

1 [Clerical Corrections to Article 10a of the Bus. & Tax Reg. Code]

2 **Ordinance amending Article 10a of the San Francisco Business and Tax Regulations**
3 **Code by making clerical corrections to Sections 750, 751, 753 and 755.1 and amending**
4 **Section 10.100-67 of the San Francisco Administrative Code by making clerical**
5 **corrections to omit text intended to be deleted by Ordinance Number 71-02.**

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strikethrough italics Times New Roman*~~.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. The San Francisco Business and Tax Regulation Code Code is hereby
12 amended by making clerical corrections to Sections 750, 751, 753 and 755.1 to read as
13 follows:

14 SEC. 750. TITLE/PURPOSE.

15 (a) In order to substantially improve the performance of the City's 911
16 communication system, the City and County must impose a fee. This ordinance shall be
17 known as the "Emergency Response Fee Ordinance" and the fee imposed herein shall be
18 known as the "Emergency Response Fee."

19 (b) The purpose of this ordinance is to require subscribers to telephone service in
20 the City and County to pay a fee which is directly related to the benefit subscribers derive from
21 the improvements to and operation of the 911 communication system that will be financed by
22 fee revenues.

23 (c) The emergency response fee is the most practical and equitable revenue
24 mechanism to finance the acquisition and construction of land, equipment, software, and
25 facilities which are needed to provide an adequate and reliable 911 communication system

1 under a single uniform command structure and to operate that improved 911 communication
2 system. The fee is intended to recover all costs related to the benefits the improved system
3 will provide to nonexempt telephone subscribers. Benefits provided to exempt telephone
4 subscribers will be financed through other revenue mechanisms.

5 (d) The fee imposed by the provisions of this Article is intended solely to provide
6 revenue for eligible project costs and eligible operating costs, as defined in this Article. Fee
7 revenues shall be deposited by the Controller in the 911 Emergency Response Fund
8 authorized by Section ~~10.204~~10.100-67 of the San Francisco Administrative Code. The
9 provisions of this Article are not enacted for regulatory purposes or for general revenue
10 purposes.

11 SEC. 751. ADDITIONAL DEFINITIONS.

12 Except where the context or particular provisions require otherwise, the following
13 definitions shall govern the construction of this Article.

14 (a) 911 Communication System. "911 communication system" means an enhanced
15 emergency telephone service which automatically connects a person dialing the digits 9-1-1 to
16 an answering point established within a City department and shall incorporate all aspects of
17 the call delivery system, the call processing system and the call dispatch system, including,
18 but not limited to, selective routing, automatic number identification (ANI), ~~and~~ automatic
19 location identification (ALI), and wireless 911. "911 communication system" includes the
20 functions of the Emergency Communications Department; however, it does not include the
21 Police Department and Fire Department staff who respond to requests for assistance by
22 traveling to a site to which they are dispatched as a result of an emergency call.

23 (b) Access Line. "Access line" means any connection from a customer location to a
24 provider of local telephone service offered to the public for compensation. Within the meaning
25 of this ordinance, and without limitation, access lines include connections providing residential

1 basic exchange service, business basic exchange service, PBX service (private branch
2 exchange), foreign exchange service, and Centrex service.

3 (c) Eligible Operating Costs. "Eligible Operating Costs" means the portion of
4 operating costs reflecting the benefit estimated to be provided by operation of the 911
5 Communication System to telephone subscribers who are required to pay the fee imposed by
6 the provisions of this Article on access lines, trunk lines and high capacity trunk lines subject
7 to the fee. Eligible Operating Costs shall not include Exempt Operating Costs.

8 (d) Exempt Operating Costs. "Exempt Operating Costs means the portion of
9 Operating Costs reflecting the benefits estimated to be provided by operation of the 911
10 Communication System to telephone subscribers who are exempted from the fee by Section
11 754 of this Article or are otherwise not required to pay the fee imposed by the provisions of
12 this Article.

13 ~~(e)~~(e) Eligible Project Costs. "Eligible project costs" means the portion of project costs
14 reflecting the benefit estimated to be provided by the project to telephone subscribers who are
15 required to pay the fee imposed by the provisions of this Article on access lines, trunk lines
16 and high capacity trunk lines subject to the fee. Eligible project costs shall not include exempt
17 project costs.

18 ~~(f)~~(f) Exempt Project Costs. "Exempt project costs" means the portion of project costs
19 reflecting the benefits estimated to be provided by the project to telephone subscribers who
20 are exempted from the fee by Section 754 of this Article or are otherwise not required to pay
21 any fee imposed by the provisions of this Article.

22 ~~(g)~~(g) Fee. "Fee" means the Emergency Response Fee imposed under the provisions
23 of this Article.

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1 (h) High Capacity Trunk Line. "High capacity trunk line" shall mean a trunk line with
2 a capacity of at least 24 channels over a high capacity service, such as a 1.544 Mb, T-1, or
3 Integrated Services Digital Network (ISDN) Primary Rate Interface (PRI) line.

4 ~~(g)~~(i) Lifeline Service. "Lifeline service" means discounted telephone service available
5 to eligible low- income residential customers.

6 ~~(g)~~(j) Local Telephone Service. "Local telephone service" means access to a local
7 telephone system, providing two-way telephonic quality communication with substantially all
8 persons having telephone or radio telephone stations constituting a part of such local
9 telephone system, whether or not such service uses transmission wires.

10 "Local telephone service" shall not include land mobile services or maritime mobile
11 services as defined in Section 2.1 of Title 47 of the Code of Federal Regulations, as said
12 Section existed on January 1, 1970. Notwithstanding this exclusion, "local telephone service"
13 shall include ~~cellular~~ wireless telephone service.

14 (k) Operating Costs. "Operating Costs" means any costs to operate, repair or
15 maintain the 911 Communication System or backup 911 communication system, including but
16 not limited to costs for personnel, training, software and hardware maintenance and upgrades,
17 facility maintenance and repair and attorneys fees.

18 ~~(h)~~(l) Project Costs. "Project costs" means any costs of: acquiring land on which to
19 locate a 911 communication system facility or backup 911 communication system facility,
20 acquiring and installing computerized call delivery processing and dispatch equipment and
21 software, and/or any other acquisition or construction necessary to combine 911
22 communication staff, to the maximum extent consistent with the Charter, under a single
23 uniform command structure and to house 911 communication system equipment and staff in a
24 seismically safe and fireproof facility ~~contiguous or proximate to the Central Fire Alarm Station on~~
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1 ~~Turk Street~~ or backup facility, including any debt service payments related thereto. *Project costs*
2 ~~shall include conversion costs as defined in this Article.~~

3 (i)(m) Service Location. "Service location" means the premises of a telephone
4 subscriber at which a working service point or primary station set provides the subscriber with
5 basic exchange service and to which extension services are charged.

6 (j)(n) Service Supplier. "Service supplier" means any person supplying local
7 telephone service to any telephone subscriber, pursuant to authority granted by the California
8 Public Utilities Commission, at a location within the City and County of San Francisco. Service
9 suppliers may include, without limitation, local exchange carriers, interexchange carriers,
10 competitive access providers, cable television providers offering telecommunications services,
11 and any other entity offering direct connections between their premises and the premises of
12 telephone subscribers.

13 (k)(o) Telephone Corporation. "Telephone corporation" shall have the same meaning
14 as defined in Section 234 of the Public Utilities Code of the State of California or the most
15 comparable successor definition.

16 (l)(p) Telephone Subscriber. "Telephone subscriber" means any person required to
17 pay a fee imposed under the provisions of this Article.

18 (m)(q) Trunk Line. "Trunk line" means a line between a service supplier's switching
19 device and a private branch exchange, or automatic call distributing system, or other similar
20 device at a telephone subscriber location.

21 SEC. 753. IMPOSITION OF EMERGENCY RESPONSE FEE.

22 (a) There is hereby imposed an emergency response fee on every person who
23 maintains access to the 911 communication system by subscribing to local telephone service
24 within the City and County of San Francisco. For purposes of this Article, with respect to
25 mobile telecommunications services, a person shall be construed to subscribe to local

1 telephone service within the City and County of San Francisco if he or she has a "place of
2 primary use", as such term is defined in the Mobile Telecommunications Sourcing Act, 4.
3 U.S.C. §124(8), within the geographic boundaries of the City.

4 (b) The amount of the fee imposed by this Section shall be paid, on a per line basis,
5 by the person paying for such local telephone service; however, ~~no fee shall be charged to more~~
6 ~~than 1,667 access lines or 333 trunk lines per account per service location, and in no circumstances~~
7 ~~shall any~~no telephone subscriber shall be required to pay fees in excess of \$10,000 per
8 account per service location in any twelve-month period ending on or before December 31,
9 1997. Commencing in 1998, no telephone subscriber shall be required to pay fees in excess
10 of \$20,000 per account per service location in any calendar year. Commencing in 2002, no
11 telephone subscriber shall be required to pay fees in excess of \$25,000 per account per
12 service location in any calendar year. The cost of wireless telecommunications services shall
13 not be considered for purposes of this subsection (b). The amount of the cap established by
14 this subsection shall be adjusted annually by the Consumer Price Index: All Urban Consumers
15 for the San Francisco / Oakland / San Jose Area for All Items as reported by the United States
16 Bureau of Labor Statistics.

17 (c) Only one payment of the fee herein imposed shall be required for any access
18 line, trunk line or high capacity trunk line, notwithstanding that access lines of more than one
19 person are used in furnishing local telephone service to a telephone subscriber.

20 (d) Revenues generated by the emergency response fee shall be deposited in the
21 911 emergency response fund authorized by Section 10.100-67 of the San Francisco
22 Administrative Code and shall be used exclusively to pay for eligible project costs and eligible
23 operating costs, including eligible operating costs accruing in Fiscal Year 2001-2002 before
24 adoption of the ordinance in Board of Supervisors File Number 02-0193.

25 SEC. 755.1 REPORTS.

1 a) No later than April 1 each year, the Controller shall estimate the percentage of
2 access lines that were subject to payment of the emergency response fee during the
3 immediately prior calendar year. This percentage shall be identified as the percentage of
4 Project Costs and Operating Costs that are Eligible Operating Costs and ~~Eligible~~ Exempt
5 Operating Costs for the following fiscal year. The Controller's report shall also identify the
6 adjusted amount of the fee cap established by subsection (b) of Section 753 that will apply in
7 the following calendar year.

8 b) No later than April 1 in each odd numbered year, the Controller will evaluate
9 information from industry sources, regulatory bodies and City experience to determine
10 whether the fee rates for trunk lines and high capacity trunk lines continue to reasonably
11 reflect the increased estimated access to the 911 communication system provided to trunk
12 line and high capacity trunk line subscribers relative to access line subscribers.

13 Section 2. The San Francisco Administrative Code is hereby amended by making
14 clerical corrections to Section 10.100-67 to read as follows:

15 SEC. 10.100-67. EMERGENCY COMMUNICATIONS 911 EMERGENCY RESPONSE
16 FUND.

17 (a) Establishment of Fund. The Emergency Communications 911 Emergency
18 Response Fund is established as a category four fund to receive all monies collected
19 pursuant to Article 10A of Part III of the San Francisco Municipal Code, ~~those monies which are~~
20 ~~specifically set aside for deposit into the fund pursuant to the provision of Section 720 of Article 10 of~~
21 ~~Part III of the San Francisco Municipal Code~~, and any other monies transferred into the fund.

22 (b) Use of Fund. The fund shall be used solely for the following purposes:

23 1. For the payment of costs of acquiring land on which to locate a 911
24 communication system facility or backup 911 Communication System facility, acquiring and
25 installing computerized call delivery processing and dispatch equipment and software, and/or

1 any other acquisition or construction necessary to combine 911 communication staff under a
2 single uniform command structure and to house 911 communication system equipment and
3 staff in a seismically safe and fireproof facility or backup facility *contiguous or proximate to the*
4 *Central Fire Alarm Station on Turk Street*, including any debt service payments related thereto;

5 ~~2. For the payment of "Conversion Costs as that term is defined in Section 751(d) of Part III of~~
6 ~~the San Francisco Municipal Code, to telephone service suppliers;~~

7 ~~3. For the payment of extensions, replacements and improvements to the 911 communication~~
8 ~~system;~~

9 4.—For the payment of operating, repair and maintenance expenses for the 911
10 communication system and backup 911 communication system, including but not limited to
11 costs for personnel, training, software and hardware maintenance and upgrades, facility
12 maintenance and repair and attorneys fees;

13 ~~5. For the payment of personnel costs related to the operation and maintenance of a 911~~
14 ~~communication system.~~

15 ~~No expenditures for the purposes set forth in Subparagraphs (3),(4) and (5) shall be made from~~
16 ~~the fund until the costs set forth in Subparagraphs (1) and (2) have been paid.—~~The term “911
17 communication system” shall have the meaning set forth in Section 751(a) of Part III of the
18 San Francisco Municipal Code.

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1 (c) Administration of Fund. Expenditures *for the purposes set forth in Subparagraphs*
2 *(1) and (2) of Subsection (b) above shall be made upon the recommendation of the Director of*
3 *Telecommunications and Information Services. Expenditures for the purposes set forth in*
4 *Subparagraphs (3), (4) and (5) of Subsection (b) above* from the fund shall be made upon the
5 recommendation of the Director of Emergency ~~Services~~ Communications. Expenditures and
6 encumbrances from this fund shall be subject to the budget and fiscal provisions of the
7 Charter.

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

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11 By: JULIA M. C. FRIEDLANDER
12 Deputy City Attorney
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