FILE NO. 001008

Amendment of the Whole (07/13/00)

ORDINANCE NO. 188-00

[Administrative Code Revisions -- Funds]

AMENDING CHAPTERS 10 AND 16 OF PART I OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE), BY REPEALING SECTIONS 10.92, 10.95, 10.104, 10.105, 10.106, 10.107, 10.109-4, 10.117-2, 10.117-28, 10.117-58, 10.117-64, 10.117-99, 10.193, 10.200, AND 16.89, TO ELIMINATE FUNDS NO LONGER IN USE.

Note: Additions are <u>underlined</u>; deletions are in ((double parentheses)).

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

Section 1. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 10.92.

### ((SEC. 10.92. SPECIAL AVIATION FUND.

The Board of Supervisors, pursuant to the provisions of Chapter 1465, California Statutes of 1949, which provides for the apportionment to counties of unrefunded tax on motor vehicle fuel which is used or usable in aircraft, hereby created in the treasury of the City and County the Special Aviation Fund, in which fund shall be deposited all moneys received from the State pursuant to the provisions of such Chapter 1465.

There may also be deposited in such fund other moneys which are to be disbursed only for capital outlays for aviation or airport purposes.

Any money in the Special Aviation Fund may be disbursed only in accordance with the provisions of the law under which it was deposited in that fund.

A certified copy of this resolution shall be filed with the office of the Controller of the State.))

Section 2. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 10.95.

# ((SEC. 10.95. MUNICIPAL RAILWAY EXCESS LIABILITY ACCIDENT RESERVE FUND - CREATED; AMOUNT.

There is hereby created for the Municipal Railway an Excess Liability Accident Reserve Fund within the Municipal Railway Operating Fund to provide for the payment of bodily injury, death and property damage liability in excess of \$37,500 in any one accident.))

Section 3. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 10.104.

### ((SEC. 10.104. OLD GOLD TRUST FUND - CREATED; DEPOSITS IN FUND.

There is hereby created an Old Gold Trust Fund, to consist of all moneys that may be received from the sale of old gold and jewelry representing unclaimed property of persons having died in the San Francisco Hospital or the Laguna Honda Home, and which property was disposed of in accordance with provisions of Section 2602 of the Welfare and Institutions Code of the State of California.))

Section 4. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 10.105.

((SEC. 10.105. OLD GOLD TRUST FUND - USE OF MONEYS IN FUND.

The Old Gold Trust Fund shall be used exclusively for such things as may be for the general welfare of the inmates of the Laguna Honda Home and which are not provided for them by other appropriations.))

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Section 5. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 10.106.

((SEC. 10.106. OLD GOLD TRUST FUND - ADMINISTRATION OF AND EXPENDITURES FROM FUND.

The procedure of administering the Old Gold Trust Fund shall conform to provisions of the Charter, the annual appropriation ordinances and the procurement procedure prescribed jointly by the Purchaser of Supplies and the Controller. All expenditures from the fund shall be made upon the recommendation of the Superintendent of the Laguna Honda Home, subject to the approval of the Director of Public Health and the Health Commission.))

Section 6. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 10.107.

((SEC. 10.107. ACCEPTANCE FOR INFANTILE PARALYSIS CASES; SPECIAL FUND CREATED.

All gifts, donations and contributions of money which may from time to time be offered to the City and County through any of its officers, boards or commissions for the care and control of infantile paralysis cases are hereby accepted for such purposes and when received shall be deposited in the treasury of the City and County in a special fund to be known as "Infantile Paralysis Fund," a public trust. All expenditures from the fund shall be made for the purposes for which such funds have been received and in accordance with the budget and other fiscal provisions of the Charter, upon authorization of the Health Commission.))

Section 7. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 10.109-4.

((SEC. 10.109-4. CABLE CAR SYSTEM FUND.

(a) There is hereby established a special fund pursuant to Section 10.80 of this Code for the purpose of receiving all gifts, donations and contributions of money and property which may be offered to the City and County of San Francisco through the Public Utilities
 Commission for maintenance and improvement of the Cable Car System, to be known as the "Cable Car System Fund," a public trust.

(b) All gifts, donations and contributions of money and property to be converted into money, which may from time to time be offered to the City and County of San Francisco for deposit in said fund, are hereby accepted and shall be expended for the following specific purposes unless otherwise required by particular gifts:

(1) Reconstruction of the Cable Car Rail System right-of-way;

(2) Reconstruction of the Cable Car Barn at Washington and Mason streets; and

(3) Such other efforts as may be deemed appropriate to maintain, preserve, and protect or assist in maintaining, preserving, and protecting the several cable car lines and cable cars presently existing, provided, however that:

A. Items (1) and (2) above have been fully implemented and certified as complete per plans and specifications approved by the San Francisco Public Utilities Commission or the Urban Mass Transit Administration of the U.S. Department of Transportation; and

B. Then, not for six months after the resumption of complete cable car service is restored, at which time the appropriate cable car operations governing authority certifies that the reconstruction is completely operational and in no further need of modification to accomplish the objectives of (1) and (2) above.

(c) Interest earned from the Cable Car System Fund shall become part of the principal and shall not be drawn from the fund for any purpose other than that for which the Cable Car System Fund is established. (d) Proceeds from the sale of cable car bells and such other merchandise as may be licensed by the Public Utilities Commission as official cable car souvenirs and promotional items shall be deposited in the Cable Car System Fund and the expenditure of such proceeds shall be governed by paragraph (b), above.))

Section 8. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 10.117-2.

# ((SEC. 10.117-2. ADULT PROBATION REVOLVING FUND FOR TEMPORARY LOAN TO PROBATIONERS UNDER THE SPECIAL SUPERVISION PROGRAM.

(a) A \$500 revolving fund for purpose of making temporary loan to probationers under the special supervision program is hereby established. For purpose of facilitating the withdrawal of money, said revolving fund may be maintained in cash at the office of Adult
Probation Department or may be deposited in such bank or banks as the Chief Adult
Probation Officer may direct.

(b) The Chief Probation Officer shall cause full, true and correct records to be maintained currently regarding the receipt and disbursement of said revolving fund. At the end of each fiscal year, the Chief Probation Officer shall submit to the Controller an accounting of said revolving fund, listing cash on hand or in bank and listing by probationers the amount of temporary loans outstanding at June 30th of each fiscal year.))

Section 9. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 10.117-28.

((SEC. 10.117-28. CIVIL SERVICE COMMISSION FINGERPRINT PROCESSING FUND.

(a) Established. There is hereby established a special fund for the purpose of receiving fees collected by the Civil Service Commission for services rendered in connection with the imprinting and processing of fingerprints.

(b) Expenditures from Fund. The monies in said special fund shall be used solely to pay any and all necessary fees to any other government agency required by law to collect fees from the Civil Service Commission for services rendered in connection with the imprinting or processing of fingerprints.))

Section 10. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 10.117-58.

# ((SEC. 10.117-58. PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN SUBSTITUTE PAYEE PROGRAM TRUST FUND.

 (a) Findings. The Board of Supervisors finds that there are residents of the City and County of San Francisco who are recipients of Social Security Administration benefits, Veteran's Administration benefits, General Assistance, and income from public and private sources who are unable to manage such income to their best advantage.

There are also residents of the City and County of San Francisco who are denied the payment of Social Security Administration benefits, Veteran's Administration benefits, General Assistance, and income from public and private sources because of mental and/or physical disability who would benefit from assistance in applying for and managing funds.

Therefore, the Board of Supervisors authorizes the County Public Administrator/Public Guardian, pursuant to the permission of their client, to receive, manage, and disburse income and benefits from public and private sources for those persons who receive such aid, but are unable to manage their funds. The Department of Public Health and the Public Administrator/Public Guardian shall develop a Memorandum of Understanding delineating

roles and responsibilities of each Department in relation to the Substitute Payee Program by June 30, 1991. The Public Administrator/Public Guardian shall submit to the Director of Public Health annually within 30 days of the close of each fiscal year a written report on the status of substitute payee services rendered to the mentally disabled clients of the Department of Public Health.

And, further, that the Public Administrator/Public Guardian is authorized, pursuant to the permission of their client, to provide assistance in applying for public and private resources to which the client may be entitled, but which are withheld or not paid because of a determination from the funding sources that the recipient is not mentally capable of managing such funds.

(b) Established. There shall be established a special fund to be known and designated as the Public Administrator/Public Guardian Substitute Payee Program Trust Fund, into which shall be placed deposits made by the Public Administrator/Public Guardian on behalf of individual clients.

(c) Public Administrator/Public Guardian Substitute Payee Program. Upon agreement with the client, PA/PG may provide the following services:

(1) Collect and deposit entitlement checks in the PA/PG Substitute Payee Trust Fund.

(2) Redirect client's rent and utility bills to the PA/PG Substitute Payee Program and pay these bills with the client's funds.

(3) Make disbursements from the client's share in the trust fund for the client's personal needs.

(d) Refunds. Upon discharge or withdrawal of a client from the Public Administrator/Public Guardian Program, any and all amounts on deposit in his/her name in the trust fund shall be paid to him/her.

(e) Revolving Fund. For the purposes of facilitating the withdrawal of money belonging to individual beneficiaries, the Public Administrator/ Public Guardian may maintain, as part of the trust fund, a revolving fund in such amounts as shall be authorized by the Public Administrator/Public Guardian. Such revolving fund may be maintained in cash at the office of the Public Administrator/Public Guardian or may be deposited in such bank or banks as the Public Administrator/Public Guardian may direct. If the account accrues any interest it will first be used to offset the City's administrative costs of managing the Substitute Payee Trust Program. Any remaining interest will be prorated and credited to the individual beneficiaries on the basis of their share in the account.

(f) Records. The Public Administrator/Public Guardian shall cause full, true and correct records to be maintained, on a current basis, regarding the receipt and disbursement of all moneys belonging to any such client on deposit in the PA/PG Substitute Payee Program Trust Fund. Clear and current records must be maintained showing all credits to and debits from the account for each individual client, as well as each individual client's current share/balance in the account.

(g) The Public Administrator/Public Guardian shall keep records as befits a fiduciary entrusted with a client's funds.))

Section 11. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 10.117-64.

## ((SEC. 10.117-64. KOSHER FOOD INSPECTION FUND.

(a) Establishment of Fund. There shall be established in the Treasury of the City and
 County of San Francisco a special fund to be known and designated as the "Kosher Food
 Inspection Fund," in which shall be placed monies received and collected by the City and

County pursuant to the State-enacted kosher food inspection statute. This fund will be administered by the Controller.

(b) Source of Funds. The City may accept funds from any public or private source, and deposit same into this special fund, for the purpose of facilitating the kosher food inspection program.

(c) Interest. Interest earned from the Kosher Food Inspection Fund shall become part of the principal thereof, and shall not be expended for any purpose other than that for which said fund is established.

(d) Accumulation of Monies in Fund. The balance remaining in the Kosher Food Inspection Fund at the close of fiscal year 1987-88 shall revert to the City's General Fund unless a later enacted statute extends the provisions of Business and Professions Code Section 12024.12.))

Section 12. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 10.117-99.

#### ((SEC. 10.117-99. MUNICIPAL RAILWAY SOFTWARE FUND.

(a) Establishment of Fund. There is hereby created a special fund to be known as the Municipal Railway Software Fund for the purpose of receiving all monies generated from the licensing and customization of transit-related software created by the Municipal Railway pursuant to Section 1.37 of the San Francisco Administrative Code.

(b) Authorization to Expend. Upon approval of the General Manager of the Municipal Railway, the monies in this fund may be used for the following purposes:

(1) The payment of any expenses related to the marketing or licensing of transitrelated software. (2) The payment of any expenses related to the installation and customization of transit-related software on the Licensee's premises.

(3) The payment of maintenance expenses for the computers used to develop transitrelated software.

(4) The purchase of additional hardware and software for the computers used to develop transit- related software.

(5) The reimbursement of the General Fund of the City and County of San Francisco for personnel costs related to the marketing, licensing, installation and customization of transit-related software.

(c) Appropriation of Monies. The monies in the Fund are hereby appropriated
exclusively for the purposes set forth in Subsection (b) of the section. Commencing on July 1, 1991, all expenditures made from the fund shall conform to the provisions of the Charter, the annual appropriations ordinance or supplemental appropriation ordinance(s).

(d) Interest. All interest earned from the fund shall accrue to the General Fund of the City and County of San Francisco.

(e) Accrual of Monies in Fund. Any unexpended balances remaining in the Municipal Railway Software Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in the fund for the purposes recited herein.))

Section 13. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 10.193.

((SEC. 10.193. ANNUAL ARTS FESTIVAL HANDLING FEES; COLLECTION; ESTABLISHMENT OF FUND.

(a) Definitions. For the purposes of this Section, the following words or phrases shall mean or include:

(1) "Annual Arts Festival." The San Francisco Annual Arts Festival held once each year in the San Francisco Civic Center Plaza under the auspices of the San Francisco Art Commission.

(2) "Art Commission." The Art Commission of the City and County of San Francisco.

(3) "Handling Fees." That money which must be paid, according to Paragraph (b) of this Article, by each artist, craftsperson, group, college or state university applying to the Art Commission to exhibit in the Annual Arts Festival, accepting an invitation to exhibit in such festival, or accepting allotment of a central location site as discussed below in Paragraph (b)
(3) of this Article.

(4) "Artist" or "Craftsperson." Any person who at the opening of the Annual Arts Festival shall have been a resident of the nine Bay Area Counties for at least one year; and who applies or accepts the invitation to exhibit creative and original works of his or her own design and making in the Annual Arts Festival, such as would be accepted for exhibition in an art museum. The nine Bay Area Counties are San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, Marin, Sonoma, Napa and Solano. Proof of such residence shall be such as is acceptable to the Art Commission or the Director of the Annual Arts Festival.

(5) "Director." Director of the Annual Arts Festival appointed by the Art Commission to administer the Annual Arts Festival.

(6) "Visual Arts Committee." The Visual Arts Committee of the Art Commission.

(7) "Screening Committee." Those seven person appointed by the Art Commission on the recommendation of the Visual Arts Committee, which shall have considered all names submitted in writing to the Visual Arts Committee by any person or art organization at least

five months prior to the opening date of the Annual Arts Festival as scheduled by the Art Commission.

(b) Handling Fees.

(1) Application Fees. Handling fees shall be paid to the Art Commission by any artist, craftsperson, college or state university when submitting an application to be considered as a potential exhibitor in the Annual Arts Festival as follows:

(A) Crafts. Craftspersons shall pay \$1 per item submitted, but, at the least, a minimum of \$5.

(B) Fine Arts. For works not exceeding the dimensions of four feet (horizontal) by six feet (vertical) the artist shall pay \$5 per item submitted, limited to submission of two items. For works of greater dimension than four feet (horizontal) by six feet (vertical), up to a maximum of seven feet six inches (vertical) the artist shall pay \$10. Not more than one work of dimensions greater than four feet (horizontal) by six feet (vertical) may be submitted. No work of dimensions greater than seven feet six inches (vertical) may be submitted, except upon special permission of the Director and the fee of such entries shall be \$10.

(C) Display Case Exhibitor. Artists or craftspersons who are members of groups which will be exhibiting in the Annual Arts Festival may submit to the Director an application to be permitted to exhibit display cases containing items not for sale at the Annual Arts Festival and which would be in the care of the group with which such artist or craftsperson is affiliated. The artist or craftsperson submitting such display shall pay \$1 for each item to be contained in any such display case but, at the least, a minimum of five dollars.

(D) Invited Artists and Craftspersons. The Director may, in his or her discretion, invite any artists or craftspersons of established reputation and honor to participate in the Annual Arts Festival. Any artist or craftsperson accepting such invitation shall, at the time of such acceptance, pay those application fees described in Subparagraphs (1)(A), (1)(B) or (1)(C) of

this Paragraph (b) as shall be applicable to such invitation and any craftspersons accepting such invitation shall also pay the exhibit fees set out in Subparagraph (C) of this Paragraph (b).

(2) Exhibition Fees. In addition to the application fees set out in (1)(C) above, all craftspersons whose works are accepted by the Screening Committee shall, the same day of receipt of notification of such acceptance, pay \$150 as an exhibition handling fee.

(3) Central Location Fees. The location of crafts displays at the Annual Arts Festival shall be decided by lottery conducted by affiliated art groups with the concurrence of the Director. The time and place of such lottery will be established at least one month prior to the opening date of the Annual Arts Festival and such information will be disseminated to craftspersons by the Director in a timely manner. The Director shall have complete discretion in determining which display locations shall be considered "central location." A craftsperson allotted a "central location" shall, personally or through a representative, at the time of the lottery, pay \$20 for the privilege of displaying at such location. If any central location fee is not paid by a craftsperson or his or her representative at the time of the lottery, the "central location" originally allotted to such craftsperson shall be reallotted, by the same lottery method employed for original allotment, until allotted to a craftsperson who, personally or by a representative, does pay the central location fee.

The location of all displays other than those decided by lottery as described above shall be decided by the Director whose decision shall be final.

(4) College or State University Fees. Any college recognized by the State of California as a Community College, and any California State University, located within the nine Bay Area Counties listed in Subparagraph (4) of Paragraph (a) of this Article, may submit an application to the Director for permission to display an exhibit in the Annual Arts Festival. If the Director

shall approve such application, such College or State University shall pay \$50 prior to the opening date of the Annual Arts Festival.

(5) Fine Art Replacement Fund. Any item of fine art shown for sale and sold in the Annual Arts Festival shall be immediately replaced by the artist who created it with an item of fine art of equal quality. Such artist shall pay to the Art Commission \$3 upon such replacement.

(6) Payment of Handling Fees. All fees established by this Article are handling fees as defined in Paragraph (a)(3) of this Article and shall be paid by certified check, cashier check or money order made payable to the Annual Arts Festival, San Francisco Art Commission.

(7) Nonrefundable Nature of Handling Fees. No Handling Fee established by this Article and paid to the Art Commission by or for any artist, craftsperson, Community College or State University shall be refundable for any reason.

(c) Displays Free of Handling Fees. There shall be no handling fee charged for Annual Arts Festival displays in the following instances:

(1) Education Display. The Director, in his or her discretion, may permit any person, school or group to present in the Annual Arts Festival an exhibit of general educational benefit to the public.

(2) Mini-shows. The Director, in his or her discretion, may permit any artist or artists whom he or she deems to be deserving of public exposition to display his, or her or their works in a special pavilion on the grounds of the Annual Arts Festival.

(3) Award of Honor. The Art Commission, with the concurrence of the Director may, as part of the Annual Arts Festival, award an Exhibit of Honor to any artist or artists deemed by the Art Commission to deserve such honor on the basis of the artist's or artists' cultural contributions to the City and County of San Francisco. Such Exhibit of Honor shall be

presented in the Capricorn Asunder Art Commission Gallery or any other location of the Director's choice.

(d) Severability. If any provision or provisions of this Article shall be held by a court of competent jurisdiction to be invalid for any reason, such provision or provisions shall be deemed to be severed from this Article and all other provisions of this Article shall be deemed to be in full force and effect.))

Section 14. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 10.200.

((SEC. 10.200. ESTABLISHMENT OF A HEALTHY LIFESTYLE PROGRAMS FUND.

(a) Established. There is hereby established a special fund for the purpose of receiving fees collected for: (1) health hazard appraisals; (2) risk reduction programs (such as smoking cessation, weight reduction, hypertension education and stress reduction); and (3) reimbursement of materials, and informational or training packets. Health Hazard Appraisal is an educational program which analyzes an individual's lifestyle and medical history. It then provides recommendations for lifestyle change (e.g., stop smoking, more exercise, lose weight) to improve one's health. The risk reduction programs provide education and support to help participants: (1) stop smoking; (2) lose weight; (3) lower their blood pressure, or (4) reduce stress. These healthy lifestyle programs are provided by the Department of Public Health's Bureau of Health Promotion and Education with the support of a five-year grant that ends on February 28, 1985.

Said special fund shall be known as the Healthy Lifestyle Program Fund. Said special fund shall be used solely for the following purposes:

(1) Salary costs of instructors.

(2) Purchase of supplies and support services.

(3) Purchase of required materials and equipment.

(4) Publication of informational manuals, brochures, pamphlets.

(5) Staff development activities in support of the programs, including cost for travel and continuing education.

(6) Other expenses incidental to the delivery of the programs.

(b) Administration and Expenditures from Fund. The monies in said special fund shall be set aside for the aforesaid purpose and are hereby appropriated therefore: expenditures therefrom shall be approved by the Director of Health.

Balances remaining in the fund at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 9.113 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein.

If, in the future, monies from the General Fund are required or permitted to support programs, then any fees collected shall be used to reimburse the General Fund up to the amount of any local monies appropriated.))

Section 15. Chapter 10 of the San Francisco Administrative Code is hereby amended by repealing Section 16.89.

### ((SEC. 16.89. FEES FOR MEDICAL EXAMINATIONS.

The Retirement System is hereby authorized to accept the fees for the cost of reexaminations when the personal physicians of certain applicants for appointment of civil service positions file reports contending that conditions reported by the civil service medical examiner do not exist in fact, or are of no significance in evaluating the suitability of the applicants for employment, and such funds received shall be deposited in a special fund

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known as the Medical Re-examination Fund, Civil Service, and the receipt and expenditure of this fund shall be subject to the provisions of the annual appropriation ordinance.))

APPROVED AS TO FORM: LOUISE H. RENNE, City Attorney

By: r 9.19 Class THOMAS J. OWEN Deputy City Attorney



City and County of San Francisco

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Tails

## Ordinance

**File Number:** 001008

Date Passed:

Ordinance amending Chapters 10 and 16 of Part I of the San Francisco Municipal Code (Administrative Code), by repealing Sections 10.92, 10.95, 10.104, 10.105, 10.106, 10.107, 10.109-4, 10.117-2, 10.117-28, 10.117-58, 10.117-64, 10.117-99, 10.193, 10.200, and 16.89, to eliminate funds no longer in use.

July 24, 2000 Board of Supervisors — PASSED, ON FIRST READING Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

July 31, 2000 Board of Supervisors - FINALLY PASSED

Ayes: 9 - Ammiano, Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Teng, Yee Absent: 2 - Brown, Yaki

File No. 001008

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 31, 2000 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young Clerk of the Board

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Date Approved

Mayor Willie L. Brown Jr.

File No. 001008