

File No. 140774

Committee Item No. 18
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
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Committee: Budget & Finance Sub-Committee Date July 23, 2014

Board of Supervisors Meeting Date _____

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OTHER (Use back side if additional space is needed)

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Completed by: Linda Wong Date July 18, 2014
Completed by: Linda Wong Date _____

1 [Police Code - Street Artist Certificate Fee Waivers for Honorably Discharged Veterans]

2
3 Ordinance amending the Police Code to require the Director of Cultural Affairs, or his
4 or her designee, to waive Street Artist Certificate fees for honorably discharged
5 veterans and to grant refunds to honorably discharged veterans who file a refund claim
6 on or before July 1, 2015, for any fees collected between January 1, 2009, and July 1,
7 2014.

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

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

16 Section 1. The Police Code is hereby amended by adding Section 2404.3, to read as
17 follows:

18 **SEC. 2404.3. STREET ARTIST CERTIFICATE FEE WAIVERS AND REFUNDS FOR**
19 **HONORABLY DISCHARGED VETERANS.**

20 *(a) Certificate Fee Waivers: Notwithstanding Sections 2404.1 and 2404.1.1, the Director of*
21 *Cultural Affairs, or his or her designee, shall waive all Street Artist Certificate fees, including any*
22 *application/examination fees, for any individual who is honorably discharged or honorably relieved*
23 *from the military, naval, or air service of the United States and who is a resident of California*
24 *("Honorably Discharged Veteran") upon receipt of the Honorably Discharged Veteran's Certificate of*
25 *Release DD Form 214 (Certificate of Release or Discharge from Active Duty) or other equivalent U.S.*
government document reflecting honorable discharge. The Street Artists Program Director shall keep
such documentation on file to help expedite future renewals.

1 (b) Certificate Fee Refunds.

2 (1) Honorably Discharged Veterans who paid Street Artist Certificate fees between
3 January 1, 2009 and July 1, 2014 may file a claim with the Arts Commission's Street Artists Program
4 to receive a refund of all such fees, including any application/examination fees, paid during that
5 period. Honorably Discharged Veterans shall have until no later than June 30, 2015 to file a refund
6 claim and must provide a DD Form 214 or other equivalent U.S. government document demonstrating
7 that the claimant was an Honorably Discharged Veteran at the time he or she paid the Street Artist
8 Certificate fee. The Director of Cultural Affairs, or his or her designee shall have the authority to
9 process Street Artist Certificate fee refund claims and grant Street Artist Certificate fee refunds to
10 Honorably Discharged Veterans.

11 (2) This subsection (b) shall expire by operation of law on July 1, 2015 and the City
12 Attorney's Office is authorized thereafter to take the necessary steps to remove subsection (b) from the
13 Police Code; to remove the words "and Refunds" from the heading of Section 2404.3; and to remove
14 the subheading "(a) Certificate Fee Waivers" from Section 2404.3.

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

20
21 Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word
22 of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any
23 court of competent jurisdiction, such decision shall not affect the validity of the remaining
24 portions of the ordinance. The Board of Supervisors hereby declares that it would have
25 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and

1 word not declared invalid or unconstitutional without regard to whether any other portion of
2 this ordinance would be subsequently declared invalid or unconstitutional.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: 
7 ADINE K. VARAH
8 Deputy City Attorney

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LEGISLATIVE DIGEST

[Police Code - Street Artist Certificate Fee Waivers for Honorably Discharged Veterans]

Ordinance amending the Police Code to require the Director of Cultural Affairs, or his or her designee, to waive Street Artist Certificate fees for honorably discharged veterans and to grant refunds to honorably discharged veterans who file a refund claim on or before July 1, 2015, for any fees collected between January 1, 2009, and July 1, 2014.

Existing Law

Section 2404.1 of the San Francisco Police Code currently establishes a fee of \$174.08 for a quarterly (3 month) Street Artist Certificate and a fee of \$696.34 for an annual certificate for any individual certified by the Arts Commission as a street artist, as adjusted by the Controller's office based on the applicable Consumer Price Index for San Francisco. In addition, under Section 2404.1.1, street artists must pay an application/examination fee of approximately \$20. The Police Code does not expressly exempt Honorably Discharged Veterans from Street Artist Certificate fees or from any application/examination fees.

Amendments to Current Law

The proposed ordinance would require the Director of Cultural Affairs, or his or her designee, to waive Street Artist Certificate fees, including any application/examination fees, for Honorably Discharged Veterans certified as street artists upon proof of honorable discharge. Further, it would require the granting of refunds to Honorably Discharged Veterans who file a refund claim on or before June 30, 2015, for any Street Artist Certificate fees, including any application/examination fees, paid between January 1, 2009 and July 1, 2014. Honorably Discharged Veterans would remain subject to all other Police Code provisions and regulations governing the issuance of Street Artists Certificates and the conduct of Street Artists.

Background Information

California Business and Professions Code Section 16001.7 ("Section 16001.7"), effective January 1, 2009, prohibits governmental entities from charging certain business license fees to any individual "who is honorably discharged or honorably relieved from the military, naval, or air service of the United States and who is a resident of this state" ("Honorably Discharged Veteran"). The proposed ordinance is consistent with Section 16001.7.

The Arts Commission has already issued refunds to Honorably Discharged Veterans for FY 2013-2014. This Ordinance authorizes the Arts Commission's Director of Cultural Affairs to issue refunds for prior years, dating back to January 1, 2009.

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OFFICE OF THE MAYOR
SAN FRANCISCO



RECEIVED
OFFICE OF SUPERVISORS
SAN FRANCISCO

EDWIN M. LEE
MAYOR

2014 JUL -8 PM 4:51

TO: Angela Calvillo, Clerk of the Board of Supervisors *le*
FROM: *EW* Mayor Edwin M. Lee *EW*
RE: Police Code - Street Artist Certificate Fee Waivers for Honorably
Discharged Veterans
DATE: July 8, 2014

Attached for introduction to the Board of Supervisors is the ordinance amending the Police Code to require the Director of Cultural Affairs, or his or her designee, to waive Street Artist Certificate fees for honorably discharged veterans and to grant refunds to honorably discharged veterans who file a refund claim on or before July 1, 2015, for any fees collected between January 1, 2009 and July 1, 2014.

I request that this item be calendared in ~~Budget and Finance~~ Committee on July 23rd.

Should you have any questions, please contact Jason Elliott (415) 554-5105.