

1 [Eliminating the Department of Consumer Assurance, Regulatory Compliance and Agricultural
2 Standards, and transferring the office of County Agricultural Commissioner and Sealer of
Weights and Measures to the Department of Public Health.]

3
4 **Ordinance amending the San Francisco Administrative Code by amending the title of**
5 **Article XIII, repealing section 2A.220 and amending sections 2A.221 and 91.2, and**
6 **amending the San Francisco Police Code by amending sections 4903, 4904, 4905, 4908**
7 **and 4910 to eliminate the Department of Consumer Assurance, Regulatory Compliance**
8 **and Agricultural Standards, give the Director of the Department of Public Health power**
9 **to appoint the County Agricultural Commissioner and Sealer of Weights and Measures,**
10 **and make conforming changes to the Equal Access to Services ordinance.**

11 Note: Additions are *single-underline italics Times New Roman*;
12 deletions are *strikethrough italics Times New Roman*.
13 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

15 Section 1. The San Francisco Administrative Code is hereby amended by amending
16 the title of Article XIII, eliminating Section 2A.220 and amending Sections 2A.221 and 91.2, to
17 read as follows:

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19 **ARTICLE XIII: PUBLIC GUARDIAN; ~~CONSUMER ASSURANCE, REGULATORY~~**
20 **~~COMPLIANCE, AND AGRICULTURAL STANDARDS~~ COUNTY AGRICULTURAL**
21 **COMMISSIONER; SEALER OF WEIGHTS AND MEASURES**

22
23 **~~SEC. 2A.220. DEPARTMENT OF CONSUMER ASSURANCE, REGULATORY COMPLIANCE~~**
24 **~~AND AGRICULTURAL STANDARDS.~~**

1 ~~There shall exist within the Department of Administrative Services a Department of Consumer~~
2 ~~Assurance, Regulatory Compliance and Agricultural Standards. The Director of said department shall~~
3 ~~be appointed by the Director of Administrative Services and shall succeed to all of the duties of the~~
4 ~~County Agricultural Commissioner and Sealer of Weights and Measures.~~

5 SEC. 2A.221. CONSOLIDATION OF DUTIES OF THE COUNTY AGRICULTURAL
6 COMMISSIONER AND THE SEALER OF WEIGHTS AND MEASURES.

7 The duties of the County Agricultural Commissioner and the Sealer of Weights and
8 Measures are hereby consolidated and the County Agricultural Commissioner in addition to
9 his own duties shall succeed to the duties of the Sealer of Weights and Measures. The
10 Director of the Department of Public Health shall appoint the County Agricultural Commissioner.

11 SEC. 91.2. DEFINITIONS.

12 As used in this Chapter, the following capitalized terms shall have the following
13 meanings:

14 (a) "Bilingual Employee" shall mean a City employee who is proficient in the English language
15 and a language other than English.

16 (b) "City" shall mean the City and County of San Francisco.

17 (c) "Commission" shall mean the Immigrant Rights Commission.

18 (d) "Concentrated Number of Limited English Speaking Persons" shall mean either 5
19 percent of the population of the District in which a Covered Department Facility is located or 5
20 percent of those persons who use the services provided by the Covered Department Facility.

21 The Planning Department shall determine annually whether 5 percent or more of the
22 population of any District in which a Covered Department Facility is located are limited English
23 speaking persons who speak a shared language other than English. The Planning
24 Department shall make this determination by referring to the best available data from the
25 United States Census Bureau or another reliable source and shall certify its determination to

1 all City Departments and the Commission no later than December 1 of each year. Each
2 Department shall determine annually whether 5 percent or more of those persons who use the
3 Department's services at a Covered Department Facility are limited English speaking persons
4 who speak a shared language other than English using either of the following methods
5 specified in Section 91.2(j) of this Article.

6 (e) "Covered Department Facility" shall mean any Department building, office, or
7 location that provides direct services to the public and serves as the workplace for 5 or more
8 full-time City employees.

9 (f) "Departments" shall mean both Tier 1 Departments and Tier 2 Departments.

10 (g) "Districts" shall refer to the 11 geographical districts by which the people of the City
11 elect the members of the City's Board of Supervisors. If the City should abandon the district
12 election system, the Commission shall have the authority to draw district boundaries for the
13 purposes of this Article that are approximately equal in population.

14 (h) "Limited English Speaking Person" shall mean an individual who does not speak
15 English well or is otherwise unable to communicate effectively in English because English is
16 not the individual's primary language.

17 (i) "Public Contact Position" shall mean a position in which a primary job responsibility
18 consists of meeting, contacting, and dealing with the public in the performance of the duties of
19 that position.

20 (j) "Substantial Number of Limited English Speaking Persons" shall mean either 10,000
21 City residents, or 5 percent of those persons who use the Department's services. The
22 Planning Department shall determine annually whether at least 10,000 limited English
23 speaking City residents speak a shared language other than English. The Planning
24 Department shall make this determination by referring to the best available data from the
25 United States Census Bureau or another reliable source and shall certify its determination to

1 Departments and the Commission no later than December 1 of each year. Each Department
2 shall determine annually whether 5 percent or more of those limited English speaking persons
3 who use the Department's services citywide speak a shared language other than English.

4 Departments shall make this determination using either of the following methods:

5 (1) Conducting an annual survey of all contacts with the public made by the
6 Department during a period of at least two weeks, at a time of year in which the Department's
7 public contacts are to the extent possible typical or representative of its contacts during the
8 rest of the year, but before developing its annual compliance plan required by Section 91.9 of
9 this Article; or

10 (2) Analyzing information collected during the Department's intake process. The
11 information gathered using either method shall also be broken down by Covered Department
12 Facility to determine whether 5 percent or more of those persons who use the Department's
13 services at a Covered Department Facility are limited English speaking persons who speak a
14 shared language other than English for purposes of Section 91.2(d) of this Article.

15 Departments may not use any other method unless approved prior to its use by the
16 Commission.

17 (k) "Tier 1 Departments" shall mean the following City departments: Adult Probation
18 Department, ~~Department of Consumer Assurance~~, Department of Elections, Department of
19 Human Services, Department of Parking and Traffic, Department of Public Health,
20 Department of Public Transportation, District Attorney's Office, Emergency Communications
21 Department, Fire Department, Juvenile Probation Department, Police Department, Public
22 Defender's Office, Department of Aging and Adult Services, Rent Stabilization and Arbitration
23 Board, and Sheriff's Office.

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1 (l) "Tier 2 Departments" shall mean all City departments not specified as Tier 1
2 Departments that furnish information or provide services directly to the public and consist of at
3 least 30 full-time City employees.

4 Section 2. The San Francisco Police Code is hereby amended by amending Sections
5 4903, 4904, 4905, 4908 and 4910, to read as follows:

6 SEC. 4903. REVENUE CONTROL EQUIPMENT.

7 (a) All parking stations must have functioning revenue control equipment at each
8 location operated as a parking station during all hours that the parking station is open for
9 business.

10 (b) Notwithstanding the provisions of Business and Tax Regulations Code Section 604,
11 the revenue control equipment must provide a legible receipt to each occupant at the time that
12 the occupant pays the rent. The receipt must contain the following information:

- 13 1. Time and date of transaction;
- 14 2. Time and date of expiration of the transaction;
- 15 3. Amount paid;
- 16 4. Parking facility address;
- 17 5. City business license number;
- 18 6. Non-resettable unique transaction number; and
- 19 7. Business telephone and address of operator or operator's agent responsible for
20 addressing consumer complaints.

21 (c) All revenue control equipment must maintain a nonadjustable transaction number
22 and a nonvolatile record of receipts including a nonresettable sequence number.

23 (d) All revenue control equipment must be capable of producing reports containing all
24 transaction occurring within:

- 25 1. The 24 hours immediately preceding the request for the report;

- 1 2. A calendar day immediately preceding the request for the report;
- 2 3. The month in which the report is requested from the first day of the month to the date
- 3 of the request;
- 4 4. The 30 days prior to the request for the report;
- 5 5. The year that the report is requested from the 1st of the year to the date of the
- 6 request; and
- 7 6. The 365 days prior to the request for the report.

8 (e) In addition to the other requirements of this Article, parking stations operated
9 without an attendant present shall have individually designated parking stalls, and at all times
10 that the attendant is not present the receipt required herein shall contain the parking stall
11 number.

12 (f) If the revenue control equipment is not functioning the operator and/or the operator's
13 agent may continue to operate the parking station during the periods of time that the revenue
14 control equipment is not functioning with the following conditions:

15 1. The operator and/or the operator's agent shall not tow any vehicle that entered the
16 parking station during the time that the equipment is unable to issue legible receipts;

17 2. The operator and/or the operator's agent shall maintain manual revenue control
18 procedures;

19 3. The operator shall issue an individually and sequentially numbered receipt on a form
20 authorized by the ~~City and County of San Francisco Department of Consumer Assurance~~ County
21 Agricultural Commissioner; and

22 4. The operator and/or the operator's agent shall use good faith efforts to repair the
23 equipment as soon as possible. There shall be a presumption that if the equipment is not
24 repaired within three days that the operator and/or the operator's agent has not made a good
25 faith effort to repair the equipment.

1 SEC. 4904. RESPONSIBILITIES OF ~~DEPARTMENT OF CONSUMER ASSURANCE~~ THE
2 COUNTY AGRICULTURAL COMMISSIONER.

3 The ~~Department of Consumer Assurance~~ County Agricultural Commissioner shall ensure that
4 all required revenue control equipment is functioning accurately. Upon inspection, the
5 ~~Department of Consumer Assurance~~ County Agricultural Commissioner, including any deputy
6 authorized by law, shall seal the equipment. The ~~Department of Consumer Assurance~~ County
7 Agricultural Commissioner may charge a fee for these services equivalent to the device
8 registration fee set forth in California Business & Professions Code Section 12240.

9 SEC. 4905. REPAIR OF EQUIPMENT.

10 (a) All parking station operators are responsible for informing the ~~Department of~~
11 ~~Consumer Assurance~~ County Agricultural Commissioner or his or her designee that any required
12 revenue control equipment is not functioning or has been altered or modified within 24 hours
13 of the time that the equipment stops functioning or is otherwise altered or modified. The
14 parking station operator shall provide the specific location of the non-functioning equipment,
15 the time that the equipment stopped functioning, and the anticipated time ~~or~~ of repair.

16 (b) Operators shall use service agents licensed by the State of California only for repair
17 or alteration of any required equipment.

18 SEC. 4908. COOPERATION WITH CITY AGENCIES.

19 All parking station operators and employees must cooperate with any City agency
20 having an interest in the operation of the parking station, including but not limited to City
21 Auditors, the Treasurer/Tax Collector, the City Attorney's office, the District Attorney's office,
22 ~~and the Department of Consumer Assurance~~ the County Agricultural Commissioner, and any other City
23 officials or employees assigned to administer or implement this ordinance by providing immediate
24 access to all revenue control equipment and documentation regarding receipt and revenue
25 control procedures.

1 SEC. 4910. AUTHORITY TO PROMULGATE REGULATIONS.

2 The Executive Director of the Department of Parking and Traffic may, in consultation
3 with the Treasurer/Tax Collector and ~~the Director of the Consumer Assurance Department~~ the
4 County Agricultural Commissioner, promulgate regulations and issue rules, determinations and
5 interpretations consistent with the purposes of this Article as may be necessary and
6 appropriate to apply this Article in a lawful manner, including provisions for penalties due to
7 fraud, underpayment of taxes, or any evasion of this Article or the rules and regulations
8 promulgated thereunder.

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

11 By: _____
12 Molly S. Stump
13 Deputy City Attorney

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