

1 [Administrative Code Revision, Chapter 4]
2 ORDINANCE AMENDING CHAPTER 4 OF PART I OF THE SAN FRANCISCO MUNICIPAL
3 CODE (ADMINISTRATIVE CODE) BY AMENDING SECTION 4.1-1 [NOW SECTION 4.1]
4 (ADMINISTRATION OF PUBLIC BUILDINGS), SECTIONS 4.2 – 4.8 (VENDING MACHINES
5 IN PUBLIC BUILDINGS), SECTION 4.9-1 [NOW SECTION 4.9] (VENDING MACHINES AT
6 SAN FRANCISCO GENERAL HOSPITAL), SECTION 4.13 (AUTOMOBILE SELF-
7 INSURANCE), AND SECTION 4.18 (LOANING PERSONAL PROPERTY TO THE CITY;
8 INDEMNIFICATION), AND BY REPEALING SECTION 4.1 (OFFICE SPACE IN CITY HALL,
9 HALL OF JUSTICE), SECTION 4.16 (REQUIRING USE OF SEAT BELTS), AND
10 SECTION 4.17 (LOANING PERSONAL PROPERTY TO THE CITY).

11 Note: Additions and substitutions are underlined;
12 deletions are in ((double parentheses)).

13
14 Be it ordained by the People of the City and County of San Francisco:

15
16 Section 1. Chapter 4 of the San Francisco Administrative Code is hereby amended by
17 repealing Section 4.1.

18 **((SEC. 4.1. ALLOCATION OF OFFICE SPACE IN CITY HALL AND HALL OF**
19 **JUSTICE.** The Director of Property shall have charge of the allocation of office space in City
20 Hall and Hall of Justice. Any department or office requiring additional office space in City Hall
21 or Hall of Justice shall make application therefor to the Director of Property. Departments and
22 officers in charge of other public buildings may transfer control of any office space to the
23 Director of Property, who shall thereafter be in charge thereof, until requested to retransfer
24 such space. Any assignment of office space or any proposed remodeling of any of the
25 foregoing properties, while under the control of the Director of Property, shall require the

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1 approval of the Director of Administrative Services and the cost of remodeling shall be subject
2 to the provisions of the annual or supplementary appropriation ordinances.))

3
4 Section 2. Chapter 4 of the San Francisco Administrative Code is hereby amended by
5 amending Section 4.1-1 and renumbering it as Section 4.1, to read as follows:

6 **SEC. 4.1 ((4.1-1)). PUBLIC BUILDINGS AND GROUNDS; ADMINISTRATION AND**
7 **PROTECTION.** The Director of Administrative Services shall have charge of all public
8 buildings and grounds of the City and County not otherwise under the jurisdiction and control
9 of an officer, board or commission of said City and County, including the allocation of office
10 space therein, and shall have the power to prescribe rules and regulations for the
11 administration and protection of any of said buildings and grounds.

12 Copies of any rule or regulation prescribed by the Director of Administrative Services
13 pursuant to the provisions of this Section shall be posted in a conspicuous place in the public
14 building or grounds to which said rule or regulation applies.

15
16 Section 3. Chapter 4 of the San Francisco Administrative Code is hereby amended by
17 amending Section 4.2, to read as follows:

18 **SEC. 4.2. INSTALLATION OF ((FOOD)) VENDING STANDS AND MACHINES ((—**
19 **AUTHORIZED.))** (a) Definitions. As used in this Chapter, the following words shall have
20 the following respective meanings:

21 “Vending stand” shall mean a non-mechanical stand dispensing products or services,
22 including food, beverages, tobacco products, newspapers and periodicals.

23 “Vending machine” shall mean an automated machine dispensing products or services,
24 including food, beverages, tobacco products, newspapers and periodicals.

1 (b) The head of any department in charge of improved ((city)) property controlled by
2 the City, including a building or space therein, but excepting space inside and outside of
3 offices in City Hall, may, when such arrangements seem to him or her desirable from the
4 standpoint of both the department's operations and the welfare of the employees, and with the
5 approval of the Director of Administrative Services, board or commission concerned, arrange
6 through the Purchaser ((of Supplies)) for the installation of vending stands or vending
7 machines ((stands dispensing food products or for the installation of machines or stands
8 dispensing candy, gum, popcorn, peanuts, tobacco products, newspapers, periodicals and
9 soft beverages.))

10
11 Section 4. Chapter 4 of the San Francisco Administrative Code is hereby amended by
12 amending Section 4.3, to read as follows:

13 **SEC. 4.3. INSTALLATION OF ((FOOD)) VENDING STANDS AND MACHINES —**
14 **((ARRANGEMENT FOR SPACE INSIDE AND OUTSIDE)) CITY HALL.** The Director of
15 Property shall have the exclusive right, with the approval of the Director of Administrative
16 Services, to arrange for the installation of vending stands or vending machines ((the machines
17 mentioned in the preceding section and for space)) in City Hall, both inside and outside of
18 offices. Such arrangements shall be made through the ((City)) Purchaser.

19
20 Section 5. Chapter 4 of the San Francisco Administrative Code is hereby amended by
21 amending Section 4.4, to read as follows:

22 **SEC. 4.4. INSTALLATION OF ((FOOD)) VENDING STANDS AND MACHINES —**
23 **EXCEPTIONS.** Notwithstanding any provision to the contrary in Sections 4.2 through 4.9, the
24 ((The)) Public Utilities Commission, the Recreation and Park Commission, the Airport
25 Commission, the Port of San Francisco, the Health Comission and the Board of Trustees of

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1 the War Memorial shall have the exclusive right to arrange for the installation of vending
2 stands and vending machines on property ((the machines mentioned in Section 4.2 of this
3 Code and for space)) under their respective jurisdictions.

4
5 Section 6. Chapter 4 of the San Francisco Administrative Code is hereby amended by
6 amending Section 4.5, to read as follows:

7 **SEC. 4.5. INSTALLATION OF ((FOOD)) VENDING STANDS AND MACHINES —**
8 **DEPOSIT OF FUNDS.** Except as provided in Section 4.9 ((4.9-1)) of this Code, all funds
9 received from the operation of vending stands and vending machines ((the installations
10 provided by the three preceding sections)) shall be deposited in the City treasury, to the credit
11 of the funds of the department with jurisdiction over the property on which the stands or
12 machines are located.

13
14 Section 7. Chapter 4 of the San Francisco Administrative Code is hereby amended by
15 amending Section 4.6, to read as follows:

16 **SEC. 4.6. INSTALLATION OF ((FOOD)) VENDING STANDS AND MACHINES —**
17 **APPLICATION OF FEDERAL AND STATE LAWS; MAINTENANCE IN SANITARY**
18 **CONDITION.** All federal and state laws and regulations and all local ordinances and
19 regulations, applicable to the installation and maintenance of vending stands and vending
20 machines as provided by the four preceding sections, and the products offered for sale
21 therein, shall be complied with by the person furnishing such installation. All such stands and
22 machines, and the products offered ((for sale)) therein, shall be installed and maintained in a
23 sanitary condition.

1 Section 8. Chapter 4 of the San Francisco Administrative Code is hereby amended by
2 amending Section 4.7, to read as follows:

3 **SEC. 4.7. INSTALLATION OF ((FOOD)) VENDING STANDS AND MACHINES —**
4 **INSURANCE AGAINST CLAIMS FOR DAMAGES.** In every case of installation and
5 maintenance of vending stands and vending machines by a contractor, the City ((and
6 County)) shall be protected by satisfactory insurance against any claim for damages in
7 connection therewith and the articles offered for sale therein.

8 Such insurance shall be in such form and amount satisfactory to the contracting officer,
9 in consultation with the City's Office of Risk Management.

10
11 Section 9. Chapter 4 of the San Francisco Administrative Code is hereby amended by
12 amending Section 4.8, to read as follows:

13 **SEC. 4.8. INSTALLATION OF ((FOOD)) VENDING STANDS AND MACHINES —**
14 **DURATION OF INSTALLATION AGREEMENT; REVOCATION OF AGREEMENT.** No
15 agreement covering a vending stand or vending machine installation shall bind the City ((and
16 County)) beyond the end of the fiscal year in which the agreement is executed. Any such
17 agreement shall be revocable by the City ((and County)) for cause, without notice, and without
18 cause on 30 days' notice.

19
20 Section 10. Chapter 4 of the San Francisco Administrative Code is hereby amended
21 by amending Section 4.9-1 and renumbering it as Section 4.9, to read as follows:

22 **SEC. 4.9 ((4.9-1)). INSTALLATION OF ((FOOD)) VENDING STANDS AND**
23 **MACHINES — ISSUANCE OF PERMITS FOR INSTALLATION AT SAN FRANCISCO**
24 **GENERAL HOSPITAL.** Permits for the installation of vending stands and vending machines
25 may also be issued to the Volunteer Auxiliary to San Francisco General Hospital. No charge

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1 shall be made for such permit, nor shall there be any rental or other charge in connection with
2 the operation of such machines by the Volunteer Auxiliary. The Director of Public Health shall
3 have the exclusive right to arrange through the Purchaser ((of Supplies)) for the installation of
4 said stands or machines. The net proceeds from the operation and sales from such vending
5 stands or vending machines shall be used only for the benefit of patients at the ((said))
6 hospital as approved by the Director of Public Health. ((It is further provided that the)) The net
7 proceeds shall be expended for the purposes set forth herein not later than June 30th of the
8 succeeding fiscal year. Any remaining funds not so expended, if any, shall be deposited in the
9 City treasury to the credit of the Department of Public Health not later than 60 days after the
10 close of the ((said)) fiscal year. ((It is provided further that said)) The Volunteer Auxiliary shall
11 file an annual report with the Director of Public Health on forms approved by the Controller,
12 showing ((. Said forms shall state)) the proceeds received, any ((the)) disbursements made
13 ((thereof)) and the purposes for which the proceeds have been expended.

14 Installation pursuant to the provisions of this Section may be made for any vending
15 stand or vending machine ((of the items specified in Section 4.2 of this Code)) and for any
16 other items approved by the Director of Public Health.

17
18 Section 11. Chapter 4 of the San Francisco Administrative Code is hereby amended
19 by amending Section 4.13, to read as follows:

20 **SEC. 4.13. AUTOMOBILE SELF-INSURANCE.** The City and County insures its
21 officers against liability, other than a liability which may be insured against under the
22 provisions of Division 4 of the Labor Code of the State of California, for injuries or damages
23 resulting from their negligence or carelessness in the operation, during the course of their
24 service or employment and within the scope of their duties to the City and County in such
25

1 service or employment, of any motor vehicle which is owned by the City and County or which
2 is rented by the City and County from any person other than an officer of the City and County.

3 Such insurance, so far as it is not effected by contract with any insurer authorized to
4 transact such insurance in the State of California, whether contracted for by the City and
5 County directly or through a contractor, shall be deemed to be self-insurance of the City and
6 County.

7 A motor vehicle, as used in this Section, is a vehicle which is self-propelled, within the
8 meaning of such term as used in the Vehicle Code of the State of California.

9 Officer or officers, as used in this Section, shall include any deputy, assistant or
10 employee of the City and County, acting within the scope of his or her office or employment in
11 the operation of any such motor vehicle, ((within the meaning of Section 1980, Subdivision (c)
12 of the Government Code of the State of California,)) except as otherwise provided.

13 Liability, as used in this Section, shall be liability of an officer for injury or damages
14 resulting from such negligence or carelessness in such operation of such a motor vehicle
15 within the meaning of the term liability, as used in Section 990 ((1956)) of the Government
16 Code of the State of California.

17
18 Section 12. Chapter 4 of the San Francisco Administrative Code is hereby amended
19 by repealing Section 4.16.

20 **((SEC. 4.16. SAFETY BELTS REQUIRED ON VEHICLES OWNED OR USED BY**
21 **CITY.** Subject to the budget and fiscal provisions of the Charter, motor vehicle safety seat
22 belts for the protection of driver and passengers in the front seat shall be installed and used
23 on all City/County-owned or City/County-rented emergency or passenger motor vehicles,
24 including those operated on the basis of reimbursement for mileage traveled, and on such
25 other motor vehicles or special mobile equipment as may be determined by each department

1 head. This Section shall not apply to public passenger vehicles operated by the Municipal
2 Railway.))

3
4 Section 13. Chapter 4 of the San Francisco Administrative Code is hereby amended
5 by repealing Section 4.17.

6 ((**SEC. 4.17. LENDERS OF PERSONAL PROPERTY TO THE CITY FOR USE ON A**
7 **TRIAL BASIS REQUIRED TO SAVE HARMLESS THE CITY, OFFICERS AND**
8 **EMPLOYEES FOR LOSS OR INJURY TO PROPERTY.** Every person, firm or corporation
9 who loans or contracts to loan equipment or other personal property to the City and County of
10 San Francisco for use on a trial basis must save, hold, keep harmless and exempt the City
11 and County and its officers and employees from and against all claims, actions and liability
12 arising out of loss, theft or destruction of, or injury or damage to, said personal property from
13 every cause whatsoever, including negligent act or omission of said City and County or its
14 officers or employees while said property is in the possession or control of the City and
15 County of San Francisco.))

16
17 Section 14. Chapter 4 of the San Francisco Administrative Code is hereby amended
18 by amending Section 4.18, to read as follows:

19 **SEC. 4.18. LENDERS OF PERSONAL PROPERTY TO THE CITY FOR USE ON A**
20 **TRIAL BASIS REQUIRED TO SAVE HARMLESS THE CITY, OFFICERS AND**
21 **EMPLOYEES FOR LOSS OR INJURY TO PROPERTY — APPROVAL OF PURCHASER**
22 **OF SUPPLIES.** No person, firm or corporation shall loan equipment or other personal
23 property to the City and County or any officer or employee thereof for the use of the City and
24 County on a trial basis, and no department, officer or employee of the City and County is
25 authorized to use, accept, possess or receive for or on behalf of the City and County, any

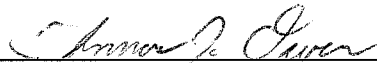
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BOARD OF SUPERVISORS

1 article of equipment or other personal property for use on a trial basis without the prior
2 approval of the Purchaser ((of Supplies)) and, unless and until the owner of said equipment or
3 personal property shall first execute, sign and deliver to the head of the department in which
4 said equipment or personal property is to be so used, an agreement in writing, in a form to be
5 first approved by the City Attorney, that the owner of said equipment or other personal
6 property shall protect, defend, indemnify and hold harmless ((and exempt)) the City and
7 County of San Francisco and its officers and employees from and against all claims, actions
8 and liability arising out of loss, theft or destruction of, or injury or damage to, said personal
9 property from every cause whatsoever, including negligent act or omission of said City and
10 County or its officers or employees while said property is in the possession or control of the
11 City and County of San Francisco ((as provided in Section 4.17 of this Code)).
12
13
14

15 APPROVED AS TO FORM:

16 LOUISE H. RENNE, City Attorney

17
18 By:



19 THOMAS J. OWEN
20 Deputy City Attorney
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25

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 990878

Date Passed:

Ordinance amending Administrative Code by amending Section 4.1-1 (now Section 4.1) Administration of Public Buildings; Sections 4.2-4.8 Vending Machines in Public Buildings; Section 4.9-1 (now Section 4.9) Vending Machines at San Francisco General Hospital; Section 4.13 Automobile Self-insurance; and Section 4.18 Loaning Personal Property to the City: Indemnification; and by repealing Section 4.1 Office Space in City Hall, Hall of Justice; Section 4.16 Requiring Use of Seat Belts and Section 4.17 Loaning Personal Property to the City.

June 14, 1999 Board of Supervisors — PASSED, ON FIRST READING

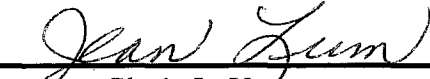
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

June 21, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 990878

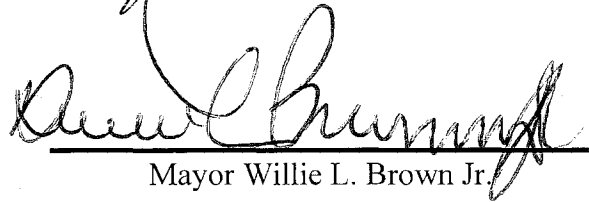
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on June 21, 1999 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
for Clerk of the Board

JUL - 1 1999

Date Approved



Mayor Willie L. Brown Jr.