Ordinance amending the Administrative Code to require event organizers seeking additional Police Department personnel ("10B officers") and equipment for law enforcement purposes to include a request for approval of alcohol license application, if applicable, and a security plan with the request for those services; require the Department to respond to the request for services, and provide a staffing plan if the response is favorable, at least 90 days before the event if the request was received at least 125 days before the event; require the Chief of Police to reconsider denials and staffing plans if so requested; and require the Department after the event to provide to the event organizer and the Entertainment Commission a written report reviewing the use of 10B officers at the event and the costs of the event.

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 Administrative Code is hereby amended by revising Sections 10B.1 and 10B.2, to read as follows:

SEC. 10B.1. REQUEST FOR POLICE SERVICES.

(a) Definitions. For purposes of Sections 10B.1 through 10B.5, the following definitions shall apply:
"ABC Application" shall mean a California Department of Alcohol Beverage Control Daily License Application Form or any successor form.

"Approval" shall mean the Chief's signature.

"Chief" shall mean the Chief of the Police Department or the Chief's designee.

"Department" shall mean the Police Department.

"Event Organizer" shall mean the person, firm, corporation, or organization hosting a cultural, recreational, entertainment, arts, educational, civic or religious event, including festivals and block parties, and seeking additional personnel, equipment, or materials of the Department, for law enforcement purposes within the City and County of San Francisco.

"Security Plan" shall mean a plan drafted by the Event Organizer that adequately addresses the safety of persons and property associated with the event subject to the request for police services. The definition of Security Plan in this Subsection 10B.1 (a) does not limit the discretion of the Department to impose more stringent requirements for a Security Plan as circumstances warrant.

(b) Any person, corporation, firm or organization desiring additional personnel, equipment, or materials of the San Francisco Police Department, for law enforcement purposes within the City and County of San Francisco, may request the Chief of the San Francisco Police Department to provide such personnel to perform such services. Any request for police services shall include a Security Plan. Any request for police services for an event that requires a California Department of Alcohol Beverage Control license, shall include a request for Department approval of an ABC Application.

(c) If the Chief of Police approves the request for police services, the Chief may detail such personnel for such services in the number he or she determines to be necessary to perform the services.

(1) If an Event Organizer requests police services and/or approval of an ABC Application at least 125 days before a proposed event, the Department must notify the Event Organizer...
in writing of approval or denial of the request for police services and/or ABC Application and include a statement of reasons for any denial no later than 90 days before the event.

(2) If an Event Organizer requests police services and/or approval of an ABC application less than 125 days before a proposed event, the Department shall make reasonable efforts to notify the Event Organizer in writing of approval or denial of the request for police services and/or ABC Application and include a statement of reasons for any denial, as soon as practicable and if possible at least 20 days before the proposed event.

(3) If the request for police services is approved, the Chief shall include with the approval a written staffing plan that includes the number of personnel to be detailed in response to the request, the approximate personnel location assignments, the anticipated shifts for all detailed personnel, and the contact information of the person to be assigned to supervise those personnel.

(4) If the Police Department Chief determines that the requested police services will require dispatch services from the Department of Emergency Management, the Chief of Police or designee shall notify the Executive Director of the Department of Emergency Management, and the Executive Director may detail such personnel for such services in the number he or she determines to be necessary to perform the dispatch services.

(d) An Event Organizer whose request for police services and/or approval of its ABC Application has been denied may submit a request for reconsideration of either or both denials to the Chief in writing within 10 days of receipt of the denial. An Event Organizer whose request for police services has been approved may submit a request for reconsideration of the written staffing plan to the Chief in writing within 10 days of receipt of the plan.

(e) The Chief must inform the Event Organizer in writing of his or her final decision regarding any request for reconsideration made under subsection (d) within 10 days of receipt of the request for reconsideration.
(f) In enacting and implementing this Section 10B.1, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

SEC. 10B.2. PAYMENT FOR SERVICES; REPORT.

(a) Except as provided in subsection (f), below, the person, corporation, firm or organization desiring such services Event Organizer shall pay to the Police Department such sums of money as may be necessary to pay for the additional services, including any dispatch services provided by the Department of Emergency Management. The payment shall include a component for Police Department services, computed based upon the rate paid or payable to those uniformed officers of the Police Department actually performing services at the time they are to perform such additional duties, and the cost of additional equipment and materials expended, together with an administrative overhead charge to cover the proportionate percentage of the Police Department's administrative costs that are attributable in the Department's reasonable discretion to the work performed pursuant to the request. The payment shall also include a component for any dispatch services provided by the Department of Emergency Management, which shall be computed by the Department of Emergency Management based on the rate paid or payable to the dispatch personnel actually performing services at the time they are to perform such additional duties.

No person, corporation, firm or organization Event Organizer that contracts with the Police Department for additional services that are: 1) of the type normally provided by Police Officers on patrol in the designated area; and 2) to be provided at least four days per week, each week, for a period in excess of one year, shall be required to pay an administrative overhead charge, unless such additional services are provided in conjunction with a City
permit or license, or are otherwise necessary to mitigate a negative impact created by the activity of the person, corporation, firm or organization Event Organizer contracting for the additional services.

(b) The Police Department shall provide an estimate of the payment for such services, including an estimate from the Department of Emergency Management for any dispatch services, to the person, corporation, firm or organization desiring the service Event Organizer within a reasonable time prior to the date service is to be rendered. Upon request, the Department shall provide the estimate of the payment for such services to the Event Organizer within 30 days of receiving the request. The person, corporation, firm or organization Event Organizer shall deposit the amount of estimated funds with the Police Department prior to the time that the Police Department renders the requested service. The Police Department may waive the deposit requirement if services are requested for 30 days or more, or if the Department reasonably believes that a waiver is justified.

(c) Within a reasonable time after the services are rendered, the Chief of Police shall determine the amount of payment due. The amount due shall be based on actual services performed by the Police Department and any dispatch services by the Department of Emergency Management. If the deposit pursuant to Subsection (b) hereof is insufficient to cover the cost of police and dispatch services, the Chief of Police shall notify the person, corporation, firm or organization that requested the services Event Organizer by United States mail to the address listed on the request for such services and that party shall have ten days to pay the balance. If the amount deposited exceeds the actual costs, the Chief of Police shall authorize a refund of the excess to the applicant at the address shown on the application.

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

(e) Within 60 days of the final date on which the services are rendered, the Department shall provide to the Event Organizer and the Entertainment Commission a written report setting forth the number of personnel detailed, their approximate locations and shifts during the event, the number and location of arrests, detentions, or citations conducted or issued by the detailed personnel at the event, and the difference if any between the estimate of the payment for the services provided under Section 10B.2(b) and the amount of payment due under Section 10B.2(c). The Entertainment Commission shall provide an annual report to the Board of Supervisors comprised of the data collected that calendar year.

(ej) The person, corporation, firm or organization Event Organizer shall indemnify, hold harmless and defend said City and County of San Francisco, the San Francisco Police Department, the Department of Emergency Management, and all City and County officers, agents and employees, from and against all liability, judgments or claims for personal or bodily injuries, false arrest and false imprisonment caused by or purportedly caused by such personnel in the rendering of such services.

(fg) The City shall not waive payment for additional police or dispatch services pursuant to this Chapter 10B except by ordinance of the Board of Supervisors.

Section 2. 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 3. 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:  
JANA CLARK  
Deputy City Attorney
Ordinance amending the Administrative Code to require event organizers seeking additional Police Department personnel ("10B officers") and equipment for law enforcement purposes to include a request for approval of alcohol license application, if applicable, and a security plan with the request for those services; require the Department to respond to the request for services, and provide a staffing plan if the response is favorable, at least 90 days before the event if the request was received at least 125 days before the event; require the Chief of Police to reconsider denials and staffing plans if so requested; and require the Department after the event to provide to the event organizer and the Entertainment Commission a written report reviewing the use of 10B officers at the event and the costs of the event.

February 11, 2016 Public Safety and Neighborhood Services Committee - RECOMMENDED

February 23, 2016 Board of Supervisors - PASSED, ON FIRST READING
   Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 01, 2016 Board of Supervisors - FINALLY PASSED
   Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151228

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/1/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/11/2016

Date Approved