

[Administrative Code Revision]

ORDINANCE AMENDING CHAPTER 1 OF PART I OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE) BY AMENDING SECTION 1.6 (CORPORATE SEAL), SECTION 1.6-1 (OFFICIAL KEY), SECTION 1.29 (VOTING REQUIREMENTS FOR COMMISSIONS) AND SECTION 1.50 (CITY OFFICERS); BY REPEALING SECTION 1.2-1 (GENDER NEUTRAL LEGISLATION), SECTION 1.4 FLAGS AT HALF-MAST ON GOOD FRIDAY); SECTIONS 1.6-A AND 1.6-B (CORPORATE SEAL), SECTION 1.6-2 (USE OF OFFICIAL KEY), SECTION 1.8 (PROPAGATION OF GAME BIRDS ON CITY PROPERTY), SECTION 1.17 (USE OF CITY PROPERTY FOR DECORATION), SECTION 1.18 (MAINTENANCE OF JUNIPERO SERRA BIRTHPLACE), SECTION 1.21 (TERMINATION OF PROJECT OR PROGRAM AUTHORIZED BY BOARD), SECTION 1.23 (RESPONSE TO BOARD INQUIRIES), SECTION 1.28 (CONTRACTS OF ONE MILLION DOLLARS OR MORE), SECTION 1.32 (CREDIBILITY OF PETITIONS), SECTION 1.37 (LICENSING MUNI TRANSIT SOFTWARE), AND SECTION 1.55 (SPUR TRACKS); BY ADDING A NEW SECTION 1.24, AUTHORIZING THE RISK MANAGER TO APPROVE HOLD HARMLESS AGREEMENTS, AND BY REPEALING SECTIONS 1.24, 1.24-1, 1.25, 1.25-1, 1.25-2, 1.25-3, 1.25-4, 1.25-5, 1.25-6, 1.25-7, 1.25-8, 1.26, 1.26-1, 1.31, 1.35, 1.36, 1.38, 1.39, 1.40, 1.41, 1.42, 1.43, 1.44, 1.45, 1.46, 1.47, ~~AND 1.48~~ AND 1.49 (AUTHORIZING VARIOUS HOLD HARMLESS AGREEMENTS).

Note: Additions or substitutions are underlined;
 deletions are in ((double parentheses)).

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

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SUPERVISOR KAUFMAN, NEWSOM, BECERRIL
 BOARD OF SUPERVISORS

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1 Section 1. Chapter 1 of the San Francisco Administrative Code is hereby amended by
2 repealing Section 1.2-1.

3 **((SEC. 1.2-1. GENDER NEUTRAL LEGISLATION.**

4 It is the intent of the Board of Supervisors that the language of the San Francisco
5 Municipal Code be gender neutral.))

6
7 Section 2. Chapter 1 of the San Francisco Administrative Code is hereby amended by
8 repealing Section 1.4.

9 **((SEC. 1.4. FLAGS AT HALF-MAST ON GOOD FRIDAY.**

10 Flags on all public buildings and lands shall be flown at half-mast on Good Friday.))

11
12 Section 3. Chapter 1 of the San Francisco Administrative Code is hereby amended by
13 amending Section 1.6, to read as follows:

14 **SEC. 1.6. CORPORATE SEAL.**

15 (a) A corporate seal of the City and County is hereby adopted and established as the
16 official seal of the City and County.

17 (b) The official seal is described as follows:

18 A shield supported by a miner on the left and a sailor on the right, with a device of a
19 steamship passing the Golden Gate; at the foot of the supporters, emblems of commerce,
20 navigation and mining; at the crest, a phoenix issuing from flames, below which shall appear a
21 motto consisting of the words "Oro en Paz — Fierro en Guerra" (gold in peace; iron in
22 warfare); and around the margin the words "Seal of the City and County of San Francisco."

23 (c) The Clerk of the Board of Supervisors shall have the custody of the corporate seal.
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25

1 The use of the corporate seal of the City and County of San Francisco shall be for purposes
2 directly connected with official business of the City and County; and those matters approved
3 by the Board of Supervisors by resolution ((ordinances)).

4 (d) The Clerk of the Board is empowered to authorize the use of the City seal on items
5 that are offered for sale by the City and County of San Francisco for the purpose of promoting
6 the City and County of San Francisco. Prior to authorizing such use the Clerk shall procure
7 from the Director of Administrative Services a plan describing the items that would bear the
8 City seal. Such plan shall include the criteria used in determining the proposed items and an
9 analysis of the marketability of each item. Only those items bearing the City seal that have
10 been authorized by the Clerk pursuant to this Section may be offered for sale by the City and
11 County of San Francisco. The Clerk of the Board is empowered to authorize the use of the
12 City seal on the face of San Francisco Affinity Credit Cards and San Francisco Affinity Prepaid
13 Phone Cards that are offered for sale in connection with San Francisco Affinity Credit Card
14 and San Francisco Affinity Prepaid Phone Card Programs to be developed by the City.

15 (e) Every person who maliciously or for commercial purposes, or without the prior
16 approval of the Board of Supervisors, uses or allows to be used any reproduction or facsimile
17 of the Seal of the City and County of San Francisco in any manner whatsoever is guilty of a
18 misdemeanor.

19
20 Section 4. Chapter 1 of the San Francisco Administrative Code is hereby amended by
21 repealing Section 1.6-A.

22 **((SEC. 1.6-A. CORPORATE SEAL — ITEMS OFFERED FOR SALE BY THE CITY AND**
23 **COUNTY.**

24 (a) The Clerk of the Board is empowered to authorize the use of the City seal on items
25 that are offered for sale by the City and County of San Francisco for the purpose of promoting

1 the City and County of San Francisco. Prior to authorizing such use the Clerk shall procure
2 from the Director of Administrative Services a plan describing the items that would bear the
3 City seal. Such plan shall include the criteria used in determining the proposed items and an
4 analysis of the marketability of each item. Only those items bearing the City seal that have
5 been authorized by the Clerk pursuant to this Section may be offered for sale by the City and
6 County of San Francisco.

7 (b) During the first two years after the effective date of this ordinance, the Director of
8 Administrative Services shall quarterly submit in writing to the Board of Supervisors a report
9 detailing uses of the City seal approved by the Clerk of the Board under provisions of this
10 Section.

11 (c) This Section shall expire three years after its effective date.))

12
13 Section 5. Chapter 1 of the San Francisco Administrative Code is hereby amended by
14 repealing Section 1.6-B.

15 **((SEC. 1.6-B. CORPORATE SEAL — USE OF THE SEAL ON OFFICIAL AFFINITY**
16 **CREDIT CARDS AND OFFICIAL PREPAID PHONE CARDS FOR THE CITY AND**
17 **COUNTY.**

18 (a) The Clerk of the Board is empowered to authorize the use of the City seal on the
19 face of San Francisco Affinity Credit Cards and San Francisco Affinity Prepaid Phone Cards
20 that are offered for sale in connection with San Francisco Affinity Credit Card and San
21 Francisco Affinity Prepaid Phone Card Programs to be developed by the City.

22 (b) The Chief Administrative Officer shall quarterly submit in writing to the Board of
23 Supervisors a report detailing uses of the City seal approved by the Clerk of the Board under
24 provisions of this Section.

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1 (c) This Section shall expire upon termination of the agreements establishing the San
2 Francisco Prepaid Phone Card Program and the San Francisco Affinity Credit Card
3 Program.))

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5 Section 6. Chapter 1 of the San Francisco Administrative Code is hereby amended by
6 amending Section 1.6-1, to read as follows:

7 **SEC. 1.6-1. OFFICIAL KEY.**

8 The City and County shall have an official key to be known as "The Key To The City of
9 San Francisco." ((The key shall be as follows:

10 A bit type metal key of simulated old iron finish approximately 9-1/4 inches long by four
11 inches wide at its widest point, by 7/8 of an inch thick with a web provided in the key bow for
12 mounting two medallions thereon. Each medallion shall be approximately 2-1/8 inches in
13 diameter by 1/16 of an inch thick. One medallion shall contain an imprint of the seal of the City
14 and County of San Francisco and the other medallion shall contain an imprint of the
15 salutation: "Presented to," a ribbon for engraving the name of the recipient of the key and the
16 date of presentation, and the signature of the Mayor of the City and County.))

17 The Mayor of the City and County shall have custody of the official key to the City of
18 San Francisco and shall have sole authority to designate the recipients thereof. In the
19 exercise of said authority the mayor shall be guided by the established rules of protocol or by
20 the performance, in his or her judgment, of significant services to the City and County of San
21 Francisco.

22
23 Section 7. Chapter 1 of the San Francisco Administrative Code is hereby amended by
24 repealing Section 1.6-2.

25 **((SEC. 1.6-2. REGULATING USE OF OFFICIAL KEY; PENALTY.**

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1 It shall be unlawful for any person, firm or corporation to manufacture, sell or offer for
2 sale, or cause to be sold or offered for sale, or to deliver or cause to be delivered to any
3 person any key of the kind or design of the official key to the City or which so resembles the
4 official key to the City as would deceive an ordinary reasonable person into believing that it is
5 the official key to the City, without written authorization of the mayor. Any violation of this
6 Section shall be punishable upon conviction thereof by a fine of not exceeding \$50 or
7 imprisonment for a period of 30 days in the County Jail or by both fine and imprisonment.))
8

9 Section 8. Chapter 1 of the San Francisco Administrative Code is hereby amended by
10 repealing Section 1.8.

11 **((SEC. 1.8. USE OF CITY PROPERTY FOR PROPAGATION OF GAME BIRDS.**

12 The Sheriff is hereby authorized to permit the use of any City and County property
13 under his or her jurisdiction for the propagation of game birds in cooperation with any program
14 officially initiated or sponsored by the State Fish and Game Commission; provided, that such
15 use shall be permitted only under such terms and conditions as to preclude any expense in
16 connection therewith attaching to the City and County and that the City and County, its
17 officers and employees, shall be free and clear from any liability in connection therewith.

18 As a condition precedent to the use of any portion of such property for such purposes
19 there shall be filed with the Controller an agreement signed by the Sheriff and by the
20 organization or agency to whom such permission is granted. The agreement shall set forth all
21 the terms and conditions upon which such permission is granted by the Sheriff, and shall be
22 approved by the Director of Property.))
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24 Section 9. Chapter 1 of the San Francisco Administrative Code is hereby amended by
25 repealing Section 1.17.

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1 **((SEC. 1.17. USE OF CITY PROPERTY FOR DECORATION PURPOSES.**

2 Any person, association or committee, having charge of any festival, celebration or
3 public affair, may obtain the use of such property belonging to the City and County as may be
4 used to adorn and decorate the public street, places and public buildings, upon making
5 application to the Real Estate Department and getting permission therefor from such
6 department, upon such terms and conditions as such department may impose.

7 The Department shall require that the applicants shall give a bond in the sum of \$500
8 for the safe return of the property used in good condition.))

9
10 Section 10. Chapter 1 of the San Francisco Administrative Code is hereby amended
11 by repealing Section 1.18.

12 **((AGREEMENT FOR MAINTENANCE OF BIRTHPLACE OF FRAY JUNIPERO SERRA.**

13 The Director of Property is hereby authorized and directed, for and on behalf of the City
14 and County, to enter into an agreement with The Society of California Pioneers, a nonprofit
15 corporation, whereby The Society of California Pioneers would assume the obligation of
16 repairing, maintaining, improving and managing the birthplace of Fray Junipero Serra in the
17 village of Petra, Mallorca, Spain, which birthplace is owned by the City and County, such
18 agreement to be terminable by either party upon 90 days' written notice.))

19
20 Section 11. Chapter 1 of the San Francisco Administrative Code is hereby amended
21 by repealing Section 1.21.

22 **((SEC. 1.21. NOTICE OF TERMINATION OF PROJECT OR PROGRAM AUTHORIZED BY**
23 **BOARD OF SUPERVISORS.**

24 Any official, board or commission of the City and County authorized and directed by the
25 Board of Supervisors to undertake a designated project or program initiated, implemented or

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1 approved by the Board of Supervisors shall, in the event said officer, board or commission
2 determines to terminate or abandon said project or program prior to the completion thereof,
3 notify the Board of Supervisors in writing of said determination at least 30 days prior to the
4 effective date thereof.))

5
6 Section 12. Chapter 1 of the San Francisco Administrative Code is hereby amended
7 by repealing Section 1.23.

8 **((SEC. 1.23. RESPONSE TO INQUIRIES FROM BOARD OF SUPERVISORS.**

9 Any officer, board or commission receiving a written inquiry or a request for information
10 from the Board of Supervisors shall respond thereto, in writing, in a timely fashion in light of
11 the nature and complexity of the inquiry or request for information.))

12
13 Section 13. Chapter 1 of the San Francisco Administrative Code is hereby amended
14 by repealing current Section 1.24.

15 **((SEC. 1.24. HOLD HARMLESS AGREEMENTS WITH THE UNITED STATES OF**
16 **AMERICA, THE DEPARTMENTS OF THE ARMY AND NAVY, THE STATE OF**
17 **CALIFORNIA, AND COUNTIES AND CITIES OF THE STATE OF CALIFORNIA.**

18 The Police Commission is hereby authorized to enter into hold harmless agreements
19 with the United States of America, Departments of the Army and Navy, the State of California
20 and counties and cities of the State of California, for the purpose of furthering the Police
21 Department's recruit and field training programs, and other training programs required by the
22 Police Department.

23 The agreements shall pertain to facilities owned by the United States of America,
24 Departments of the Army and Navy, the State of California, and counties and cities of the
25

1 State of California, to be used by the Police Department in conjunction with its training
2 programs.))

3
4 Section 14. Chapter 1 of the San Francisco Administrative Code is hereby amended
5 by adding a new Section 1.24, to read as follows:

6 **SEC. 1.24. HOLD HARMLESS AGREEMENTS.**

7 The City's Risk Manager is authorized to approve hold harmless agreements between
8 the City and other persons or entities, if the Risk Manager determines that: (1) entering into
9 such an agreement either (a) falls within normal business practices or (b) represents a
10 prudent decision in light of all the circumstances, (2) the cost of the hold harmless provision is
11 reflected in the price of the agreement, and (3) the hold harmless provision is necessary in
12 order for the City to carry out a public purpose. The Risk Manager shall confer with the
13 Controller and the City Attorney as necessary and appropriate in making his or her
14 determinations.

15 The Risk Manager may approve hold harmless agreements by specific transaction or
16 by general category. Any prior authorization for hold harmless agreements granted by the
17 Board of Supervisors, either for specific transactions or for general categories of transactions,
18 shall remain in effect.

19 The Risk Manager shall maintain a record of all hold harmless agreements he or she
20 has approved, and shall submit a copy of that list to the Board of Supervisors, with copies to
21 the Controller and the City Attorney, on a quarterly basis.

22
23 Section 15. Chapter 1 of the San Francisco Administrative Code is hereby amended
24 by repealing Section 1.24-1.

25 **((SEC. 1.24-1. HOLD HARMLESS AGREEMENTS WITH UNITED STATES OF AMERICA.**

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1 The Sheriff is hereby authorized to enter into hold harmless agreements with the
2 United States of America for the purpose of obtaining vehicles for use by the Sheriff's
3 Department in conjunction with the exercise of administrative functions. The agreements shall
4 cover vehicles in which the legal ownership only is retained by the United States of America.))

5
6 Section 16. Chapter 1 of the San Francisco Administrative Code is hereby amended
7 by repealing Section 1.25.

8 **((SEC. 1.25. HOLD HARMLESS AGREEMENTS WITH CORPORATIONS, COMPANIES,**
9 **FIRMS OR MILITARY.**

10 (a) The Police Commission is hereby authorized to enter into hold harmless
11 agreements with corporations, companies or firms for the purpose of obtaining vehicles for
12 use by the Police Department in its investigative units. The agreements shall cover vehicles
13 on loan or lease from corporations, companies or firms.

14 (b) The Police Commission is hereby authorized to enter into hold harmless
15 agreements with the various branches of the military services of the United States for the
16 purpose of obtaining vehicles, and drivers for use by the Police Department in its senior escort
17 service.))

18
19 Section 17. Chapter 1 of the San Francisco Administrative Code is hereby amended
20 by repealing Section 1.25-1.

21 **((SEC. 1.25-1. HOLD HARMLESS AGREEMENTS BETWEEN PURCHASER OF**
22 **SUPPLIES AND LESSORS OF MOTOR VEHICLES.**

23 The Purchaser of Supplies is hereby authorized to enter into hold harmless
24 agreements, approved as to form by the City Attorney, with lessors of motor vehicles to the
25

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1 City and County in lieu of obtaining insurance coverage against the liability arising out of the
2 maintenance, use or operation of said vehicles and against loss or damage to said vehicles.))

3
4 Section 18. Chapter 1 of the San Francisco Administrative Code is hereby amended
5 by repealing Section 1.25-2.

6 **((SEC. 1.25-2. HOLD HARMLESS AGREEMENTS BETWEEN PURCHASER OF
7 SUPPLIES AND AUTOMOBILE DISMANTLERS.**

8 The Purchaser of Supplies is hereby authorized to enter into hold harmless
9 agreements, approved as to form by the City Attorney, with corporations, companies, firms or
10 individuals for the purpose of towing, dismantling, shredding or scrapping abandoned
11 vehicles.))

12
13 Section 19. Chapter 1 of the San Francisco Administrative Code is hereby amended
14 by repealing Section 1.25-3.

15 **((SEC. 1.25-3. HEALTH COMMISSION HOLD HARMLESS AGREEMENTS FOR
16 ENDOTRACHEAL INTUBATION TRAINING PROGRAM.**

17 The Health Commission is hereby authorized to enter into hold harmless agreements
18 with hospitals and physicians for the purpose of securing a course of training in endotracheal
19 intubation for employees of the Paramedic Division of the Department of Public Health.))

20
21 Section 20. Chapter 1 of the San Francisco Administrative Code is hereby amended
22 by repealing Section 1.25-4.

23 **((SEC. 1.25-4. HOLD HARMLESS AGREEMENTS BETWEEN CITY AND COUNTY AND
24 THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT.**

25
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1 Any lease, permit, contract or other agreement between the City and County of San
2 Francisco and the San Francisco Unified School District containing a hold harmless
3 agreement may be executed as required by law without approval by the Board of Supervisors
4 provided that (1) said lease, permit, contract or other agreement does not require Board of
5 Supervisors' approval for any other reason than the fact it contains a hold harmless
6 agreement; (2) said lease, permit, contract, or other agreement is approved as to form by the
7 City Attorney; and (3) said lease, permit, contract or other agreement contains the following
8 hold harmless language:

9 City shall hold district and District's officers, agents and employees harmless from, and
10 shall defend them against, any and all claims, direct or vicarious liability, damage or
11 loss arising out of: (a) any injury to or death of any person or damage to or destruction
12 of any property occurring in, on or about the premises, or any part thereof, from any
13 cause whatsoever, or (b) any default by City in the observance or performance of any
14 of the terms, covenants or conditions of this [lease, permit, contract, agreement], or (c)
15 the use, occupancy or condition of the premises or City's activities therein. The
16 foregoing indemnity obligation of City shall exclude only claims, liability, damage or loss
17 which result from the negligence or wilful misconduct of District or District's authorized
18 representatives or those which are not caused by City's actions or inactions. The
19 provisions of this paragraph shall survive the termination of this [lease, permit, contract,
20 agreement] with respect to any damage, destruction, injury or death occurring prior to
21 such termination.))

22
23 Section 21. Chapter 1 of the San Francisco Administrative Code is hereby amended
24 by repealing Section 1.25-5.
25

1 **((SEC. 1.25-5. HOLD HARMLESS AGREEMENTS BETWEEN FIRE DEPARTMENT AND**
2 **OWNERS OF BUILDINGS SCHEDULED FOR DEMOLITION.**

3 The Fire Commission, through the Chief of the Department, is hereby authorized to
4 enter into hold harmless agreements with owners of buildings scheduled for demolition for the
5 purpose of conducting training exercises by the Fire Department's Division of Training; such
6 hold harmless agreements shall indemnify and hold harmless the owner only for liability
7 arising out of the Department's own acts and/or omissions, and shall not indemnify and hold
8 harmless the owner for liability arising out of the owner's acts and/or omissions or for
9 dangerous conditions existing on the property.))

10
11 Section 22. Chapter 1 of the San Francisco Administrative Code is hereby amended
12 by repealing Section 1.25-6.

13 **((SEC. 1.25-6. HOLD HARMLESS AGREEMENTS BETWEEN AIRPORTS COMMISSION**
14 **AND GOVERNMENTAL ENTITIES FOR AIRPORT POLICE TRAINING PURPOSES.**

15 The Airports Commission is hereby authorized to enter into hold harmless agreements,
16 approved as to form by the City Attorney, with governmental entities for Airport Police Bureau
17 training purposes.))

18
19 Section 23. Chapter 1 of the San Francisco Administrative Code is hereby amended
20 by repealing Section 1.25-7.

21 **((SEC. 1.25-7. HOLD HARMLESS AGREEMENTS PERTAINING TO COMPLIANCE WITH**
22 **AMERICANS WITH DISABILITIES ACT.**

23 (a) Any license, permit, contract or other agreement or any amendment thereto
24 respecting the use of those facilities known as the San Francisco Convention Facilities,
25 containing a hold harmless provision pertaining to compliance with the Americans with

1 Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) or with any other federal, State or local law
2 or regulation intended to provide equal accessibility for persons with disabilities, may be
3 executed as required by law without approval by the Board of Supervisors, provided that said
4 license, permit, contract or other agreement or any amendment thereto contains substantially
5 the following hold harmless provisions:

6 Notwithstanding any other provision of this [license-permit-other], the City and
7 County of San Francisco, primarily, and Spectator Management Group and its
8 successors and assigns ("Manager"), secondarily, agree to indemnify and hold
9 harmless the [licensee-permittee-other] from any and all liability, claims, fines, penalties
10 and reasonable attorney's fees arising from any alleged failure of the physical
11 structure, permanent improvements or permanent building access of the San Francisco
12 Convention Facilities or from any temporary modification(s) to the physical structure or
13 permanent building access, which may be necessary due to renovation, construction or
14 repair of the San Francisco Convention Facilities, to comply with the requirements of
15 the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) and all other
16 applicable federal, State and local laws and regulations intended to provide equal
17 accessibility for persons with disabilities ("Disabilities Laws"), subject to the limitations
18 below.

19 Neither the City and County of San Francisco nor Manager will indemnify nor
20 hold harmless any [licensee-permittee-other] against, and the [licensee-permittee-
21 other] shall be solely responsible for, any liability, claim, fine, penalty or attorney's fees
22 arising from any failure by [licensee-permittee-other] to comply with any requirement of
23 the Disabilities Laws relating to the non-permanent accessibility requirements of the
24 Act, including but not limited to seating arrangement, auxiliary aids, set-up or
25 organization by any exhibitor, decorator, agent or other representative of the [licensee-

1 permittee-other] of any meeting room, display, exhibit, presentation or concession or
2 for any liability, claim, fine, penalty or attorney's fees other than those arising solely
3 from any failure of the physical structures, permanent facilities or permanent building
4 access of the San Francisco Convention Facilities to comply with the Disabilities Laws;
5 except that [licensee-permittee-other] shall not be responsible for auxiliary facilities
6 provided at [licensee-permittee-other]'s request which the City and County of San
7 Francisco, through its Manager, has agreed in writing to provide for use in the San
8 Francisco Convention Facilities to comply with the Disabilities Laws.

9 [Licensee-Permittee-Other] agrees that it will use reasonable efforts in a timely
10 manner to determine the needs and requirements of disabled persons who may be
11 attending the event and in accordance with the rules and regulations promulgated by
12 Manager, inform the Manager of the results of its efforts and of the accessibility
13 services the [licensee-permittee-other] will provide to accommodate such disabled
14 attendee(s) in compliance with the requirements of the Disabilities Laws.

15 (b) Any modification to the hold harmless provision approved as set forth in this
16 Section, which may hereafter be negotiated between the Manager and [licensee-permittee-
17 other], shall require the written approval of the Director of Administrative Services and of the
18 City Attorney. Any [license-permit-other] entered into and any obligation incurred contrary to
19 the provisions of this Section shall be void and any claim or demand against the City and
20 County of San Francisco based thereon shall be invalid.))

21
22 Section 24. Chapter 1 of the San Francisco Administrative Code is hereby amended
23 by repealing Section 1.25-8.

24 **((SEC. 1.25-8. HOLD HARMLESS AGREEMENTS BETWEEN CERTAIN CITY**
25 **DEPARTMENTS AND CONSULTANTS/CONTRACTORS IN EMERGENCIES.**

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1 The Directors of the Department of Public works, Airport Commission, Port
2 Commission, and Department of Building Inspection, and the General Manager of the Public
3 Utilities Commission are hereby authorized to enter into agreements, in an actual emergency
4 as defined in San Francisco Administrative Code Section 6.30 involving immediate danger to
5 the public health, safety and welfare, to retain consultants and contractors to provide the City
6 with necessary architectural/engineering and construction services, which agreements may
7 contain an indemnification provision indemnifying the consultants and contractors from claims
8 or other losses, except those caused by or resulting from the gross negligence or intentional
9 acts or omissions of the consultants, the contractors, their officers, agents or employees.))

10
11 Section 25. Chapter 1 of the San Francisco Administrative Code is hereby amended
12 by repealing Section 1.26.

13 **((SEC. 1.26. HOLD HARMLESS AGREEMENT WITH INTERNATIONAL ASSOCIATION OF**
14 **BOMB TECHNICIANS AND INVESTIGATORS.**

15 The Police Commission is hereby authorized to enter into a hold harmless agreement
16 with the International Association of Bomb Technicians and Investigators for the purpose of
17 obtaining a remote controlled bomb disposal device on an indefinite loan.))

18
19 Section 26. Chapter 1 of the San Francisco Administrative Code is hereby amended
20 by repealing Section 1.26-1.

21 **((SEC. 1.26-1. POLICE COMMISSION HOLD HARMLESS AGREEMENTS FOR USE OF**
22 **THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM.**

23 The Police Commission is hereby authorized to enter into agreements, including hold
24 harmless agreements, with the State of California and counties and cities thereof for the
25 purpose of providing for the use of Automated Fingerprint Identification Systems owned by the

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1 City and County of San Francisco or by the State of California or other cities or counties of the
2 State of California.))

3
4 Section 27. Chapter 1 of the San Francisco Administrative Code is hereby amended
5 by repealing Section 1.28.

6 **((SEC. 1.28. CONTRACTS INVOLVING ONE MILLION DOLLARS OR MORE.**

7 Notwithstanding any other provisions of this code, of the San Francisco Municipal
8 Code, or of any other ordinance, no contract involving or totaling \$1,000,000 or more, in which
9 the monies have not previously been appropriated by the Board of Supervisors, shall be
10 entered into by any department, commission or agency of the City and County of San
11 Francisco, unless said contract is first approved by the Board of Supervisors.))

12
13 Section 28. Chapter 1 of the San Francisco Administrative Code is hereby amended
14 by amending Section 1.29, to read as follows:

15 **SEC. 1.29. VOTING REQUIREMENTS FOR MEMBERS OF COMMISSIONS,**
16 **COMMITTEES AND OTHER BODIES CREATED BY LEGISLATIVE ACTION.**

17 Each member of a commission, committee, task force, council, or other body created
18 by legislative action who is present at a meeting of such body when a question is put to a vote
19 shall vote "yes" or "no" on the question, unless the member is excused from voting by a
20 motion adopted by a majority of the members present or unless voting on the question would
21 constitute a violation of applicable provisions of city or State law pertaining to conflict of
22 interest. ((Every commission, committee, task force, council, or other body created by
23 legislative action shall adopt a rule requiring that each member present at a meeting of such
24 commission, committee, task force, council or other body when a question is put shall vote for
25 or against it, unless he or she is excused from voting by a motion adopted by a majority of the

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1 members present, or unless voting on the question would constitute a violation of applicable
2 provisions of city or State law pertaining to conflict of interest.))

3
4 Section 29. Chapter 1 of the San Francisco Administrative Code is hereby amended
5 by repealing Section 1.31.

6 **((SEC. 1.31. HOLD HARMLESS AGREEMENTS BETWEEN THE MAYOR'S COUNCIL ON**
7 **PHYSICAL FITNESS AND SPORTS AND ITS DONORS AND SERVICE PROVIDERS.**

8 The Mayor's Council on Physical Fitness and Sports is hereby authorized to enter into
9 hold harmless agreements with its donors and service providers of aerobic and other exercise
10 classes for the purpose of protecting such donors and service providers from any liability
11 connected with the use of their products or services.))

12
13 Section 30. Chapter 1 of the San Francisco Administrative Code is hereby amended
14 by repealing Section 1.32.

15 **((SEC. 1.32. CREDIBILITY OF PETITIONS.**

16 All boards and commissions shall, in considering petitions submitted to them, give
17 appropriate weight and consideration to the credibility and probative value of those petitions,
18 including whether steps have been taken to ensure that an accurate account of the subject of
19 the petition has been presented to all persons signing the same.))

20
21 Section 31. Chapter 1 of the San Francisco Administrative Code is hereby amended
22 by repealing Section 1.33.

23 **((SEC. 1.33. HOLD HARMLESS AGREEMENTS BETWEEN THE HEALTH COMMISSION**
24 **AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA.**

25
SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS

1 The Health Commission is hereby authorized to enter into hold harmless agreements
2 with the Regents of the University of California for health-related services, with the exception
3 of those services related to physicians, residents and/or interns.))
4

5 Section 32. Chapter 1 of the San Francisco Administrative Code is hereby amended
6 by repealing Section 1.35.

7 **((SEC. 1.35. HOLD HARMLESS AGREEMENTS BETWEEN THE HEALTH COMMISSION**
8 **AND INSTITUTIONS FOR THE REVIEW OF MEDICAL RECORDS TO IDENTIFY**
9 **REPORTABLE DISEASES OR CONDITIONS.**

10 The Health Commission is hereby authorized to enter into hold harmless agreements
11 with hospitals, medical institutions, clinical laboratories and schools when such institutions
12 agree to allow Department of Public Health employees to review their medical and laboratory
13 records in order to identify diseases or conditions required by law to be reported to the local
14 health officer or the State Department of Health Services. Such hold harmless agreements
15 shall limit the City's liability to injury or damage arising out of the City's negligence.))
16

17 Section 33. Chapter 1 of the San Francisco Administrative Code is hereby amended
18 by repealing Section 1.36.

19 **((SEC. 1.36. HOLD HARMLESS AGREEMENTS BETWEEN THE HEALTH COMMISSION**
20 **AND MEDICAL INSTITUTIONS PROVIDING SPECIALIZED TRAINING.**

21 The Health Commission is hereby authorized to enter into hold harmless agreements
22 with hospitals and other medical institutions when such institutions agree, at the request of the
23 Director of Public Health, to provide specialized training in one or more particular medical
24 procedures to Department of Public Health employees. Such hold harmless agreements shall
25 limit the City's liability to injury or damage arising out of the City's negligence.))

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1
2 Section 34. Chapter 1 of the San Francisco Administrative Code is hereby amended
3 by repealing Section 1.37.

4 **((SEC. 1.37. LICENSE OF MUNICIPAL RAILWAY TRANSIT SOFTWARE.**

5 The General Manager of the Municipal Railway is hereby authorized to license or enter
6 into agreements to license computer software which the Municipal Railway creates for transit-
7 related purposes and to customize said software for licensees. The monies generated from
8 said licensing shall be deposited in the Municipal Railway Software Fund as specified in
9 Section 10.117-99 of the Administrative Code.))

10
11 Section 35. Chapter 1 of the San Francisco Administrative Code is hereby amended
12 by repealing Section 1.38.

13 **((SEC. 1.38. HOLD HARMLESS AGREEMENTS BETWEEN THE HEALTH COMMISSION
14 AND SAN MATEO COUNTY.**

15 The Health Commission is hereby authorized to enter into hold harmless agreements
16 with San Mateo County when entering into contracts for 24-hour skilled nursing facility and
17 day services to mentally impaired clients. The agreement shall be in substantially the form set
18 forth in File No. 97-90-43.))

19
20 Section 36. Chapter 1 of the San Francisco Administrative Code is hereby amended
21 by repealing Section 1.39.

22 **((SEC. 1.39. HOLD HARMLESS AGREEMENT BETWEEN THE HEALTH COMMISSION
23 AND THE STATE DEPARTMENT OF HEALTH SERVICES FOR THE MEDICALLY
24 INDIGENT CARE REPORTING SYSTEM TO ADD AN INDEMNIFICATION AGAINST
25 CLAIMS FROM INFRINGEMENT CLAUSE.**

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1 The Health Commission is hereby authorized to enter into a hold harmless agreement
2 with the State Department of Health Services for the Medically Indigent Care Reporting
3 System to read as follows:

4 "The City and County of San Francisco (CITY) agrees to indemnify and hold harmless,
5 at the CITY'S expense, the State Department of Health Services (DEPARTMENT) for the
6 Medically Indigent Care Reporting System, its officers, agents or employees and their
7 respective successors, heirs, representatives, administrators, and assigns ("indemnities")
8 during the term of the Agreement, from and against any and all responsibilities, suits,
9 judgments, awards, costs, damages, claims, demands, actions, causes of action, expenses or
10 liability of every nature which result or arise from or are in any way connected with or based
11 upon:

12 (1) A claim that any program, process, composition, writing, equipment, appliance or
13 device or any trademark, services mark, logo, idea, combination of ideas or any other
14 tangible, intangible, intellect or intellectual property whatsoever developed, provided or used
15 by the CITY in connection with performance under the Agreement constitutes an infringement
16 of any United States patent, copyright, trademark or trade secret of another."))

17
18 Section 37. Chapter 1 of the San Francisco Administrative Code is hereby amended
19 by repealing Section 1.40.

20 **((SEC. 1.40. HOLD HARMLESS AGREEMENTS BETWEEN THE PUBLIC UTILITIES**
21 **COMMISSION AND TRANSPORTATION AGENCIES.**

22 The Public Utilities Commission is hereby authorized to enter into hold harmless
23 agreements with other transportation agencies when such agencies and the Municipal
24 Railway agree to issue passes for use on both the Municipal Railway and other transit
25

1 systems. Such agreements shall not hold any other transportation agency harmless for its
2 sole negligence.))

3
4 Section 38. Chapter 1 of the San Francisco Administrative Code is hereby amended
5 by repealing Section 1.41.

6 **((SEC. 1.41. HOLD HARMLESS AGREEMENTS BETWEEN THE DEPARTMENT OF**
7 **PARKING AND TRAFFIC AND GOVERNMENTAL ENTITIES FOR RECEIPT OF**
8 **TRANSPORTATION GRANT FUNDS.**

9 The Department of Parking and Traffic is hereby authorized to enter into hold harmless
10 agreements, approved as to form by the City Attorney, with state and federal governmental
11 entities for the purpose of obtaining transportation grant funds from such entities to pay the
12 costs of transportation improvements within the City and County. Any hold harmless
13 agreements which are unusual or significantly different from the standard provision, as
14 determined by the City Attorney, would be separately approved by the Board of Supervisors.))

15
16 Section 39. Chapter 1 of the San Francisco Administrative Code is hereby amended
17 by repealing Section 1.42.

18 **((SEC. 1.42. HOLD HARMLESS AGREEMENTS BETWEEN THE HEALTH COMMISSION**
19 **AND ALAMEDA COUNTY.**

20 The Health Commission is hereby authorized to enter into hold harmless agreements
21 with Alameda County when entering into contracts for skilled nursing facility inpatient services
22 to mentally ill adult residents of the City and County of San Francisco who have organic brain
23 syndrome. The hold harmless agreement shall be in substantially the form set forth in File No.
24 97-94-9.))

1 Section 40. Chapter 1 of the San Francisco Administrative Code is hereby amended
2 by repealing Section 1.43.

3 **((SEC. 1.43. HOLD HARMLESS AGREEMENTS BETWEEN THE JUVENILE PROBATION**
4 **DEPARTMENT AND COMMUNITY SERVICE AGENCIES SUPERVISING YOUTH**
5 **PERFORMING COMMUNITY SERVICE UNDER AN ORDER OF JUVENILE COURT OR**
6 **UNDER SUPERVISION OF THE JUVENILE PROBATION DEPARTMENT.**

7 The Juvenile Probation Commission, through the Chief Juvenile Probation Officer, is
8 hereby authorized to enter into agreements with community service agencies that supervise
9 and work with youth performing community service, as required by the San Francisco Juvenile
10 Court or the San Francisco Juvenile Probation Department, whereby the City and County of
11 San Francisco agrees to defend and indemnify such agencies from any liability arising out of
12 the performance by such youth of court- ordered or probation-ordered community services
13 supervised by such community agencies.))

14
15 Section 41. Chapter 1 of the San Francisco Administrative Code is hereby amended
16 by repealing Section 1.44.

17 **((SEC. 1.44. HOLD HARMLESS AGREEMENTS BETWEEN THE PUBLIC UTILITIES**
18 **COMMISSION AND VENDORS OF USED TRANSIT VEHICLES.**

19 The Public Utilities Commission, to be succeeded by the Public Transportation
20 Commission when such Commission is established, is hereby authorized to enter into hold
21 harmless agreements with any transportation agency or vendor of used transit vehicles for the
22 purpose of purchasing such used transit vehicles.))

23
24 Section 42. Chapter 1 of the San Francisco Administrative Code is hereby amended
25 by repealing Section 1.45.

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1 **((SEC. 1.45. HOLD HARMLESS AGREEMENTS BETWEEN THE DEPARTMENT OF**
2 **SOCIAL SERVICES AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR**
3 **PROVIDING SERVICES UNDER AGREEMENTS WITH THE DEPARTMENT OF SOCIAL**
4 **SERVICES.**

5 The Department of Social Services is hereby authorized to enter into hold harmless
6 agreements with the Regents of the University of California for providing services under
7 agreements with the Department of Social Services.))

8
9 Section 43. Chapter 1 of the San Francisco Administrative Code is hereby amended
10 by repealing Section 1.46.

11 **((SEC. 1.46. HOLD HARMLESS AGREEMENTS BETWEEN THE SOCIAL SERVICES**
12 **COMMISSION AND COMMUNITY EVENTS.**

13 The Social Services Commission is hereby authorized to enter into hold harmless
14 agreements with the organizers or sponsors of, or other persons involved with, community
15 fairs or other community events, for the purpose of allowing representatives, including
16 employees, agents and volunteers, of the Department of Social Services to set up booths or
17 tables to distribute information and to recruit potential foster care and adoptive families.))

18
19 Section 44. Chapter 1 of the San Francisco Administrative Code is hereby amended
20 by repealing Section 1.47.

21 **((SEC. 1.47. HOLD HARMLESS AGREEMENTS BETWEEN THE HEALTH COMMISSION**
22 **AND MAXIMUS, INC.**

23 The Health Commission is hereby authorized to execute hold harmless agreements
24 with MAXIMUS, Inc., a contractor with the federal Social Security Administration, to provide
25 substance abuse treatment referral, case management and monitoring services to residents

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1 of San Francisco. The hold harmless agreements shall include an indemnification in which the
2 City agrees to indemnify and hold MAXIMUS harmless for any liability caused by the City's
3 acts or omissions with respect to its performance under the agreements.))

4
5 Section 45. Chapter 1 of the San Francisco Administrative Code is hereby amended
6 by repealing Section 1.49.

7 **((SEC. 1.49. HOLD HARMLESS AGREEMENTS WITH THE CALIFORNIA DEPARTMENT**
8 **OF TRANSPORTATION.**

9 The Director of the Department of Public Works, the Parking and Traffic Commission,
10 the Public Utilities Commission, the Port Commission, the Airport Commission and the Public
11 Transportation Commission are hereby authorized to enter into hold harmless agreements
12 with the California Department of Transportation for the purpose of obtaining encroachment
13 permits from the State for the construction of City- owned projects.))

14
15 Section 46. Chapter 1 of the San Francisco Administrative Code is hereby amended
16 by amending Section 1.50, to read as follows:

17 **SEC. 1.50. OFFICERS OF THE CITY AND COUNTY.**

18 The officers of the City and County shall be the officers elected by vote of the people,
19 members of the Board of Education, members of boards and commissions appointed by the
20 Mayor, ((members of the Juvenile Probation and Adult Probation Boards or Committees,))
21 members of the Building Inspection Commission, members of the Ethics Commission,
22 members of the Youth Commission, members of the Board of Law Library Trustees, the
23 Superintendent of Schools, ((the Clerk of the Municipal Court, the Secretary and Jury
24 Commissioner of the Superior Court,)) the executive appointed as the chief executive officer
25 under each board or commission, the Controller, the City Administrator, the head of each

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1 department under the Mayor, and such other officers as may hereafter be provided by law or
2 so designated by ordinance.

3
4 Section 47. Chapter 1 of the San Francisco Administrative Code is hereby amended
5 by repealing Section 1.55.


6 **((SEC. 1.55. SPUR TRACKS.**

7 The Board of Supervisors shall refer all requests for spur track permits to the Director
8 of Public Works who shall grant such permits in all cases where the spur track is to be located
9 within a heavy industrial zone, as classified by the City Planning Commission, provided that
10 such spur track shall be constructed and operated as not to establish an unreasonable
11 interference with the public use of the streets affected. The Board of Supervisors shall refer all
12 other requests for spur track permits to the Director of Public Works for report thereon, which
13 shall be submitted by him within 10 days after such reference, and shall not grant permission
14 to lay any spur track until a report thereon shall have been received from said Director, to the
15 effect that such construction and operation will not create an unreasonable interference with
16 the public use of the streets affected.))

17
18
19 APPROVED AS TO FORM:

20 LOUISE H. RENNE, City Attorney

21
22
23 By:


THOMAS J. OWEN
Deputy City Attorney

24
25
SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS



City and County of San Francisco

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

Tails Ordinance

File Number: 990407

Date Passed:

Ordinance amending Administrative Code Section 1.6 (corporate seal), Section 1.6-1 (official key), Section 1.29 (voting requirements for commissions) and Section 1.50 (city officers); by repealing Section 1.2-1 (gender neutral legislation). Section 1.4 (Flags at half-mast on Good Friday); Sections 1.6-A and 1.6-B (corporate seal), Section 1.6-2 (use of official key), Section 1.8 (propagation of game birds on City property), Section 1.17 (use of City property for decoration), Section 1.18 (maintenance of Junipero Serra birthplace), Section 1.21 (termination of project or program authorized by Board), Section 1.23 (response to Board inquiries), Section 1.28 (contracts of one million dollars or more), Section 1.32 (credibility of petitions), Section 1.37 (licensing Muni transit software), and Section 1.55 (spur tracks); by adding a new Section 1.24, authorizing the Risk Manager to approve hold harmless agreements, and by repealing Sections 1.24, 1.24.1, 1.25, 1.25-1, 1.25-2, 1.25-3, 1.25-4, 1.25-5, 1.25-6, 1.25-7, 1.25-8, 1.26, 1.26-1, 1.31, 1.35, 1.36, 1.38, 1.39, 1.40, 1.41, 1.42, 1.43, 1.44, 1.45, 1.46, 1.47 and 1.48 (authorizing various hold harmless agreements).

April 12, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Ammiano, Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Teng,
Yaki, Yee

Absent: 1 - Brown

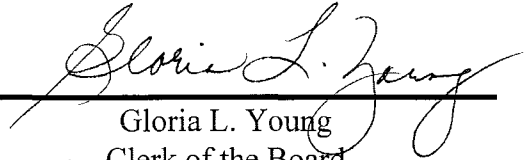
April 19, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Ammiano, Becerril, Brown, Katz, Kaufman, Leno, Yaki, Yee

Absent: 3 - Bierman, Newsom, Teng

File No. 990407

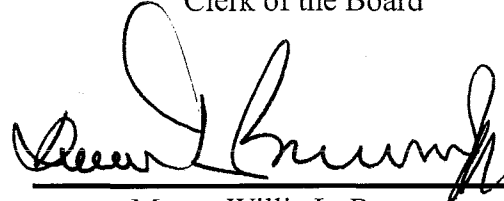
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on April 19, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

APR 30 1999

Date Approved



Mayor Willie L. Brown Jr.