[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.

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

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

Section 1. 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.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 170096 and is incorporated herein by reference. The Board affirms this determination.

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

SEC. 4.10-2. TELEMATIC VEHICLE TRACKING SYSTEMS.

(a) (1) Except as provided in subsection 4.10-2(a)(2), by no later than January 1, 2017, the City Administrator and each department head or other City official with jurisdiction

Supervisors Yee; Peskin, Brown
BOARD OF SUPERVISORS
over motor vehicles shall cause those vehicles to be equipped with telematic vehicle tracking systems. The City Administrator, department head or other City official having jurisdiction shall prepare a notice that telematic vehicle tracking systems have been installed in the vehicles and shall disseminate that notice to affected employees at the same time the systems are installed.

(2) 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, the deadlines set forth in subsection (a)(1) for equipping vehicles and providing notice shall be June 30, 2020.

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

(c) For purposes of this Section 4.10-2, “motor vehicle” shall mean a motor vehicle as defined in Division 1 of the California Vehicle Code, as amended. “Telematic vehicle tracking system” shall mean a system that combines the use of automatic vehicle location equipment 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.

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

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

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

(g) This Section 4.10-2 shall 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. The department shall file with the City Administrator a statement, in a form approved by the City Administrator, identifying the categories of vehicles for which the exemption is claimed, and the need for or the purpose of the exemption.

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

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

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: JON GIVNER
Deputy City Attorney

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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.

June 06, 2019 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

June 06, 2019 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

June 18, 2019 Board of Supervisors - PASSED ON FIRST READING
Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

June 25, 2019 Board of Supervisors - FINALLY PASSED
Ayes: 10 - Brown, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee
Absent: 1 - Fewer

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/25/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Cavillo
Clerk of the Board

London N. Breed
Mayor

Date Approved