

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Paul Miyamoto, Sheriff
Micki Callahan, Director, Department of Human Resources
Mary Ellen Carroll, Executive Director, Department of Emergency
Management
Jose Cisneros, Treasurer

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee,
Board of Supervisors

DATE: April 15, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Haney on April 7, 2020:

File No. 200361

Ordinance amending the Administrative Code to authorize the Sheriff to contract with private entities to provide supplemental law enforcement services.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Johanna Saenz, Sheriff's Department
Katherine Johnson, Sheriff's Department
Nancy Crowley, Sheriff's Department
Victor Lim, Department of Emergency Management
Molly Cohen, Office of the Treasurer & Tax Collector
Mawuli Tugbenyoh, Department of Human Resources
Carol Isen, Department of Human Resources

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

2

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.
6 **Additions to Codes** are in *single-underline italics Times New Roman font*.
7 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
8 **Board amendment additions** are in double-underlined Arial font.
9 **Board amendment deletions** are in ~~strikethrough Arial font~~.
10 **Asterisks (* * * *)** indicate the omission of unchanged Code
11 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:
6 DENNIS J. HERRERA, City Attorney

7 By: _____
8 JANA CLARK
9 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Request for Sheriff's Services]

Ordinance amending the Administrative Code to authorize the Sheriff to contract with private entities to provide supplemental law enforcement services.

Existing Law

Existing law authorizes the Board of Supervisors to contract with private entities to provide supplemental law enforcement services at special events or occurrences that happen on an occasional basis.

Amendments to Current Law

This ordinance would delegate to the Sheriff the authority to contract with private entities to provide supplemental Sheriff's services at special events or occurrences that happen on an occasional basis. This ordinance would require that the event organizer include a security plan with their request for services and that the Sheriff develop a staffing plan that includes, if needed, Department of Emergency Management dispatch services. Finally, this ordinance would delineate payment and compensation requirements.

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