

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

MEMORANDUM

TO: Sherriff Paul Miyamoto

FROM: Victor Young, Assistant Clerk

A handwritten signature in black ink that reads "Victor Young".

DATE: October 11, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 211031

Ordinance amending the Administrative Code to authorize the Sheriff to contract with private entities to provide supplemental law enforcement services.

If you have 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 or by email at: victor.young@sfgov.org.

- c. Johanna Saenz, Sheriff's Department
- Katherine Johnson, Sheriff's Department
- Nancy Crowley, Sheriff's Department
- Rich Jue, Sheriff's Department
- Christian Kropff, Sheriff's Department



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 211031 **File Type:** Ordinance **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Administrative Code - Request for Sheriff's Services **Date Introduced:** 09/28/2021

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Ordinance amending the Administrative Code to authorize the Sheriff to contract with private entities to provide supplemental law enforcement services.

Sponsor: Safai

History of Legislative File 211031

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	09/28/2021	ASSIGNED UNDER 30 DAY RULE	Rules Committee	10/28/2021	

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

2

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

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11 subsections or parts of tables.

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

11

12 Section 1. Delegation.

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

19

20 Section 2. The Administrative Code is hereby amended by adding Chapter 10A,
21 consisting of Sections 10A.1, 10A.2, 10A.3, 10A.4, and 10A.5, to read as follows:

22

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

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

25 “City” means the City and County of San Francisco.

1 "Department" means the Sheriff's Department.

2 "Event Organizer" means the person, firm, corporation, or organization hosting a cultural,
3 recreational, entertainment, arts, educational, civic, or religious event, including festivals and block
4 parties, and seeking additional personnel, equipment, or materials of the Department, for law
5 enforcement purposes within the City.

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

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

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12 **10A.2. REQUEST FOR SHERIFF'S SERVICES.**

13 (a) Any prospective Event Organizer desiring supplemental Department law enforcement
14 services within the City for their event, may request the Sheriff to provide Department personnel to
15 perform such services. Any request for such services shall include a Security Plan.

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

21 (c) If the Sheriff determines that the requested Department services will require dispatch
22 services from the Department of Emergency Management, the Sheriff shall notify the Executive
23 Director of the Department of Emergency Management (or designee), who may detail such personnel
24 for such services in the number the Executive Director or designee determines to be necessary to
25 perform the dispatch services.

1 (d) An Event Organizer whose request for Department services has been denied may submit a
2 request for reconsideration of the denial to the Sheriff in writing within 10 days of receipt of the denial.
3 An Event Organizer whose request for Department services has been approved may submit a request
4 for reconsideration of the written staffing plan required under subsection (b) to the Sheriff in writing
5 within 10 days of receipt of the written staffing plan.

6 (e) The Sheriff shall inform the Event Organizer in writing of the Sheriff's final decision
7 regarding any request for reconsideration made under subsection (d) within 10 days of receipt of the
8 request for reconsideration.

9
10 **SEC. 10A.3. PAYMENT FOR SERVICES.**

11 (a) The Event Organizer shall pay to the Department such sums of money as may be necessary
12 to pay for the additional services, including any dispatch services provided by the Department of
13 Emergency Management.

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

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

24 (b) The Department shall provide an estimate of the payment for such services, including an
25 estimate from the Department of Emergency Management for any dispatch services, to the Event

1 Organizer within a reasonable time prior to the date service is to be rendered. The Event Organizer
2 shall deposit the amount of estimated funds with the Department prior to the time that the Department
3 renders the requested service. The Department may waive the deposit requirement if the Department
4 reasonably believes that a waiver is justified based on criteria that the Sheriff shall determine and post
5 on the Department website at least 30 days before accepting any requests for services under this
6 Chapter.

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

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

14 (2) If the amount deposited pursuant to subsection (b) exceeds the actual cost of
15 Department and dispatch services, the Sheriff shall authorize and arrange payment of a refund of the
16 excess to the Event Organizer.

17 (d) The Department shall deposit with the Treasurer such sums as received in a special account
18 designated public facilities overtime account; provided, however, that the amount for the Department
19 representing administrative overhead shall be deposited to the general fund unappropriated balance of
20 funds, and the amount for the Department of Emergency Management's dispatch services shall be
21 transferred to the Department of Emergency Management.

22 (e) The Event Organizer shall indemnify, hold harmless, and defend the City, the Department,
23 the Department of Emergency Management, and all City officers, agents, and employees, from and
24 against all liability, judgments, or claims for personal injury, including but not limited to bodily
25

1 injuries, or other claims, including but not limited to false arrest and false imprisonment, caused by or
2 purportedly caused by such personnel in the rendering of such services.

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

5
6 **SEC. 10A.4. COMPENSATION.**

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

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

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

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

20
21 **SEC. 10A.5. UNDERTAKING FOR THE GENERAL WELFARE.**

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

1 Section 3. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

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

7 By: /s/ Jana Clark
8 JANA CLARK
9 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Request for Sheriff's Services]

Ordinance amending the Administrative Code to authorize the Sheriff to contract with private entities to provide supplemental law enforcement services.

Existing Law

Existing law authorizes the Board of Supervisors to contract with private entities to provide supplemental law enforcement services at special events or occurrences that happen on an occasional basis.

Amendments to Current Law

This ordinance would delegate to the Sheriff the authority to contract with private entities to provide supplemental Sheriff's services at special events or occurrences that happen on an occasional basis. This ordinance would require that the event organizer 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. Finally, this ordinance would delineate payment and compensation requirements.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Safai

Subject:

Administrative Code - Request for Sheriff's Services

The text is listed:

Ordinance amending the Administrative Code to authorize the Sheriff to contract with private entities to provide supplemental law enforcement services.

Signature of Sponsoring Supervisor:



For Clerk's Use Only

From: [Clark, Jana \(CAT\)](#)
To: [BOS Legislation, \(BOS\)](#); [Morris, Geoffrea \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [Chung, Lauren \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Chung, Lauren \(BOS\)](#)
Subject: RE: Legislation re Administrative Code - Request for Sheriff's Services
Date: Tuesday, September 28, 2021 1:40:19 PM
Attachments: [image001.png](#)

I approve the use of my electronic signature and also approve as to form.

Confidential and privileged communication

Jana Clark (she/her)
Deputy City Attorney
Office of the City Attorney
1 Dr. Carlton B. Goodlett Place, Suite 234
San Francisco, CA 94102
(415) 554-4634

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Tuesday, September 28, 2021 1:30 PM
To: Morris, Geoffrea (BOS) <geoffrea.morris@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Clark, Jana (CAT) <Jana.Clark@sfcityatty.org>
Subject: RE: Legislation re Administrative Code - Request for Sheriff's Services

Thank you Geoffrea. We are seeking the approval from Deputy City Attorney Jana Clark for use of her electronic signature and approval as to form for the Ordinance, by reply to this email.

Best regards,

Jocelyn Wong

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T: 415.554.7702 | F: 415.554.5163
jocelyn.wong@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services



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The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

From: Morris, Geoffrea (BOS) <geoffrea.morris@sfgov.org>

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Cc: Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>;
Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>

Subject: Legislation re Administrative Code - Request for Sheriff's Services

Please see attached

Geoffrea (Jah-free-ah) Morris | Legislative Aide
Supervisor Ahsha Safai, District 11
San Francisco City Hall
1 Dr. Carlton B Goodlett Place, Room 256
San Francisco, CA 94102
t: 415.554.7896 | f: 415.554.6979

Sign up to receive our newsletters [here](#).

Please note: This is a public email address and any messages sent to or from this address may be subject to a public records request.

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4 of Supervisors overrides the Mayor's veto of the ordinance.

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

7 By: /s/ Jana Clark
8 JANA CLARK
9 Deputy City Attorney

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