

1 [Amendments to Administrative Code Section 10B.]

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3 **Ordinance amending section 10B.2 of the Administrative Code to eliminate the**
 4 **provisions allowing the Mayor to waive payment for services under this chapter, and**
 5 **amending section 10B.20 of the Administrative Code to provide that any person, firm or**
 6 **corporation who receives a street closure permit while being in arrears more than 90**
 7 **days for payment required shall not be eligible for a future permit.**

8 Note: Additions are *single-underline italics Times New Roman*;
 9 deletions are *strikethrough italics Times New Roman*.
 10 Board amendment additions are double underlined.
 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 amending
 13 Sections 10B.2 and 10B.20, to read as follows:

14 **SEC. 10B.2. PAYMENT FOR SERVICES.**

15 (a) Except as provided in subsection (f), below, the person, corporation, firm or
 16 organization desiring such services shall pay to the police department such sums of money as
 17 may be necessary to pay for the additional services. The payment shall be computed based
 18 upon the rate paid or payable to those uniformed officers of the Police Department actually
 19 performing services at the time they are to perform such additional duties, and the cost of
 20 additional equipment and materials expended, together with an administrative overhead
 21 charge to cover the proportionate percentage of the Department's administrative costs that
 22 are attributable in the Department's reasonable discretion to the work performed pursuant to
 23 the request.

24 No person, corporation, firm or organization that contracts with the Police Department
 25 for additional services that are: 1) of the type normally provided by police officers on patrol in

1 the designated area; and 2) to be provided at least four days per week, each week, for a
2 period in excess of one year, shall be required to pay an administrative overhead charge,
3 unless such additional services are provided in conjunction with a City permit or license, or
4 are otherwise necessary to mitigate a negative impact created by the activity of the person,
5 corporation, firm or organization contracting for the additional services.

6 (b) The Police Department shall provide an estimate of the payment for such
7 services to the person, corporation, firm or organization desiring the service within a
8 reasonable time prior to the date service is to be rendered. The person, corporation, firm or
9 organization shall deposit the amount of estimated funds with the Police Department prior to
10 the time that the Police Department renders the requested service. The Police Department
11 may waive the deposit requirement if services are requested for 30 days or more, or if
12 Department reasonably believes that a waiver is justified.

13 (c) Within a reasonable time after the services are rendered, the Chief of Police
14 shall determine the amount of payment due. If the deposit pursuant to Subsection (b) hereof
15 is insufficient to cover the cost of services, the Chief of Police shall notify the person,
16 corporation, firm or organization that requested the services by United States mail to the
17 address listed on the request for such services and that party shall have ten days to pay the
18 balance. If the amount deposited exceeds the actual costs, the Chief of Police shall authorize
19 a refund of the excess to the applicant at the address shown on the application.

20 (d) The Police Department shall deposit with the Treasurer such sums as received
21 in a special account designated public facilities overtime account; provided, however, that the
22 amount representing administrative overhead shall be deposited to the general fund
23 unappropriated balance of funds.

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1 (e) The person, corporation, firm or organization shall indemnify, hold harmless and
2 defend said City and County of San Francisco, the San Francisco Police Department, and all
3 the officers, agents and employees of either, from and against all liability, judgments or claims
4 for personal or bodily injuries, false arrest and false imprisonment caused by or purportedly
5 caused by such personnel in the rendering of such services.

6 (f) The City shall not waive payment for additional police services pursuant to this
7 Chapter except by ordinance of the Board of Supervisors, ~~provided, however, that the Mayor or~~
8 ~~the Mayor's designee, may waive, in writing, payment of part of the cost of such services, including but~~
9 ~~not limited to the administrative overhead charge. In making the determination of whether to waive~~
10 ~~partial payment of costs, the Mayor, or the Mayor's designee, must consider the following criteria:~~

11 ~~———— (1) ——— Whether the event will be privately funded and will generate sales tax and/or~~
12 ~~hotel tax revenue to the benefit of the City's General Fund;~~

13 ~~———— (2) ——— Whether the privately event will promote tourism in San Francisco to a broad~~
14 ~~audience and will have a long term promotional value to San Francisco;~~

15 ~~———— (3) ——— Whether the event will be consistent with the City's policy of promoting a~~
16 ~~sustainable environment and promotion of diversity and tolerance;~~

17 ~~———— (4) ——— Whether the event will be a safe activity, confined to a specified location or~~
18 ~~route, and will not result in extraordinary security costs to the City, including excessive deployment of~~
19 ~~police;~~

20 ~~———— (5) ——— Whether the event be consistent with City policy against glamorizing use of~~
21 ~~alcohol or tobacco products.~~

22 ~~(g) ——— The Mayor, or Mayor's designee, must transmit notice of a conditional issuance of~~
23 ~~waiver to the Clerk of the Board within seventy two (72) hours of issuance. The Board, by resolution,~~
24 ~~may reject the waiver within thirty (30) days of the notice. If the Board votes to reject the waiver, the~~
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1 ~~Mayor, or the Mayor's designee, shall notify the permittee/event sponsor of such rejection. If the Board~~
2 ~~does not act within thirty (30) days, the waiver will be considered approved.~~

3 **Sec. 10B.20. PAYMENTS IN ARREARS.**

4 (a) The Interdepartmental Staff Committee on Traffic and Transportation, San
5 Francisco Police Department, Department of Public Works, and Department of Parking and
6 Traffic, or their successor agencies, shall not approve or issue any street closure permits or
7 any other permits or licenses for any purpose to any person, corporation, firm or organization
8 in arrears for 90 days or more for the payments required under Chapter 10B.

9 (b) No person, corporation, firm, or organization who obtained a street closure permit under
10 Chapter 10B, while being in arrears as described in this section, shall be eligible for any future street
11 closure permit under Article 21 of the Traffic Code for five years from the date the first permit was
12 issued. A person, corporation, firm, or organization denied a permit under this subsection may request
13 a hearing before the Director of Public Works or his or her designee to determine whether the permit
14 applicant was in fact in arrears at the time of obtaining the first permit.

15 The Board of Supervisors may by resolution waive or reduce the period of disqualification
16 provided in this subsection.

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18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: _____
21 CHERYL ADAMS
22 Deputy City Attorney