

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
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## MEMORANDUM

TO: Naomi Kelly, City Administrator  
Ivar C. Satero, Airport Director, San Francisco Airport  
Joanne Hayes-White, Fire Chief, Fire Department  
Micki Callahan, Director, Department of Human Resources  
Trent Rhorer, Executive Director, Human Services Agency  
Ed Reiskin, Executive Director, Municipal Transportation Agency  
William Scott, Chief, Police Department  
Elaine Forbes, Executive Director, Port Department  
Jeff Adachi, Public Defender  
Barbara A. Garcia, Director, Department of Public Health  
Harlan Kelly, Jr., General Manager, Public Utilities Commission  
Mohammed Nuru, Director, Public Works  
Phil Ginsburg, General Manager, Recreation and Parks Department  
Vicki Hennessy, Sheriff, Sheriff's Department  
Jose Cisneros, Treasurer, Office of the Treasurer and Tax Collector

FROM: Erica Major, Assistant Clerk, Government Audit and Oversight Committee  
Board of Supervisors

DATE: January 31, 2017

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed proposed legislation, introduced by Supervisor Yee on January 24, 2017:

**File No. 170096**

**Ordinance amending the Administrative Code to require the installation and use of telematic vehicle tracking systems in all motor vehicles owned or leased by the City and used by law enforcement agencies, subject to waiver by the City Administrator; and affirming the Planning Department's determination under the California Environmental Quality Act.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Cathy Widener, San Francisco Airport  
Kelly Alves, Fire Department  
Susan Gard, Department of Human Resources  
Krista Ballard, Human Services Agency  
Kate Breen, Municipal Transportation Agency  
Janet Martinsen, Municipal Transportation Agency  
Dillon Auyoung, Municipal Transportation Agency  
Rowena Carr, Police Department  
Kristine Demafeliz, Police Department  
Sergeant Rachael Kilshaw, Police Department  
Daley Dunham, Port Department  
Greg Wagner, Department of Public Health  
Colleen Chawla, Department of Public Health  
Juliet Ellis, Public Utilities Commission  
Frank Lee, Public Works  
Sarah Madland, Recreation and Park Department  
Katherine Gorwood, Sheriff's Department  
Theodore Toet, Sheriff's Department  
Eileen Hirst, Sheriff's Department  
Amanda Kahn Fried, Office of the Treasurer and Tax Collector

1 [Administrative Code - Telematic Vehicle Tracking Systems for City Law Enforcement  
2 Vehicles]

3 **Ordinance amending the Administrative Code to require the installation and use of**  
4 **telematic vehicle tracking systems in all motor vehicles owned or leased by the City**  
5 **and used by law enforcement agencies, subject to waiver by the City Administrator;**  
6 **and affirming the Planning Department's determination under the California**  
7 **Environmental Quality Act.**

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. The Planning Department has determined that the actions contemplated in  
17 this ordinance comply with the California Environmental Quality Act (California Public  
18 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the  
19 Board of Supervisors in File No. \_\_\_ and is incorporated herein by reference. The Board  
20 affirms this determination.

21 Section 2. The Administrative Code is hereby amended by revising Section 4.10-2, to  
22 read as follows:

23 **SEC. 4.10-2. TELEMATIC VEHICLE TRACKING SYSTEMS.**

24 (a) (1) Except as provided in subsection 4.10-2(a)(2), by nNo later than January 1,  
25 2017, the City Administrator and each department head or other City official with jurisdiction

1 over motor vehicles shall cause those vehicles to be equipped with telematic vehicle tracking  
2 systems. The City Administrator, department head or other City official having jurisdiction shall  
3 prepare a notice that telematic vehicle tracking systems have been installed in the vehicles  
4 and shall disseminate that notice to affected employees at the same time the systems are  
5 installed.

6 (2) For vehicles used by the Police Department, the Sheriff's Department, the Adult  
7 Probation Department, or the Juvenile Probation Department for law enforcement purposes, or used  
8 by the District Attorney's Office or the City Attorney's Office for investigations, the deadlines set forth  
9 in subsection (a)(1) for equipping vehicles and providing notice shall be January 1, 2018.

10 (b) The City Administrator and each department head or other City official shall  
11 monitor the use of the motor vehicles over which he or she has jurisdiction using the systems,  
12 and shall use that information to monitor and analyze subjects such as vehicle cost efficiency,  
13 use optimization, and post-incident investigation, and to promote other potential benefits such  
14 as increased efficiency, productivity, and improved route management planning.

15 (c) For purposes of this Section 4.10-2, "motor vehicle" shall mean a motor vehicle  
16 as defined in Division 1 of the California Vehicle Code, as amended. "Telematic vehicle  
17 tracking system" shall mean a system that combines the use of automatic vehicle location  
18 equipment in individual vehicles with software that monitors in real time the location,  
19 movements, and status of a vehicle or fleet of vehicles to provide a comprehensive picture of  
20 vehicle locations and usage.

21 (d) Each department head or other City official with jurisdiction over motor vehicles  
22 shall submit a report with aggregate telematic data for those vehicles, including but not limited  
23 to usage and mileage data, to the City Administrator, or his or her designee, at the end of  
24 each fiscal year. By October 1 of each year, the City Administrator shall submit to the Mayor  
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1 and the Board of Supervisors a report on aggregate motor vehicle use to promote efficient  
2 and safe operation of the City's motor vehicle fleet.

3 (e) The City Administrator may, after a noticed public hearing, adopt regulations and  
4 guidelines to implement and administer this Section 4.10-2. Subject to the provisions of  
5 subsection (f), the City Administrator may waive the requirements of this Section 4.10-2, in  
6 whole or in part, upon written application by the department head or other City official with  
7 jurisdiction over motor vehicles where the City Administrator concludes that compliance with  
8 the requirements would not be feasible or would unduly interfere with the department's ability  
9 to discharge its official functions.

10 (f) If the City Administrator approves an application for a waiver, he or she shall  
11 provide written notice of the approval to the Clerk of the Board within five business days of the  
12 approval, and the Clerk of the Board shall forward such notice to all members of the Board of  
13 Supervisors. Within 10 business days of receipt of such notice, any member of the Board may  
14 submit to the Clerk of the Board for introduction a written motion to approve or reject the  
15 waiver. The City Administrator, department head or other City official having jurisdiction shall  
16 not install the telematic vehicle tracking system that is the subject of the waiver while such  
17 motion is pending at the Board. The approval of an application for a waiver under subsection  
18 (e) shall be final when either: the 10 days have passed for a member of the Board to submit a  
19 written motion without any member having done so; or, if a Board member has submitted a  
20 motion for introduction, the Board adopts a motion affirming the City Administrator's approval  
21 of the application for a waiver, or 45 days have passed without the Board adopting a motion  
22 reversing the City Administrator's approval. Rejection of an application for a waiver shall be  
23 final when either: the City Administrator rejects the application; or, if the City Administrator has  
24 approved the application and a Board member has submitted a motion for introduction, the  
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1 Board adopts a motion reversing the City Administrator’s approval of the application for a  
2 waiver.

3 ~~(g) This Section 4.10-2 shall not apply to vehicles used by the Police Department, the~~  
4 ~~Sheriff’s Department, the Adult Probation Department, or the Juvenile Probation Department for law~~  
5 ~~enforcement purposes, or used by the District Attorney’s Office or the City Attorney’s Office for~~  
6 ~~investigations. The department shall file with the City Administrator a statement, in a form approved by~~  
7 ~~the City Administrator, identifying the categories of vehicles for which the exemption is claimed, and~~  
8 ~~the need for or the purpose of the exemption.~~

9 ~~No later than November 1, 2016, the City Administrator shall file a report with the Board of~~  
10 ~~Supervisors on the feasibility of extending the requirements of this Section to vehicles otherwise~~  
11 ~~excluded by this subsection (g). The report shall specifically address the City’s ability to protect~~  
12 ~~confidential or sensitive information connected with the use of vehicles for law enforcement or~~  
13 ~~investigations. The City Administrator shall consult with the affected departments when preparing the~~  
14 ~~report.~~

15 (hg) Consistent with the Charter and other applicable State and Federal law, this  
16 Section 4.10-2 shall not apply to the Public Utilities Commission, Airport, Port, or Municipal  
17 Transportation Authority to the extent its requirements would conflict with those laws or  
18 otherwise interfere with the discharge of those functions placed under the direct jurisdiction of  
19 the department.

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21 Section 3. Effective Date. This ordinance shall become effective 30 days after  
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
24 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  
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1 additions, and Board amendment deletions in accordance with the "Note" that appears under  
2 the official title of the ordinance.

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

7 By:   
8 JON GIVNER  
9 Deputy City Attorney

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## LEGISLATIVE DIGEST

[Administrative Code - Telematic Vehicle Tracking Systems for City Law Enforcement Vehicles]

**Ordinance amending the Administrative Code to require the installation and use of telematic vehicle tracking systems in all motor vehicles owned or leased by the City and used by law enforcement agencies, subject to waiver by the City Administrator; and affirming the Planning Department's determination under the California Environmental Quality Act.**

### Existing Law

Under existing law the City Administrator and each department head or other City official with jurisdiction over motor vehicles must install telematic vehicle tracking systems in those vehicles. A "telematic vehicle tracking system" is a system that combines the use of automatic vehicle location equipment (such as GPS locators) in individual vehicles with software that monitors in real time the location, movements, and status of a vehicle or fleet of vehicles to provide a comprehensive picture of vehicle locations and usage.

The City Administrator and department heads must monitor the systems and use the information to analyze subjects such as vehicle cost efficiency, use optimization, and post-incident investigation, and to promote other potential benefits such as increased efficiency, productivity, and improved route management planning. Each department head must submit an annual report to the City Administrator with the telematic data, including vehicle usage and mileage data.

The City Administrator may waive these requirements, in whole or in part, if the department seeking the waiver demonstrates that compliance would not be feasible or would unduly interfere with the department's ability to discharge its official functions. The Board of Supervisors may, by motion, override a waiver granted by the City Administrator.

Currently, the telematics requirements do not apply to vehicles used by the Police Department, the Sheriff's Department, the Adult Probation Department, or the Juvenile Probation Department for law enforcement purposes, or used by the District Attorney's Office or the City Attorney's Office for investigations.

### Amendments to Current Law

The ordinance would eliminate the exemption for vehicles used by the Police Department, the Sheriff's Department, the Adult Probation Department, or the Juvenile Probation Department for law enforcement purposes, or used by the District Attorney's Office or the City Attorney's Office for investigations, beginning January 1, 2018.

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