

File No. 110435

Committee Item No. 3
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 5/19/11

Board of Supervisors Meeting

Date _____

Cmte Board

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<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form (for hearings)
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
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OTHER

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Completed by: Linda Wong

Date 5/16/11

Completed by: _____

Date _____

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[Business and Tax Regulations Code – Establish a Citizen's Advisory Committee for the Central Market Street and Tenderloin Area]

Ordinance amending the San Francisco Business and Tax Regulations Code, Article 12-A, by adding Section 906.3-1 to establish a Citizen's Advisory Committee for the Central Market Street and Tenderloin Area.

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

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

Section 1. Findings. The Board of Supervisors hereby finds that:

(a) In April 2011, the Board of Supervisors approved the Central Market Street and Tenderloin Area Payroll Expense Tax Exclusion.

(b) Under the Central Market Street and Tenderloin Area Payroll Expense Tax Exclusion, a person with an annual payroll expense of more than \$1,000,000 must enter into a Community Benefits Agreement with the City Administrator in order to be eligible to claim the exclusion.

(c) Residents of and small business owners within the Central Market Street and Tenderloin Area have a unique understanding of the needs and issues of their community.

(d) Residents of and small business owners within the Central Market Street and Tenderloin Area are aware of the resources their community can provide to taxpayers wishing to claim the Central Market Street and Tenderloin Area Payroll Expense Tax Exclusion.

(e) Residents of and small business owners within the Central Market Street and Tenderloin Area are cognizant of how development as a result of the Central Market Street and Tenderloin Area Payroll Expense Tax Exclusion may affect their community and have ideas on ways to mitigate its potentially unwanted effects.

1 (e)(f) Residents of and small business owners within the Central Market Street and
2 Tenderloin Area can provide useful ~~advise~~advice to the Mayor, City Administrator and Board
3 of Supervisors on the administration of the Central Market Street and Tenderloin Area Payroll
4 Expense Tax Exclusion.

5
6 Section 2. The San Francisco Business and Tax Regulations Code is hereby amended
7 by adding Section 906.3-1, to read as follows:

8 **SEC. 906.3-1. CENTRAL MARKET STREET AND TENDERLOIN AREA CITIZEN'S**
9 **ADVISORY COMMITTEE.**

10 (a) There shall be a Central Market Street and Tenderloin Area Citizen's Advisory
11 Committee.

12 (b) The Citizen's Advisory Committee shall be an advisory body whose purpose is to make
13 recommendations to the Mayor, and Board of Supervisors and City Administrator on policies and
14 programs that mitigate the ~~negative~~ effects of development, bolster economic development, local
15 employment, and community sustainability and seek to stabilize and protect existing tenants,
16 community based organizations and small businesses in and around the Central Market Street and
17 Tenderloin Area.

18 (c) Duties of the Citizen's Advisory Committee may include:

19 (1) Advise the Mayor, City Administrator, and Office of Economic and
20 Workforce Development of community issues in order to better align the Community Benefits
21 Agreements called for under the Central Market Street and Tenderloin Area Payroll Expense Tax
22 Exclusion with the community needs.

23 (2) Make recommendations to the Mayor, City Administrator, and Office of
24 Economic and Workforce Development about terms and conditions in the Community Benefits
25

1 Agreements called for under the Central Market Street and Tenderloin Area Payroll Expense Tax
2 Exclusion.

3 (3) Provide a report every six months to the Board of Supervisors regarding
4 the implementation and execution of the Community Benefit Agreements called for under the
5 Central Market Street and Tenderloin Area Payroll Expense Tax Exclusion.

6 (4) Make recommendations to the Board of Supervisors and the Office of
7 Economic and Workforce Development on policies, initiatives, and programs that bolster
8 economic development, local employment, and community sustainability and seek to stabilize
9 and protect existing tenants, community based organizations and small businesses in and
10 around the Central Market Street and Tenderloin Area.

11 (3)(5) Advise the Mayor, Board of Supervisors and City Administrator on the
12 creation of a community development fund that may support workforce development, community
13 infrastructure and programs to mitigate potential displacement of small businesses, community
14 based organizations and tenants.

15 (4)(6) Help facilitate partnerships between persons claiming the Central Market Street
16 and Tenderloin Area Payroll Expense Tax Exclusion and community organizations, local schools and
17 small businesses.

18 (5)(7) Hold public hearings regarding Community Benefits Agreements within four
19 weeks from the time the parties to any such Agreements reach a consensus on the terms to
20 be included therein and prior to their the execution of any Community Benefit Agreement by the
21 City Administrator. The City Administrator may, at his or her sole discretion, extend this time in
22 order to combine hearings and utilize staff time more efficiently.

23 (6) — Establish a regular Citizen's Advisory Committee meeting schedule,
24 which shall consist of no less than six meetings per year.
25

1 (8) The City Administrator shall convene the Citizen's Advisory Committee no
2 less than four times yearly.

3 (d) The Citizen's Advisory Committee shall be composed of ~~seven~~eleven members:

4 (1) One member representing low-income families who lives with his or her family
5 in the Central Market Street and Tenderloin Area or aAdjacent aArea;

6 (2) ~~One~~Two members who ~~has~~have expertise in employmentjob creation and or
7 workforce development, including one member who represents labor;

8 (3) One member who is a senior or disabled resident of the Central Market Street
9 and Tenderloin Area or aAdjacent aArea;

10 (4) One member who has expertise in affordable housing or tenant protection and
11 anti-displacement policies and strategies, and has familiarity with the Central Market Street and
12 Tenderloin Area;

13 (5) One member who represents a community-based organization or provides direct
14 services to the Central Market Street and Tenderloin Area or aAdjacent aArea;

15 (6) One member who has small business expertise and familiarity with the Central
16 Market Street and Tenderloin Area; and

17 (7) One member with expertise on homelessness, transitional age youth, or
18 supportive housing and familiarity with the Central Market Street and Tenderloin Area or the
19 Adjacent Area.

20 (8) One member with expertise in commercial real estate and leasing within
21 the Central Market Street and Tenderloin Area.

22 (9) Two members who are residents of the Central Market Street and
23 Tenderloin Area or Adjacent Area.

1 (e) Each member shall be nominated by the District Six Supervisor who may consult with
2 other San Francisco City officials such as the Mayor's Office of Disability for Seat 3, the
3 Mayor's Office of Housing for Seat 4, or the Small Business Commission for Seat 6.

4 (f) Each member shall be confirmed by the Board of Supervisors.

5 (g) For purposes of this Section, "Adjacent Area" shall mean the area in District 6,
6 bounded on the southern side by 13th Street and Townsend Street.

7 (g)(h) The members of the Citizen's Advisory Committee shall be appointed for a term of four
8 years; provided, however, that members first appointed shall, by lot at the first meeting, classify their
9 terms so that three shall serve for a term of two years and four shall serve for a term of four years. At
10 the initial meeting of the Citizen's Advisory Committee and yearly thereafter, the Citizen's Advisory
11 Committee members shall select such officer or officers as deemed necessary by the Citizen's Advisory
12 Committee. The Citizen's Advisory Committee shall promulgate such rules and regulations as are
13 necessary for the conduct of its business under this Section. In the event a vacancy occurs, a successor
14 shall be appointed to fill the vacancy consistent with the process and requirements to appoint the
15 previous appointee. When a vacancy occurs for a reason other than the expiration of a term of office,
16 the appointee to fill such vacancy shall hold office for the unexpired term of his or her predecessor.
17 Any appointee who misses four meetings within a twelve-month period, without the approval of the
18 Citizen's Advisory Committee, shall be deemed to have resigned.

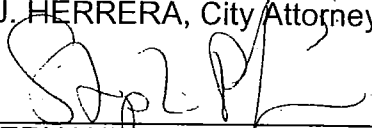
19 (h)(i) The Citizen's Advisory Committee shall comply with all applicable public records and
20 meetings laws and shall be subject to the Conflict of Interest provisions of the City's Charter and
21 Administrative Code. Specifically, during the twelve months prior to and during a member's
22 tenure on the Citizen's Advisory Committee, no member of the Citizen's Advisory Committee
23 may receive any gift, income or have any investment in any entity that foreseeably may be
24 subject to or be the beneficiary of any Community Benefit Agreement reviewed by the
25 Citizen's Advisory Committee. For purposes of this Section, "income", "gift" and "investment"

1 shall have the same meanings as defined in the Political Reform Act of 1974 under California
2 Government Code Section 81000 et seq. *The initial meeting of the Citizen's Advisory Committee*
3 *shall be called within 30 days from the day the Board of Supervisors confirms its initial appointments.*
4 *The City Administrator shall provide administrative support to the Citizen's Advisory Committee.*

5 (i)(i) *The provisions of this ordinance and the operation of the Citizen's Advisory Committee*
6 *shall expire upon expiration of the Central Market Street and Tenderloin Area Payroll Expense Tax*
7 *Exclusion under Section 906.3 of this Article.*

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

11 By:

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13 STEPHANIE PROFITT
14 Deputy City Attorney
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LEGISLATIVE DIGEST

[Business and Tax Regulations Code – Citizen's Advisory Committee Central Market Street and Tenderloin Area]

Ordinance amending Article 12-A of the San Francisco Business and Tax Regulations Code by adding Section 906.3-1 to establish a Citizen's Advisory Committee for the Central Market Street and Tenderloin Area.

Existing Law

Article 12-A of the San Francisco Business and Tax Regulations Code provides for a Payroll Expense Tax exclusion for persons maintaining a fixed place of business in the Central Market Street and Tenderloin Area. Any person with an annual Payroll Expense of more than \$1,000,000 must enter into a Community Benefit Agreement with the City Administrator in order to be eligible to claim the exclusion.

Amendments to Current Law

The proposed ordinance amends Section 906.3 of Article 12-A to establish a Citizen's Advisory Committee for the Central Market Street and Tenderloin Area. This committee shall consist of eleven members, all nominated by the supervisor for District Six and confirmed by the Board of Supervisors. The committee members shall be residents of the Central Market Street and Tenderloin Area or the Adjacent Area. The committee shall advise the Mayor, City Administrator and Board of Supervisors about issues confronting the community and terms the community would like included in Community Benefit Agreements.

Background Information

The Citizen's Advisory Committee will provide advise to the Mayor, City Administrator and Board of Supervisors about the issues and needs confronting the Central Market Street and Tenderloin Area community. It will also convey to the Mayor, City Administrator and Board of Supervisors terms that the community would like included in the Community Benefit Agreements mandated under the Central Market Street and Tenderloin Area Payroll Expense Tax Exclusion.