

1 [Modifies the cap on the amount that an individual production can receive under the Film
2 Rebate Program, eliminates partial rebate of hotel and sales tax.]

3 **Ordinance amending Administrative Code Section 57.8 by changing the cap on**
4 **individual rebates from the total amount of taxes that the production paid to the City, to**
5 **\$600,000 and modifying the definition of "qualified production cost" by eliminating fees**
6 **and hotel and sales taxes from that definition.**

7 Note: Additions are single-underline italics Times New Roman;
8 deletions are ~~strikethrough 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 Administrative Code is hereby amended by amending
13 Section 57.8, to read as follows:

14 **SEC. 57.8. FILM REBATE PROGRAM**

15 (a) Purpose. The purpose of the Film Rebate Program is to increase the number of
16 qualified film productions being made in San Francisco, increase the number of City residents
17 employed in the filmmaking industry, and encourage the resulting economic benefits to
18 increased filmmaking in San Francisco.

19 (b) Definitions. As used in this Section, the following terms shall have the following
20 meanings:

21 (1) "Principal photography" means the time period and phase of film production during
22 which the main photography occurs.

23 (2) "Qualified low-budget film production" means a feature-length film, television film,
24 television pilot, or each episode of a television series, regardless of the medium used to
25 create or convey it, that is: (i) produced by a film company that expends at least 55 percent of
the total principal photography days exclusively in the City and (ii) has a total budget of no

1 more than \$3,000,000. "Qualified low-budget film production" shall not include: (i) a
2 documentary film, news or current affairs program, interview or talk program, instructional film
3 or program, film or program consisting primarily of stock footage, sporting event or sporting
4 program, game show, award ceremony, film or program intended primarily for industrial,
5 corporate or institutional end-users, fundraising film or program, commercials, music videos,
6 or "reality" program; or (ii) a production for which records are required under Title 18 United
7 States Code section 2257, to be maintained with respect to any performer in such production.

8 (3) "Qualified film production" means a feature-length film, television film, television
9 pilot, or each episode of a television series, regardless of the medium used to create or
10 convey it, that is created by a film company that expends at least 65 percent of the total
11 principal photography days exclusively in the City. "Qualified film production" shall not include:

12 (i) a documentary film, news or current affairs program, interview or talk program,
13 instructional film or program, film or program consisting primarily of stock footage, sporting
14 event or sporting program, game show, award ceremony, film or program intended primarily
15 for industrial, corporate or institutional end-users, fundraising film or program, commercials,
16 music videos, or "reality" program; or (ii) a production for which records are required under
17 Title 18 United States Code section 2257, to be maintained with respect to any performer in
18 such production.

19 (4) "Qualified production cost," means the following expenses of a qualified low-
20 budget film production or a qualified film production:

21 (A) Any ~~fees or~~ taxes, with the exception of hotel or sales taxes, paid to the City, or any of
22 its constituent departments, the proceeds of which are placed in the general fund;

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1 (B) Any moneys paid to the City, or any of its constituent departments, for the use of
2 City property, equipment, or employees, including, but not limited to additional police services
3 as described in Chapter 10B of this Administrative Code; and

4 (C) Any daily use fees charged by the Film Commission, pursuant to Section 57.5 of
5 the Administrative Code, to engage in film production in the City.

6 (c) Rebate Program.

7 (1) *Allowance of Rebate.* A qualified low-budget film production or qualified film
8 production that pays qualified production costs shall be entitled to a rebate, to be calculated
9 as provided herein.

10 (2) *Amount of Rebate.* The City shall pay one dollar for each dollar the qualified low
11 budget film production or qualified film production paid in qualified production cost not to
12 exceed \$1.8 million dollars by June 30, 2009. The rebate shall be paid from the fund into
13 which the qualified production cost was originally deposited. In no event shall the amount of
14 the rebate exceed \$600,000.00 ~~the total amount of taxes that the qualified film production or~~
15 ~~qualified low budget film production paid to the City.~~ The rebate shall not be paid from funds
16 dedicated under bond or other legal financing covenants.

17 (3) *Implementation.* After holding a public hearing, the Executive Director of the Film
18 Commission, in consultation with the Controller, shall promulgate rules and regulations to
19 establish the procedures for implementation of the Film Rebate Program. Such rules shall
20 include provisions describing the application process, the standards used to evaluate the
21 applications, the documentation that will be required to substantiate the amount of the rebate,
22 the appeal process, and any such other provisions as deemed necessary and appropriate to
23 carry out the Film Rebate Program.

1 (d) Reports. The Executive Director shall report annually to the Board of Supervisors
2 on the implementation of the Film Rebate Program. The report shall include a list of each
3 qualified film production, residency of employees, and the total of qualified production costs
4 submitted and paid to each film production. Annually for the first three years after enactment
5 of this Ordinance the Controller shall perform an assessment and review of the effect of the
6 Film Rebate Program. Based on such assessment and review, the Controller shall prepare
7 and submit an analysis to the Board of Supervisors. The Analysis shall be based on criteria
8 deemed relevant by the Controller, and may include but is not limited to data contained in the
9 annual reports to the Board of Supervisors submitted by the Director of the Film Commission.

10 (e) The Film Rebate Program shall expire on June 30, 2009, unless extended by
11 ordinance. If the Film Rebate Program is not extended, the City Attorney shall cause this
12 Section to be removed from future editions of the San Francisco Municipal Code without
13 further action of the Board.

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15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: _____
18 Mariam M. Morley
19 Deputy City Attorney