

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Naomi Kelly, City Administrator, Office of the City Administrator
William Scott, Police Chief, Police Department
Paul Miyamoto, Sheriff, Sheriff's Department
Karen L. Fletcher, Chief Adult Probation Officer, Adult Probation Department
Katy Weinstein Miller, Chief Probation Officer, Juvenile Probation Department
Chesa Boudin, District Attorney, Office of the District Attorney

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: September 21, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Yee on September 15, 2020:

File No. 201062

Ordinance amending the Administrative Code to require City departments to report annually information about the number, cost, and usage of vehicles the departments have rented for periods of longer than 30 days; to authorize the City Administrator to inspect or provide maintenance upon request for any vehicle rented, leased, or owned by the City; to require departments to submit information to the City Administrator and the Board of Supervisors regarding the usage and safety of City vehicles; and to authorize the City Administrator to require departments to develop correction plans to reduce speeding, idling, and/or collisions involving City vehicles.

If you have 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 or by email at: erica.major@sfgov.org.

Board of Supervisors
Land Use and Transportation Committee
Referral
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cc: Lynn Shaw, Office of City Administrator
Lihmeei Leu, Office of City Administrator
Tal Quetone, Office of City Administrator
Rowena Carr, Police Department
Asja Steeves, Police Department
Diana Oliva-Aroche, Police Department
Sgt Stacy Youngblood, Police Department
Katherine Johnson, Sheriff Department
Nancy Crowley, Sheriff Department
LaShaun Williams, Adult Probation Department
Sheryl Cowan, Juvenile Probation Department
Cristine Soto DeBerry, Office of the District Attorney
Tera Anderson, Office of the District Attorney

1 [Administrative Code - Vehicles Owned or Leased by the City]

2

3 **Ordinance amending the Administrative Code to require City departments to report**
 4 **annually information about the number, cost, and usage of vehicles the departments**
 5 **have rented for periods of longer than 30 days; to authorize the City Administrator to**
 6 **inspect or provide maintenance upon request for any vehicle rented, leased, or owned**
 7 **by the City; to require departments to submit information to the City Administrator and**
 8 **the Board of Supervisors regarding the usage and safety of City vehicles; and to**
 9 **authorize the City Administrator to require departments to develop correction plans to**
 10 **reduce speeding, idling, and/or collisions involving City vehicles.**

11

12 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 14 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 15 **Board amendment additions** are in double-underlined Arial font.
 16 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 17 **Asterisks (* * * *)** indicate the omission of unchanged Code
 18 subsections or parts of tables.

16

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

18

19 Section 1. The Planning Department has determined that the actions contemplated in
 20 this ordinance comply with the California Environmental Quality Act (California Public
 21 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
 22 Board of Supervisors in File No. ____ and is incorporated herein by reference. The Board
 23 affirms this determination.

24

25

1 Section 2. Chapter 4 of the Administrative Code is hereby amended by revising
2 Sections 4.10-1 and 4.10-2, to read as follows:

3 **SEC. 4.10-1. CITY-OWNED AND LEASED VEHICLES; FLEET MANAGEMENT**
4 **PROGRAM.**

5 (a) All general purpose vehicles owned, leased, or rented by the City and previously
6 assigned to, or placed under the jurisdiction of, any officer or department of the City are
7 hereby transferred to the jurisdiction of the City Administrator. General purpose vehicles
8 acquired after ~~the effective date of this ordinance~~ May 18, 2003 shall also be placed under the
9 jurisdiction of the City Administrator.

10 * * * *

11 (e) (1) At least five days prior to renting or leasing any vehicle or vehicles for a period
12 of more than 30 days, the department seeking to rent or lease the vehicle or vehicles shall report the
13 following information to the City Administrator: the number of vehicles the department intends to rent
14 or lease; the length of the rental or lease for each vehicle; the make, model, and year of each vehicle;
15 the cost of each rental or lease, including both the rate calculated on a daily basis and the overall cost
16 for the entire rental or lease period; and the anticipated use of the vehicle or vehicles.

17 (2) Each department that has rented one or more vehicles for a period of more than
18 30 days during the preceding year (measured from April 1 through March 31) shall submit an annual
19 report to the City Administrator and the Board of Supervisors by May 1 including (A) for the 12 months
20 ending March 31: the number of vehicles the department rented or leased for a period of more than 30
21 days during the reporting period, the length of each such rental or lease, the make, model, and year of
22 each vehicle, the use of the vehicle, and the cost of each rental or lease, including both the rate
23 calculated on a daily basis and the overall cost for the entire rental or lease period; and (B) the amount
24 of the department's anticipated spending to rent or lease vehicles in the next fiscal year.

1 (f) The City Administrator may request, based on information provided under Section 4.10-
2 2 or for any other reason, that a department using any vehicle owned, leased, or rented by the City
3 return the vehicle to the City Administrator to inspect or provide maintenance on the vehicle.
4 Departments shall provide vehicles to the City Administrator for inspection or maintenance within five
5 business days of receiving a written request.

6
7 **SEC. 4.10-2. TELEMATIC VEHICLE TRACKING SYSTEMS.**

8 (a) **Definitions.**

9 For purposes of this Section 4.10-2, the following terms have the following meanings:

10 **Motor Vehicle** has the meaning set forth in Division 1 of the California Vehicle Code, as
11 amended from time to time.

12 **Telematic Vehicle Tracking System** means a system that combines the use of automatic vehicle
13 location equipment in individual vehicles with software that monitors in real time the location,
14 movements, and status of a vehicle or fleet of vehicles to provide a comprehensive picture of vehicle
15 locations and usage.

16 (b) **Equipping Motor Vehicles With Telematic Vehicle Tracking Systems.**

17 (1) Except as provided in subsection 4.10-2(~~b~~)(2), by no later than January
18 1, 2017, the City Administrator and each department head or other City official with jurisdiction
19 over motor vehicles shall cause those vehicles to be equipped with telematic vehicle tracking
20 systems. The City Administrator, department head or other City official having jurisdiction
21 shall prepare a notice that telematic vehicle tracking systems have been installed in the
22 vehicles and shall disseminate that notice to affected employees at the same time the
23 systems are installed.

24 (2) For vehicles used by the Police Department, the Sheriff's Department, the
25 Adult Probation Department, or the Juvenile Probation Department for law enforcement

1 purposes, or used by the District Attorney's Office or the City Attorney's Office for
2 investigations, the deadlines set forth in subsection (b)(1) for equipping vehicles and
3 providing notice shall be June 30, 2020.

4 (b) **Monitoring and Data.**

5 (1) Monitoring and Analysis by Departments. The City Administrator and each
6 department head or other City official shall monitor the use of the motor vehicles over which
7 ~~he or she~~the City Administrator or other official has jurisdiction, using ~~the~~ telematic vehicle tracking
8 systems, ~~and~~ Each such official shall use that information to monitor and analyze subjects such
9 as vehicle cost efficiency, speeding, use optimization, collisions, and post-incident investigation,
10 and to promote other potential benefits such as increased safety, efficiency, productivity, and
11 improved route management planning. The City Administrator shall establish and implement
12 policies to ensure that department heads and other City officials adequately report on all vehicle
13 performance metrics listed in this subsection (c)(1) to optimize results.

14 (2) Monthly Reporting.

15 (A) Unless excused by the City Administrator as provided in subsection
16 (c)(2)(C), by no later than the first day of each month beginning January 1, 2021, each department
17 head or other City official required to monitor information under subsection (c)(1) shall submit to the
18 City Administrator data obtained from telematic vehicle tracking systems during the preceding month
19 regarding each of the following: (i) speeding by motor vehicles in excess of the legal speed limit; (ii)
20 the amount of time that motor vehicles spent idling; (iii) motor vehicle emissions; (iv) motor vehicle
21 maintenance needs; (v) overall utilization of motor vehicles by the department or agency; and (vi) the
22 assignment of take-home vehicles and incidents of non-compliance with Section 4.11. By the same
23 deadline, each department head or other City official shall also submit to the City Administrator a
24 report regarding each collision involving a motor vehicle under their jurisdiction during the reporting
25 period.

1 (B) The City Administrator shall provide to each such department head or
2 official methods to submit the information required by subsection (c)(2)(A) in electronic format, which
3 may include providing templates to allow the department head or official to report the required
4 information.

5 (C) The City Administrator may excuse a department or office from the
6 monthly reporting requirement in subsection (c)(2)(A) if the City Administrator otherwise receives
7 information required by that subsection from the department or office more frequently than once a
8 month.

9 (e) — For purposes of this Section 4.10-2, "motor vehicle" shall mean a motor vehicle as
10 defined in Division 1 of the California Vehicle Code, as amended. "Telematic vehicle tracking system"
11 shall mean a system that combines the use of automatic vehicle location equipment in individual
12 vehicles with software that monitors in real time the location, movements, and status of a vehicle or
13 fleet of vehicles to provide a comprehensive picture of vehicle locations and usage.

14 (d) — (3) Annual Reporting.

15 (A) Each department head or other City official with jurisdiction over
16 motor vehicles shall submit a report with aggregate telematic data for those vehicles, including
17 but not limited to ~~the information described in subsection (c)(2)~~usage and mileage data, to the City
18 Administrator, ~~or his or her designee, at the end of each fiscal~~ by April 1 each year. The report shall
19 include data for the current fiscal year, and shall include data for the preceding five years or for the
20 period since the telematic equipment was initially installed in the department's vehicles, whichever is
21 shorter.

22 (B) By ~~October~~ May 1 of each year, the City Administrator shall submit
23 to the Mayor and the Board of Supervisors a report on aggregate motor vehicle use to
24 promote efficient and safe operation of the City's motor vehicle fleet. The City Administrator's
25 report shall include, but need not be limited to, information for each City department with jurisdiction

1 over motor vehicles regarding speeding in excess of the legal speed limit; the amount of time that motor
2 vehicles spent idling; emissions; maintenance; collisions; overall utilization of motor vehicles; the
3 assignment of take-home vehicles and incidents of non-compliance with Section 4.11; correction plans
4 implemented under subsection (d); and the implementation of those plans. In the City Administrator's
5 discretion, the report may cover the period of either the preceding 12 months or the current fiscal year
6 to date. The report shall also include comparative data for each department covering the previous five
7 years or the period since the telematics equipment was initially installed in the Department's vehicles,
8 whichever is shorter. The City Administrator's report may include recommendations for future
9 amendments to this Chapter 4 to improve the safety and efficiency of the City's use of vehicles.

10 (d) **Correction Plans.** Within 60 days of the effective date of the ordinance in Board File
11 No. _____ adopting this subsection (d), each department with jurisdiction over motor vehicles shall
12 develop and submit to the City Administrator a correction plan to implement the principles of the City's
13 Vision Zero strategy to reduce speeding, idling, and collisions in motor vehicles used by the
14 department. Based on information received by the City Administrator under subsection (c), the City
15 Administrator may require a department to report on the implementation of the correction plan within
16 60 days of the City Administrator's request, or earlier if so requested by the City Administrator. Within
17 six months after the implementation of a correction plan to the City Administrator, the department shall
18 submit a report to the City Administrator on the department's efficacy in the implementation of that
19 plan, including the number of employees who have received training under the plan.

20 (e) **Regulations and Guidelines.** The City Administrator may, after a noticed public
21 hearing, adopt regulations and guidelines to implement and administer this Section 4.10-2.
22 The City Administrator's regulations and guidelines shall include directions to City departments to
23 provide written notification to individual employees who have engaged in driving activities that are
24 dangerous or unreasonable, as defined in the regulations or guidelines.

25 (f) **Waiver of Requirements.**

1 (1) Subject to the provisions of this subsection (f), the City Administrator may
2 waive the requirements of this Section 4.10-2, in whole or in part, upon written application by
3 the department head or other City official with jurisdiction over motor vehicles, where the City
4 Administrator concludes that compliance with ~~the~~some or all of the requirements would not be
5 feasible or would unduly interfere with the department's ability to discharge its official
6 functions.

7 (2)~~(f)~~—If the City Administrator approves an application for a waiver, ~~he or she~~ the
8 City Administrator shall provide written notice of the approval to the Clerk of the Board of
9 Supervisors within five business days of the approval, and the Clerk of the Board shall forward
10 such notice to all members of the Board of Supervisors. Within 10 business days of ~~receipt of~~
11 the Clerk of the Board providing such notice to the members of the Board, any member of the
12 Board may submit to the Clerk of the Board for introduction an ~~written motion~~ ordinance to
13 approve or reject the waiver. The City Administrator, department head, or other City official
14 having jurisdiction shall not install the telematic vehicle tracking system that is the subject of
15 the waiver while such ~~motion~~ ordinance is pending at the Board.

16 (3) The City Administrator's approval of an application for a waiver ~~under~~
17 ~~subsection (e)~~ shall be final when either: the 10 days have passed for a member of the Board to
18 submit an ~~written motion~~ ordinance pursuant to subsection (f)(2) without any member having done
19 so; or, if a Board member has submitted an ~~motion~~ ordinance for introduction, the Board adopts
20 an ~~motion~~ ordinance affirming the City Administrator's approval of the application for a waiver
21 and such ordinance becomes effective; or ~~45~~ 60 days have passed without the ~~Board~~ City finally
22 enacting ~~adopting~~ an ~~motion~~ ordinance reversing or modifying the City Administrator's approval.

23 (4) Rejection of an application for a waiver shall be final when either: the City
24 Administrator rejects the application; or, if the City Administrator has approved the application
25 and a Board member has submitted an ~~motion~~ ordinance for introduction, the Board adopts an

1 ~~motion~~ ordinance reversing or modifying the City Administrator's approval of the application for
2 a waiver.

3 (g) Applicability of Section. Consistent with the Charter and other applicable State and
4 Federal law, this Section 4.10-2 shall not apply to the Public Utilities Commission, Airport,
5 Port, or Municipal Transportation ~~Authority~~Agency to the extent its requirements would conflict
6 with those laws or would otherwise interfere with the discharge of those functions placed
7 under the direct jurisdiction of the department.

8
9 Section 2. Effective Date. This ordinance shall become effective 30 days after
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
12 of Supervisors overrides the Mayor's veto of the ordinance.

13
14 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
15 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
16 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
17 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
18 additions, and Board amendment deletions in accordance with the "Note" that appears under
19 the official title of the ordinance.

20

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

23 By: /s/
24 JON GIVNER
Deputy City Attorney

25 n:\govern\as2020\2100006\01477918.docx

LEGISLATIVE DIGEST

[Administrative Code - Vehicles Owned or Leased by the City]

Ordinance amending the Administrative Code to require City departments to report annually information about the number, cost, and usage of vehicles the departments have rented for periods of longer than 30 days; to authorize the City Administrator to inspect or provide maintenance upon request for any vehicle rented, leased, or owned by the City; to require departments to submit information to the City Administrator and the Board of Supervisors regarding the usage and safety of City vehicles; and to authorize the City Administrator to require departments to develop correction plans to reduce speeding, idling, and/or collisions involving City vehicles.

Existing Law

Existing law does not require departments to submit regular reports to the City Administrator or the Board of Supervisors regarding the departments' long-term rentals of vehicles.

Under existing law the City Administrator and each department head or other City official with jurisdiction over motor vehicles must install telematic vehicle tracking systems in those vehicles. A "telematic vehicle tracking system" is a system that combines the use of automatic vehicle location equipment (such as GPS locators) in individual vehicles with software that monitors in real time the location, movements, and status of a vehicle or fleet of vehicles to provide a comprehensive picture of vehicle locations and usage.

The City Administrator and department heads must monitor the systems and use the information to analyze subjects such as vehicle cost efficiency, use optimization, and post-incident investigation, and to promote other potential benefits such as increased efficiency, productivity, and improved route management planning. Each department head must submit an annual report to the City Administrator with the telematic data, including vehicle usage and mileage data.

The City Administrator may waive these requirements, in whole or in part, if the department seeking the waiver demonstrates that compliance would not be feasible or would unduly interfere with the department's ability to discharge its official functions. The Board of Supervisors may, by motion, override a waiver granted by the City Administrator.

Amendments to Current Law

The proposed ordinance would require departments renting or leasing vehicles for a period of more than 30 days to provide the City Administrator with information regarding the rented vehicles and the length and costs of the rental or lease. Additionally, the ordinance would require each department that has rented one or more vehicles for more than 30 days during

the preceding year (measured from April 1 through March 31) to submit an annual report to the City Administrator and the Board of Supervisors by May 1 with similar information.

The ordinance would require departments with jurisdiction over vehicles to submit monthly reports regarding speeding; idling; emissions; maintenance needs; overall utilization; the assignment of take-home vehicles; and collisions. The City Administrator would facilitate the departments' reporting of this information by providing methods to submit the information in electronic format. The City Administrator could excuse a department from the reporting requirement if the City Administrator receives the information from the department by other means more frequently than once a month.

The ordinance would also require departments to submit an annual report to the City Administrator with the information described above, and would require the City Administrator to submit an annual report to the Board of Supervisors.

Within 60 days of the effective date of the ordinance, each department with jurisdiction over vehicles would be required to develop and submit to the City Administrator a correction plan to implement the principles of the City's Vision Zero strategy to reduce speeding, idling, and collisions in vehicles used by the department. The City Administrator could also require a department to report on the implementation of the correction plan.

The ordinance would also require the City Administrator to adopt regulations and guidelines directing City departments to provide written notification to individual employees who have engaged in driving activities that are dangerous or unreasonable.

For waivers of telematics requirement, the ordinance would modify existing law to allow the Board of Supervisors to override the City Administrator's waiver by enacting an ordinance rather than a motion.

The ordinance would also authorize the City Administrator to require that a department using any vehicle owned, leased, or rented by the City return the vehicle to the City Administrator to inspect or provide maintenance.

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisors Yee and Peskin

Subject:

Administrative Code - Vehicles Owned or Leased by the City

The text is listed:

Ordinance amending the Administrative Code to require City departments to report annually information about the number, cost, and usage of vehicles the departments have rented for periods of longer than 30 days; to authorize the City Administrator to inspect or provide maintenance upon request for any vehicle rented, leased, or owned by the City; to require departments to submit information to the City Administrator and the Board of Supervisors regarding the usage and safety of City vehicles; and to authorize the City Administrator to require departments to develop correction plans to reduce speeding, idling, and/or collisions involving City vehicles.

Signature of Sponsoring Supervisor: /s/Norman Yee

For Clerk's Use Only