

1 [Administrative Code Revision, Chapter 57 – Film Commission.]

2
3 **Ordinance amending Part I of the San Francisco Municipal Code (Administrative Code)**
4 **by amending each of the provisions of Chapter 57 and adding a provision to Chapter**
5 **10, Article XIII, relating to the Film and Video Arts Commission, to update out-dated**
6 **provisions, eliminate obsolete and redundant provisions, correct references, authorize**
7 **sidewalk closures by the Film Commission with the consent of the Department of**
8 **Public Works, and authorize sign-posting requirements by the Film Commission.**

9 Note: Additions are *italic; Times New Roman*; deletions
10 are ~~strikethrough italic, Times New Roman~~
11 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

13
14 Section 1. Chapter 57 of the San Francisco Administrative Code is hereby amended
15 by amending the Title of Chapter 57, to read as follows:

16 CHAPTER 57
17 FILM ~~AND VIDEO ARTS~~ COMMISSION

18
19 Section 2. Chapter 57 of the San Francisco Administrative Code is hereby amended
20 by amending Section 57.1, to read as follows:

21 **SEC. 57.1. DEFINITIONS.**

22 (a) "City" means the City and County of San Francisco.

23 (b) "Film" means feature motion pictures, video, ~~tapes,~~ *digital video*, television
24 programs, commercials, still photography, documentaries, travelogues, music videos and
25 other *related* visual art forms; provided however, that "film" shall not mean films ~~or video tapes~~

1 for private-family use or films by any news service or similar entity engaged in on-the-spot
2 broadcasting of news events.

3 (c) "Film company" means any individual, corporation, firm, partnership, or other
4 organization, however organized, *that is* engaged in film production.

5 (d) "Film production" means the activity of making a film for commercial or
6 noncommercial property where that activity (1) requires the use of City employees or
7 equipment or (2) interferes ~~to any substantial degree~~ with the ordinary use, *safety* and enjoyment
8 of public ~~streets or sidewalks~~ *right-of-ways* or other property under the jurisdiction of the City.

9 (e) "Commission" means the Film ~~and Video Arts~~ Commission of the City and County
10 of San Francisco.

11
12 Section 3. Chapter 57 of the San Francisco Administrative Code is hereby amended
13 by amending Section 57.2, to read as follows:

14 **SEC. 57.2. ESTABLISHMENT OF COMMISSION; APPOINTMENT OF COMMISSIONERS;**
15 **QUALIFICATIONS; TERMS OF OFFICE; COMPENSATION.**

16 (a) **Establishment of Commission.** A Film ~~and Video Arts~~ Commission for the City
17 and County of San Francisco (referred to hereafter in this Chapter as "Commission") is hereby
18 created consisting of eleven (11) members.

19 (b) **Appointment of Commissioners; Qualifications.** The members of the
20 Commission shall be appointed by and serve at the pleasure of the Mayor. At least six
21 members of the Commission shall be residents of the City and County of San Francisco. The
22 Commission shall be composed of outstanding members of the community. The membership
23 of the Commission may include members who have experience in areas such as: Performing
24 and Creative Arts, Production, Film ~~Video~~ or Sound Technology, Services and Facilities,
25 Education, Presentation and Producing, Interactive Multimedia, and shall be broadly

1 representative of ethnic, racial, gender, age and sexual orientation groups, and shall
2 otherwise reflect the diversity of the City and County. The President of the Arts Commission
3 of the City and County shall be invited to serve as a nonvoting, ex-officio member of the Film
4 ~~and Video Arts~~ Commission.

5 (c) **Term of Office.** ~~Within 60 days of the effective date of this amendment to Chapter 57,~~
6 ~~the Mayor shall appoint 11 Commissioners. Of the 11 Commissioners appointed, three shall serve for~~
7 ~~a term of two years, four shall serve for a term of three years, and four shall serve for a term of four~~
8 ~~years. The term of office of each Commissioner shall be determined by the drawing of lots at the first~~
9 ~~meeting of the Commission after the appointment of the 11 Commissioners. Thereafter, members~~
10 Commissioners shall be appointed for a term of office of four years, except that ~~all of the~~
11 vacancies occurring during a term shall be filled for the unexpired term.

12 (d) **Compensation.** Members of the Commission shall not be compensated for
13 their service as members of the Commission. ~~On a majority vote of the Commission,~~
14 ~~Commissioners Members of the Commission~~ may be reimbursed for expenses incurred ~~as members~~
15 ~~of the Commission~~ resulting from their authorized activities on behalf of the Commission.

16 (e) **Selection of Chair.** The Commission shall, annually, select a Chair who shall
17 serve for a term of one year. The Commission may reappoint a Chair to serve additional
18 terms. ~~In addition to any other authority vested in or duty charged to him or her, the Chair of the~~
19 ~~Commission shall have the duty and authority to call meetings of the Commission and to maintain~~
20 ~~liaison with the Arts Commission from the perspective of film arts.~~

21 (f) **Executive Director.** The Commission shall appoint an Executive Director of the
22 Commission who shall serve at the Commission's pleasure. The Executive Director shall act
23 as the department head and appointing officer of the Commission pursuant to Charter Section
24 ~~3.501 4.126. This position is intended to replace the position of Mayor's Office Film Coordinator, and~~
25 ~~shall initially be compensated at the same rate as the Mayor's Office Film Coordinator was being~~

1 ~~compensated. This position shall be compensated from the same source of monies as was the Mayor's~~
2 ~~Office Film Coordinator.~~ The Executive Director shall supervise the Commission's staff, and
3 shall have other duties and responsibilities as provided in this Chapter.
4

5 Section 4. Chapter 57 of the San Francisco Administrative Code is hereby amended
6 by amending Section 57.3, to read as follows:

7 **SEC. 57.3. POWERS AND DUTIES.**

8 The Commission shall develop, recognize, and promote film ~~and video~~ activities in the
9 City ~~and County~~. The members shall work together ~~and to~~ explore and promote long-term
10 goals for film-making as a major emphasis of the City's economic and cultural base, and
11 encourage the recognition of film ~~and video~~ arts as an art form with widespread economic
12 components. The powers of the Commission shall include, but not be limited to:

13 (a) ~~The stimulation of~~ Stimulating community awareness of ~~the film~~ art forms ~~of film and~~
14 ~~video~~;

15 (b) ~~The promotion of~~ Promoting long-range investment in projects originating in the
16 San Francisco area, such as scripts, film proposals, treatments, and shorter works;

17 (c) ~~The coordination of~~ Promoting the awareness of ~~film and video arts and film training~~
18 ~~and economic opportunities in the schools throughout the school systems so as to provide training at~~
19 ~~the universities and community colleges for technicians, craft skills, and creative talent in the area~~;

20 (d) ~~The coordination of communications among the various sectors of the film and video~~
21 ~~industry and cultivation of outreach so as to raise the public relations image. The Commission shall~~
22 ~~work to maintain the communication of issues and concerns, and to present, out of the City and abroad,~~
23 ~~the major assets and advances of San Francisco~~ Promoting the San Francisco Bay Area as a film
24 destination;
25

1 (e) ~~The acceptance of~~ Accepting gifts, devises and bequests as provided in ~~Charter~~
2 ~~Section 3.500(d)~~ Administrative Code Sections 10-116 through 10.116-3;

3 (f) ~~The maintenance of~~ Maintaining liaison with other specific interest groups,
4 councils, organizations, and institutions *related to the film industry*, and the maintenance of
5 liaison with the Arts Commission from the perspective of film ~~and video~~ arts;

6 (g) Providing perspective for both the Mayor and the Board of Supervisors with
7 respect to long-range promotion, development and planning for a significant film ~~and video~~ arts
8 base in San Francisco;

9 (h) *Adopting rules and regulations to implement and further the purposes of this Chapter.*

10
11 Section 5. Chapter 57 of the San Francisco Administrative Code is hereby amended
12 by deleting Section 57.4, as follows:

13 ~~SEC. 57.4. MEETINGS.~~

14 ~~— Meetings of the Commission shall be convened by the Chair of the Commission. Meetings shall~~
15 ~~be held on a regular basis, to be determined by the Commission.~~

16
17 Section 6. Chapter 57 of the San Francisco Administrative Code is hereby amended
18 by amending Section 57.8, to read as follows:

19 **SEC. 57.8. 57.4. AUTHORITY AND DUTIES OF EXECUTIVE DIRECTOR.**

20 In addition to any other authority vested in or duty charged to him or her, the Executive
21 Director shall serve as the liaison between ~~the~~ film companies and the various City
22 departments. In performing ~~his or her~~ the duties ~~as~~ of liaison, the Executive Director shall
23 assist ~~the~~ film companies in locating suitable locations and shall coordinate the efforts of the
24 various City departments in connection with ~~the film~~ production ~~of motion pictures, films,~~
25 ~~television programs, music videos and other visual arts~~ utilizing City property or employees. The

1 Executive Director shall also be responsible for coordinating any ~~and all film~~ permits required
2 by the City for film ~~and video~~ productions ~~in the City~~.

3
4 Section 7. Chapter 57 of the San Francisco Administrative Code is hereby amended
5 by amending Section 57.5, to read as follows:

6 **SEC. 57.5. AUTHORIZATION TO ENTER INTO USE ~~AGREEMENTS CONTRACTS~~ AND**
7 **COORDINATE CITY DEPARTMENTS REGARDING FILM COMPANIES; CONSENT OF**
8 **RELEVANT DEPARTMENTS; COST RECOVERY; ~~SIDEWALK CLOSURES AND POSTING.~~**

9 (a) **Use ~~Agreements Contracts~~; Deposit of Funds.** The Executive Director may
10 enter into use ~~agreements contracts~~ with organizations seeking to engage in film productions.
11 The Executive Director shall be the sole City representative authorized to negotiate use
12 ~~agreements contracts~~. Such ~~agreements contracts~~ shall, at a minimum, provide for the full
13 recovery of costs incurred by the various City departments in providing the use of City
14 employees, equipment and rental facilities or rental properties. Funds to reimburse City
15 departments for costs incurred by those departments for the deployment of personnel or
16 equipment or use of rental facilities or rental properties shall be paid directly to those
17 departments for deposit subject to the budget and fiscal provisions of the Charter.

18 (b) **Consent of Departments or Mayor.** ~~Use agreements entered into pursuant to this~~
19 ~~Section shall provide that, ~~Where~~ film productions ~~are is~~ to take place on property under the~~
20 jurisdiction of City departments, the ~~Executive Director's~~ permission to use such property is
21 subject to the consent of the department head or his or her designee or the Mayor or Mayor's
22 designee.

23 (c) **Schedule of Costs.** In addition to the reimbursement of City departments for
24 the costs incurred by those departments in deploying personnel or equipment, the ~~Film~~
25 ~~Commission may, consistent with Charter Section 2.109, charge following daily charges use fees shall~~

1 ~~be assessed~~ to film companies seeking to engage in film productions. Until a new schedule of use
2 fees is approved by the Board of Supervisors, the use fees in existence on the effective date of this
3 Section shall remain in effect. The revenue generated by such use fees shall be deposited in the San
4 Francisco Film Production Fund.

5 ~~— Videos, documentaries, print, travel or corporate/industrial films — \$100~~

6 ~~— Commercials — \$200~~

7 ~~— Television programs or feature films — \$300~~

8 ~~— Student, educational or nonprofit productions — No fee~~

9 ~~— Fifty percent of the revenue generated by such charges shall be deposited in the Film~~
10 ~~Production Special Fund. The remaining 50 percent of such funds shall be deposited in a reserve fund~~
11 ~~account to be established by the Controller and held in reserve for City departments that incur costs~~
12 ~~related to film productions. The Executive Director shall determine the apportionment of reserved~~
13 ~~funds for these various departments. Such departments may use these funds subject to the budgetary~~
14 ~~and fiscal provisions of the Charter, provided that funds earmarked for the Municipal Railway shall be~~
15 ~~deposited to the Public Utilities Award Fund (Account No. 739771).~~

16 (d) **Sidewalk Closures and Sign-Posting.** The Film Commission may require that film
17 companies use City personnel or City-approved vendors to post notice of the closure of City streets and
18 sidewalks for film production, and may establish minimum sign-posting requirements. Notwithstanding
19 anything to the contrary in Section 724 of the Public Works Code, the Executive Director may
20 authorize the temporary occupancy of public sidewalks for film production, with the consent of the
21 Department of Public Works, subject to all requirements and conditions of the Department of Public
22 Works and Department of Parking and Traffic. Street closures for film production shall be governed by
23 applicable provisions of the Traffic Code.

1 Section 8. Chapter 57 of the San Francisco Administrative Code is hereby amended
2 by amending Section 57.6, to read as follows:

3 **SEC. 57.6. REQUIREMENTS FOR FILM COMPANIES.**

4 (a) **Use ~~Agreements~~ Contracts.** All film companies seeking to engage in film
5 productions shall enter into use ~~agreements contracts~~ with the Executive Director.

6 (b) **Insurance and Indemnification.** As a condition of engaging in film productions,
7 concurrently with entering into a use ~~agreement~~ contract with the City for the utilization of City
8 property or employees, film companies shall file with the Executive Director documentation of
9 insurance and indemnification holding the City and County harmless from any liability. The
10 amounts of such insurance and indemnification, and the suitability of the insuring entity, shall
11 be determined by the City's Risk Manager in coordination with the Executive Director and
12 other City departments.

13
14 Section 9. Chapter 57 of the San Francisco Administrative Code is hereby amended
15 by deleting Section 57.7, as follows:

16 ~~SEC. 57.7. AUTHORITY AND DUTIES OF THE CHAIR OF THE COMMISSION.~~

17 ~~—————In addition to any other authority vested in or duty charged to him or her, the Chair of the~~
18 ~~Commission shall have the duty and authority to convene meetings of the Commission, and to maintain~~
19 ~~liaison with the Art Commission from the perspective of film and video arts.~~

20
21 Section 10. Chapter 57 of the San Francisco Administrative Code is hereby amended
22 by deleting Section 57.9, as follows:

23 ~~SEC. 57.9. RULES AND REGULATIONS.~~

24 ~~—————The Commission may adopt rules and regulations to implement and further the purposes of this~~
25 ~~Chapter.~~

1
2 Section 11. Chapter 57 of the San Francisco Administrative Code is hereby amended
3 by deleting Section 57.10, as follows:

4 ~~SEC. 57.10. ESTABLISHMENT OF FILM PRODUCTION SPECIAL FUND; EXPENDITURES;~~
5 ~~CONTINUOUS APPROPRIATION.~~

6 ~~————— There is hereby created and established a special fund to be known as the Film Production~~
7 ~~Special Fund. Said fund shall be used exclusively for administering this Chapter and promoting San~~
8 ~~Francisco as a location for film productions. All expenditures shall be approved by the Commission.~~
9 ~~All funds deposited in said special fund shall be deemed continuously appropriated for the purposes set~~
10 ~~forth in this section and the Controller shall make such funds available for expenditure.~~

11 ~~Any unexpended balances remaining in fund at the close of any fiscal year shall be deemed to~~
12 ~~have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall~~
13 ~~be carried forward and accumulated in said fund account for the purposes recited herein.~~

14 ~~————— The Commission shall prepare and file with the Board of Supervisors, at the same time the~~
15 ~~Commission files with the Mayor a proposed fiscal year budget, an annual report that shall detail all~~
16 ~~revenues and expenditures of the Commission during the immediately preceding fiscal year.~~

17
18 Section 12. Chapter 57 of the San Francisco Administrative Code is hereby amended
19 by amending Section 57.11, to read as follows:

20 **SEC. ~~57.11.~~ 57.7. EXCEPTIONS.**

21 This Chapter shall not apply to film ~~or photographic activities~~ production occurring in the
22 buildings or on the grounds of the San Francisco War Memorial Performing Arts Center, ~~the~~
23 ~~Fine Arts Museums, the Asian Art Museum, the~~ ~~or~~ San Francisco Convention Facilities, or where
24 inconsistent with State law, the Charter or contractual agreements.
25

1 Section 13. Chapter 57 of the San Francisco Administrative Code is hereby amended
2 by deleting Section 57.12, as follows:

3 ~~SEC. 57.12. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.~~

4 ~~—— In undertaking the adoption and enforcement of this Chapter, the City is assuming an~~
5 ~~undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers or~~
6 ~~employees, an obligation for breach of which the City is liable in money damages to any person who~~
7 ~~claims that such breach proximately caused injury.~~

8
9 Section 14. Chapter 57 of the San Francisco Administrative Code is hereby amended
10 by deleting Section 57.13, as follows:

11 ~~SEC. 57.13. SEVERABILITY.~~

12 ~~—— If any part of this Chapter, or the application thereof, is held to be invalid, the remainder of this~~
13 ~~Chapter shall not be affected thereby, and this Chapter shall otherwise continue in full force and effect.~~
14 ~~To this end, the provisions of this Chapter, and each of them, is severable.~~

15
16 Section 15. Chapter 10, Article XIII, of the San Francisco Administrative Code is
17 hereby amended by adding Section 10.100-297, as follows:

18 **Sec. 10.100-297. SAN FRANCISCO FILM PRODUCTION FUND.**

19 (a) *Establishment of Fund.* The San Francisco Film Production Fund is established as a category six
20 fund for the purpose of receiving daily use fees assessed by the Film Commission to film companies
21 and other miscellaneous revenue generated by the Film Commission.

22 (b) *Use of Fund.* The fund is to be expended to promote San Francisco as a location for film
23 production, to promote the purposes of Chapter 57, and as otherwise stated in Chapter 57. All
24 expenditures are subject to approval by the Film Commission. The Film Commission may use such
25

1 *funds to reimburse City departments for expenditures related to film production that have not*
2 *otherwise been reimbursed directly by film companies.*

3 (c) *Administration of Fund. By March 1st of each year, the Commission shall prepare and file with the*
4 *Board of Supervisors an annual report detailing revenues and expenditures from the previous fiscal*
5 *year.*

6
7 APPROVED AS TO FORM:

8 LOUISE H. RENNE, City Attorney

9
10
11 By:



MIRIAM L. STOMBLER
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: 001967

Date Passed:

Ordinance amending Part I of the San Francisco Municipal Code (Administrative Code) by amending each of the provisions of Chapter 57 and adding a provision to Chapter 10, Article XIII, relating to the Film and Video Arts Commission, to update out-dated provisions, eliminate obsolete and redundant provisions, correct references, authorize sidewalk closures by the Film Commission with the consent of the Department of Public Works, and authorize sign-posting requirements by the Film Commission.

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

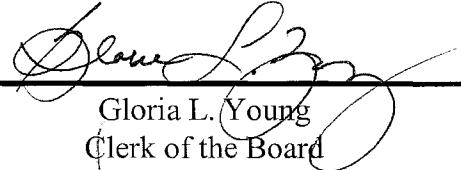
Absent: 2 - Katz, Teng

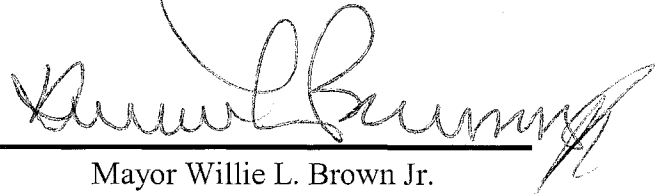
File No. 001967

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.

DEC 28 2000

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Willie L. Brown Jr.