Ordinance amending the Police Code to make unclaimed personal property, including unclaimed bicycles, worth $500 or less available to the Human Services Agency for use in programs designed to prevent juvenile delinquency and programs to benefit low-income and transit-challenged residents.

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

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds as follows:

1. The City and County of San Francisco's Transit-First Policy, as defined in Charter Section 8A.115, states that "Bicycling shall be promoted by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking."

2. Board of Supervisors Resolution 511-10 encourages departments and agencies of the City and County of San Francisco to adopt a goal of 20 percent of trips by bicycle by 2020.

3. The San Francisco Municipal Transportation Agency's (SFMTA) Bicycle Strategy's System Build-Out Scenario, if adequately funded, could achieve the goal of increasing citywide bicycle mode share to 15 to 20 percent of all trips over the next 15 to 20 years.
4. The SFMTA's Bicycle Strategy sets a goal of creating a bicycle network "that is comfortable for all users, particularly vulnerable user groups like youths, the disabled, seniors, and low-income communities."

5. The SFMTA Strategic Plan for Fiscal Years 2013 through 2018 states that a core value for the City's transportation network is to promote social equity and access by prioritizing the most affordable and accessible modes of transportation.

6. The National Highway Traffic Safety Administration conducted a National Survey of Bicyclist and Pedestrian Attitudes and Behavior, which found that access to bicycles rises with household income: only 29% of those with household incomes less than $15,000 had regular access to a bicycle; 47% with incomes of $30,000-$49,000 had access; and 65% with incomes of $75,000 or more had access.

7. Over the last year, the San Francisco Police Department has collaborated with the Human Services Agency and the San Francisco Bike Coalition to utilize unclaimed recovered bicycles to implement a Community Bike Build program with a number of community-based organizations to distribute nearly 400 bicycles and conduct bike safety trainings in the community.

8. The community bike build pilot program has demonstrated the level of need and overwhelming interest in bicycle transportation in working class communities of color.

9. Formalizing this collaborative process by requiring the Police Department to make unclaimed bicycles available to the Human Services Agency will help ensure the ongoing success of the community bike build program to help meet the City's goals of increasing bicycle mode share.

Section 2. The Police Code is hereby amended by revising Sections 1404, 1405.1 and 1408, and deleting Section 1407, to read as follows:
SEC. 1404. DISPOSAL OF PROPERTY.

If the owner of the property does not claim the property in accordance with the provisions of this Article, and pay the costs provided in Section 1403 within four months after the date the Police Department mailed the notice provided for in Section 1403, or if no notice was given, within four months after the property came into possession of the Police Department, the Police Department shall sell the property at public auction or transfer it to the Department of Social Services Human Services Agency of the City and County of San Francisco or to the Purchaser of the City and County of San Francisco, as is hereafter provided in this Article. The Police Department shall determine whether the property shall be sold at public auction or transferred to the Department of Social Services Human Services Agency or to the Purchaser.

SEC. 1405.1. UNCLAIMED PERSONAL PROPERTY WORTH $500 OR LESS; UNCLAIMED BICYCLES, BICYCLES AND TOYS.

UNCLAIMED BICYCLES, BICYCLES AND TOYS.

(a) Except as provided in Subsection (b), if the Police Department determines that the unclaimed lost personal property is valued at not more than $500, the Department of Social Services may, instead of being sold, sell the property at public auction pursuant to the terms of this Article, turn the property over to the Human Services Agency for use in any program or activity designed to prevent juvenile delinquency.

(b) The Police Department shall turn over unclaimed lost bicycles valued at not more than $500 to the Human Services Agency for use in any program or activity that is designed to prevent juvenile delinquency. If any such unclaimed bicycles cannot be used in a program or activity designed to prevent juvenile delinquency, the Human Services Agency may use those unclaimed bicycles in any program or activity designed to serve low-income and transit-dependent populations in San Francisco.
SEC. 1407. PROPERTY IN POSSESSION OF POLICE DEPARTMENT WHEN ORDINANCE EFFECTIVE.

Notwithstanding any other provisions of this Article, any property which has been in the possession of the Police Department on the effective date of this Article for four months or more may be disposed of in accordance with Section 1405 and 1406 if:

(a) The Police Department first notifies by first class mail, the owner of the property, if his or her identify and address are reasonably ascertainable, that it possesses the property and where and when it may be claimed, and of the provisions of Sections 1403 and 1404 hereof;

(b) The owner fails to claim the property in accordance with Sections 1403 and 1404 within 30 days after the date such notice is mailed.

SEC. 1408. ABANDONED PROPERTY.

The provisions of Sections 1400-1407 through 1406 of this Article have no application to things which have been intentionally abandoned by their owner. Any such items may be sold by the Police Department at any time at public auction or transferred to the Purchaser as provided in Sections 1405 and 1406, or destroyed, at the option of the Police Department. No publication of notice of sale shall be required.

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.
Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

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

By: KATHERINE M. MAHONEY
Deputy City Attorney
Ordinance amending the Police Code to make unclaimed personal property, including unclaimed bicycles, worth $500 or less available to the Human Services Agency for use in programs designed to prevent juvenile delinquency and programs to benefit low-income and transit-challenged residents.

February 13, 2014 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

February 13, 2014 Government Audit and Oversight Committee - RECOMMENDED

February 25, 2014 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

March 04, 2014 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/4/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved

3/4/14