

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

M E M O R A N D U M

TO: Naomi Kelly, City Administrator
John Martin, Director, San Francisco Airport
Carmen Chu, Assessor-Recorder, Office of the Assessor-Recorder
Tom Hui, Director, Department of Building Inspection
Tiffany Bohee, Executive Director, Office of Community Investment and Infrastructure
Ben Rosenfield, City Controller, Office of the Controller
George Gascon, District Attorney
Todd Rufo, Director, Office of Economic and Workforce Development
John Arntz, Director, Department of Elections
Anne Kronenberg, Executive Director, Department of Emergency Management
Deborah Raphael, Director, Department of the Environment
Joanne Hayes-White, Fire Chief, Fire Department
Barbara Smith, Acting Executive Director, Housing Authority
Olson Lee, Director, Mayor's Office of Housing and Community Development
Micki Callahan, Director, Department of Human Resources
Trent Rhorer, Executive Director, Human Services Agency
Luis Herrera, City Librarian, San Francisco Library
Ed Reiskin, Executive Director, Municipal Transportation Agency
John Rahaim, Director, Planning Department
Greg Suhr, Chief, Police Department
Elaine Forbes, Interim Executive Director, San Francisco Port
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
Richard A. Carranza, Superintendent of Schools, San Francisco Unified School District
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: May 9, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed substitute legislation, introduced by Supervisor Yee on May 3, 2016. This matter is being referred to you for informational purposes since it may affect your department.

File No. 150682

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, other than vehicles used for law enforcement, and submission of an annual report by the City Administrator on vehicle use based on data derived from those systems; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you wish to submit any reports or documentation to be considered with the legislation, please send those to me at the Board of Supervisors, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 or by email at Erica.Major@sfgov.org.

- c: Cathy Widener, San Francisco Airport
Edward McCaffrey, Office of the Assessor-Recorder
William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection
Claudia Guerra, Office of Community Investment and Infrastructure
Todd Rydstrom, Office of the City Controller
Cristine Soto DeBerry, Office of the District Attorney
Maxwell Szabo, Office of the District Attorney
Ken Rich, Office of Economic and Workforce Development
Lisa Pagan, Office of Economic and Workforce Development
Guillermo Rodriguez, Department of the Environment
Kelly Alves, Fire Department
Andrea Agho, Housing Authority
Velma Navarro, Housing Authority
Linda Martin-Mason, Housing Authority
Sophie Hayward, Mayor's Office of Housing and Community Development
Nicole Elliott, Mayor's Office
Susan Gard, Department of Human Resources
Krista Ballard, Human Services Agency
Louise Rainey, Human Services Agency
Sue Blackman, Library Department
Kate Breen, Municipal Transportation Agency
Janet Martinsen, Municipal Transportation Agency
Dillon Auyoung, Municipal Transportation Agency
Scott Sanchez, Planning Department
Sarah Jones, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Jeanie Poling, Planning Department
Christine Fountain, Police Department
Sergeant Rachael Kilshaw, Police 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
Chris Armentrout, San Francisco Unified School District
Jamila Brooks, San Francisco Unified School District
Esther Casco, San Francisco Unified School District
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 Vehicles]

2
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 **other than vehicles used for law enforcement, and submission of an annual report by**
6 **the City Administrator on vehicle use based on data derived from those systems; and**
7 **affirming the Planning Department's determination under the California Environmental**
8 **Quality Act.**

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

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

17 Section 1. The Planning Department has determined that the actions contemplated in
18 this ordinance comply with the California Environmental Quality Act (California Public
19 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
20 Board of Supervisors in File No. 150682 and is incorporated herein by reference. The Board
21 affirms this determination.

22 Section 2. Findings.

23 (a) On March 18, 2014, the Board of Supervisors adopted Resolution No. 91-14,
24 endorsing a VISION ZERO Three Point Plan to reduce pedestrian fatalities to zero in the next
25 ten years through better engineering, education and enforcement.

1 (b) Other jurisdictions have successfully implemented a vehicle telematics programs
2 as part of their commitment to VISION ZERO.

3 (c) Vehicle telematics, sometimes known as black boxes or global positioning system
4 (GPS) tracking, allow for tracking vehicles individually and collecting and reporting data on
5 their location, history, speed, mechanical diagnostics, safety and other information.

6 (d) Vehicle telematics systems have the potential to save the City significant time,
7 money and, potentially, lives.

8 (e) Data collected from vehicle telematics devices in City vehicles can help the City
9 correct and improve unsafe driving habits, increase efficiency and improve productivity related
10 to the use of motor vehicles, improve maintenance of City vehicles, and facilitate strategic
11 route management planning.

12 (f) The systems can provide information to refute groundless claims against the City
13 regarding vehicle accidents.

14
15 Section 3. The Administrative Code is hereby amended by adding Section 4.10-2, to
16 read as follows:

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

18 (a) No later than January 1, 2017, the City Administrator and each department head or other
19 City official with jurisdiction over motor vehicles shall cause those vehicles to be equipped with
20 telematic vehicle tracking systems. The City Administrator, department head or other City official
21 having jurisdiction shall prepare a notice that telematic vehicle tracking systems have been installed in
22 the vehicles and shall disseminate that notice to affected employees at the same time the systems are
23 installed.

24 (b) The City Administrator and each department head or other City official shall monitor the
25 use of the motor vehicles over which he or she has jurisdiction using the systems, and shall use that

1 information to monitor and analyze subjects such as vehicle cost efficiency, use optimization, and post-
2 incident investigation, and to promote other potential benefits such as increased efficiency,
3 productivity, and improved route management planning.

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

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

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

21 (f) If the City Administrator approves an application for a waiver, he or she shall provide
22 written notice of the approval to the Clerk of the Board within five business days of the approval, and
23 the Clerk of the Board shall forward such notice to all members of the Board of Supervisors. Within
24 10 business days of receipt of such notice, any member of the Board may submit to the Clerk of the
25 Board for introduction a written motion to approve or reject the waiver. The City Administrator,

1 department head or other City official having jurisdiction shall not install the telematic vehicle tracking
2 system that is the subject of the waiver while such motion is pending at the Board. The approval of an
3 application for a waiver under subsection (e) shall be final when either: the 10 days have passed for a
4 member of the Board to submit a written motion without any member having done so; or, if a Board
5 member has submitted a motion for introduction, the Board adopts a motion affirming the City
6 Administrator's approval of the application for a waiver, or 45 days have passed without the Board
7 adopting a motion reversing the City Administrator's approval. Rejection of an application for a
8 waiver shall be final when either: the City Administrator rejects the application; or, if the City
9 Administrator has approved the application and a Board member has submitted a motion for
10 introduction, the Board adopts a motion reversing the City Administrator's approval of the application
11 for a waiver.

12 (g) This Section 4.10-2 shall not apply to vehicles used by the Police Department, the Sheriff's
13 Department, the Adult Probation Department, or the Juvenile Probation Department for law
14 enforcement purposes, or used by the District Attorney's Office or the City Attorney's Office for
15 investigations. The department shall file with the City Administrator a statement, in a form approved
16 by the City Administrator, identifying the categories of vehicles for which the exemption is claimed, and
17 the need for or the purpose of the exemption.

18 No later than November 1, 2016, the City Administrator shall file a report with the Board of
19 Supervisors on the feasibility of extending the requirements of this Section to vehicles otherwise
20 excluded by this subsection (g). The report shall specifically address the City's ability to protect
21 confidential or sensitive information connected with the use of vehicles for law enforcement or
22 investigations. The City Administrator shall consult with the affected departments when preparing the
23 report.

24 (h) Consistent with the Charter and other applicable State and Federal law, this Section 4.10-2
25 shall not apply to the Public Utilities Commission, Airport, Port, or Municipal Transportation

1 Authority to the extent its requirements would conflict with those laws or otherwise interfere with the
2 discharge of those functions placed under the direct jurisdiction of the department.

3

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

8

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

11

12 By: 
13 THOMAS J. OWEN
14 Deputy City Attorney

15

16

17

18

19

20

21

22

23

24

25

n:\legana\as2015\1500738\01102081.docx