

File No. 100711

Committee Item No. 7

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee BUDGET AND FINANCE

Date 6/21/10

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
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OTHER

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Completed by: Gail Johnson

Date 6/18/10

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Establishing a Fee to Regulate Revenue Control Equipment At Parking Stations]

2
3 Ordinance amending the Business and Tax Regulation Code, Article 22, by adding
4 Sections 2219, 2219.5, 2219.6, 2219.7, 2219.8, 2219.9, 2219.10 and 2219.11, to impose a
5 fee on all parking stations that are subject to the requirements in Article 22 to recover
6 administrative and enforcement costs.

7 NOTE: Additions are single-underline italics Times New Roman;
8 deletions are ~~strike-through italics Times New Roman~~.
9 Board amendment additions are double-underlined;
10 Board amendment deletions are ~~strikethrough-normal~~.

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

12 Section 1. The San Francisco Business and Tax Regulations Code is hereby amended
13 by adding Sections 2219, 2219.5, 2219.6, 2219.7, 2219.8, 2219.9, 2219.10 and 2219.11 to
14 read as follows:

15 **SEC. 2219. TITLE AND PURPOSE.**

16 This Ordinance shall be known as the "Revenue Control Equipment Compliance Fee
17 Ordinance" and the Fee imposed herein shall be known as the "Revenue Control Equipment
18 Compliance Fee" or "Fee." The purpose of this Fee is to recover the City's costs to ensure that all
19 parking operators meet the requirements of Article 22.

20
21 **SEC. 2219.5. IMPOSITION OF REVENUE CONTROL EQUIPMENT COMPLIANCE FEE.**

22 The City hereby imposes an annual Revenue Control Equipment Compliance Fee of \$500 on
23 each Parking Station that is subject to the RCE requirements set forth in this Article 22.

1 **SEC. 2219.6. COLLECTION AND ENFORCEMENT.**

2 (a) The Revenue Control Equipment Compliance Fee shall be due annually to the Tax
3 Collector and shall be remitted by the Operator as a part of the last quarterly parking tax return.

4 (b) The Fee is payable, when due, at the office of the Tax Collector, and if not paid within
5 30 days after the same becomes due, the Tax Collector shall add 10 percent to the amount of the Fee as
6 a penalty for nonpayment. If the Fee is not paid within 60 days after the same becomes due, the Tax
7 Collector shall add 15 percent to the amount of the Fee as a penalty for nonpayment. If the Fee is not
8 paid within 90 days after same becomes due, the Tax Collector shall add 25 percent to the amount of
9 the Fee, as a penalty for nonpayment; provided, however, when an Operator has failed for a period of
10 six months or more to pay the fee, and has allowed the fee to become delinquent for this or a longer
11 period, the Tax Collector shall, in such instance, impose a penalty of 25 percent on the total amount of
12 the Fee delinquent and refer the Operator to the Bureau of Delinquent Revenue for further collection
13 and enforcement.

14
15 **SEC. 2219.7. EXEMPTIONS**

16 (a) Exemption. The Fee shall not apply to any Parking Station that is exempt from the
17 requirements of Article 22, pursuant to Section 2202.

18 (b) Inspection and Audit. The Tax Collector may inspect or audit any claim for exemption
19 from the Fee to determine whether or not the Parking Station is exempt from the Fee.

20 (c) Notice of Change in Status. Any Operator who claims an exemption to Fee payment
21 must notify the Tax Collector in writing within 10 days of when that Parking Station no longer qualifies
22 for the exemption, if applicable.

23 (d) Penalties for Establishments That Falsely Claim to Qualify for Exemption. Any
24 Operator that claims an exemption and is found by the Tax Collector not to be entitled to the exemption
25 and to have falsely claimed the exemption without reasonable grounds, Operator shall be subject to a

1 penalty of \$100. The Tax Collector may impose the penalty by written citation. Any Operator that
2 disputes the Tax Collector's determination, under this Section may appeal to the Tax Collector in
3 writing according to the provisions of Article 6, Section 6.19-8.

4
5 **SEC. 2219.8. AUTHORITY TO ADOPT RULES AND REGULATIONS.**

6 (a) The Tax Collector may issue and amend rules, regulations, standards, guidelines, or
7 conditions to implement and enforce this Section 2219 et seq.

8 (b) Failure or refusal to comply with any rules and regulations promulgated under this
9 Section shall be a violation of and subject to the penalties of this Section.

10
11 **SEC. 2219.9. FEE TO BE DEPOSITED IN THE GENERAL FUND**

12 (a) The Fee shall be deposited in the General Fund.

13 (b) Use of Funds. The proceeds of the Fee shall be used solely for costs incurred by, or on
14 behalf of, the City and County of San Francisco, to administer and enforce Article 22.

15
16 **SEC. 2219.10. SEVERABILITY.**


17 If any of the provisions of this Ordinance or the application thereof to any person or
18 circumstance is held invalid, the remainder of this Chapter, including the application of such part or
19 provisions to persons or circumstances other than those to which it is held invalid, shall not be affected
20 thereby and shall continue in full force and effect. To this end, the provisions of this Section are
21 severable.

1 SEC. 2219.11. EFFECTIVE/OPERATIVE DATES

2 This Section shall become effective upon passage, except that the Fee imposed by this Section
3 shall become operative and be imposed on October 1, 2010, and shall not apply before that date.

4
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By:


8 JULIE VAN NOSTERN
9 Deputy City Attorney

LEGISLATIVE DIGEST

[Establishing A Fee To Regulate Revenue Control Equipment At Parking Stations]

Ordinance adding Sections 2219, 2219.5, 2219.6, 2219.7, 2219.8, 2219.9, 2219.10 and 2219.11 to Article 22 of the Business and Tax Regulations Code, to impose a fee on all parking stations that are subject to the requirements in Article 22 to recover administrative and enforcement costs.

Existing Law

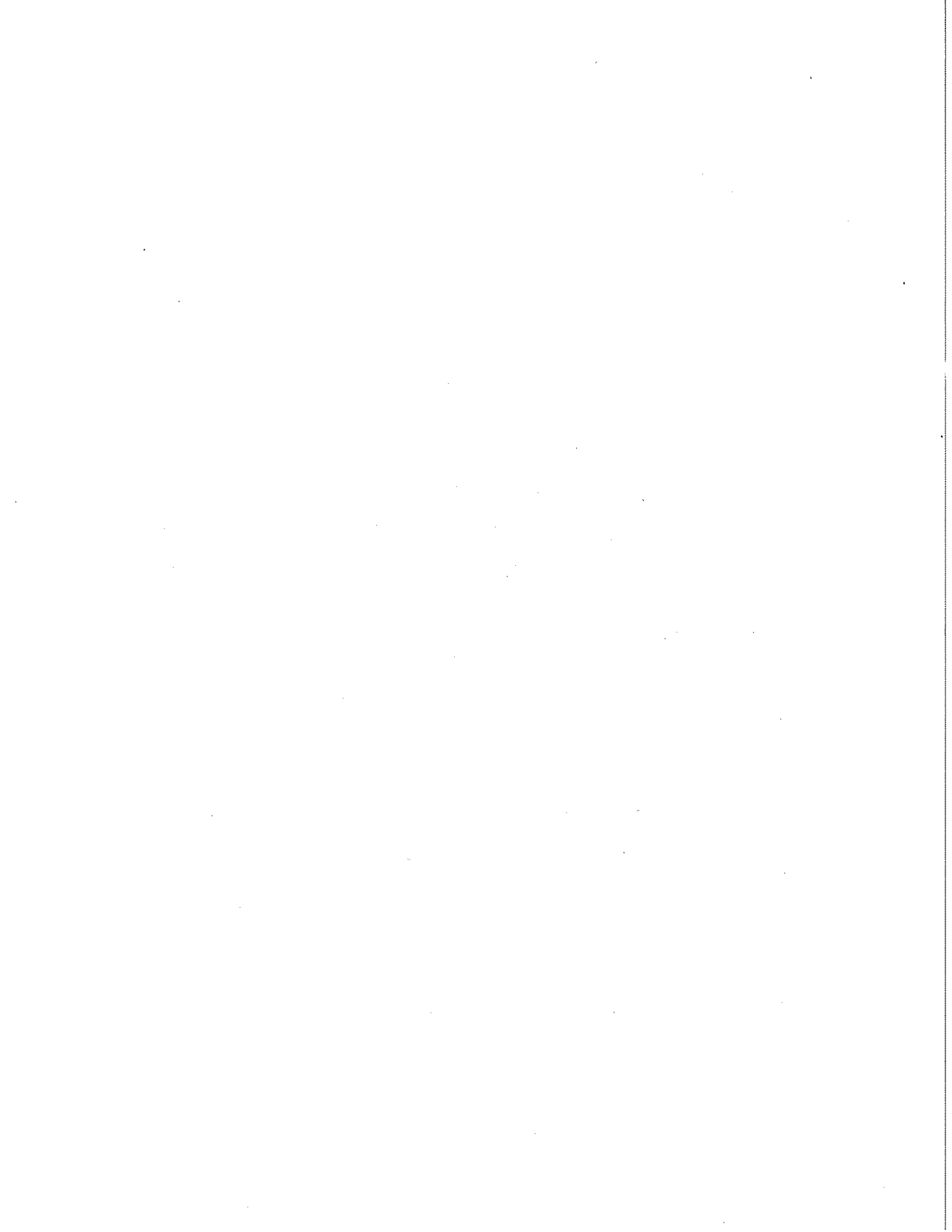
The City does not charge any fees to recover its costs of administering and enforcing compliance with revenue control equipment requirements.

Amendments to Current Law

The Revenue Control Equipment Compliance Fee Ordinance ("Ordinance") establishes a Revenue Control Equipment Compliance Fee ("Fee") of \$500 on each Parking Station that is subject to the RCE requirements set forth in Article 22 of the Business and Tax Regulations Code to recover the City's costs to ensure that all Parking Station Operators meet the requirements of Article 22. The Fee is calculated to recover the cost to the City of investigating, monitoring and enforcing a parking station's use of revenue control equipment.

The Revenue Control Equipment Compliance Fee is due annually to the Tax Collector and is remitted by the Parking Station Operator as a part of the last quarterly parking tax return. Parking Stations that are exempt from Article 22 are also exempt from the fee. This Ordinance authorizes the Tax Collector to issue penalties for delinquent Revenue Control Equipment Compliance Fee payments. The Tax Collector may also issue and enforce administrative citations under Business and Tax Regulations Code, Article 6, Section 6.19-8 against any Parking Station Operator found to have falsely claimed an exemption from the Fee without reasonable grounds.

The Fee established by this Ordinance is operative and would be imposed on all Parking Station Operators in San Francisco beginning October 1, 2010. Proceeds of the Fee will be deposited in the General Fund and will be used solely for costs to administer and enforce Article 22.





TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: *For* Mayor Gavin Newsom *ST*
RE: Establishing A Fee To Regulate Revenue Control Equipment At Parking Stations
DATE: June 1, 2010

Dear Madame Clerk:

Attached for introduction to the Board of Supervisors is the ordinance adding Sections 2219, 2219.5, 2219.6, 2219.7, 2219.8, 2219.9, 2219.10 and 2219.11 to Article 22 of the Business and Tax Regulations Code, to impose a fee on all parking stations that are subject to the requirements in Article 22 to recover administrative and enforcement costs.

I request that this item be calendared in Budget and Finance Committee.

Should you have any questions, please contact Starr Terrell (415) 554-5262.

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