

1 [Designating the USA PATRIOT Act as a "watch law" under Charter Section 16.124.]

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3 **Resolution designating the USA PATRIOT Act as a "watch law" under Charter**
4 **Section 16.124.**

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6 WHEREAS, Charter Section 16.124, adopted by the voters of San Francisco at the
7 March 2, 2004 election, authorizes the Board of Supervisors, by resolution, to designate as a
8 "watch law" any state or federal law or regulation that calls for, authorizes, or requires the
9 production by any City officer, employee, agency, department, or office of information,
10 records, or other tangible things held by the City, the disclosure of which could violate the
11 rights of any individuals under the State or Federal Constitutions; and

12 WHEREAS, Pursuant to the further authority provided in Charter Section 16.124, the
13 Board of Supervisors has adopted Administrative Code Section 2.20, which provides that the
14 Board of Supervisors shall respond on behalf of the City and County of San Francisco to all
15 orders or requests for the production of information, records or other tangible things served on
16 the City and County under any law designated as a watch law; and

17 WHEREAS, The "Uniting and Strengthening America by Providing Appropriate Tools
18 Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001" (PL 107-56)
19 includes provisions that would allow the FBI to obtain personal records of San Francisco
20 residents held by the City, such as library circulation records, without a warrant or an
21 independent determination of probable cause by a neutral magistrate, potentially in violation
22 of the Fourth Amendment rights and privacy rights of individuals named or discussed in such
23 records; now, therefore, be it

24 RESOLVED, That this Board of Supervisors designates the USA PATRIOT Act to be a
25 "watch law" under Charter Section 16.124; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
2 to take appropriate steps to inform all City officers, departments, and agencies of this
3 designation and of the procedures for handling watch law orders or requests.
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City and County of San Francisco

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

Tails
Resolution

File Number: 041139

Date Passed:


Resolution designating the USA PATRIOT Act as a "watch law" under Charter Section 16.124.

March 15, 2005 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 041139

I hereby certify that the foregoing Resolution was ADOPTED on March 15, 2005 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

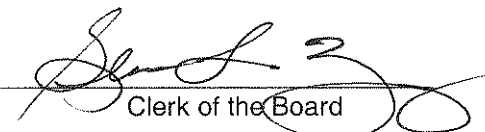
MAR 25 2005

Date Approved

Mayor Gavin Newsom

Date: March 25, 2005

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.


Clerk of the Board

File No.
041139