1 [Administrative Code - Request for Sheriff's Services]

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3 **Ordinance amending the Administrative Code to authorize the Sheriff to contract with**

4 **private entities to provide supplemental law enforcement services.**

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

9

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

11

12   Section 1. Delegation.

13   State law allows the Board of Supervisors to contract on behalf of the Sheriff to provide

14 supplemental law enforcement services to private individuals or private entities at special

15 events or occurrences that happen on an occasional basis. Under this Chapter 10A, the

16 Board of Supervisors is delegating to the Sheriff the Board's authority under state law to

17 contract with private individuals or private entities to provide supplemental Sheriff's law

18 enforcement services at special events or occurrences that happen on an occasional basis.

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20   Section 2. The Administrative Code is hereby amended by adding Chapter 10A,

21 consisting of Sections 10A.1, 10A.2, 10A.3, 10A.4, and 10A.5, to read as follows:

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23   _**10A.1. DEFINITIONS.**_

24   _For purposes of this Chapter 10A, the following definitions shall apply:_

25   _"City" means the City and County of San Francisco._

1   *"Department" means the Sheriff's Department.*

2   *"Event Organizer" means the person, firm, corporation, or organization hosting a cultural,*

3   *recreational, entertainment, arts, educational, civic, or religious event, including festivals and block*

4   *parties, and seeking additional personnel, equipment, or materials of the Department, for law*

5   *enforcement purposes within the City.*

6   *"Security Plan" means a plan drafted by the Event Organizer that adequately addresses the*

7   *safety of persons and property associated with the event that is the subject of the request for*

8   *Department services. This definition of "Security Plan" does not limit the discretion of the Department*

9   *to impose more stringent requirements for a Security Plan as circumstances warrant.*

10   *"Sheriff" means the Sheriff or the Sheriff's designee.*

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12   ***10A.2. REQUEST FOR SHERIFF'S SERVICES.***

13   *(a) Any prospective Event Organizer desiring supplemental Department law enforcement*

14   *services within the City for their event, may request the Sheriff to provide Department personnel to*

15   *perform such services. Any request for such services shall include a Security Plan.*

16   *(b) If the Sheriff approves the request for Department services, the Sheriff shall include with the*

17   *approval a written staffing plan that includes the number of personnel to be detailed in response to the*

18   *request, the approximate personnel location assignments, the anticipated shifts for all detailed*

19   *personnel, and the contact information of the Department employee to be assigned to supervise those*

20   *personnel.*

21   *(c) If the Sheriff determines that the requested Department services will require dispatch*

22   *services from the Department of Emergency Management, the Sheriff shall notify the Executive*

23   *Director of the Department of Emergency Management (or designee), who may detail such personnel*

24   *for such services in the number the Executive Director or designee determines to be necessary to*

25   *perform the dispatch services.*

1   *(d) An Event Organizer whose request for Department services has been denied may submit a*

2   *request for reconsideration of the denial to the Sheriff in writing within 10 days of receipt of the denial.*

3   *An Event Organizer whose request for Department services has been approved may submit a request*

4   *for reconsideration of the written staffing plan required under subsection (b) to the Sheriff in writing*

5   *within 10 days of receipt of the written staffing plan.*

6   *(e) The Sheriff shall inform the Event Organizer in writing of the Sheriff's final decision*

7   *regarding any request for reconsideration made under subsection (d) within 10 days of receipt of the*

8   *request for reconsideration.*

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10   *SEC. 10A.3. PAYMENT FOR SERVICES.*

11   *(a) The Event Organizer shall pay to the Department such sums of money as may be necessary*

12   *to pay for the additional services, including any dispatch services provided by the Department of*

13   *Emergency Management.*

14   *(1) The payment shall include a component for Department services, computed based*

15   *upon the rate paid or payable to those uniformed officers of the Department actually performing*

16   *services at the time they are to perform such additional services, and the cost of additional equipment*

17   *and materials expended, together with an administrative overhead charge to cover the proportionate*

18   *percentage of the Department's administrative costs that are attributable in the Department's*

19   *reasonable discretion to the work performed pursuant to the request.*

20   *(2) The payment shall also include a component for any dispatch services provided by*

21   *the Department of Emergency Management, which shall be computed by the Department of Emergency*

22   *Management based on the rate paid or payable to the dispatch personnel actually performing services*

23   *at the time they are to perform such additional duties.*

24   *(b) The Department shall provide an estimate of the payment for such services, including an*

25   *estimate from the Department of Emergency Management for any dispatch services, to the Event*

1   *Organizer within a reasonable time prior to the date service is to be rendered. The Event Organizer*

2   *shall deposit the amount of estimated funds with the Department prior to the time that the Department*

3   *renders the requested service. The Department may waive the deposit requirement if the Department*

4   *reasonably believes that a waiver is justified based on criteria that the Sheriff shall determine and post*

5   *on the Department website at least 30 days before accepting any requests for services under this*

6   *Chapter.*

7   *(c) Within a reasonable time after the services are rendered, the Sheriff shall determine the*

8   *amount of payment due. The amount due shall be based on actual services performed by the*

9   *Department and any dispatch services by the Department of Emergency Management.*

10   *(1) If the deposit pursuant to subsection (b) is insufficient to cover the actual cost of*

11 *Department and dispatch services, the Sheriff shall notify the Event Organizer by United States mail to*

12 *the address listed on the request for such services, and the Event Organizer shall have 10 days from*

13 *receipt of the bill to pay the balance.*

14   *(2) If the amount deposited pursuant to subsection (b) exceeds the actual cost of*

15 *Department and dispatch services, the Sheriff shall authorize and arrange payment of a refund of the*

16 *excess to the Event Organizer.*

17   *(d) The Department shall deposit with the Treasurer such sums as received in a special account*

18 *designated public facilities overtime account; provided, however, that the amount for the Department*

19 *representing administrative overhead shall be deposited to the general fund unappropriated balance of*

20 *funds, and the amount for the Department of Emergency Management's dispatch services shall be*

21 *transferred to the Department of Emergency Management.*

22   *(e) The Event Organizer shall indemnify, hold harmless, and defend the City, the Department,*

23 *the Department of Emergency Management, and all City officers, agents, and employees, from and*

24 *against all liability, judgments, or claims for personal injury, including but not limited to bodily*

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1 *injuries, or other claims, including but not limited to false arrest and false imprisonment, caused by or*

2 *purportedly caused by such personnel in the rendering of such services.*

3 *(f) The City shall not waive payment for Department or dispatch services provided pursuant to*

4 *this Chapter 10A except by ordinance.*

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6 ***SEC. 10A.4. COMPENSATION.***

7 *(a) For services performed in excess of the basic week of service, Department members shall be*

8 *compensated on the basis of time and one-half in accordance with the ratio that said excess service*

9 *bears to the basic week of service and the annual compensation as determined under Section A8.400 of*

10 *the City Charter and applicable memoranda of understanding.*

11 *(b) Requested services from the Department and the Department of Emergency Management*

12 *shall be compensated upon the basis of four hours per employee minimum per assignment.*

13 *(c) For services performed in excess of the basic work week, Department of Emergency*

14 *Management personnel shall be compensated on the basis of time and one-half in accordance with the*

15 *ratio which said excess service bears to the basic week of service and the annual compensation*

16 *provided therefor in applicable memoranda of understanding.*

17 *(d) A member of the Department or Department of Emergency Management, detailed to*

18 *perform services pursuant to this Chapter 10A, shall not be entitled to any additional overtime benefits*

19 *other than those provided in this Section 10A.4.*

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21 ***SEC. 10A.5. UNDERTAKING FOR THE GENERAL WELFARE.***

22 *In enacting and implementing this Chapter 10A, the City is assuming an undertaking only to*

23 *promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an*

24 *obligation for breach of which it is liable in money damages to any person who claims that such breach*

25 *proximately caused injury.*

1   Section 3. Effective Date. This ordinance shall become effective 30 days after

2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board

4 of Supervisors overrides the Mayor's veto of the ordinance.

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

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7 By: /s/ Jana Clark
       JANA CLARK

8   Deputy City Attorney

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