

1 [Updating Administrative Code Chapter 10, Article VI, establishing procedures for the refund
2 of erroneously collected money.]

3 **Ordinance amending Administrative Code Chapter 10, Article VI, governing the refund**
4 **of erroneously collected money by amending Section 10.43 to eliminate an obsolete**
5 **reference; amending Section 10.43-1 to clarify that this Article does not affect a**
6 **claimant’s rights to file a formal claim against the City; amending Section 10.43-1.6 to**
7 **clarify that the refund procedures do not apply to any City-imposed taxes; deleting**
8 **Section 10.43-1.7 as obsolete; and amending Section 10.43-5, governing refund of**
9 **deposits for use of certain City facilities by updating references in that Section,**
10 **deleting Brooks Hall and adding Moscone Center to the facilities covered by the**
11 **Section, and relocating that Section to Chapter 4 as new Section 4.23.**

12 Note: Additions are *italic; Times New Roman*; deletions
13 are ~~*strikethrough italic; Times New Roman.*~~
14 Board amendment additions are double underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

16 Section 1. Article VI, Chapter 10 of the San Francisco Administrative Code is hereby
17 amended by amending Sections 10.43, 10.43-1, 10.43-1.6, 10.43-1.7 and 10.43-5 to read as
18 follows:

19 **SEC. 10.43. PROCEDURE ON APPLICATION FOR REFUND OF FEES.**

20 Any fees, or amounts imposed for licenses, or penalties, costs or deposits, or
21 fees for buildings permits, hereafter paid to any department, board or commission of the City
22 and County may be refunded as hereinafter set forth; provided, that such payment was made
23 by reason of:

- 24 (a) Duplicate payment;
- 25 (b) Payment made in excess of the actual amount due;

1 (c) Payment erroneously collected by reason of a clerical error of the
2 department, board or commission;

3 (d) In the case of permits issued by the Central Permit Bureau and provided
4 in the Building Code and where no work has been performed under the permit by the
5 permittee, and where the project has been abandoned due to causes beyond the permittee's
6 control, or where such permit has been cancelled or denied by the department, board or
7 commission having jurisdiction; and

8 (e) Penalty payment collected by *the* Central Permit Bureau and reduced in
9 amount by action of the Board of *Permit* Appeals.

10 **SEC. 10.43-1. PROCEDURE ON APPLICATION FOR REFUND OF FEES - TIME**
11 **FOR PRESENTATION OF CLAIMS.**

12 Claims for refund under Section 10.43 shall be presented and filed with the head
13 of the department, board or commission originally receiving such money within ~~one year~~ *six*
14 *months* after the last item of the account or claim accrued. *Filing of a claim pursuant to this*
15 *Article shall not alter the rights or obligations of the claimant or the City and County with respect to*
16 *the filing of a claim pursuant to Article II of this Chapter or State law governing claims against public*
17 *entities.*

18 **SEC. 10.43-1.6. PROCEDURE ON APPLICATION FOR REFUND OF FEES -**
19 **EXCEPTIONS.**

20 ~~The provisions of Section 10.43~~ *This Article* shall not apply to claim for refund of
21 money paid or deposited by reason of property taxes, real estate taxes, improvement taxes,
22 personal property taxes, *hotel taxes, parking taxes, business taxes, special taxes, or* special
23 assessment district levies, *or any other tax imposed or collected by the City and County.*

24 ~~**SEC. 10.43 1.7. PROCEDURE ON APPLICATION FOR REFUND OF FEES - REFUNDS**~~
25 ~~**GENERALLY; RETROACTIVE EFFECT OF REFUNDS.**~~

1 ~~———— The provisions of Section 10.43 through 10.43 1.6 relating to the right of refund of~~
2 ~~money, and the procedure in relation thereto, shall apply to all claims for refunds of any kind described~~
3 ~~in Section 10.43 heretofore presented and filed with the head of the department, board or commission~~
4 ~~which originally received such money; and when such claims have been approved by the head of the~~
5 ~~respective department, board or commission, and transmitted to the Controller, on or subsequent to~~
6 ~~July 1, 1949. The payment of all such claims made prior to July 1, 1949, is hereby ratified and~~
7 ~~approved.~~

8 ~~**SEC. 10.43 5. RENTAL DEPOSITS, CIVIC AUDITORIUM AND BROOKS HALL.**~~

9 ~~———— The Director of Property, with the approval of the Director of Administrative Services,~~
10 ~~upon the cancellation of an advance reservation for space in the Civic Auditorium and Brooks Hall, or~~
11 ~~either of them, and for which a money deposit has been made, is empowered to refund the said deposit,~~
12 ~~in whole or in part, provided the Director of Property determines the best interests of the City and~~
13 ~~County will be served thereby and there is deducted from said refund any loss or expense suffered by~~
14 ~~the City and County. Refund of deposits shall be made in accordance with procedures established by~~
15 ~~the Controller.~~

16 Section 2. Chapter 4 of the San Francisco Administrative Code is hereby amended by
17 adding a new Section 4.23 to read as follows:

18 **SEC. 4.23. RENTAL DEPOSITS; BILL GRAHAM CIVIC AUDITORIUM AND**
19 **MOSCONE CENTER CONVENTION CENTER.**

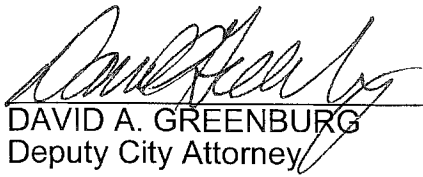
20 *The Convention Facilities Director, with the approval of the Director of Administrative*
21 *Services, upon the cancellation of an advance reservation for space in the Bill Graham Civic*
22 *Auditorium and the Moscone Convention Center, or either of them, and for which a money deposit has*
23 *been made, is empowered to refund such deposit, in whole or in part, provided the Convention*
24 *Facilities Director determines the best interests of the City and County will be served thereby and there*
25

1 *is deducted from such refund any loss or expense suffered by the City and County. Refund of deposits*
2 *shall be made in accordance with procedures established by the Controller.*

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4 APPROVED AS TO FORM:

5 LOUISE H. RENNE, City Attorney

6
7
8 By:


DAVID A. GREENBURG
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: 001910

Date Passed:

Ordinance amending Administrative Code Chapter 10, Article VI, governing the refund of erroneously collected money by amending Section 10.43 to eliminate an obsolete reference; amending Section 10.43-1 to clarify that this Article does not affect a claimant's rights to file a formal claim against the City; amending Section 10.43-1.6 to clarify that the refund procedures do not apply to any City-imposed taxes; deleting Section 10.43-1.7 as obsolete; and amending Section 10.43-5, governing refund of deposits for use of certain City facilities by updating references in that Section, deleting Brooks Hall and adding Moscone Center to the facilities covered by the Section, and relocating that Section to Chapter 4 as new Section 4.23.

December 11, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

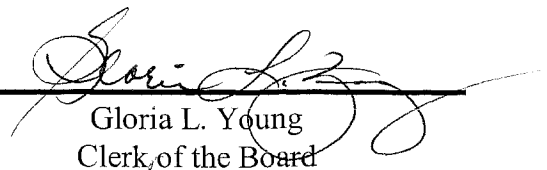
December 18, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Yaki, Yee

Absent: 2 - Katz, Teng

File No. 001910

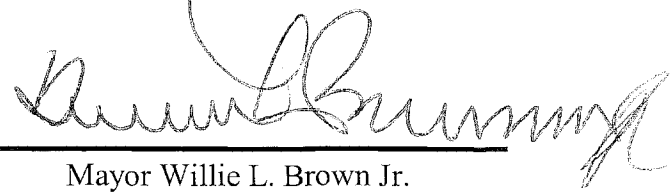
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on December 18, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

DEC 28 2000

Date Approved



Mayor Willie L. Brown Jr.