

1 [Organized Retail Theft Prevention Grant Program - Waiving Competitive Procurement
2 Requirements Under Administrative Code]

3 **Ordinance authorizing the Police Department to expend grant funds received from the**
4 **Board of State and Community Corrections Organized Retail Theft Grant Program to**
5 **procure equipment and services without competitive bidding under Administrative**
6 **Code, Chapter 21**~~retroactively authorizing the Police Department, on behalf of the~~
7 ~~Board of Supervisors for the City and County of San Francisco, to accept and expend a~~
8 ~~grant in the amount of \$15,326,301 from the Board of State and Community Corrections~~
9 ~~Organized Retail Theft Grant Program to fund personnel, training, equipment, and other~~
10 ~~activities in furtherance of combatting organized retail theft and motor vehicle~~
11 ~~accessory (catalytic converter) theft in San Francisco, for the period of October 1, 2023,~~
12 ~~through June 1, 2027; approving the associated grant agreement under Charter Section~~
13 ~~9.118; and to amending Ordinance No. 145-23 (Annual Salary Ordinance, File No.~~
14 ~~230645 for Fiscal Years 2023-2024 and 2024-2025) to provide for the creation of two~~
15 ~~grant-funded full-time positions, in Class 1823 Senior Administrative Analyst (2.0).~~

16
17 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
18 **Additions to Codes** are in *single-underline italics Times New Roman font*.
19 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
20 **Board amendment additions** are in double-underlined Arial font.
21 **Board amendment deletions** are in ~~strikethrough Arial font~~.
22 **Asterisks (* * * *)** indicate the omission of unchanged Code
23 subsections or parts of tables.

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

25 **Section 1. Findings.**

(a) The Board of Supervisors has adopted an ordinance authorizing the Police
Department to accept and expend a \$15,326,301 grant from the Board of State and

1 Community Corrections Organized Retail Theft Grant Program (“the ORT Grant”), and
2 approving the associated grant agreement, to help combat an epidemic of retail theft in San
3 Francisco (the Ordinance in File No. 231162). The findings in that ordinance are incorporated
4 herein by reference.

5 (b) The ORT Grant is intended to help the Police Department procure certain theft
6 prevention services and equipment that are offered only by a specific state-approved provider.
7 For this reason, and in light of the findings referenced above, and in compliance with the grant
8 agreement, it is essential and in the public interest to allow the Department to use the grant
9 funds to work with this provider.

10 The Board of Supervisors finds that:

11 ~~(a) The City and County of San Francisco is currently dealing with an epidemic of~~
12 ~~organized retail theft that targets San Francisco businesses, ranging from large multinational~~
13 ~~corporations to small local businesses and sole proprietors, often resulting in said businesses~~
14 ~~ceasing operations or in said businesses delaying or deferring continued investment in~~
15 ~~expansions or upgrades; and~~

16 ~~(b) The businesses targeted by organized retail crime serve a valuable function to~~
17 ~~the public welfare by providing goods and services to San Francisco residents, or by directly~~
18 ~~employing San Francisco residents; and~~

19 ~~(c) The City and County of San Francisco is also dealing with an epidemic of motor~~
20 ~~vehicle accessory theft (catalytic converter theft) committed by organized theft groups that~~
21 ~~render the affected vehicles inoperable with thousands of dollars of repairs required. These~~
22 ~~organized groups often strike under cover of night and have even discharged firearms at~~
23 ~~police officers, victims, and witnesses who attempt to interrupt their crimes; and~~

24 ~~(d) The affected vehicles belong to San Francisco businesses and residents alike,~~
25 ~~all of whom rely on these vehicles for their livelihoods, health, and independence; and~~

1 (e) — The dual threat of organized retail theft and organized motor vehicle accessory
2 theft (catalytic converter theft) has a severely deleterious effect on the public welfare and
3 requires additional investment and redoubled efforts to combat it; and

4 (f) — The Police Department applied for the Organized Retail Theft Prevention Grant
5 Program (hereinafter referred to as the “ORT Grant”) funded through the State Budget Act
6 and administered by the Board of State and Community Corrections (hereafter referred to as
7 the “BSCC”), for grant funds up to \$15,650,000 dollars to combat organized retail crime and
8 motor vehicle accessory theft (catalytic converter theft); and

9 (g) — On September 14, 2023, the City and County of San Francisco was selected as
10 a grant awardee by the BSCC; and

11 (h) — The associated Grant Agreement, a copy of which is on file with the Clerk of the
12 Board of Supervisors in File No. 231162, governs the terms of the ORT Grant and states that
13 the ORT Grant period is from October 1, 2023 to June 1, 2027;

14 (i) — The ORT Grant budget includes a provision of indirect costs in the amount of
15 \$250,000.

16
17 **Section 2. Waiver of Competitive Procurement Requirements Authorization to**
18 **Accept and Expend Grant Funds; Approval of Grant Agreement.**

19 The competitive procurement requirements of Administrative Code Chapter 21 shall not
20 apply with respect to the Police Department’s purchase of theft prevention services and
21 equipment using the ORT Grant funds.

22 — (a) — The Board of Supervisors hereby authorizes the Chief of Police or his designee,
23 to retroactively accept and expend \$15,326,301 in grant funds from the BSCC, for personnel
24 conducting operations targeting organized retail and organized motor vehicle accessory theft
25 (catalytic converter theft), on training for said personnel, on equipment, on data tracking,

1 analysis, and auditing, and any other grant authorized activities as described by the Police
2 Department's grant application and grant budget, incorporated by reference in the appended
3 grant information packet;

4 ~~—— (b) — The Board of Supervisors hereby approves the Grant Agreement under Charter~~
5 ~~Section 9.118;~~

6 ~~—— (b)(c) The grant funds received hereunder shall not be used to supplant expenditures~~
7 ~~controlled by the Board of Supervisors or the Police Department; and~~

8 ~~—— (c)(d) The City and County of San Francisco agrees to abide by the terms and~~
9 ~~conditions of the Grant Agreement as set forth by the BSCC.~~

10

11 Section 3. ~~Grant funded positions: Amendment to Fiscal Years 2023-2024, 2024-2025~~
12 ~~Annual Salary Ordinance.~~

13 The hereinafter designated sections and items of Ordinance No. 145-23 (Annual Salary
14 Ordinance File No. 230645) for FYs 2023-2024 and 2024-2025 is hereby amended to add two
15 full-time positions (2.0 FTE in FY 23-24, 2.0 FTE in FY 24-25) in the Police Department as
16 follows:

17

18 Department: ~~POL (Police Department)~~

19 Program: ~~BSCC Organized Retail Theft Prevention Grant Program~~

20 Fund: ~~13720~~

21

Amendment	No. of Positions	Class	Compensation Schedule	Department
Add in FY 23-24	2.0 FTE	1823 Senior Administrative	\$7,326 Biweekly	POL

25

		Analyst		
Add in FY 24-25	2.0 FTE	1823 Senior Administrative Analyst	\$7,522 Biweekly	POL

Section 3. Construction. This ordinance assumes the Board of Supervisors has authorized the Police Department to accept and expend the ORT Grant as set forth in the Ordinance in File No. 231162. Consistent with Section 1 of this ordinance and the explanatory note that directly precedes it, the strikethroughs in this ordinance merely reflect that the Board of Supervisors does not intend to revisit the matters addressed in that earlier ordinance by way of this ordinance.

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
MANU PRADHAN
Deputy City Attorney

n:\legana\as2023\2400206\01722870.doc