

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Linda Gerull, Executive Director/CIO, Department of Technology

FROM: Victor Young, Assistant Clerk  
Rules Committee

DATE: February 6, 2019

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Peskin on January 29, 2019:

**File No. 190110**

**Ordinance amending the Administrative Code to require that City departments acquiring Surveillance Technology submit a Board of Supervisors approved Surveillance Technology Policy Ordinance and a Surveillance Impact Report to the Board in connection with any request to appropriate funds for the purchase of such technology or to accept and expend grant funds for such purpose, or otherwise to procure Surveillance Technology equipment or services; require each City department that owns and operates existing surveillance technology equipment or services to submit to the Board a proposed Surveillance Technology Policy Ordinance governing the use of the surveillance technology; and requiring the Controller, as City Services Auditor, to audit annually the use of surveillance technology equipment or services and the conformity of such use with an approved Surveillance Technology Policy Ordinance and provide an audit report to the Board of Supervisors.**

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: [victor.young@sfgov.org](mailto:victor.young@sfgov.org).

1 [Administrative Code - Acquisition of Surveillance Technology]

2  
3 **Ordinance amending the Administrative Code to require that City departments**  
4 **acquiring Surveillance Technology submit a Board of Supervisors approved**  
5 **Surveillance Technology Policy Ordinance and a Surveillance Impact Report to the**  
6 **Board in connection with any request to appropriate funds for the purchase of such**  
7 **technology or to accept and expend grant funds for such purpose, or otherwise to**  
8 **procure Surveillance Technology equipment or services; require each City department**  
9 **that owns and operates existing surveillance technology equipment or services to**  
10 **submit to the Board a proposed Surveillance Technology Policy Ordinance governing**  
11 **the use of the surveillance technology; and requiring the Controller, as City Services**  
12 **Auditor, to audit annually the use of surveillance technology equipment or services**  
13 **and the conformity of such use with an approved Surveillance Technology Policy**  
14 **Ordinance and provide an audit report to the Board of Supervisors.**

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

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

23 Section 1. General Findings.

24 (a) It is essential to have an informed public debate as early as possible about  
25 decisions related to surveillance technology.

1 (b) Whenever possible, decisions relating to surveillance technology should occur with  
2 strong consideration given to the impact such technologies may have on civil rights and civil  
3 liberties, including those rights guaranteed by the First, Fourth, and Fourteenth Amendments  
4 to the United States Constitution as well as Sections 1, 2, and 13 of Article I of the California  
5 Constitution.

6 (c) While surveillance technology may threaten the privacy of all of us, surveillance  
7 efforts have historically been used to intimidate and oppress certain communities and groups  
8 more than others, including those that are defined by a common race, ethnicity, religion,  
9 national origin, income level, sexual orientation, or political perspective.

10 (d) The propensity for facial recognition technology to endanger civil rights and civil  
11 liberties substantially outweighs its purported benefits, and the technology will exacerbate  
12 racial injustice and threaten our ability to live free of continuous government monitoring.

13 (e) Whenever possible, decisions regarding if and how surveillance technologies  
14 should be funded, acquired, or used, and whether data from such technologies should be  
15 shared, should be made only after meaningful public input has been solicited and given  
16 significant weight.

17 (f) Legally enforceable safeguards, including robust transparency, oversight, and  
18 accountability measures, must be in place to protect civil rights and civil liberties before any  
19 surveillance technology is deployed; and

20 (g) If a surveillance technology is approved, data reporting measures must be adopted  
21 that empower the Board of Supervisors and the public to verify that mandated civil rights and  
22 civil liberties safeguards have been strictly adhered to.

23 ///

24 ///

1 Section 2. The Administrative Code is amended by adding Chapter 19B, consisting of  
2 Sections 19B.1-19B.8, to read as follows:

3  
4 **CHAPTER 19B: ACQUISITION OF SURVEILLANCE TECHNOLOGY**

5  
6 **SEC. 19B.1. DEFINITIONS.**

7 "Annual Surveillance Report" means a written report that includes all of the following:

8 (1) A general description of how the Surveillance Technology was used;

9 (2) A general description of whether and how often data acquired through the use of the  
10 Surveillance Technology item was shared with outside entities, the name of any recipient outside entity,  
11 the type(s) of data disclosed, under what legal standard(s) the data was disclosed, and the justification  
12 for the disclosure(s);

13 (3) A summary of complaints or concerns from the public about the Surveillance  
14 Technology item;

15 (4) The aggregate results of any internal audits required by the Surveillance Technology  
16 Policy, any general, aggregate information about violations of the Surveillance Technology Policy, and  
17 a general description of any actions taken in response;

18 (5) Information, including crime statistics, which help the Board of Supervisors assess  
19 whether the Surveillance Technology has been effective at achieving its identified purposes;

20 (6) Aggregate statistics and information about any Surveillance Technology related to  
21 Public Records Act requests;

22 (7) Total annual costs for the Surveillance Technology, including personnel and other  
23 ongoing costs, and what source of funding will fund the Surveillance Technology in the coming year;

24 (8) Any requested modifications to the Surveillance Technology Policy and a detailed  
25 basis for the request;

1                   (9) Where applicable, a general breakdown of what physical objects the Surveillance  
2 Technology hardware was installed upon, using general descriptive terms; for Surveillance Technology  
3 software, a general breakdown of what data sources the Surveillance Technology was applied to; and

4                   (10) A summary of all requests for Board of Supervisors' approval for a Surveillance  
5 Technology Policy ordinance.

6                   An Annual Surveillance Report shall not contain the specific records that a Surveillance  
7 Technology item collects, stores, exchanges, or analyzes and/or information protected, restricted,  
8 and/or sealed pursuant to State and/or federal laws, including information exempt from disclosure  
9 under the California Public Records Act.

10                  "City" means the City and County of San Francisco.

11                  "City Department" or "Department" means any City official, department, board, commission,  
12 or other entity in the City except that it shall not mean the District Attorney or Sheriff when performing  
13 their investigative or prosecutorial functions, provided that:

14                  (1) The District Attorney or Sheriff certifies in writing to the Controller that acquisition  
15 of Surveillance Technology is necessary to perform an investigative or prosecutorial function, and

16                  (2) The District Attorney or Sheriff provides in writing to the Controller either an  
17 explanation of how compliance with this Chapter 19B will obstruct their investigative or prosecutorial  
18 function or a declaration that the explanation itself will obstruct either function.

19                  "Exigent circumstances" means an emergency involving imminent danger of death or serious  
20 physical injury to any person that requires the immediate use of Surveillance Technology or the  
21 information it provides.

22                  "Face recognition" means an automated or semi-automated process that assists in identifying  
23 or verifying an individual based on an individual's face.

24                  "Surveillance Impact Report" means a written report that includes at a minimum the following:  
25

1                   (1) Information describing the Surveillance Technology and how it works, including  
2 product descriptions from manufacturers;

3                   (2) Information on the proposed purpose(s) for the Surveillance Technology;

4                   (3) If applicable, the general location(s) it may be deployed and crime statistics for any  
5 location(s);

6                   (4) An assessment identifying any potential impact on civil liberties and civil rights and  
7 discussing any plans to safeguard the rights of the public;

8                   (5) The fiscal costs for the Surveillance Technology, including initial purchase,  
9 personnel and other ongoing costs, and any current or potential sources of funding;

10                   (6) Whether use or maintenance of the technology will require data gathered by the  
11 technology to be handled or stored by a third-party vendor on an ongoing basis; and

12                   (7) A summary of the experience, if any, other governmental entities have had with the  
13 proposed technology, including information about its effectiveness and any known adverse information  
14 about the technology such as unanticipated costs, failures, or civil rights and civil liberties abuses.

15                   “Personal communication device” means a cellular telephone that has not been modified  
16 beyond stock manufacturer capabilities, a personal digital assistant, a wireless capable tablet or  
17 similar wireless two-way communications and/or portable Internet accessing devices, whether  
18 procured or subsidized by a City entity or personally owned, that is used in the regular course of  
19 conducting City business.

20                   “Surveillance Technology” means any software, electronic device, system utilizing an  
21 electronic device, or similar device used, designed, or primarily intended to collect, retain, process, or  
22 share audio, electronic, visual, location, thermal, biometric, olfactory or similar information  
23 specifically associated with, or capable of being associated with, any individual or group. Surveillance  
24 Technology” includes but is not limited to the following: international mobile subscriber identity  
25 (IMSI) catchers and other cell site simulators; automatic license plate readers; electric toll readers;

1 closed-circuit television cameras; gunshot detection hardware and services; video and audio  
2 monitoring and/or recording technology, such as surveillance cameras, wide-angle cameras, and  
3 wearable body cameras; mobile DNA capture technology; biometric software or technology, including  
4 facial, voice, iris, and gait-recognition software and databases; software designed to monitor social  
5 media services; x-ray vans; software designed to forecast criminal activity or criminality; radio-  
6 frequency I.D. (RFID) scanners; and tools, including software and hardware, used to gain  
7 unauthorized access to a computer, computer service, or computer network. Surveillance Technology  
8 does not include the following devices, hardware, or software:

9 (1) Office hardware, such as televisions, computers, credit card machines, copy  
10 machines, telephones, and printers, that are in common use by City Departments and used for routine  
11 City business and transactions;

12 (2) City databases and enterprise systems that contain information kept in the ordinary  
13 course of City business, including, but not limited to, human resource, permit, license, and business  
14 records;

15 (3) City databases and enterprise systems that do not contain any data or other  
16 information collected, captured, recorded, retained, processed, intercepted, or analyzed by  
17 Surveillance Technology, including payroll, accounting, or other fiscal databases;

18 (4) Information technology security systems, including firewalls and other cybersecurity  
19 systems intended to secure City data;

20 (5) Physical access control systems, employee identification management systems, and  
21 other physical control systems;

22 (6) Infrastructure and mechanical control systems, including those that control or  
23 manage street lights, traffic lights, electrical, natural gas, or water or sewer functions;

1                   (7) Manually-operated technological devices used primarily for internal City  
2 communications, which are not designed to surreptitiously collect surveillance data, such as radios,  
3 personal communication devices, and email systems;

4                   (8) Manually-operated and non-wearable handheld cameras, audio recorders, and video  
5 recorders, that are not designed to be used surreptitiously and whose functionality is limited to  
6 manually capturing and manually downloading video and/or audio recordings;

7                   (9) Surveillance devices that cannot record or transmit audio or video or be remotely  
8 accessed, such as image stabilizing binoculars or night vision equipment;

9                   (10) Computers, software, hardware, or devices, used in monitoring the work and work-  
10 related activities involving City buildings, employees, contractors, and volunteers or used in  
11 conducting internal investigations involving City employees, contractors, and volunteers;

12                   (11) Medical equipment and systems used to record, diagnose, treat, or prevent disease  
13 or injury, and used and/or kept in the ordinary course of providing City services;

14                   (12) Parking Ticket Devices;

15                   (13) Police Department interview rooms, holding cells, and internal security  
16 audio/video recording systems;

17                   (14) Police department computer aided dispatch (CAD), records/case management, Live  
18 Scan, booking, Department of Motor Vehicles, California Law Enforcement Telecommunications  
19 Systems (CLETS), 9-1-1 and related dispatch and operation or emergency services systems;

20                   (15) Police department early warning systems; and

21                   (16) Computers, software, hardware, or devices used to monitor the safety and security  
22 of City facilities and their occupants.

23                   “Surveillance Technology Policy” means a written policy that includes:

24                   (1) A description of the product and services addressed by the Surveillance Technology,  
25 including manufacturer and model numbers and/or the identity of any provider(s) whose services are



1 essential to the functioning or effectiveness of the Surveillance Technology equipment or services for  
2 the intended purpose;

3 (2) A description of the purpose(s) for which the Surveillance Technology equipment or  
4 services are proposed for acquisition, including the type of data that may be collected by the  
5 Surveillance Technology equipment or services;

6 (3) The uses that are authorized, the rules and processes required prior to such use, and  
7 uses of the Surveillance Technology that will be expressly prohibited.

8 (4) A description of the formats in which information collected by the Surveillance  
9 Technology is stored, copied, and/or accessed;

10 (5) The specific categories and titles of individuals who are authorized by the  
11 Department to access or use the collected information, including restrictions on how and under what  
12 circumstances data collected with Surveillance Technology can be analyzed and reviewed, and the  
13 rules and processes required prior to access or use of the information;

14 (6) The general safeguards that protect information from unauthorized access, including  
15 encryption and access control mechanisms;

16 (7) The limited time period, if any, that information collected by the Surveillance  
17 Technology will be routinely retained, the reason such retention period is appropriate to further the  
18 purpose(s) enumerated in the Surveillance Technology Policy, the process by which the information is  
19 regularly deleted after that period lapses, and the specific conditions that must be met to retain  
20 information beyond that period;

21 (8) How collected information can be accessed or used by members of the public,  
22 including criminal defendants;

23 (9) Which governmental agencies, departments, bureaus, divisions, or units that may  
24 receive data collected by the Surveillance Technology operated by the Department, including any  
25

1 required justification or legal standard necessary to share that data and how it will ensure that any  
2 entity receiving such data complies with the Surveillance Technology Policy;

3 (10) The training required for any individual authorized to use the Surveillance  
4 Technology or to access information collected by the Surveillance Technology;

5 (11) The mechanisms to ensure that the Surveillance Technology Policy is followed,  
6 including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of  
7 the use of the technology or access to information collected by the technology, technical measures to  
8 monitor for misuse, any independent person or entity with oversight authority, and the sanctions for  
9 violations of the policy; and

10 (12) What procedures will be put in place by which members of the public can register  
11 complaints or concerns, or submit questions about the deployment or use of a specific Surveillance  
12 Technology, and how the Department will ensure each question and complaint is responded to in a  
13 timely manner.

14  
15 **SEC. 19B.2. BOARD OF SUPERVISORS APPROVAL OF SURVEILLANCE**

16 **TECHNOLOGY POLICY.**

17 (a) Except as stated in subsection (c), a Department must obtain Board of Supervisors approval  
18 by ordinance of a Surveillance Technology Policy under which the Department will acquire and use  
19 Surveillance Technology, prior to engaging in any of the following:

20 (1) Seeking funds for Surveillance Technology, including but not limited to applying for  
21 a grant, or accepting state or federal funds, or public or private in-kind or other donations;

22 (2) Acquiring or borrowing new Surveillance Technology, including but not limited to  
23 acquiring Surveillance Technology without the exchange of monies or other consideration;

1                   (3) Using new or existing Surveillance Technology for a purpose, in a manner, or in a  
2 location not specified in a Surveillance Technology Policy ordinance approved by the Board in  
3 accordance with this Chapter 19B; or

4                   (4) Entering into agreement with a non-City entity to acquire, share, or otherwise use  
5 Surveillance Technology.

6                   (b) Notwithstanding the provisions of this Chapter 19B, it shall be unlawful for any Department  
7 to obtain, retain, access, or use: 1) any Face Recognition Technology; or 2) any information obtained  
8 from Face Recognition Technology.

9                   (c) If either the District Attorney or Sheriff certifies in writing to the Controller that acquisition  
10 of Surveillance Technology is necessary to perform an investigative or prosecutorial function and  
11 provides in writing to the Controller either an explanation of how compliance with this Chapter 19B  
12 will obstruct their investigative or prosecutorial function or a declaration that the explanation itself  
13 will obstruct either function, the District Attorney or Sheriff shall simultaneously submit a copy of the  
14 document to the Clerk of the Board of Supervisors so that the Board in its discretion may hold a  
15 hearing and request that the District Attorney or Sheriff appear to respond to the Board's questions  
16 regarding such certification, explanation, and/or declaration.

17                   (d) Nothing in this Chapter 19B shall be construed to obstruct the constitutional and statutory  
18 powers and duties of the District Attorney, the Sheriff, the Chief Adult Probation Officer, or the Chief  
19 Juvenile Probation Officer.

20  
21                   **SEC. 19B.3. SURVEILLANCE IMPACT REPORT AND SURVEILLANCE TECHNOLOGY**  
22 **POLICY SUBMISSION.**

23                   (a) The Department seeking approval under Section 19B.2 shall submit to the Board of  
24 Supervisors and publicly post on the Department website a Surveillance Impact Report and a proposed  
25

1 Surveillance Technology Policy ordinance at least 30 days prior to the public meeting where the Board  
2 will consider that Surveillance Technology Policy ordinance pursuant to Section 19B.2.

3 (b) Prior to submitting the Surveillance Technology Policy ordinance to the Board, the  
4 Department must first approve the policy, submit the policy to the City Attorney for review, and submit  
5 the policy to the Mayor.

6  
7 **SEC. 19B.4. STANDARD FOR APPROVAL.**

8 It is the policy of the Board of Supervisors that it will approve a Surveillance Technology Policy  
9 ordinance only if it determines that the benefits the Surveillance Technology ordinance authorizes  
10 outweigh its costs, that the Surveillance Technology Policy ordinance will safeguard civil liberties and  
11 civil rights, and that the uses and deployments of the Surveillance Technology under the ordinance will  
12 not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any  
13 community or group.

14  
15 **SEC. 19B.5. COMPLIANCE FOR EXISTING SURVEILLANCE TECHNOLOGY.**

16 (a) Each Department possessing or using Surveillance Technology before the effective date of  
17 this Chapter 19B shall submit a proposed Surveillance Technology Policy ordinance to the Board of  
18 Supervisors for that particular Surveillance Technology no later than 120 days following the effective  
19 date of this Chapter, for review and approval by the Board by ordinance.

20 (b) If a Department is unable to meet this 120-day timeline, the Department may notify the  
21 Clerk of the Board of Supervisors in writing of the Department's request to extend this period and the  
22 reasons for that request. The Clerk of the Board may for good cause grant a Department a single  
23 extension of up to 90 days beyond the 120-day timeline to submit a proposed Surveillance Technology  
24 Policy.

1            (c) If the Board has not approved a Surveillance Technology Policy ordinance for Surveillance  
2 Technology in use before the effective date of this Chapter 19B, within 180 days of its submission to the  
3 Board, the Department shall cease its use of the Surveillance Technology and the sharing of data from  
4 the Surveillance Technology until such time as the Board approves the Surveillance Technology Policy  
5 ordinance in accordance with this Chapter.

6  
7  
8            **SEC. 19B.6. ANNUAL SURVEILLANCE REPORT.**

9            (a) A Department that obtains approval for the acquisition of Surveillance Technology under  
10 Section 19B.2 must submit to the Board of Supervisors, and make available on its website, an Annual  
11 Surveillance Report for each Surveillance Technology used by the City Department within 12 months of  
12 Board approval of the applicable Surveillance Technology Policy, and annually thereafter on or before  
13 November 1. If the Department is unable to meet the deadline, the Department may submit a request to  
14 the Clerk of the Board for an extension of the deadline. The Clerk may extend the deadline for good  
15 cause.

16            (b) By no later than January 15 of each fiscal year, each Department that has obtained  
17 approval for the acquisition of Surveillance Technology under Section 19B.2 shall submit to the Board  
18 of Supervisors a report regarding implementation of the policy and a resolution to accept the report.

19            (c) By no later than January 15 of each year, the Board of Supervisors shall publish a summary  
20 of all requests for Board approval of Surveillance Technology Policy ordinances, which shall include a  
21 summary of any Board action related to such requests, and all Annual Surveillance Reports submitted  
22 in the prior calendar year.

23  
24            **SEC. 19B.7. USE OF SURVEILLANCE TECHNOLOGY IN EXIGENT**  
25 **CIRCUMSTANCES.**

1           (a) A Department may temporarily acquire or temporarily use Surveillance Technology in  
2 exigent circumstances without following the provisions of this Chapter 19B. If a Department acquires  
3 or uses Surveillance Technology under this Section 19B.7, the Department shall do all of the following:

4                     (1) Use the Surveillance Technology solely to respond to the exigent circumstances;

5                     (2) Cease using the Surveillance Technology within seven days, or when the exigent  
6 circumstances end, whichever is sooner;

7                     (3) Keep and maintain only data related to the exigent circumstances, and dispose of  
8 any data that is not relevant to an ongoing investigation, unless its retention is (A) authorized by a  
9 court based on a finding of probable cause to believe the information constitutes evidence of a crime;  
10 or (B) otherwise required by law;

11                    (4) Not disclose to any third party any information acquired during exigent  
12 circumstances unless such disclosure is (A) authorized by a court based on a finding of probable cause  
13 to believe the information constitutes evidence of a crime; or (B) otherwise required by law; and

14                    (5) Submit a written report summarizing that acquisition and/or use of Surveillance  
15 Technology under this Section 19B.7 to the Board of Supervisors within 45 days following the inception  
16 of the exigent circumstances.

17           (b) Any Surveillance Technology temporarily acquired in exigent circumstances shall be  
18 returned within 7 days following its acquisition, or when the exigent circumstances end, whichever is  
19 sooner, unless the Department acquires the Surveillance Technology in accordance with the  
20 requirements of this Chapter 19B.

21  
22           **SEC. 19B.8. ENFORCEMENT.**

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

1           (b) It shall be a misdemeanor to knowingly use City-owned Surveillance Technology (1) for a  
2 purpose or in a manner that is specifically prohibited in a Board-approved Surveillance Technology  
3 Policy ordinance, or (2) without complying with the terms of this Chapter 19B. Unless otherwise  
4 prohibited by law, the District Attorney may prosecute a violation of this Chapter.

5           (c) Any violation of this Chapter 19B constitutes an injury and any person may institute  
6 proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent  
7 jurisdiction to enforce this Chapter 19B. An action instituted under this subsection (c) shall be brought  
8 against the City.

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

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

15           (f) A court shall award costs and reasonable attorney's fees to a plaintiff who is a prevailing  
16 party in any action brought under subsection (c).

17  
18           Section 3. The Administrative Code is hereby amended by revising Sections 2A.20 and  
19 10.170-1, and adding Sections 3.27 and 21.07, to read as follows:

20  
21           **SEC. 2A.20. CONTROLLER'S AUDITS.**

22           (a) The Controller shall audit the accounts of all boards, officers, and employees of the  
23 City and County charged in any manner with the custody, collection, or disbursement of funds.  
24 The Controller shall audit all accounts of money coming into the hands of the Treasurer, the  
25 frequency of which shall be governed by State law.

1           **(b)** The Controller shall have the authority to audit the operations of all boards,  
2 commissions, officers, and departments to evaluate their effectiveness and efficiency. The  
3 Controller shall have access to, and authority to examine all documents, records, books, and  
4 other property of any board, commission, officer, or department.

5           **(c)** When requested by the Mayor, the Board of Supervisors, or any board or  
6 commission for its own department, the Controller shall audit the accounts of any officer or  
7 department.

8           **(d) Surveillance Technology Audit.**

9           (1) For purposes of this subsection (d), "Department," "Surveillance Technology,"  
10 "Surveillance Technology Policy," and "Annual Surveillance Report" have the meanings set forth in  
11 Section 19B.1 of the Administrative Code.

12           (2) Acting as City Services Auditor, and beginning in fiscal year 2019-2020, the  
13 Controller shall audit annually the use of Surveillance Technology by Departments. Such an audit shall  
14 include a review of whether a Department has operated and is operating in compliance with an  
15 approved Surveillance Technology Policy ordinance, and has completed an Annual Surveillance  
16 Report. The audit shall also include a review of the difference, if any, between the full cost of the  
17 Surveillance Technology equipment and services included in the Surveillance Technology Policy and  
18 the total annual costs for the Surveillance Technology included in the Annual Surveillance Report. At  
19 the completion of the audit and in consultation with the City Attorney, the Controller shall recommend  
20 any changes to any Surveillance Technology Policy ordinance and its implementation to the Board of  
21 Supervisors.

22  
23           **SEC. 10.170-1. GRANT FUNDS – ACCEPTANCE AND EXPENDITURE.**  
24  
25



1 (a) Any department, board, or commission that seeks to accept and expend federal,  
2 State, or other grant funds must comply with any applicable provisions of this Section 10.170-  
3 1.

4 (b) The acceptance and expenditure of federal, State, or other grant funds in the  
5 amount of \$100,000 or more is subject to the approval by resolution of the Board of  
6 Supervisors. If, as a condition of the grant, the City is required to provide any matching funds,  
7 those funds shall be included in determining whether the grant meets the \$100,000 threshold.  
8 This subsection (b) shall also apply to an increase in a grant where the increase, alone or in  
9 combination with any other previous increases to that grant, would raise the cumulative total  
10 amount of the grant to \$100,000 or more. The department, board, or commission requesting  
11 approval shall submit the following documents to the Board prior to its consideration:

12 (1) A proposed resolution approving the acceptance and expenditure of grant  
13 funds, or a proposed ordinance as required under subsection (d), signed by the department  
14 head, the Mayor or his or her designee, and the Controller;

15 (2) A completed "Grant Information Form." The Clerk of the Board shall prepare  
16 the form; it shall include a disability access checklist, indirect cost recovery, and other  
17 information as the Board of Supervisors may require;

18 (3) A copy of the grant application;

19 (4) A letter of intent to award the grant or acknowledgment of grant award from  
20 the granting agency; and,

21 (5) A cover letter to the Clerk of the Board *of Supervisors* substantially conforming  
22 to the specifications of the Clerk of the Board.

23 (c) Grants or Increases to Grants of Less Than \$100,000. The Controller may prescribe  
24 rules for the acceptance and expenditure of federal, State, or other grant funds in amounts  
25 less than \$100,000, or for increases to grants where the increase, alone or in combination

1 with any other previous increases to that grant, would not raise the cumulative total amount of  
2 the grant to \$100,000 or more. The Controller may also prescribe rules for the acceptance  
3 and expenditure of increases to grants, where the original grant or any subsequent increase  
4 to the grant has been approved by the Board of Supervisors under subsection (b) or (d) and  
5 where the latest increase would be in an amount less than \$50,000.

6 \* \* \* \*

7 (l) Surveillance Technology.

8 (1) For purposes of this subsection (l), "Department," "Surveillance Technology," and  
9 "Surveillance Technology Policy" have the meanings set forth in Section 19B.1 of the Administrative  
10 Code.

11 (2) Notwithstanding the provisions of subsections (b) and (c) above, when any City  
12 official, Department, board, commission or other entity of the City (collectively, the "requesting  
13 department") seeks authority to apply for, accept, or expend federal, State, or other grant funds in any  
14 amount to purchase Surveillance Technology, the requesting department must submit a Surveillance  
15 Technology Policy, approved by the Board of Supervisors in accordance with Chapter 19B of the  
16 Administrative Code, to the Board of Supervisors with a request for authorization to accept and expend  
17 grant funds.

18  
19  
20 **SEC. 3.27. APPROPRIATIONS FOR SURVEILLANCE TECHNOLOGY.**

21 (a) For purposes of this Section 3.27, "Department," "Surveillance Technology," and  
22 "Surveillance Technology Policy" have the meanings set forth in Section 19B.1 of the Administrative  
23 Code.

24 (b) To the extent that a Department seeks funding to acquire Surveillance Technology, the  
25 Department shall transmit a Surveillance Technology Policy, approved by the Board of Supervisors in

1 accordance with Chapter 19B of the Administrative Code, with any budget estimate submitted to the  
2 Controller in accordance with Section 3.3(a) or 3.15 of the Administrative Code. To the extent the  
3 Mayor concurs in the funding request and the Surveillance Technology Policy, the Mayor shall include  
4 the Surveillance Technology Policy with the proposed budget submitted to the Board of Supervisors in  
5 accordance with Section 3.3(c) or (d) of the Administrative Code, or, in the case of a supplemental  
6 appropriation, Section 3.15 of the Administrative Code.

7 **SEC. 21.07. ACQUISITION OF SURVEILLANCE TECHNOLOGY.**

8 (a) For purposes of this Section 21.07, "Department," "Surveillance Technology," and  
9 "Surveillance Technology Policy" have the meanings set forth in Section 19B.1 of the Administrative  
10 Code.

11 (b) Notwithstanding any authority set forth in this Chapter 21, neither the Purchaser nor any  
12 Contracting Officer may acquire any Surveillance Technology unless the Board of Supervisors has  
13 appropriated funds for such acquisition in accordance with the requirements of Chapter 19B of the  
14 Administrative Code.

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

19  
20 ///

21 ///

22 ///

23 ///

24 ///

1 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the "Note" that appears under  
6 the official title of the ordinance.

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

11 By:

  
12 JANA CLARK  
13 Deputy City Attorney

14 n:\leganas2019\1900073\01334300.docx