

1 [Adding San Francisco Fire Department to those Departments that are allowed to authorize
2 employees to drive department vehicles to and from their residences.]

3 **Ordinance amending San Francisco Administrative Code Chapter 4 Section 4.11 to add**
4 **the San Francisco Fire Department to those Departments that are allowed to authorize**
5 **employees to drive department vehicles to and from their residences and to authorize**
6 **the San Francisco Fire Department to use 10 vehicles in that manner.**

7
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 Section 4.11, to read as follows:

15 **Sec. 4.11. USE OF CITY-OWNED VEHICLES.**

16 (a) Vehicles owned, leased or rented by the City and County and assigned
17 to, or under the jurisdiction of, any department of the City and County, shall be used only in
18 the discharge and transaction of municipal business. No officer, employee or authorized
19 volunteer of the City and County shall use any such vehicle without the consent of the head of
20 such department. The head of the department which has jurisdiction over any such vehicle
21 may not assign any such vehicle to any individual officer or employee unless a written request
22 justifying the need for personal assignment is made by the individual officer or employee and
23 approved by the Director of Administrative Services.

24 (b) No vehicle owned, leased or rented by the City and County and assigned
25 to, or under the jurisdiction of, any department of the City and County shall be used for
transportation to and from an employee's place of residence except as provided below:

1 (1) The employee resides in or both resides and works outside of the City
2 and County and is on call for work after his or her normal workday is completed and the
3 nature of the work has required the use of a City and County vehicle after hours on at least
4 five occasions in the preceding 12-month period; or

5 (2) The employee resides in or both resides and works outside of the City
6 and County and must leave his or her residence prior to 8:00 a.m. on City and County
7 business away from his or her normal place of work; or

8 (3) The employee resides in or both resides and works outside of the City
9 and County and would return to his or her normal place of work from an appointment on City
10 and County business after 6:00 p.m. or on a weekend; or

11 (4) The employee is a member of the San Francisco Police Department or
12 San Francisco Sheriff's Department, or an employee of the San Francisco Water Department,
13 San Francisco Department of Public Works, San Francisco Department of Emergency
14 Services or San Francisco Office of Citizen Complaints, and has the prior written permission
15 of the department head to use a vehicle equipped with emergency equipment for such
16 purpose, subject to such restrictions and regulations as the Chief of Police, Sheriff, Director of
17 Emergency Services or Director of the Office of Citizen Com-plaints may provide for the
18 respective departments. The departments shall keep detailed records of all vehicles used
19 pursuant to this paragraph; said records shall be open to inspection by the Office of the Mayor
20 and the Board of Supervisors; and provided further that the number of vehicles so exempted
21 shall not exceed:

22

23	San Francisco Water Department	42
24	San Francisco Police Department	33
25	<u>San Francisco Fire Department</u>	<u>10</u>

1	San Francisco Sheriff's Department	5
2	San Francisco Department of Emergency Services	2
3	San Francisco Department of Public Works	17
4	San Francisco Office of Citizen Complaints	4

5 (5) The employee is a forensic pathologist employed by the Office of the
6 Medical Examiner and has prior written permission of the Medical Examiner to use a City and
7 County vehicle and is on call before or after normal work hours in order to respond to and
8 investigate death scenes. The Medical Examiner shall keep detailed records of all vehicles
9 used pursuant to this subsection; said records shall be open to inspection by the Director of
10 Administrative Services and the Board of Supervisors; and provided further that the number of
11 vehicles so exempted shall not exceed two vehicles; or

12 (6) The employee is a resident of the City and County of San Francisco and
13 is driving the vehicle to and from the employee's place of residence solely for the purpose of
14 garaging the vehicle at his or her place of residence during nonwork hours, with the approval
15 by resolution of the Board of Supervisors, upon the recommendation of the Director of
16 Administrative Services, where the head of the department which has jurisdiction over such
17 vehicle finds that the public interest will be best served by permitting the employee to take the
18 vehicle home, rather than require the City to garage the vehicle.

19 (c) Penalty. Any employee violating the provisions of this Section shall pay to
20 the City and County an amount equal to three times the City and County's mileage
21 reimbursement rate times the number of miles driven in violation thereof.

22 (d) Except as otherwise provided by ordinance, an authorized volunteer,
23 while operating a motor vehicle owned by the City and County pursuant to authorization by
24 the head of the department to which said vehicle is assigned or which has jurisdiction over
25 said vehicle, shall be deemed to be an employee of the City and County solely for purposes of

1 California Vehicle Code Section 17001 and Division 3.6 of Title 1 of the Government Code of
2 the State of California, and for no other purpose; provided, however, that nothing herein
3 contained shall be deemed to permit the authorization to operate a motor vehicle owned,
4 leased or rented by the City and County contrary to the provisions of the Vehicle Code of the
5 State of California.

6
7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By: _____
10 Margaret W. Baumgartner
11 Deputy City Attorney
12
13
14
15
16
17
18
19
20
21
22
23
24
25