

**LEGISLATIVE DIGEST**

(Duplicated, 12/14/2021)

[Administrative Code - Request for Sheriff's Services]

**Ordinance amending the Administrative Code to authorize the Sheriff to contract with private individuals and private entities to provide supplemental law enforcement services to retail and commercial establishments.**

Existing Law

Existing law authorizes the Board of Supervisors to contract with private individuals and private entities to provide supplemental law enforcement services at special events or occurrences that happen on an occasional basis. Existing law provides that the requirements of the Paid Sick Leave Ordinance ("PLSO" Administrative Code Chapter 12) are not applicable to employees covered by a bona fide collective bargaining agreement to the extent that such requirements are expressly waived in the collective bargaining agreement in clear and unambiguous terms.

Amendments to Current Law

This ordinance would delegate to the Sheriff the authority to contract with private individuals and private entities to provide supplemental Sheriff's services at special events or occurrences that happen on an occasional basis at retail and commercial establishments. This ordinance would require that the requestor include a security plan with their request for services and that the Sheriff develop a staffing plan that includes, if needed, Department of Emergency Management dispatch services. This ordinance also would delineate payment and compensation requirements. And finally, this ordinance would restrict Sheriff's Department member eligibility to perform supplemental law enforcement services by prohibiting member participation during regularly scheduled work hours or when the member has used more than 20 hours of paid sick leave (as defined) in the three months prior to the request. The restriction on member eligibility related to the use of paid sick leave is enforceable only as long as the collective bargaining agreements applicable to Department members contain an express waiver of the PLSO requirements. The current collective bargaining agreements for Department members include express waivers of the requirements of the PLSO.

This ordinance would require that the Sheriff consult with the Chief of Police to ensure coordination between their respective departments in the administration of this Chapter 10A and of Chapter 10B, including identifying and prioritizing requests for services in areas of the City with the highest demand for those services. This ordinance would state that the coordination may include the execution of a memorandum of understanding ("MOU") between

the Sheriff and the Chief of Police that addresses relevant operational and administrative implementation issues pertaining to the delivery of supplemental law enforcement services. If the Sheriff and Chief of Police execute an MOU regarding coordination of the delivery of supplemental law enforcement services, this ordinance would require that the Sheriff transmit a copy of the MOU to the Board of Supervisors within 60 days of its execution. This ordinance would require that the Sheriff consider the recommendations of representatives of City commercial and retail establishments in the implementation of the program. This ordinance also would require that the Sheriff, in consultation with the Chief of Police, develop and report to the Board of Supervisors a written plan describing how the Sheriff will implement the program.

This ordinance would allow the Sheriff to provide supplemental law enforcement services only to requestors that demonstrate that the Chief of Police or the Chief of Police's designee is unable to meet their request for supplemental law enforcement services.

#### Background

This ordinance reflects amendments made at the November 1, 2021 meeting of the Rules Committee and the December 7, 2021 and December 14, 2021 meetings of the Board.

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