

File No. 091429

Committee Item No. 3
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Rules

Date January 28, 2010

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Charter Amendment</u> |
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Completed by: Linda Wong

Date January 25, 2010

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

[Establishing Film Commission, its membership, qualifications, and powers.]

CHARTER AMENDMENT

PROPOSITION _____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by adding Section 5.107 to establish a Film Commission, establish its membership and qualifications, establish duties, and provide for the issuance of film permits.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on June 8, 2010, a proposal to amend the Charter of the City and County by adding Section 5.107 as follows:

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strike-through italics Times New Roman*~~.

Section 1. The San Francisco Charter is hereby amended by adding Section 5.107 to read as follows:

SEC. 5.107. FILM COMMISSION.

(a) **Composition.** The Film Commission shall consist of eleven members, who shall each serve a four-year term. The Mayor shall nominate six members and the Rules Committee of the Board of Supervisors shall nominate five members. Members may be removed by the appointing authority pursuant to Section 15.105.

The Mayor shall nominate two members with professional experience in the film industry or a related field, two members from organizations that represent neighborhoods or districts that the issuance of film permits impacts, one member nominated by an organization that represents film industry workers, and one member from an organization or institution that teaches film studies or a related field.

The Rules Committee of the Board of Supervisors shall nominate two members from organizations that represent neighborhoods or districts that the issuance of film permits impacts,

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one member with professional experience in the film industry or a related field, one member nominated by an organization that represents film industry workers, and one member who represents the general public.

For purposes of this section, "film industry" or "related field" shall include, but is not limited to, areas such as: performing and creative arts; film production, film or sound technology services and facilities; film-related education; presentation and production; and interactive multimedia.

All nominees are subject to confirmation by the Board of Supervisors. If the Board neither confirms nor rejects a nominee within 45 days of the date that the Mayor transmits the nomination to the Clerk of the Board or the Rules Committee nominates a candidate for the Board's approval, the nominee shall be deemed approved. To stagger the terms of the members, the initial appointments to the Commission shall be as follows: the Mayor shall nominate three members to serve terms of four years, two members to serve a term of three years, and one member to serve a term of two years. The Rules Committee of the Board of Supervisors shall nominate three members to serve terms of four years, and two members to serve terms of three years. Thereafter, all commissioners shall serve for four-year terms. Vacancies shall be filled by the nominating authority. Vacancies occurring during a term shall be filled for the unexpired term.

The President of the Arts Commission shall serve as a non-voting, ex officio member.

(b) Commission Purpose and Duties.

The Commission shall develop, recognize, and promote film activities in the City. The members shall work together to explore and promote long-term goals for film making as a major emphasis of the City's economic and cultural base, and encourage the recognition of film arts as an art form with widespread economic components.

In addition to the powers set forth in Section 4.102, and subsection (c), below, the Film Commission's powers shall include, but are not limited to:

(1) Appointing an Executive Director, who shall have significant professional experience in film production or the film industry. The Executive Director shall serve at the Film Commission's pleasure. The Executive Director shall act as the department head and appointing officer of the Commission under Charter Section 4.126. The Executive Director shall supervise the Commission's staff, and shall have other duties and responsibilities as provided in this Section or by ordinance of the Board of Supervisors; and

(2) Any other powers or duties specified by Ordinance.

(c) Issuance of Film Permits; Appeal. Except for departments in which the Charter vests exclusive jurisdiction over property under their control, the Film Commission shall have the authority to issue permits for film production on City property or in public rights-of-way within the City and County of San Francisco, and may delegate this responsibility to the Executive Director. Where film production is to take place on City property under the jurisdiction of City departments, neither the Film Commission nor the Executive Director may grant a permit to use such property without the prior consent of the department head or his or her designee. The Commission may issue a permit that involves a street closure provided that the Commission must obtain all prior approvals as required by the City law and procedures governing street closure permits generally.

Where the Executive Director denies an application for a film permit the applicant may, within 10 calendar days of the denial, appeal the denial to the Commission or to a committee that the Commission designates to hear such appeals. The permit decisions of the Executive

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Director, the Commission, or its designated committee shall be the City's final action on film permits.

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

By: 

ANDREW SHEN
Deputy City Attorney

LEGISLATIVE DIGEST
(Second Draft, dated 1/22/2010)

[Establishing Film Commission membership, qualifications, and powers.]

A proposal to amend the Charter of the City and County of San Francisco at the June 8, 2010 election by adding Section 5.107 to establish a Film Commission, establish its membership and qualifications, establish duties, and provide for the issuance of film permits.

Existing Law

Under Chapter 57 of the San Francisco Administrative Code, the Film Commission consists of eleven (11) members appointed by the Mayor. The Film Commission is not a Charter commission. Film Commission permits are appealable to the Board of Permit Appeals. The Film Commission currently does not have oversight of funding or activities related to City film and video intended for public broadcast by the City's public, educational and governmental access channels.

Amendments to Current Law

Under the proposal, the Film Commission ("Commission") would become an eleven (11) member Charter commission with appointment authority divided between the Mayor and the Board of Supervisors. The Mayor would appoint six (6) of the members and the Rules Committee of the Board of Supervisors would nominate five (5) of the members all subject to confirmation by the Board of Supervisors and all having specified qualifications or experience. Commissioners could only be removed by their nominating authority for cause under Section 15.105 of the Charter.

Under the proposal, the Mayor would nominate two members with professional experience in the film industry or a related field, two members from organizations that represent neighborhoods or districts that the issuance of film permits impacts, one member nominated by an organization that represents film industry workers, and one member from an organization that teaches film studies or a related field. The Rules Committee of the Board of Supervisors would nominate two members from organizations that represent neighborhoods or districts that the issuance of film permits impacts, one member with professional experience in the film industry or a related field, one member nominated by an organization that represents film industry workers, and one member who represents the general public.

The Commission would have the authority to appoint and remove an Executive Director. Subject to the budgetary and fiscal provisions of the Charter, the Commission would also oversee all funding and City activities related to film and video intended for public broadcast by the City's public, educational and governmental access channels.

Where the Executive Director denies an application for a film permit, the applicant may, within 10 calendar days of the denial, appeal the denial to the Commission or to a committee that the Commission designates to hear such appeals. The permit decisions of

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the Executive Director, the Commission, or its designated committee shall be the City's final action on film permits.

* * *

The second draft of the proposal, dated January 22, 2010, reflects one amendment approved by the Rules Committee on January 21. The amendment removes oversight of all funding and City activities related to film and video intended for public broadcast by the City's public, educational and governmental access channels from the scope of the Commission's duties.

a: Rules member



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

January 19, 2010

Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco, CA 94102-4689

RE: File 091429 – Charter amendment dividing the power to nominate members of the Film Commission between the Mayor and the Board of Supervisors, subject to confirmation by the Board of Supervisors

Dear Ms. Calvillo,

Should the proposed charter amendment be approved by the voters, in my opinion, there would be a minimal impact on the cost of government.

The Film Commission currently consists of 11 members appointed by the Mayor. The amendment would provide instead that six members of the Commission be appointed by the Mayor and five by the Board of Supervisors, with all members subject to certain qualification requirements and to confirmation by the Board of Supervisors.

The proposed amendment would also specify that the Film Commission oversee all City activities and funding related to public access and governmental channels and that film permit decisions of the Executive Director would be appealable to the Commission instead of to the City's Permit Appeals Board. The Film Commission currently employs a Director and two permit staff. The Film Commission's budget and staffing would continue to be subject to the normal budgetary and fiscal provisions of the Charter.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Rosenfield".

Ben Rosenfield
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

