

1 [Administrative Code - Film Commission Programs]

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3 **Ordinance amending the Administrative Code to clarify when the filming of a news**
4 **event does not require a use contract; to clarify that the Executive Director is**
5 **appointed pursuant to Charter, Sections 3.100(19) and 4.102(5); to authorize the**
6 **Executive Director to approve the use of the Film SF logo by third parties to market**
7 **Film Commission programs and activities; to increase the daily use fees to engage in**
8 **film production; and to allow funds from the Film Rebate Project Account to be used to**
9 **administer and market the Film Rebate Program.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.
13 **Board amendment additions** are in Arial font.
14 **Board amendment deletions** are in ~~Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

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

16

17 Section 1. Chapter 57 of the Administrative Code is hereby amended by revising
18 Sections 57.1, 57.2, 57.3, 57.4, 57.5, and 57.8, to read as follows:

19 **SEC. 57.1 DEFINITIONS.**

20 For purposes of this Chapter 57, the following terms shall have the following
21 meanings:

22

* * * *

23 “Film” means feature motion pictures, video tapes, television programs, commercials, still
24 photography, documentaries, travelogues, music videos, web videos, web series, and other
25 visual art forms; provided however, that “film” shall not mean films or video tapes for private-

1 family use or films by any news service or similar entity engaged in on-the-spot print media,
2 publishing, or broadcasting, of breaking news events and on-going coverage of such events as
3 they occur.

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6 **SEC. 57.2. ESTABLISHMENT OF COMMISSION; APPOINTMENT OF**
7 **COMMISSIONERS; QUALIFICATIONS; TERMS OF OFFICE; COMPENSATION.**

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9 (f) **Executive Director.** ~~The Commission shall appoint an Executive Director of the~~
10 ~~Commission who shall serve at the Commission's pleasure.~~ The Executive Director shall act as the
11 department head and appointing officer of ~~the~~ Commission employees pursuant to Charter
12 Section 4.126. The Executive Director shall supervise the Commission's staff, and shall have
13 other duties and responsibilities as provided in this Chapter. The Mayor shall appoint the
14 Executive Director as provided in Charter Sections 3.100(19) and 4.102(5). The Commission may
15 remove the Executive Director as provided in Charter Section 4.102(6).

16
17 **SEC. 57.3 POWERS AND DUTIES**

18 The Commission shall develop, recognize, and promote film activities in the City. The
19 members shall work together to explore and promote long-term goals for film-making as a
20 major emphasis of the City's economic and cultural base, and encourage the recognition of
21 film arts as an art form with widespread economic components. The powers of the
22 Commission shall include, but not be limited to:

23 * * * *

24 (e) Accepting gifts, devises and bequests as provided in Administrative Code Sections ~~10-~~
25 ~~116 through 10.116-3~~10.100-305;

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3 **SEC. 57.4. AUTHORITY AND DUTIES OF EXECUTIVE DIRECTOR.**

4 In addition to any other authority vested in or duty charged to ~~him or her~~the Executive Director,
5 the Executive Director shall serve as the sole liaison between film companies and the various
6 City departments. In performing the duties of liaison, the Executive Director shall assist film
7 companies in locating suitable locations and shall coordinate the efforts of the various City
8 departments in connection with film production utilizing City property or employees. The
9 Executive Director shall also be responsible for coordinating any film permits required by the
10 City for film productions. The Executive Director may approve the use of the Film SF logo by third
11 parties for marketing and promotion of Film Commission programs and activities.

12
13 **SEC. 57.5. AUTHORIZATION TO ENTER INTO USE CONTRACTS AND**
14 **COORDINATE CITY DEPARTMENTS REGARDING FILM COMPANIES; CONSENT OF**
15 **RELEVANT DEPARTMENTS; COST RECOVERY; SIDEWALK CLOSURE AND POSTING.**

16 * * * *

17 (c) **Schedule of Costs.** In addition to the reimbursement of City departments for the
18 costs incurred by those departments in deploying personnel or equipment, the Film
19 Commission may, consistent with Charter Section 2.109, charge daily use fees to film
20 companies seeking to engage in film production. The use fees are as follows:

- 21 (1) Still photography: ~~\$1~~200 a day.
22 (2) A commercial, corporate media, industrial media, video, or web
23 video: ~~\$2~~300 a day.
24 (3) A television series (each episode), web series (each episode),
25 movie, pilot, short subject, or documentary:

1 (A) For a production with a budget of less than \$100,000: ~~\$5~~100 a day.

2 (B) For a production with a budget of \$100,000 to less than \$500,000: ~~\$7~~300 a
3 day.

4 (C) For a production with a budget of \$500,000 or greater: ~~\$3~~500 a day.

5 Public service announcements, qualifying student productions, and productions
6 created by or for entities that are tax-exempt under section 501(c)(3) of the Internal Revenue
7 Code are exempt from the above-listed use fees. The revenue generated by such use fees
8 shall be deposited in the San Francisco Film Production Fund.

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11 **SEC. 57.8. FILM REBATE PROGRAM.**

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13 (c) **Rebate Program.**

14 (1) **Allowance of Rebate.** A qualified low-budget film production or qualified film
15 production that pays qualified production costs shall be entitled to a rebate, to be calculated
16 as provided herein, provided that the qualified production has entered into a first source hiring
17 agreement with the City that demonstrates good faith efforts to hire economically
18 disadvantaged individuals referred by the San Francisco Workforce Development System to
19 work for the qualified production. Good faith efforts shall include, at a minimum, consulting
20 with the First Source Hiring Administration ("FSHA") for the purpose of preparing a list of
21 positions for which individuals referred by the City might qualify, providing that list to the
22 FSHA at least two weeks prior to the first day of shooting, and documenting efforts to contact
23 and interview job candidates referred by the City to fill the positions listed.

24 (2) **Amount of Rebate.** *As of* July 1, 2015, the City shall pay one dollar for each
25 dollar the qualified low budget film production or qualified film production paid in qualified

1 production costs not to exceed \$13,000,000 by June 30, 2028, provided that such rebate
2 payment shall not exceed \$600,000 for each such production. No television series or web
3 series shall qualify for more than \$600,000 in rebate payments per season. The rebates shall
4 be paid from the project account that the Controller has set aside for Film Rebate Program
5 funds (the "Film Rebate Project Account"). The rebates shall not be paid from funds dedicated
6 under bond or other legal financing covenants. Rebates paid under this Section 57.8 shall be
7 paid only to those qualified low budget film productions or qualified film productions whose
8 filming commenced on or after May 20, 2006. The reasonable expenses of the Film Commission in
9 connection with administering the Rebate Program and reasonable marketing expenses to promote the
10 Rebate Program may be paid out of the Film Rebate Project Account.

11 * * * *

12 Section 2. Effective Date. This ordinance shall become effective 30 days after enactment.
13 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance
14 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of
15 Supervisors overrides the Mayor's veto of the ordinance.

16
17 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends
18 to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
19 punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code
20 that are explicitly shown in this ordinance as additions, deletions, Board amendment
21 additions, and Board amendment deletions in accordance with the "Note" that appears under
22 the official title of the ordinance.

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APPROVED AS TO FORM:
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Deputy City Attorney

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