

File No. 131206

Committee Item No. 3

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date February 13, 2014

Board of Supervisors Meeting

Date \_\_\_\_\_

### Cmte Board

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|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

### OTHER (Use back side if additional space is needed)

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Completed by: Alisa Miller Date February 7, 2014

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Police Code - Expanding Use of Unclaimed Personal Property and Bicycles]

2  
3 **Ordinance amending the Police Code to make unclaimed personal property, including**  
4 **unclaimed bicycles, worth \$500 or less available to the Human Services Agency for use**  
5 **in programs designed to prevent juvenile delinquency and programs to benefit low-**  
6 **income and transit-challenged residents.**

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

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

16 Section 1. Findings. The Board of Supervisors of the City and County of San  
17 Francisco hereby finds as follows:

18 1. The City and County of San Francisco's Transit-First Policy, as defined in  
19 Charter Section 8A.115, states that "Bicycling shall be promoted by encouraging safe streets  
20 for riding, convenient access to transit, bicycle lanes, and secure bicycle parking."

21 2. Board of Supervisors Resolution 511-10 encourages departments and agencies  
22 of the City and County of San Francisco to adopt a goal of 20 percent of trips by bicycle by  
23 2020.

24 3. The San Francisco Municipal Transportation Agency's (SFMTA) Bicycle  
25 Strategy's System Build-Out Scenario, if adequately funded, could achieve the goal of  
increasing citywide bicycle mode share to 15 to 20 percent of all trips over the next 15 to 20  
years.

1           4.     The SFMTA's Bicycle Strategy sets a goal of creating a bicycle network "that is  
2 comfortable for all users, particularly vulnerable user groups like youths, the disabled, seniors,  
3 and low-income communities."

4           5.     The SFMTA Strategic Plan for Fiscal Years 2013 through 2018 states that a  
5 core value for the City's transportation network is to promote social equity and access by  
6 prioritizing the most affordable and accessible modes of transportation.

7           6.     The National Highway Traffic Safety Administration conducted a National Survey  
8 of Bicyclist and Pedestrian Attitudes and Behavior, which found that access to bicycles rises  
9 with household income: only 29% of those with household incomes less than \$15,000 had  
10 regular access to a bicycle; 47% with incomes of \$30,000-\$49,000 had access; and 65% with  
11 incomes of \$75,000 or more had access.

12          7.     Over the last year, the San Francisco Police Department has collaborated with  
13 the Human Services Agency and the San Francisco Bike Coalition to utilize unclaimed  
14 recovered bicycles to implement a Community Bike Build program with a number of  
15 community-based organizations to distribute nearly 400 bicycles and conduct bike safety  
16 trainings in the community.

17          8.     The community bike build pilot program has demonstrated the level of need and  
18 overwhelming interest in bicycle transportation in working class communities of color.

19          9.     Formalizing this collaborative process by requiring the Police Department to  
20 make unclaimed bicycles available to the Human Services Agency will help ensure the  
21 ongoing success of the community bike build program to help meet the City's goals of  
22 increasing bicycle mode share.

23  
24           Section 2. The Police Code is hereby amended by revising Sections 1404, 1405.1 and  
25 1408, and deleting Section 1407, to read as follows:

1           **SEC. 1404. DISPOSAL OF PROPERTY.**

2           If the owner of the property does not claim the property in accordance with the  
3 provisions of this Article, and pay the costs provided in Section 1403 within four months after  
4 the date the Police Department mailed the notice provided for in Section ~~1400~~1401, or if no  
5 notice was given, within four months after the property came into possession of the Police  
6 Department, the Police Department shall sell the property at public auction or transfer it to the  
7 ~~Department of Social Services~~ Human Services Agency of the City and County of San Francisco or  
8 to the Purchaser of the City and County of San Francisco, as ~~is hereafter~~ provided in this  
9 Article. The Police Department shall determine whether the property shall be sold at public  
10 auction or transferred to the ~~Department of Social Services~~ Human Services Agency or to the  
11 Purchaser.

12  
13           **SEC. 1405.1. UNCLAIMED PERSONAL PROPERTY WORTH \$500 OR LESS;**  
14 **UNCLAIMED BICYCLES. BICYCLES AND TOYS.**

15           (a) Except as provided in Subsection (b), if the Police Department determines that the  
16 unclaimed lost personal property is valued at not more than \$500, a bicycle or toy, the Department  
17 property may, instead ~~or of being sold~~ selling the property at public auction pursuant to the terms  
18 of this Article, ~~be turned~~ turn the property over to the Human Services Agency ~~Department of Social~~  
19 ~~Services of the City and County of San Francisco~~ for use in any program or activity of activities  
20 designed to prevent juvenile delinquency.

21           (b) The Police Department shall turn over unclaimed lost bicycles valued at not more than  
22 \$500 to the Human Services Agency for use in any program or activity that is designed to prevent  
23 juvenile delinquency. If any such unclaimed bicycles cannot be used in a program or activity designed  
24 to prevent juvenile delinquency, the Human Services Agency may use those unclaimed bicycles in any  
25 program or activity designed to serve low-income and transit-dependent populations in San Francisco.

1  
2           **~~SEC. 1407. PROPERTY IN POSSESSION OF POLICE DEPARTMENT WHEN~~**  
3           **~~ORDINANCE EFFECTIVE.~~**

4           ~~Notwithstanding any other provisions of this Article, any property which has been in the~~  
5           ~~possession of the Police Department on the effective date of this Article for four months or more may be~~  
6           ~~disposed of in accordance with Section 1405 and 1406 if:~~

7           ~~(a) The Police Department first notifies by first class mail, the owner of the property, if his or~~  
8           ~~her identify and address are reasonably ascertainable, that it possesses the property and where and~~  
9           ~~when it may be claimed, and of the provisions of Sections 1403 and 1404 hereof.~~

10          ~~(b) The owner fails to claim the property in accordance with Sections 1403 and 1404 within 30~~  
11          ~~days after the date such notice is mailed.~~

12  
13           **SEC. 1408. ABANDONED PROPERTY.**

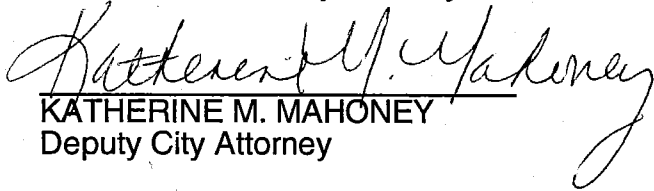
14           The provisions of Sections ~~1400-1407~~ 1400 through 1406 of this Article have no  
15           application to things which have been intentionally abandoned by their owner. Any such items  
16           may be sold by the Police Department at any time at public auction or transferred to the  
17           Purchaser as provided in Sections 1405 and 1406, or destroyed, at the option of the Police  
18           Department. No publication of notice of sale shall be required.

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

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

10 By:

  
11 KATHERINE M. MAHONEY  
12 Deputy City Attorney

13 n:\egana\as2013\1400155\00891141.doc

## LEGISLATIVE DIGEST

[Police Code - Expanding Use Of Unclaimed Personal Property And Bicycles]

**Ordinance amending the Police Code to make unclaimed personal property, including unclaimed bicycles, worth \$500 or less available to the Human Services Agency for use in programs designed to prevent juvenile delinquency and programs to benefit low-income and transit-challenged residents.**

### Existing Law

Police Code Section 1405.1 provides that the Police Department may, instead of selling unclaimed bicycles and toys at public auction, turn them over to the Department of Social Services, now the Human Services Agency, for use in any program designed to prevent juvenile delinquency. For other unclaimed property, the Police Department may sell the property at public auction or transfer it to the City's Purchaser.

### Amendments to Current Law

This ordinance amends Section 1405.1 to give the Police Department discretion to turn over to the Human Services Agency *any* unclaimed personal property (other than bicycles) valued at \$500 or less for use in any program or activity designed to prevent juvenile delinquency. For unclaimed bicycles worth \$500 or less, the ordinance would require the Police Department to turn the bicycles over to the Human Services Agency for use in a program or activity designed to prevent juvenile delinquency. If the unclaimed bicycles turned over to the Human Services Agency cannot be used by programs designed to prevent juvenile delinquency, they may be used in any program or activity designed to serve low-income and transit-dependent populations in San Francisco.

The ordinance also deletes and amends outdated provisions and replaces references to the now-renamed Department of Social Services.

### Background Information

Prior to a 1999 amendment, California Welfare and Institutions Code Section 217, first enacted in 1976, allowed cities and counties by ordinance to authorize police departments to turn over unclaimed bicycles and toys to a county welfare department or any charitable or nonprofit organization for use in any program or activity designed to prevent juvenile delinquency, instead of selling them at public auction. The 1999 amendment substituted "personal property with a value of not more than five hundred dollars (\$500)" for bicycles and toys. The current version of Municipal Police Code Section 1405.1 limits the unclaimed property that the Police Department may turn over to the Human Services Agency to bicycles and toys. This ordinance expands the category of unclaimed personal property the Police Department may turn over to the Human Services Agency, requires the Police Department to

FILE NO.

turn over to the Human Services Agency bicycles worth \$500 or less, and allows any unclaimed bicycles that cannot be used by programs designed to prevent juvenile delinquency to be used in any program or activity designed to serve low-income and transit-challenged populations in San Francisco.

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President, District 3  
BOARD of SUPERVISORS



O: GAO Clerk, COB  
C: NSS Clerk, BOS-11  
Leg Dep

City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7450  
Fax No. 554-7454  
TDD/TTY No. 544-5227

DAVID CHIU  
邱信福  
市參事會主席

PRESIDENTIAL ACTION

Date: 2/7/2014

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. \_\_\_\_\_ (Primary Sponsor)

Transferring (Board Rule No. 3.3)

File No. 131206 Avalos  
(Primary Sponsor)

From: Neighborhood Services & Safety Committee

To: Government Audit & Oversight Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor \_\_\_\_\_

Replacing Supervisor \_\_\_\_\_

For: \_\_\_\_\_ Meeting  
(Date) (Committee)

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 FEB -7 AM 9:52

David Chiu  
David Chiu, President  
Board of Supervisors

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

Supervisor John Avalos

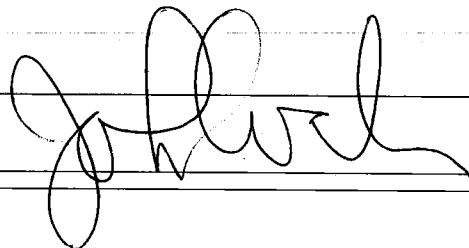
**Subject:**

Ordinance - Police Code - Expanding Use Of Unclaimed Personal Property And Bicycles

**The text is listed below or attached:**

[Empty box for text listing]

Signature of Sponsoring Supervisor:



For Clerk's Use Only:

1/3/2006