. The Board of Supervisors finds and declares the following:

16 (a) The City and County of San Francisco funds emergency shelters and resource centers
17 that serve homeless people; and

18 (b) There is a significant public interest in determining that the homeless shelters that the
19 City funds are safe and sanitary, that the shelters' policies and procedures are fair and meet the needs
20 of the clients accessing shelter services; that operators receiving City funds are complying with their
21 contractual obligations to the City, and that shelter clients benefit from the expenditure of public funds;

22 and

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Supervisor Gonzalez, Alioto-Pier
BOARD OF SUPERVISORS

1 (c) The Mayor, The Board of Supervisors, the Local Homeless Coordinating Board, any
2 future advisory body created by the City and County of San Francisco, and the public, among others,
3 need to be able to access accurate and comprehensive information regarding emergency shelters.

4 Section 20.301. DEFINITIONS. For purposes of this Article only, "shelter" shall include
5 emergency shelters and resource centers that have a primary goal of serving homeless people and
6 that are funded in whole or in part by the City.

7 Section 20.302. ESTABLISHMENT. A Shelter Monitoring Committee ("Committee") is hereby
8 established. The Committee shall document its findings and shall submit reports consistent with this
9 Article to the Mayor, the Board of Supervisors, the Local Homeless Coordinating Board, the public,
10 and any other entity, as appropriate. The Mayor's Office of Community Development or any successor
11 agency shall provide funding for at least one full-time staff person that shall provide administrative
12 support for the Committee. The full-time staff person shall, among other things, receive and
13 document complaints made to the Committee regarding shelters and shall refer complaints to
14 appropriate committee members for follow-up.

15 Section 20.303. PURPOSE. The purpose of the Committee is to provide the Mayor, the Board
16 of Supervisors, the Local Homeless Coordinating Board, the public, and any other appropriate agency
17 with accurate, comprehensive information about the conditions in and operations of emergency
18 shelters covered by this Article.

19 Section 20.304. POWERS AND DUTIES. The Committee shall have all of the powers and
20 duties necessary to carry out the functions of the Committee as follows:

21 (a) Site Visits. Individual Committee members shall form teams and make unannounced site
22 visits to all shelters a minimum of 4 times per year, per site. The scope of the site visits shall be limited
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1 to gathering information relevant to: 1) health and safety conditions in shelters, and to 2) the
2 adequacy of policies and procedures governing each facility, and 3) the treatment and personal
3 experience of shelter residents in the shelters. Committee members shall conduct site visits in the
4 least invasive manner possible and shall respect the privacy rights of shelter clients. In addition, teams
5 shall make two announced site visits per year for the purpose of giving shelter residents the opportunity
6 to discuss shelter conditions with the members of the Committee. All site visits shall occur during
7 normal working shelter operating hours only. After consulting shelter staff, the Committee shall
8 post Committee contact information and information regarding announced visits at each
9 shelter. Each team shall prepare a report for the full Committee on their findings and
10 recommendations as described below under subsection (b), "Reports."

11
12 (b) Reports. The Committee shall prepare and submit quarterly reports that shall include
13 but not be limited to information on the following: safety in the shelter, cleanliness in the shelter,
14 disability access to and within in the shelter, family life in the shelter, and a review of policies
15 and procedures in place at the shelter, and any information received regarding the treatment and
16 personal experiences of shelter residents. The reports shall also include recommended action
17 steps for the shelter and for the City department that contracts for services at the shelter. The reports
18 shall not identify shelter residents or disclose any confidential information concerning shelter residents
19 consistent with state and federal law. The Committee may issue emergency reports at any time it
20 deems necessary. The reports shall be provided to: 1) the Mayor, 2) the Board of Supervisors; 3)
21 the Local Homeless Coordinating Board, 4) the appropriate city department responsible to take action,
22 5) the city department that contracts for services at the shelter, 6) the shelter under review, and 7) the
23 public. These reports shall be public documents. Any city department identified in the report as
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1 responsible to take action recommended in the report shall, within 30 days of issuance of the
2 report, provide to the Board of Supervisors a departmental report setting forth how the
3 department intends to respond to the Committee's recommendations.

4 (c) Training. All members of the Committee shall receive training in confidentiality laws
5 regarding the provision of services to homeless people, as applicable, and will agree in writing to
6 comply with any and all confidentiality requirements. All members of the Committee shall receive
7 sensitivity training related to cultural differences, gender issues and the Americans With
8 Disabilities Act. Committee members shall receive other training deemed necessary by the Committee
9 to carry out its functions.

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11 (d) Retaliation Prohibition. Shelter staff and shelter clients shall not be retaliated against
12 for participating in any activity involving the Committee. This section is not intended to create a
13 private right of action against the City and County of San Francisco.

14 Section 20.305. MEMBERSHIP AND ORGANIZATION.

15 (a) The membership of the Committee shall reflect the diversity of the homeless
16 people that access shelter in the City. The Committee shall consist of 13 members who shall
17 be appointed as follows: three members shall be appointed by the Mayor, including one
18 member from the Department of Human Services, one member from the Department of Public
19 Health, and two members from the community; six members shall be appointed by the Board
20 of Supervisors, and four members shall be appointed by the Local Homeless Coordinating
21 Board.

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24 (b) Except for the members appointed from the Department of Human Services and
25 the Department of Public Health, Committee membership shall meet the following criteria:

1 ~~—— (1) —— 50% of the members shall be formerly homeless;~~

2 ~~—— (2) —— 5 members shall have experience with providing direct services to the~~
3 ~~homeless through a community setting;~~

4 ~~—— (3) —— 2 members shall be selected from a list of candidates that are nominated~~
5 ~~by community agencies that provide behavioral health, housing placement, or other services~~
6 ~~to homeless individuals; and~~

7 ~~—— (4) —— 2 members shall be selected from a list of candidates that are nominated~~
8 ~~by non-profit agencies that provide advocacy or organizing services to homeless people. The~~
9 ~~membership of the Committee shall reflect the diversity of the homeless people that access~~
10 ~~shelter in the City. The Committee shall consist of 13 members, one of whom shall be a~~
11 ~~homeless person (or homeless within the 3 years prior to appointment) with a disability and~~
12 ~~one of whom shall be a homeless person (or homeless within the 3 years prior to~~
13 ~~appointment) living with their homeless child who is under the age of 18. The 13 members of~~
14 ~~the Committee shall be appointed as follows: three members shall be appointed by the Mayor,~~
15 ~~including one member from the Department of Human Services, one member from the~~
16 ~~Department of Public Health, and one member who is homeless or formerly homeless and~~
17 ~~who has experience providing direct services to the homeless through a community setting.~~
18 ~~Six members shall be appointed by the Board of Supervisors including: two homeless or~~
19 ~~formerly homeless individuals; one member who has experience providing direct services to~~
20 ~~the homeless through a community setting; one member selected from a list of candidates~~
21 ~~that are nominated by community agencies that provide behavioral health, housing~~
22 ~~placement, or other services to the homeless; and two members selected from a list of~~
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1 candidates that are nominated by non-profit agencies that provide advocacy or organizing
2 services to homeless people, one of which is homeless or formerly homeless. Four members
3 shall be appointed by the Local Homeless Coordinating Board, including: one member
4 selected from a list of candidates that are nominated by non-profit agencies that provide
5 advocacy or organizing services to homeless people; two members who have experience
6 providing direct services to the homeless through a community setting, one of which is
7 formerly homeless; and one member shall be homeless or formerly homeless and selected
8 from a list of candidates that are nominated by community agencies that provide behavioral
9 health, housing placement, or other services to homeless individuals. In making their
10 appointments to the Committee, the appointing authorities are encouraged to select people
11 who are bilingual.

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13 ~~(cb) The Committee members from the Department of Human Services and the~~
14 ~~Department of Public Health shall have a seat and a voice on the Committee but shall not~~
15 ~~vote.~~

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17 (e)(b) Officers. At the first calendared meeting and thereafter at the beginning of each
18 even-numbered calendar year, the members of the Shelter Monitoring Committee shall elect
19 members to serve as chair, vice-chair, and secretary of the Committee. The chair, or vice-
20 chair, in the absence of the chair, shall be responsible for developing agendas and conducting
21 meetings. The secretary will be responsible for approving meeting minutes and committee
22 correspondence prior to distribution.

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24 Section 20.306. TERMS OF OFFICE. The term of office of each Committee member shall be
25 two years. In the event that a vacancy occurs during the term of office of any Committee member, a

1 successor shall be appointed to complete the expired term of office. The interim appointment shall be
2 made in the same or similar manner that governed the initial appointment of the departing member. All
3 appointed Committee members shall serve at the pleasure of their appointing authority.

4 Section 20.307. MEETINGS. The Committee shall meet a minimum of once per quarter at such
5 times and places as the Committee shall designate. The location of the meetings shall be accessible to
6 the public and the meetings shall comply with applicable public meeting requirements under state and
7 local law.

8 Section 20.308. ATTENDANCE REQUIREMENT. The Committee member from the
9 Department of Human Services shall monitor the attendance of Committee members. In the event that
10 any Committee member misses three regularly scheduled Committee meetings in a six-month period
11 without prior notice to the Committee, the Committee member from the Department of Human Services
12 shall certify in writing to the Committee that the member missed three meetings in a six-month period
13 of time. On the date of such certification, the member shall be deemed to have resigned from the
14 Committee. The Committee shall notify the appointing authority accordingly and request the
15 appointment of a new member. The vacant seat shall be filled within two months or an alternate
16 appointing body shall fill the vacant seat. The alternate appointing body shall rotate per appointment
17 as follows: the Local Homeless Coordinating Board, the Board of Supervisors, and the Mayor.

18 Section 20.309. STIPENDS. Each Committee member, except City employees
19 appointed to serve as part of their official City duties, shall be granted a stipend of \$25.00 per
20 meeting, not to exceed \$600.00 per year. Each member of the Committee that participates on
21 a team that conducts a minimum of four site visits consistent with section 20.46D(a)20.304(a)
22 shall be granted an additional stipend of \$100.00 per year to cover travel and related
23 expenses.

1 expenses. Such stipends shall be appropriated by the Board without expending revenue
2 bond funds and all stipends authorized under this section are subject to the budgetary and
3 fiscal provisions of the Charter.

4 Section 20.34009. LIMITATION OF LIABILITY. By adopting this Article, the City and County
5 of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming,
6 nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money
7 damages to any person who claims that such a breach proximately caused injury.

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9 Section 20.3140. SEVERABILITY. If any section, subsection, clause, phrase or portion of this
10 Article is for any reason held invalid or unconstitutional by any court or federal or state agency of
11 competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision
12 and such holding shall not affect the validity of the remaining portions thereof.

13 Section 20.3121. INITIAL COMMITTEE REPORT. Once initially constituted, the
14 Committee shall, within sixty days, report to the Rules Committee of the Board of Supervisors
15 (or its successor committee) regarding its planned course of action.

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17 Section 20.3132. COORDINATION WITH LOCAL HOMELESS COORDINATING
18 BOARD. The Committee shall, jointly with the Local Homeless Coordinating Board, prepare
19 and submit an annual report to the Board of Supervisors regarding the progress of the
20 Committee's efforts, including the results of the Committee's quarterly and/or emergency
21 reports issued pursuant to section 20.304(b) of this section. In addition, the Chair of the
22 Shelter Monitoring Committee, or his or her designee, shall attend all meetings of the Full
23 Local Homeless Coordinating Board and Local Homeless Coordinating Board Steering
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1 Committee in order to report on this Committee's site visits and recommended actions based
2 on those site visits.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: Jennifer Williams
7 JENNIFER WILLIAMS
8 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 041449

Date Passed:

Ordinance adding Article XII to Article 20 of the San Francisco Administrative Code to establish a Shelter Monitoring Committee to monitor and report on homeless shelters funded in whole or in part by the City.

November 16, 2004 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval

Excused: 2 - Ma, McGoldrick

November 16, 2004 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, Peskin, Sandoval

Noes: 1 - Elsbernd

Excused: 2 - Ma, McGoldrick


November 23, 2004 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 1 - Elsbernd

File No. 041449

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on November 23, 2004 by the Board of Supervisors of the City and County of San Francisco.



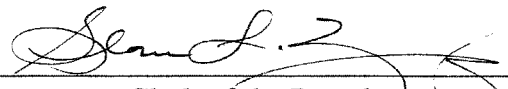
Gloria L. Young
Clerk of the Board

Date Approved

Mayor Gavin Newsom

December 1, 2004

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.



Clerk of the Board