

1 [Requiring City departments to bill private parties who contract for additional police, street-  
2 cleaning, and traffic control services within 30 days, and to extend the deadline for payment  
3 from 10 to 14 days.]

4 **Ordinance amending the San Francisco Administrative Code by amending**  
5 **Sections 10B.2, 10B.12, and 10B.17, to require City departments to submit a bill within**  
6 **30 days to private parties who contract for additional police, street-cleaning, and traffic**  
7 **control services, and to extend the deadline for payment from 10 to 14 days.**

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.  
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. The San Francisco Administrative Code is hereby amended by amending  
14 Sections 10B.2, 10B.12, and 10B.17, to read as follows:

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

16 (a) Except as provided in subsection (f), below, the person, corporation, firm or  
17 organization desiring such services shall pay to the police department such sums of money as  
18 may be necessary to pay for the additional services. The payment shall be computed based  
19 upon the rate paid or payable to those uniformed officers of the Police Department actually  
20 performing services at the time they are to perform such additional duties, and the cost of  
21 additional equipment and materials expended, together with an administrative overhead  
22 charge to cover the proportionate percentage of the Department's administrative costs that  
23 are attributable in the Department's reasonable discretion to the work performed pursuant to  
24 the request.  
25

1 No person, corporation, firm or organization that contracts with the Police Department  
2 for additional services that are: 1) of the type normally provided by police officers on patrol in  
3 the designated area; and 2) to be provided at least four days per week, each week, for a  
4 period in excess of one year, shall be required to pay an administrative overhead charge,  
5 unless such additional services are provided in conjunction with a City permit or license, or  
6 are otherwise necessary to mitigate a negative impact created by the activity of the person,  
7 corporation, firm or organization contracting for the additional services.

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

15 (c) Within 30 days ~~a reasonable time~~ after the services are rendered, the Chief of Police  
16 shall determine the amount of payment due.

17 (i) If the deposit pursuant to Subsection (b) hereof is insufficient to cover the  
18 cost of services, the Chief of Police shall within that same 30 days notify the person,  
19 corporation, firm or organization that requested the services by United States mail to  
20 the address listed on the request for such services and that party shall have 14 ~~ten~~ days  
21 to pay the balance. If any amount is still unpaid at that time, the Chief of Police shall refer  
22 the matter to the Bureau of Delinquent Revenue for collection.

23 (ii) If a conditional issuance of waiver has been submitted to the Clerk of the Board  
24 under subsection (g), the Chief of Police shall still send the notice required under subsection  
25

1           (c)(i) within 30 days, along with a notice to the contracting party that a waiver is being  
2           considered. If the waiver is approved, the Chief of Police shall notify the contracting party  
3           within 14 days after the date of approval of any remaining amounts due. If any amount is still  
4           unpaid 45 days after the revised bill has been sent, the Chief of Police shall refer the matter to  
5           the Bureau of Delinquent Revenue for collection.

6           (iii) If the amount deposited exceeds the actual costs, the Chief of Police shall  
7           authorize a refund of the excess to the applicant at the address shown on the  
8           application.

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

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

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

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

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

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

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

10 (5) Whether the event be consistent with City policy against glamorizing use of alcohol  
11 or tobacco products.

12 (g) The Mayor, or Mayor's designee, must transmit notice of a conditional issuance of  
13 waiver to the Clerk of the Board within seventy-two (72) hours of issuance. The Board, by  
14 resolution, may reject the waiver within thirty (30) days of the notice. If the Board votes to  
15 reject the waiver, the Mayor, or the Mayor's designee, shall notify the permittee/event sponsor  
16 of such rejection. If the Board does not act within thirty (30) days, the waiver will be  
17 considered approved.

18  
19 **SEC. 10B.12. PAYMENT FOR SERVICES.**

20 (a) The person, firm or organization desiring such personnel shall pay to the  
21 Department such sums of money as the Director of Public Works estimates shall be  
22 necessary to cover the actual costs of the services to be provided, together with an  
23 administrative overhead charge to cover the proportionate percentage of the Department's  
24  
25

1 administrative costs that are attributable in the Department's reasonable discretion to the work  
2 performed pursuant to the request.

3 (b) Within 30 days after the services are rendered, the Director of Public Works shall  
4 determine the amount of payment due.

5 (i) If any amount on deposit pursuant to subsection (a) hereof is insufficient to cover the  
6 cost of services, the Director shall within that same 30 days notify the person, corporation, firm  
7 or organization that requested the services by United States mail to the address listed on the  
8 request for such services and that party shall have 14 days to pay the balance. If any amount is  
9 still unpaid at that time, the Director shall refer the matter to the Bureau of Delinquent Revenue  
10 for collection.

11 (ii) If any amount deposited exceeds the actual costs, the Director shall authorize a  
12 refund of the excess to the applicant at the address shown on the application.

13 (c) The contracting party ~~Such person, corporation, firm or organization~~ shall indemnify,  
14 hold harmless and defend said City and County of San Francisco, the Department of Public  
15 Works, and all the officers, agents and employees of either, from any and all liability,  
16 judgments or claims for personal or bodily injuries, property damage, or other injuries caused  
17 by or purportedly caused by such personnel in the rendering of such services.

18

19 **SEC. 10B.17. PAYMENT FOR SERVICES.**

20 (a) After a request is made for services pursuant to Section 10B.16, the Director shall  
21 transmit to the person requesting such services an invoice for the estimated fee necessary to  
22 cover the actual costs of the services to be provided, together with an administrative overhead  
23 charge to cover the proportionate percentage of the Department's administrative costs that  
24 are attributable in the Department's reasonable discretion to the work performed pursuant to  
25

1 the request. No later than 10 days prior to the date on which such services are to be provided,  
2 the person, corporation, firm or other organization having requested such services shall  
3 deposit with the Department the sum of money shown on such invoice.

4 (b) Within 30 days ~~a reasonable time~~ after the requested services have been provided,  
5 the Director shall determine the actual cost of the requested services provided by the  
6 Department.

7 (i) If the amount of the deposit is insufficient to cover the cost of the requested  
8 services, plus the administrative overhead charge, the Director shall within that same 30 days  
9 notify the person or entity requesting the services by United States mail to the address listed  
10 on the request, and he or she shall have 14 ~~10~~ days to pay the balance. If any amount is still  
11 unpaid at that time, the Director shall refer the matter to the Bureau of Delinquent Revenue for  
12 collection.

13 (ii) If the amount deposited exceeds the actual costs plus the administrative overhead  
14 charge, the Director shall authorize a refund of the excess to the person or entity having made  
15 the request.

16 (c) If for any reason the request for services is withdrawn after a deposit is made of the  
17 estimated costs, the person or entity having requested the services shall be entitled to a  
18 refund of that portion of the deposit made representing the costs saved by the Department by  
19 reason of the cancellation of the requested services.

20 (d) Each person, corporation, firm or other organization requesting services under this  
21 Article shall indemnify, hold harmless and defend the City and County of San Francisco, the  
22 Department, and all the officers, agents and employees of both, from any and all liability,  
23 judgments or claims for personal or bodily injuries, property damage, or other injuries caused  
24 by or purportedly caused by such personnel in the rendering of such services.  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

By: \_\_\_\_\_  
THOMAS J. OWEN  
Deputy City Attorney