

1 [Administrative Code - Recovery of Attorney's Fees and Costs - Surveillance Technology]

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3 **Ordinance amending the Administrative Code to delete the provision authorizing a**
4 **court to award costs and attorney's fees to a plaintiff who is a prevailing party in an**
5 **action alleging a violation Administrative Code, Chapter 19B, governing the acquisition**
6 **of Surveillance Technology.**

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

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

15 Section 1. The Administrative Code is hereby amended by revising Section 19B.8, to
16 read as follows:

17 **SEC. 19B.8. ENFORCEMENT.**

18 (a) If a Department alleged to have violated this Chapter 19B takes corrective
19 measures in response to such allegation, the Department shall post a notice on the
20 Department's website that generally describes any corrective measure taken to address such
21 allegation.

22 (b) Any alleged violation of this Chapter 19B for which the City received notice under
23 subsection (c) and that is not corrected by the Department within 30 days of receipt of the
24 notice, constitutes a legally cognizable basis for relief,¹ and any person affected thereby may
25 institute proceedings for injunctive relief, declaratory relief, or writ of mandate to remedy the
26 violation, in any court of competent jurisdiction to enforce this Chapter 19B. An action

1 instituted under this subsection (b) shall be brought against the City.

2 (c) Prior to the initiation of any legal proceeding under subsection (b), the City must be
3 given written notice of the alleged violation(s) and an opportunity to correct such alleged
4 violation(s) within 30 days of receipt of the notice.

5 (d) If the alleged violation(s) is substantiated and subsequently corrected, a notice
6 shall be posted in a conspicuous space on the City's website that describes the corrective
7 measure(s) taken to address the violation(s).

8 ~~(e) A court shall award costs and reasonable attorney's fees to a plaintiff who is a prevailing
9 party in any action brought under subsection (b).~~

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11 Section 2. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
12 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
13 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
14 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
15 additions, and Board amendment deletions in accordance with the "Note" that appears under
16 the official title of the ordinance.

17 Section 3. Effective Date. This ordinance shall become effective 30 days after
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
20 of Supervisors overrides the Mayor's veto of the ordinance.

21 APPROVED AS TO FORM:
22 DAVID CHIU, City Attorney

23 By: /s/Jana Clark
24 JANA CLARK
25 Deputy City Attorney
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