

File No. 250002

Committee Item No. 6

Board Item No. 12

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Feb 10, 2025

Board of Supervisors Meeting

Date March 11, 2025

#### Cmte Board

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|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 - Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/> | Information/Vacancies (Boards/Commissions)   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

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Completed by: Victor Young Date Feb 6, 2025

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

[Business and Tax Regulations Code - Parking Tax Reporting Requirement]

**Ordinance amending the Business and Tax Regulations Code to remove the requirement that parking operators certify and report periodically to the City the ratio of their unaccounted parking tickets to total issued tickets for each parking station for the reporting period.**

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. Article 9 of the Business and Tax Regulations Code is hereby amended by revising Sections 604 and 607 to read as follows:

**SEC. 604. COLLECTION OF TAX BY OPERATOR; RECEIPT TO OCCUPANT; RULES FOR UNACCOUNTED TICKET RATIO AND COLLECTION SCHEDULES.**

(a) Every Operator maintaining a place of business in this City and County as provided in Section 603 of this Article 9 ~~herein~~, and Renting parking space in a Parking Station in this City and County to an Occupant who is not exempted under Section 606 or Section 608 of this Article or elsewhere in this Business and Tax Regulations Code, shall at the time of collecting the Rent from the Occupant, collect the Parking Tax from the Occupant and on demand shall give to the Occupant a Receipt that meets the requirements of Article 22 of this Code. In all cases in which the Parking Tax is not collected by the Operator, ~~as aforesaid~~, the Operator

1 shall be liable to the Tax Collector ~~of the City and County~~ for the amount of Parking Tax due on  
2 the amount of taxable Rent collected from the Occupant under the provisions of this Article  
3 the same as though the Parking Tax were paid by the Occupant. In all cases of transactions  
4 upon credit or deferred payment, the remittance or payment of Parking Tax to the Tax  
5 Collector may be deferred in accordance therewith, and the Operator shall be liable therefore  
6 at the time and to the extent that such credits are paid or deferred payments are made in  
7 accordance with the rate of tax owing on the amount thereof.

8 (b) Unless the Operator can provide an explanation or other sufficient proof that the  
9 Enforcing Agency in its sole discretion deems to be credible to establish the validity of a claim  
10 for a Lost Ticket or an otherwise Unaccounted Ticket ~~(as those terms are defined in Section 2201~~  
11 ~~of Article 22 of this Code)~~, every Lost Ticket and Unaccounted Ticket shall be considered as a  
12 full value Parking Ticket for which the Operator is liable for transmitting to the City the full  
13 value of the Parking Tax and surcharge required under this Business and Tax Regulations Code  
14 applicable to the highest maximum daily rate charged for any parking space without discount,  
15 except that an Operator shall be allowed an Unaccounted Ticket Ratio of 1.5% ~~percent~~ for  
16 each Parking Station that it operates ~~(as that term is defined and used in Article 22 of this Code)~~ in  
17 a reporting period, for which the Operator may not be liable for failure to remit the Parking  
18 Tax. For purposes of this Section 604, the term "Unaccounted Ticket Ratio" means the ratio of  
19 Unaccounted Tickets to Issued Tickets for a given period, expressed as a percentage of Issued Tickets.  
20 The Unaccounted Ticket Ratio shall be calculated as follows. The number of Unaccounted Tickets for  
21 a reporting period is calculated separately for each Parking Station operated by the Operator as the  
22 sum of Inventory at the start of the reporting period and the Issued Tickets for that period, less the  
23 Voided Tickets for that period, less the Collected Tickets for that period. The Unaccounted Ticket  
24 Ratio is calculated as the number of Unaccounted Tickets for a particular Parking Station for that  
25 period divided by the number of Issued Tickets for that period, with the resulting quotient multiplied by

1 100 and expressed as a percentage of Issued Tickets. The terms used in this subsection (b) shall have  
2 the meaning given to them in Section 2201 of Article 22 of this Code to the extent not defined in this  
3 Article 9.

4 \* \* \* \*

5  
6 **SEC. 607. OPERATOR CERTIFICATION OF REVENUE CONTROL EQUIPMENT, AND**  
7 **RCE RECORD REVIEW, ~~AND UNACCOUNTED TICKET RATIO.~~**

8 (a) **Definitions.** The terms used in this Section 607 shall have the meaning given to  
9 them in Section 2201 of this Business and Tax Regulations Code.

10 (b) **Operator's RCE Certification.** Concurrent with remittance of Parking Taxes to  
11 the City pursuant to Business and Tax Regulations Code Section 6.7-1, an Operator shall  
12 certify in writing under penalty of perjury that it has utilized RCE that complies with the  
13 applicable provisions of Article 22 of this Business and Tax Regulations Code during the period  
14 for which the Operator remits the Parking Taxes.

15 (c) **Operator's RCE Records Review Certification.** Concurrent with remittance of  
16 Parking Taxes to the City pursuant to Business and Tax Regulations Code Section 6.7-1, an  
17 Operator shall also certify in writing under penalty of perjury that it has reviewed the RCE  
18 Records, as defined at Section 2201(c) of this Business and Tax Regulations Code, as to  
19 amounts of gross revenue, Rent received, Parking Tax collected and remitted, discounts  
20 provided, and Unaccounted Ticket Ratio (as defined in Section 604 of this Article 9) for each  
21 Parking Station that it operated in the period reported. The Operator shall further certify that it  
22 has reconciled those RCE Records with its books and records of accounts of Rent received  
23 and Parking Tickets used, such that the Operator's certifications made under this Article are  
24 informed and correct.

1           ~~(d) **Operator's Unaccounted Ticket Ratio Certification.** Concurrent with remittance of~~  
2           ~~Parking Taxes to the City pursuant to Business and Tax Regulations Code Section 6.7-1, on a form~~  
3           ~~provided by the Tax Collector, an Operator shall state the Unaccounted Ticket Ratio for the reporting~~  
4           ~~period, and shall certify in writing under penalty of perjury that the stated ratio is accurate. The~~  
5           ~~Unaccounted Ticket Ratio shall be calculated as follows. The number of Unaccounted Tickets for a~~  
6           ~~reporting period is calculated separately for each Parking Station operated by the Operator as the sum~~  
7           ~~of Inventory at the start of the reporting period and the Issued Tickets for that period, less the Voided~~  
8           ~~Tickets for that period, less the Collected Tickets for that period. The Unaccounted Ticket Ratio is~~  
9           ~~calculated as the number of Unaccounted Tickets for a particular Parking Station for that period~~  
10           ~~divided by the number of Issued Tickets for that period, with the resulting quotient multiplied by 100~~  
11           ~~and expressed as a percentage of Issued Tickets.~~

12  
13           Section 2. Article 22 of the Business and Tax Regulations Code is hereby amended by  
14           revising Section 2201, to read as follows:

15           **SEC. 2201. DEFINITIONS.**

16           \* \* \* \*

17           (c) **Additional Defined Terms.** When used in this Article 22, the following terms shall  
18           mean:

19           \* \* \* \*

20           ~~“Unaccounted Ticket Ratio” means the ratio of Unaccounted Tickets to Issued Tickets for a~~  
21           ~~given period, expressed as a percentage of Issued Tickets.~~

22           \* \* \* \*

23  
24           Section 3. **Effective Date.** This ordinance shall become effective 30 days after  
25           enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance.

3  
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
6 numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the  
7 Municipal Code that are explicitly shown in this ordinance as additions or deletions in  
8 accordance with the "Note" that appears under the official title of the ordinance.

9  
10 APPROVED AS TO FORM:  
11 DAVID CHIU, City Attorney

12 By: /s/  
13 KERNE H. O. MATSUBARA  
Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Business and Tax Regulations Code - Parking Tax Reporting Requirement]

**Ordinance amending the Business and Tax Regulations Code to remove the requirement that parking operators certify and report periodically to the City the ratio of their unaccounted parking tickets to total issued tickets for each parking station for the reporting period.**

### **Existing Law**

The City imposes a tax for the rent of occupancy of parking spaces in a parking station in the City. The tax is imposed on the occupant but is collected by the parking station operator and remitted to the City. The operator is liable for any uncollected tax. In general, operators must provide a parking ticket to the occupant indicating the date and time that the occupant's motor vehicle entered the parking station, and the name and address of the parking station. For lost or unaccounted parking tickets, operators are liable for transmitting to the City the full value of the parking tax applicable to the highest maximum daily rate charged for any parking space without discount, except that the operator is allowed an "unaccounted ticket ratio" of 1.5 percent for each parking station that it operates. The unaccounted ticket ratio is the ratio of unaccounted tickets to issued tickets for a given period. When remitting parking taxes to the City for a reporting period, the operator must report its unaccounted ticket ratio for that period and certify under penalty of perjury that the stated ratio is accurate.

### **Amendments to Current Law**

This ordinance would retain the 1.5 percent allowance for unaccounted tickets, but would no longer require an operator to report and certify its unaccounted ticket ratio when remitting parking taxes to the City.

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