

1 [Administrative Code - Request for Sheriff's Services]

2

3 **Ordinance amending the Administrative Code to authorize the Sheriff to contract with**
4 **private individuals and private entities to provide supplemental law enforcement**
5 **services.**

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

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

14 Section 1. Delegation.

15 State law allows the Board of Supervisors to contract on behalf of the Sheriff to provide
16 supplemental law enforcement services to private individuals or private entities at special
17 events or occurrences that happen on an occasional basis. Under this Chapter 10A, the
18 Board of Supervisors is delegating to the Sheriff the Board's authority under state law to
19 contract with private individuals or private entities to provide supplemental Sheriff's law
20 enforcement services at special events or occurrences that happen on an occasional basis.

21 Section 2. The Administrative Code is hereby amended by adding Chapter 10A,
22 consisting of Sections 10A.1, 10A.2, 10A.3, 10A.4, 10.5, and 10A.56, to read as follows:

23 **10A.1. DEFINITIONS.**

24 *For purposes of this Chapter 10A, the following definitions shall apply:*

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

2 "Department" means the Sheriff's Department.

3 "Requestor" means a private individual or private entity "Event Organizer" means the
4 person, firm, corporation, or organization hosting a cultural, recreational, entertainment, arts,
5 educational, civic, or religious event, including festivals and block parties, and seeking
6 additional personnel, equipment, or materials of the Department at special events or occurrences
7 that happen on an occasional basis, for law enforcement purposes within the City.

8 "Security Plan" means a plan drafted by the Event Organizer Requestor that adequately
9 addresses the safety of persons and property associated with the event or occurrence that is the
10 subject of the request for Department services. This definition of "Security Plan" does not limit the
11 discretion of the Department to impose more stringent requirements for a Security Plan as
12 circumstances warrant.

13 "Sheriff" means the Sheriff or the Sheriff's designee.

14
15 **10A.2. REQUEST FOR SHERIFF'S SERVICES.**

16 (a) Any prospective Event Organizer Requestor desiring supplemental Department law
17 enforcement services within the City for their event special events or occurrences that happen on
18 an occasional basis, may request the Sheriff to provide Department personnel to perform such
19 services. Any request for such services shall include a Security Plan.

20 (b) If the Sheriff approves the request for Department services, the Sheriff shall include with the
21 approval a written staffing plan that includes the number of personnel to be detailed in response to the
22 request, the approximate personnel location assignments, the anticipated shifts for all detailed
23 personnel, and the contact information of the Department employee to be assigned to supervise those
24 personnel.

1 (c) If the Sheriff determines that the requested Department services will require dispatch
2 services from the Department of Emergency Management, the Sheriff shall notify the Executive
3 Director of the Department of Emergency Management (or designee), who may detail such personnel
4 for such services in the number the Executive Director or designee determines to be necessary to
5 perform the dispatch services.

6 (d) ~~An Event Organizer Requestor~~ whose request for Department services has been denied
7 may submit a request for reconsideration of the denial to the Sheriff in writing within 10 days of receipt
8 of the denial. ~~An Event Organizer Requestor~~ whose request for Department services has been
9 approved may submit a request for reconsideration of the written staffing plan required under
10 subsection (b) to the Sheriff in writing within 10 days of receipt of the written staffing plan.

11 (e) The Sheriff shall inform the ~~Event Organizer Requestor~~ in writing of the Sheriff's final
12 decision regarding any request for reconsideration made under subsection (d) within 10 days of receipt
13 of the request for reconsideration.

14
15 **SEC. 10A.3. PAYMENT FOR SERVICES.**

16 (a) The ~~Event Organizer Requestor~~ shall pay to the Department such sums of money as may
17 be necessary to pay for the additional services, including any dispatch services provided by the
18 Department of Emergency Management.

19 (1) The payment shall include a component for Department services, computed based
20 upon the rate paid or payable to those uniformed officers of the Department actually performing
21 services at the time they are to perform such additional services, and the cost of additional equipment
22 and materials expended, together with an administrative overhead charge to cover the proportionate
23 percentage of the Department's administrative costs that are attributable in the Department's
24 reasonable discretion to the work performed pursuant to the request.

1 (2) The payment shall also include a component for any dispatch services provided by
2 the Department of Emergency Management, which shall be computed by the Department of Emergency
3 Management based on the rate paid or payable to the dispatch personnel actually performing services
4 at the time they are to perform such additional duties.

5 (b) The Department shall provide an estimate of the payment for such services, including an
6 estimate from the Department of Emergency Management for any dispatch services, to the Requestor
7 ~~Event Organizer~~ within a reasonable time prior to the date service is to be rendered. The Event
8 ~~Organizer~~Requestor shall deposit the amount of estimated funds with the Department prior to the
9 time that the Department renders the requested service. The Department may waive the deposit
10 requirement if the Department reasonably believes that a waiver is justified based on criteria that the
11 Sheriff shall determine and post on the Department website at least 30 days before accepting any
12 requests for services under this Chapter.

13 (c) Within a reasonable time after the services are rendered, the Sheriff shall determine the
14 amount of payment due. The amount due shall be based on actual services performed by the
15 Department and any dispatch services by the Department of Emergency Management.

16 (1) If the deposit pursuant to subsection (b) is insufficient to cover the actual cost of
17 Department and dispatch services, the Sheriff shall notify the Event OrganizerRequestor by United
18 States mail to the address listed on the request for such services, and the Event OrganizerRequestor
19 shall have 10 days from receipt of the bill to pay the balance.

20 (2) If the amount deposited pursuant to subsection (b) exceeds the actual cost of
21 Department and dispatch services, the Sheriff shall authorize and arrange payment of a refund of the
22 excess to the Event OrganizerRequestor.

23 (d) The Department shall deposit with the Treasurer such sums as received in a special account
24 designated public facilities overtime account; provided, however, that the amount for the Department
25 representing administrative overhead shall be deposited to the general fund unappropriated balance of

1 funds, and the amount for the Department of Emergency Management's dispatch services shall be
2 transferred to the Department of Emergency Management.

3 (e) The ~~Event Organizer~~Requestor shall indemnify, hold harmless, and defend the City, the
4 Department, the Department of Emergency Management, and all City officers, agents, and employees,
5 from and against all liability, judgments, or claims for personal injury, including but not limited to
6 bodily injuries, or other claims, including but not limited to false arrest and false imprisonment, caused
7 by or purportedly caused by such personnel in the rendering of such services.

8 (f) The City shall not waive payment for Department or dispatch services provided pursuant to
9 this Chapter 10A except by ordinance.

10
11 **SEC. 10A.4. COMPENSATION.**

12 (a) For services performed in excess of the basic week of service, Department members shall be
13 compensated on the basis of time and one-half in accordance with the ratio that said excess service
14 bears to the basic week of service and the annual compensation as determined under Section A8.400 of
15 the City Charter and applicable memoranda of understanding.

16 (b) Requested services from the Department and the Department of Emergency Management
17 shall be compensated upon the basis of four hours per employee minimum per assignment.

18 (c) For services performed in excess of the basic work week, Department of Emergency
19 Management personnel shall be compensated on the basis of time and one-half in accordance with the
20 ratio which said excess service bears to the basic week of service and the annual compensation
21 provided therefor in applicable memoranda of understanding.

22 (d) A member of the Department or Department of Emergency Management, detailed to
23 perform services pursuant to this Chapter 10A, shall not be entitled to any additional overtime benefits
24 other than those provided in this Section 10A.4.

1 **SEC. 10A.5. RESTRICTIONS ON DEPARTMENT MEMBER ELIGIBILITY TO**
2 **PERFORM SUPPLEMENTAL LAW ENFORCEMENT SERVICES.**

3 (a) Department members shall be ineligible to perform supplemental law enforcement
4 services under this Chapter 10A under the following circumstances:

5 _____ (1) The Department member is regularly scheduled to work during the hours for
6 which the supplemental law enforcement services are requested; or

7 _____ (2) The Department member has used more than 20 hours of paid sick leave in
8 the three months prior to the date of the request.

9 (b) For purposes of subsection (a), the calculation of hours of paid sick leave used by
10 a Department member shall exclude:

11 _____ (1) Leave for birth or adoption of a child;

12 _____ (2) Bereavement Leave due to the death of a spouse/domestic partner, parent,
13 child or sibling. Bereavement Leave due to the death of a person not listed in this subsection
14 (b)(2) shall be included;

15 _____ (3) COVID-19 Sick Leave;

16 _____ (4) Federal COVID-19 Sick Leave;

17 _____ (5) Unpaid Leave;

18 _____ (6) Unpaid Sick Leave;

19 _____ (7) Disability Leave, provided that the Department member has filed a disability
20 claim based on the disability. If that claim is denied, the calculation of paid sick leave shall be
21 adjusted to exclude Disability Leave; and

22 _____ (8) Paid Parental Leave.

23
24 **SEC. 10A.56. UNDERTAKING FOR THE GENERAL WELFARE.**

1 In enacting and implementing this Chapter 10A, the City is assuming an undertaking only to
2 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an
3 obligation for breach of which it is liable in money damages to any person who claims that such breach
4 proximately caused injury.

5
6 Section 3. Effective Date. This ordinance shall become effective 30 days after
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
9 of Supervisors overrides the Mayor’s veto of the ordinance.

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

13 By: /S/ Jana Clark
14 JANA CLARK
15 Deputy City Attorney

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