[Refuse Collection Service Liens and Fees]

Ordinance amending Article 6 of the San Francisco Health Code by amending Sections 291.7, 291.13, 291.14, and 293.3 to allow the Department of Public Health to recover its full costs of processing residential and commercial liens for refuse collection services, provide a process for the Controller to adjust fees annually based on program costs, eliminate the monetary cap on the continuing appropriation account, clarify lien hearing procedures, and add an employee class to enforce Sections 293 to 293.2.

NOTE: Additions are single-underline italics Times New Roman; deletions are strike-through italics 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. The San Francisco Health Code is hereby amended by amending Sections 291.7, 291.13, 291.14, and 293.3 to read as follows:

SEC. 291.7. PAYMENT BY DEPARTMENT OF PUBLIC HEALTH LIEN.

(a) Following the receipt of the complaint filed in accordance with Section 291.5, the Director shall, regardless of any sale or other transfer of property, following the date of receipt of such complaint, process the complaint for payment to the Collector for 1) nonpayment of a residential refuse collection charge, or 2) nonpayment of a commercial refuse collection charge incurred after an order from the Director requiring commercial refuse collection service. The Director shall process these payments from a continuing appropriation account so provided herein under Section 291.14, and the Owner shall be liable to the City for fees paid. The payment by the City will, upon the recording thereof in the manner herein provided, create a lien on the real property to which the service was rendered. The lien will be officially recorded in the County Recorder's files, the lien to carry and will include additional charges for administrative
expenses of $87 for residential liens and $127 for commercial liens; $50 or 10 percent of the amount owed, whichever is higher, plus any applicable recording fees, and interest at a rate of 1% percent per full month compounded monthly from the date of the recordation of the lien on all fees and charges due. The Owner shall be notified by the Director that the fees and charges are due to the City. In addition, the Owner shall be notified that if the fees and charges remain unpaid, subsequent proceedings may be taken to make said fees and charges a special assessment on the real property to which said refuse collection service was rendered.

(b) Beginning with fiscal year 2010-2011, fees set forth in this Section may be adjusted each year, without further action by the Board of Supervisors, as set forth in this Section.

Not later than April 1, the Director shall report to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year’s costs of operation, as well as any other information that the Controller determines appropriate to the performance of the duties set forth in this Section.

Not later than May 15, the Controller shall determine whether the current fees have produced or are projected to produce revenues sufficient to support the costs of providing the services for which the fees are assessed and that the fees will not produce revenue that is significantly more than the costs of providing the services for which the fees are assessed.

The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs of operation without producing revenue which is significantly more than such costs. The adjusted rates shall become operative on July 1.
SEC. 291.13. COLLECTION OF ASSESSMENT.

Upon confirmation of the report by the Director of Supervisors, the delinquent charges contained therein shall constitute a special assessment against the property to which the services were rendered. Thereafter, said assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and same procedure of sale as provided for delinquent, ordinary municipal taxes.

The assessments shall be subordinate to all existing special assessment liens previously imposed upon the property and paramount to all other liens except those for state, county and municipal taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest and penalties due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to said special assessments.

SEC. 291.14. CONTINUING APPROPRIATION ACCOUNT.

There is hereby created in the general fund a continuing appropriation account entitled "Payment of Property Owners' Delinquencies for Refuse Collection Service." This account shall be credited with such sums as may be appropriated by the Board of Supervisors, delinquencies collected by the Director of Public Health, assessments collected by the Tax Collector, and sums received in consideration of release of liens. Expenditures from said sums shall be made to Collectors for Owner delinquent accounts. in the event that the unexpended balance in said account shall exceed $160,000, such excess shall be transferred to the unappropriated balance of the general fund.
SEC. 293.3. ENFORCEMENT.

In addition to any peace officer, the following classes of employees of the City and County of San Francisco shall have the authority to enforce the provisions of Sections 293 to 293.2:

<table>
<thead>
<tr>
<th>Classification Number</th>
<th>Class Title</th>
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<tbody>
<tr>
<td>6108</td>
<td>Environmental Health Technician</td>
</tr>
<tr>
<td>6120</td>
<td>Environmental Health Inspector</td>
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<tr>
<td>6122</td>
<td>Senior Environmental Health Inspector</td>
</tr>
<tr>
<td>6124</td>
<td>Principal Environmental Health Inspector</td>
</tr>
<tr>
<td>6126</td>
<td>Director, Bureau of Environmental Health</td>
</tr>
<tr>
<td>6127</td>
<td>Assistant Director, Bureau of Environmental Health</td>
</tr>
<tr>
<td>8280</td>
<td>Environmental Control Officer</td>
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</tbody>
</table>

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: CECILIA T. MANGOBA
Deputy City Attorney
Ordinance amending the San Francisco Health Code, Article 6, by amending Sections 291.7, 291.13, 291.14, and 293.3, to allow the Department of Public Health to recover its full costs of processing residential and commercial liens for refuse collection services, provide a process for the Controller to adjust fees annually based on program costs, eliminate the monetary cap on the continuing appropriation account, clarify lien hearing procedures, and add an employee class to enforce Sections 293 through 293.2.

June 29, 2010 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

July 13, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 100707

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/13/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

Date Approved: July 28, 2010