

File No. 150682 Committee Item No. 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date May 19, 2016

Board of Supervisors Meeting Date _____
Cmte Board

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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral CEQA - 06/29/2015</u> |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CEQA Determination - 06/30/2015</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Response Sheriff - 07/14/2015</u> |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral Substitute CEQA - 05/10/16</u> |
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Completed by: Erica Major Date May 13, 2016
Completed by: _____ Date _____

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 ~~*italics Times New Roman font*~~.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~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 By: 
12 THOMAS J. OWEN
13 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(Substituted, 5/3/2016)

[Administrative Code - Telematic Vehicle Tracking Systems for City 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, 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.

Existing Law

Current law does not specifically require the installation of vehicle tracking systems in City vehicles.

Amendments to Current Law

The proposal is an ordinance that would amend the Administrative Code to require the City Administrator and each department head or other City official with jurisdiction over motor vehicles to install telematic vehicle tracking systems in those vehicles by January 1, 2017. 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 would 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 would submit an annual report to the City Administrator with the telematic data, including vehicle usage and mileage data. The City Administrator would submit a Citywide report to the Mayor and the Board of Supervisors on motor vehicle use by City officers and employees.

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

The ordinance would 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. Those departments would be required to file with the City Administrator a statement identifying the categories of vehicles for which the exemption was claimed, and the need for or the purpose of the exemption. The ordinance would require the City Administrator to file a report with the Board of Supervisors no later than November 1, 2016 on the feasibility of extending the requirements of the ordinance to these vehicles. The report would specifically address the City's ability to protect confidential or sensitive information connected with the use of vehicles for law enforcement or investigations.

The ordinance would not be applied to conflict with the powers of the Public Utilities Commission, Airport, Port, or Municipal Transportation Authority under the Charter or other superseding law, or to otherwise interfere with the discharge of functions placed under the direct jurisdiction of those departments.

150682

CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET AND LEGISLATIVE ANALYST

1390 Market Street, Suite 1150, San Francisco, CA 94102 (415) 552-9292
FAX (415) 252-0461

May 12, 2016

TO: Government Audit and Oversight Committee
FROM: Budget and Legislative Analyst 
SUBJECT: May 19, 2016 Government Audit and Oversight Committee Meeting

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<p>Item 1 File 15-0682</p>	<p>Department: City Administrator (ADM)</p>
<p>EXECUTIVE SUMMARY</p>	
<p style="text-align: center;">Legislative Objectives</p> <ul style="list-style-type: none"> • The proposed ordinance would amend the City’s Administrative Code to add to Section 4.10-2, to require that (i) by January 1, 2017, all non-exempt City Departments install and use vehicle telematics systems in all motor vehicles owned and leased by the City; and (ii) the City Administrator submit an annual report to the Mayor and the Board of Supervisors with aggregate data on motor vehicle use based on data collected from those systems. <p style="text-align: center;">Key Points</p> <ul style="list-style-type: none"> • Vehicle telematics are vehicle tracking systems, such as global positioning systems (GPS). In June 2015, the Board of Supervisors approved an ordinance amending the City’s Environment and Administrative Codes (File 14-0950) which provided for but did not require the implementation of modern technology-based vehicle tracking systems, such as vehicle telematics, to measure the utilization of the City’s fleet and vehicle access. • The proposed ordinance would require installation of vehicle telematics in City vehicles by January 1, 2017. The proposed ordinance exempts vehicles used by the Police Department, the Sheriff’s Department, the Adult Probation Department, and the Juvenile Probation Department, and vehicles used by the District Attorney’s Office and the City’s Attorney’s office for investigations. Consistent with the Charter and all other applicable State and Federal Laws, the proposed ordinance does not apply to the Public Utilities Commission, Airport, Port, or Municipal Transportation Agency. • The City Administrator may grant waivers, in whole or in part, for the requirements of the proposed ordinance to Departments that submit a written application. <p style="text-align: center;">Fiscal Impact</p> <ul style="list-style-type: none"> • The Board of Supervisors previously appropriated \$500,000 in FY 2015-16 and \$1,691,114 for FY 2016-17 to the City Administrator for vehicle telematics hardware and installation. <p style="text-align: center;">Policy Consideration</p> <ul style="list-style-type: none"> • Currently, the City’s Environment and Administrative Codes state that the City Administrator will adopt and implement policies to use technology such as telematics and vehicle assignment systems, to the furthest extent practicable. The proposed ordinance would require that all non-exempt Departments install vehicle telematics systems on all vehicles leased or owned by the City by January 1, 2017, unless the City Administrator reviews a Department’s written waiver application and concludes that compliance with the requirements of the proposed ordinance would interfere with the Department’s ability to perform its official functions. <p style="text-align: center;">Recommendations</p> <ul style="list-style-type: none"> • Amend the proposed ordinance to require that City departments submit a list of vehicles for which exemptions would be requested, including the need or purpose of the exemption, to the City Administrator by no later than August 1, 2016. • Approve the proposed ordinance as amended. 	

MANDATE STATEMENT

According to Charter Section 2.105, all legislative acts shall be by ordinance and require the affirmative vote of at least a majority of the members of the Board of Supervisors.

BACKGROUND

Vehicle telematics, also known as black boxes or global positioning system (GPS) tracking, is viewed as an important tool to help the City achieve the goals of Vision Zero. Vehicle telematics would allow the City to track vehicles individually and collect and report data on their location, history, speed, mechanical diagnostics, safety, and other information.

In June 2015, the Board of Supervisors approved an ordinance amending the City's Environment and Administrative Codes (File 14-0950) to:

- (1) Transfer the fleet management and vehicle selection responsibilities detailed in the Healthy Air and Clean Transportation Ordinance (HACTO) from the Department of the Environment to the City Administrator;
- (2) Replace mandatory fleet reduction requirements with policies to optimize the size and use of the City's vehicle fleet, use technology to promote the safe and environmentally-friendly use of vehicles, and reduce average per-mile greenhouse gas emissions from City fleet vehicles;
- (3) Authorize master contracts for City use of car-sharing services; and
- (4) Make other technical and confirming changes; and affirming the Planning Department's determination under the California Environmental Quality Act.

DETAILS OF PROPOSED LEGISLATION

The proposed ordinance would amend the City's Administrative Code to add Section 4.10-2, to require that (i) by January 1, 2017, all non-exempt City Departments install and use vehicle telematics systems in all vehicles owned and leased by the City; and (ii) the City Administrator submit an annual report to the Mayor and the Board of Supervisors with aggregate data on motor vehicle use based on data collected from those systems.

As per the proposed ordinance, the City Administrator and each Department director with jurisdiction over vehicles would be required to:

1. Monitor the use of all vehicles owned and leased by the City and use that information to analyze vehicle cost efficiency, use optimization, and post-incident investigation; and
2. Use the information gathered from the vehicle telematics system to promote potential benefits such as preventing waste and fraud, and encouraging safe driving practices.
3. Prepare a notice that telematics vehicle tracking systems have been installed in vehicles owned or leased by the City and disseminate that notice to affected employees at the same time the systems are installed.

The proposed ordinance also includes the following mandates:

4. At the end of each fiscal year, each Department director must submit a report to the City Administrator with aggregate telematics data for all vehicles owned and leased by the City, including but not limited to usage and mileage data; and
5. By October 1 of each fiscal year, the City Administrator must submit a report to the Mayor and to the Board of Supervisors on aggregate motor vehicle use to promote efficient and safe operation of the City's motor vehicle fleet.

The City Administrator may grant waivers, in whole or in part, for the requirements of the proposed ordinance to Departments that submit a written request for such waivers, if the City Administrator concludes that compliance with the requirements of the ordinance would interfere with the Department's ability to perform its official functions. The City Administrator, department heads, or other City officials with jurisdiction over the affected vehicles may not install telematics vehicle systems on vehicles undergoing a waiver review process.

Exempt City Departments

The proposed ordinance provides an exemption to vehicles used by the Police Department, the Sheriff's Department, the Adult Probation Department, and the Juvenile Probation Department. The proposed ordinance also exempts vehicles used by the District Attorney's Office and the City's Attorney's office for investigations. Each of these departments must submit a statement to the City Administrator identifying the vehicles for which an exemption is claimed and justify the need for the requested exemption.

By November 1, 2016, the City Administrator would submit a report to the Board of Supervisors on the feasibility of extending the requirements of the proposed ordinance to the exempt law enforcement departments. The report would address the City's ability to protect confidential and sensitive information connected with the use of vehicles for law enforcement and investigations.¹ In order for the City Administrator to have sufficient time to review the requested exemptions for law enforcement department's vehicles, the Budget and Legislative Analyst recommends amending the ordinance to require that City departments submit a list of vehicles for which exemptions would be requested, including the need or purpose of the exemption, to the City Administrator by no later than August 1, 2016.

Consistent with the Charter and all other applicable State and Federal Laws, the proposed ordinance does not apply to the Public Utilities Commission, Airport, Port, and Municipal Transportation Agency. According to Mr. Thomas Owen, Deputy City Attorney, the proposed ordinance grants an exemption to those four City departments because they are not legally bound by City-mandated policies regarding fleet operations and management. These City departments may choose to comply with the proposed ordinance, but solely at their discretion.

¹ The City Administrator would consult with the affected City Departments when preparing the report.

California Environmental Quality Act

The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.).

FISCAL IMPACT

The Board of Supervisors appropriated \$500,000 in FY 2015-16 and \$1,691,114 for FY 2016-17 to the City Administrator for vehicle telematics hardware and installation.

POLICY CONSIDERATION

Currently, the City's Environment and Administrative Codes state that the City Administrator will adopt and implement policies to use technology such as telematics and vehicle assignment systems, to the furthest extent practicable. The proposed ordinance would require that all non-exempt Departments install vehicle telematics systems on all vehicles leased or owned by the City by January 1, 2017, unless the City Administrator approves a Departmental waiver because compliance with the requirements of the proposed ordinance would interfere with the Department's ability to perform its official functions.

According to the Budget and Legislative Analyst's February 2015 report on a citywide vehicle telematics system, vehicle telematics systems have many advantages such as helping to correct and improve unsafe driving habits, reducing inappropriate use of City vehicles, and providing information to refute false claims against the City regarding vehicle accidents. Some other local governments have implemented vehicle telematics. For example, the City of Los Angeles has implemented a vehicle telematics pilot project on 50 police vehicles in January 2015.

RECOMMENDATIONS

1. Amend the proposed ordinance to require that City departments submit a list of vehicles for which exemptions would be requested, including the need or purpose of the exemption, to the City Administrator by no later than August 1, 2016.
2. Approve the proposed ordinance as amended.

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

May 9, 2016

File No. 150682

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On May 3, 2016, Supervisor Yee introduced the following substitute legislation:

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.

This substitute legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Committee Clerk
Government Audit and Oversight Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org,
c=US
Date: 2016.05.13 10:05:21 -07'00'

BOARD of SUPERVISORS



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

June 29, 2015

File No. 150682

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On June 23, 2015, Supervisor Yee introduced the following proposed legislation:

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 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Assistant Clerk
Rules Committee

Attachment

c: Joy Navarrete, Environmental Planner
Jeanie Poling, Environmental Planner

Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Jeanie Poling 6/30/15



City and County of San Francisco Juvenile Probation Department

ALLEN A. NANCE
CHIEF PROBATION OFFICER

375 WOODSIDE AVENUE
SAN FRANCISCO, CA 94127
(415) 753-7556

November 19, 2015

Ms. Alisa Somera
Assistant Clerk
Land Use and Economic Development Committee
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA. 94102-4694

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
NOV 23 PM 2:12
B

RE: File No. 150682 Proposed Ordinance to amend the Administrative Code – Telematic Vehicle Tracking Systems for City Vehicles

Dear Ms. Somera:

The San Francisco Juvenile Probation Department (JPD) recognizes and appreciates the value of vehicle telematics as an effective tool in the City's efforts to monitor the safe and efficient operation of City vehicles. These systems can also provide invaluable data when City vehicles are involved in collisions. We understand that the proposed ordinance will require the installation and use of telematics vehicle tracking systems in all motor vehicles owned or leased by the City with some exceptions, and further require a submission of an annual report to the City Administrator based on data from those systems.

The intent of this ordinance is clearly understood and supported by JPD, however the installed technology provides real time location, movement, and status of the vehicle that would result in officer safety concerns as well as interfere with our normal operating functions. We understand that a waiver is available for vehicles where tracking is not feasible or would unduly interfere with the Department's ability to discharge its official duties. The ordinance in draft format includes an exemption for PUC, Airport Port and MTA.

The real-time tracking of vehicle movement in marked and unmarked vehicles operated by peace officers in the performance of their official duties, introduces a vulnerability that has the potential to compromise the safety and security of probation officers and juvenile counselors who are routinely called to transport high risk and high profile detainees within and outside of the county. In some instances, these transports involve minors who have been victims of abuse and neglect and are moved to safe, secure and undisclosed locations where their abusers cannot gain access to them. This is especially critical in cases involving commercially sexually exploited

children (CSEC). In addition, the safety of high profile detainees and the peace officers who accompany them, can be compromised if the vehicle in which they are travelling is also being tracked as they are moved to court hearings or other jurisdictions outside of the San Francisco Juvenile Justice Center.

Probation Officers are also called to participate in individual and joint agency operations with police and other law enforcement agencies that may involve surveillance or apprehension of high risk offenders. The use of telematics in vehicles used by these officers would also compromise the safety and security of our own personnel, as well as the police and other law enforcement agencies with whom we partner (e.g. SFPD, FBI, CHP, Sheriff, etc). This is particularly true in circumstances involving the recovery of juveniles who have absconded and violated court orders. We believe that telematics installed in vehicles operated by peace officers would compromise the routes, locations and whereabouts of high risk and high profile detainees which would otherwise be undisclosed and violate officer safety and client confidentiality. Even if active monitoring was disabled, data gained and documents submitted would be subject to the Public Records Act and their disclosure would violate confidential identity and location of our juveniles protected by 827 W&I. Additionally, occasions arise when vehicles are home-garaged by our peace officer staff and their home addresses are confidential pursuant to 1801.4 of the California Vehicle Code.

To be clear, we support the ordinance in its intent and believe that many of the vehicles in our fleet (non-law enforcement vehicles) could comply with the provision of the proposed ordinance. We would welcome the telematics installed on those vehicles including the annual reporting requirements under consideration. However, we also request that those vehicles designated as law enforcement vehicles and used by sworn peace officers be exempted from the ordinance in the interest of officer, public safety, and juvenile privacy.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Allen A. Nance", written in a cursive style.

Allen A. Nance

Chief Juvenile Probation Officer



EDWIN M. LEE
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

HEADQUARTERS
1245 3RD STREET
SAN FRANCISCO, CALIFORNIA 94158

August 31, 2015



GREGORY P. SUHR
CHIEF OF POLICE

Ms. Alisa Somera
Assistant Clerk
Land Use and Economic Development Committee
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4694

Dear Ms. Somera:

RE: File No. 150682: Ordinance Amending the Administrative Code to Require the Installation and Use of Telematic Vehicle Tracking Systems

The San Francisco Police Department appreciates the efforts of Supervisor Norman Yee for efforts to prevent fraud and waste of funds by tracking the use of City-owned motor vehicles assigned to employees.

The Police Department has a concern regarding the tracking systems being installed in department vehicles used for law enforcement purposes, both marked and unmarked vehicles. We have been informed that the monitoring system will be functioning at all times even when the vehicle is off. It will display the location of vehicles when on, idling, or moving.

This is an issue for the Police Department as our vehicles are used for investigative purposes which includes undercover operations, sensitive assignments (escorting dignitaries, homeland security), and investigation of criminal activity in which the victim is considered "confidential" (domestic violence, sexual assault). As such, many of these activities are not subject to disclosure, and if the information is subject to release, some of the content would need to be redacted pursuant to state and federal laws. The question as to who is the owner of the information gathered during the monitoring process and who would be responsible for the review, redaction, and disclosure would need to be defined.

In addition, California Vehicle Code Section 1808.4 allows for peace officers to request home address confidentiality through the Department of Motor Vehicles. This requires redaction from any record, including vehicle tracking systems, of this information for those employees assigned take-home vehicles. In addition, as the data collected via the tracking system could be used for disciplinary action, it would require a meet-and-confer process with the various labor unions/associations prior to implementation.

Although the proposed legislation includes a waiver process for departments to follow in order to have vehicles excluded from the monitoring, it would be cumbersome for the Police Department due to the large number of vehicles in our fleet, many of which are unconventional such as

August 31, 2015

armored vans and other tactical equipment. If a waiver is submitted and approved by the City Administrator, the decision can be overturned by the Board of Supervisors, leaving a binding decision.

Prior to the legislation being adopted, the Police Department respectfully requests to be excluded from the requirement in Sec. 4.10-2 (f) along with the Public Utilities Commission, Airport, Port, or Municipal Transportation Authority as compliance would interfere with the discharge of functions placed under the direct jurisdiction of our department.

However, the Police Department would agree to identify those vehicles within its fleet that would not be adversely affected by this proposed legislation, such as those assigned to administrative positions. Once identified, these vehicles will be monitored and all requirements of the proposed legislation will be met.

If we can be of further assistance, please feel free to contact my office.

Sincerely,



GREGORY P. SUHR
Chief of Police

/cf

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

May 9, 2016

File No. 150682

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On May 3, 2016, Supervisor Yee introduced the following substitute legislation:

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.

This substitute legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Committee Clerk
Government Audit and Oversight Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

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: 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 Rystrom, 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

BOARD of SUPERVISORS



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

June 29, 2015

File No. 150682

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On June 23, 2015, Supervisor Yee introduced the following proposed legislation:

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 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Assistant Clerk
Rules Committee

Attachment

c: Joy Navarrete, Environmental Planner
Jeanie Poling, Environmental Planner

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
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MEMORANDUM

TO: Naomi Kelly, City Administrator
John Martin, Director, San Francisco Airport
Carmen Chu, Assessor-Recorder
Tom Hui, Director, Department of Building Inspection
Tiffany Bohee, Director, Office of Community Investment & Infrastructure
Ben Rosenfield, City 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
Chief Joanne Hayes-White, Fire Department
Barbara Smith, 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
Chief Greg Suhr, Police Department
Monique Moyer, Executive Director, San Francisco Port
Jeff Adachi, Public Defender
Barbara 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 Park Department
Richard Carranza, Superintendent, San Francisco Unified School District
Sheriff Ross Mirkarimi, Sheriff's Department
Jose Cisneros, Treasurer, Office of the Treasurer & Tax Collector

FROM: Alisa Somera, Assistant Clerk, Rules Committee
Board of Supervisors

DATE: June 29, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Yee on June 23, 2015. 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 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 alisa.somera@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 & Infrastructure
Todd Rydstrom, Office of the City Controller
Cristine Soto DeBerry, Office of the District Attorney
Guillermo Rodriguez, Department of the Environment
Kelly Alves, Fire Department
Velma Navarro, Housing Authority
Linda Martin-Mason, Housing Authority
Sophie Hayward, Mayor's Office of Housing and Community Development
Susan Gard, Department of Human Resources
Kate Breen, Municipal Transportation Agency
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Dillon Auyoung, Municipal Transportation Agency
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Christine Fountain, Police Department
Elaine Forbes, San Francisco Port
Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health
Juliet Ellis, Public Utilities Commission
Frank Lee, Public Works
Sarah Ballard, Recreation and Park Department
Chris Armentrout, San Francisco Unified School District
Jamila Brooks, San Francisco Unified School District
Katherine Gorwood, Sheriff's Department
Amanda Kahn Fried, Office of the Treasurer & Tax Collector

President, District 5
BOARD of SUPERVISORS



BO. 11, Rules, GAO, Leg. Dep,
Dep City Atty, COB, Mayor's Office
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227

London Breed

PRESIDENTIAL ACTION

Date: 1/25/2016

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____
(Primary Sponsor)

Title. _____

Transferring (Board Rule No 3.3)

File No. 150682 Yee
(Primary Sponsor)

Title. Administrative Code - Telematic Vehicle Tracking Systems for City Vehicles

From: Rules Committee

To: Government Audit & Oversight Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

London Breed, President
Board of Supervisors

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 JAN 26 AM 8:04

Print Form

Introduction Form

By a Member of the Board of Supervisors or the 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 inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) 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

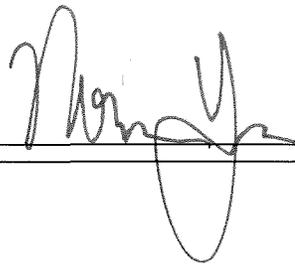
Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor:

A handwritten signature in black ink, appearing to be 'Nancy', written over a horizontal line. The signature is stylized with a large loop at the end.

For Clerk's Use Only:

Introduction Form

By a Member of the Board of Supervisors or the 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 [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) 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 a Imperative Form.

Sponsor(s):

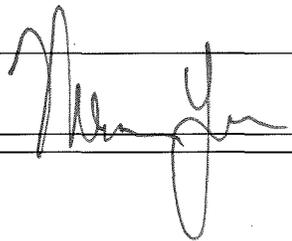
Supervisor Yee

Subject:

Administrative Code - Telematic Vehicle Tracking Systems for City Vehicles

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: