

[Ordinance including the District Attorney's Office as one of the enumerated departments that may allow its employees to drive their City-owned cars to and from their place of residence and limiting the number of such cars to eight (8).]

Ordinance amending Administrative Code Section 4.11 to include employees of the District Attorney's Office in the category of employees who may drive city-owned vehicles to and from their residence and to limit the number of such vehicles assigned to the District Attorney to eight (8).

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 4.11 (b) (4), to read as follows:

SEC. 4.11. USE OF CITY-OWNED VEHICLES.

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

(b) No vehicle owned, leased or rented by the City and County and assigned 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 and County
2 and is on call for work after his or her normal workday is completed and the nature of the work
3 has required the use of a City and County vehicle after hours on at least five occasions in the
4 preceding 12-month period; or

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

8 (3) The employee resides in or both resides and works outside of the City and County
9 and would return to his or her normal place of work from an appointment on City and County
10 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 San
12 Francisco Sheriff's Department, or an employee of the San Francisco Water Department, San
13 Francisco Department of Public Works, San Francisco Department of Emergency Services, ~~or~~
14 San Francisco Office of Citizen Complaints or San Francisco District Attorney's Office, and has
15 the prior written permission of the department head to use a vehicle equipped with emergency
16 equipment for such purpose, subject to such restrictions and regulations as the Chief of
17 Police, Sheriff, Director of Emergency Services, ~~or~~ Director of the Office of Citizen
18 Complaints or District Attorney may provide for the respective departments. The departments
19 shall keep detailed records of all vehicles used pursuant to this paragraph; said records shall
20 be open to inspection by the Office of the Mayor and the Board of Supervisors; and provided
21 further that the number of vehicles so exempted shall not exceed:

22 San Francisco Water Department 42

23 San Francisco Police Department 33

24 San Francisco Sheriff's Department 5

25 San Francisco Department of Emergency Services 2

1 San Francisco Department of Public Works 17

2 San Francisco Office of Citizen Complaints 4

3 San Francisco District Attorney's Office 8

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

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

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

21 (d) Except as otherwise provided by ordinance, an authorized volunteer, while
22 operating a motor vehicle owned by the City and County pursuant to authorization by the head
23 of the department to which said vehicle is assigned or which has jurisdiction over said vehicle,
24 shall be deemed to be an employee of the City and County solely for purposes of California
25 Vehicle Code Section 17001 and Division 3.6 of Title 1 of the Government Code of the State

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

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

7 By: _____
8 CHERYL ADAMS
9 Deputy City Attorney
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