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

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.

Note: Additions are italic; Times New Roman; deletions are strikethrough italic, 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. Article VI, Chapter 10 of the San Francisco Administrative Code is hereby amended by amending Sections 10.43, 10.43-1, 10.43-1.6, 10.43-1.7 and 10.43-5 to read as follows:

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

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

(a) Duplicate payment;

(b) Payment made in excess of the actual amount due;

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

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

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

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

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

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

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

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

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

SEC. 10.43-5. RENTAL DEPOSITS, CIVIC AUDITORIUM AND BROOKS HALL.

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

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

SEC. 4.23. RENTAL DEPOSITS; BILL GRAHAM CIVIC AUDITORIUM AND MOSCONCE CENTER CONVENTION CENTER.

The Convention Facilities Director, with the approval of the Director of Administrative Services, upon the cancellation of an advance reservation for space in the Bill Graham Civic Auditorium and the Moscone Convention Center, or either of them, and for which a money deposit has been made, is empowered to refund such deposit, in whole or in part, provided the Convention Facilities Director determines the best interests of the City and County will be served thereby and there...
is deducted from such refund any loss or expense suffered by the City and County. Refund of deposits shall be made in accordance with procedures established by the Controller.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By:

DAVID A. GREENBURG
Deputy City Attorney
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.
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

Date Approved

DEC 28 2000

Mayor Willie L. Brown Jr.