

OTHER POLICY EXAMPLES

Kent, WA

Chapter 4.04 ART PROGRAM

Sections:

4.04.010 Established.

4.04.020 Art account created.

4.04.030 Guidelines and procedures.

4.04.010 Established.

A. The city art fund may be used for all costs for works of art, administrative costs of the city art program, and all costs of installation and maintenance.

B. The city arts commission shall recommend the amount to be made available for the purchase of art, in consultation with city staff. The designation of projects and sites, selection, contracting, purchase, commissioning, review of design, execution and placement, acceptance, maintenance, sale, exchange, or disposition of works of art shall be recommended by the arts commission and staff, for approval by the city council, in accordance with the city art program guidelines.

C. All works of art purchased and commissioned under the city art program shall become a part of a city art collection. The city art collection shall be developed, administered and operated by the arts commission with cooperation and support of the parks and recreation department staff.

D. The works of art may be placed on public lands, integrated with or attached to a public building or structure, detached within or outside a public building or structure, or part of a portable collection or exhibit.

E. Nothing in this chapter shall limit the amount of money the city may expend for art.

(Ord. No. 2552, § 1. Formerly Code 1986, § 2.35.020)

4.04.020 Art account created.

There is hereby established a city art account. Monies for the fund shall be received from:

1. *Annual city budget.* Two dollars (\$2) per budget year for each city resident, based upon population data certified by the State Office of Financial

Management. Budgeted, but unspent funds shall be maintained in the art fund, and carried forward at the end of each budget year.

2. *Gifts, donations and grants.* Private or public gifts, endowments, donations, bequests or other grants.

3. *Other.* Such other sources as may be available.

(Ord. No. 2552, § 1. Formerly Code 1986, § 2.35.010)

Cross reference(s) – Specific funds, ch. 3.40.

4.04.030 Guidelines and procedures.

A. Upon consultation with the city arts commission, guidelines and procedures shall be prepared by staff for the implementation of the city art program. Such guidelines and procedures shall be reviewed by the city arts commission annually, and recommendations shall be made to the city council for approval.

B. A city art plan including a schedule and budget for all city art program projects shall be prepared and updated annually by the city arts commission and city parks and recreation department staff. The city art plan shall be reviewed and approved annually by the city council.

(Ord. No. 2552, § 1. Formerly Code 1986, § 2.35.030)

Mesa, AZ

Title V - Business Regulations

Chapter 17 - Development Impact Fees

SECTION 5-17-5: IMPOSITION OF IMPACT FEES:

(A) Imposition, Specific Impact Fees. After November 1, 1998, any person who seeks to obtain a building permit, a right-of-way permit, or any other permit, or any extension of any such permit that was issued before November 1, 1998 is required to pay the applicable water impact fee, wastewater impact fee, park impact fee, cultural facility impact fee, library impact fee, fire impact fee, and police impact fee unless the type of development described in the permit is specifically exempted by this Chapter. In addition, any person who seeks a connection to the City water system shall pay a water impact fee, and any person who seeks a connection to the City wastewater system shall pay a wastewater impact fee, regardless of whether the development to be connected requires a building permit or other permit. (3502,3875,4039)

(B) Timing of Payment. Any person required by this Chapter to pay one (1) or more impact fees, shall pay each impact fee required by this Chapter to the City prior to, or in conjunction with, the issuance of any such permit, or extensions thereof, or prior to the completion of any connection to the City's water and wastewater systems; and no such permits or extensions shall be issued and no such connections shall be made until each impact fee required by this Chapter has been paid. All impact fees paid by a person pursuant to this Chapter shall be promptly deposited in the appropriate impact fee funds described in Section 5-17-7. (3502,3875,4039)

(C) Calculation of Impact Fees from Impact Fee Tables.

1. The City shall determine the amount of each required impact fee through the use of the impact fee tables set forth in this Chapter. (3502,3875)

Type of Impact Fee	Table
Water Impact Fee	<u>Table 1</u>
Wastewater Impact Fee	<u>Table 2</u>
Park Impact Fee	<u>Table 3</u>
Cultural Facility Impact Fee	<u>Table 4</u>
Library Impact Fee	<u>Table 5</u>
Fire Impact Fee	<u>Table 6</u>
Police Impact Fee	<u>Table 7</u>

2. Land Use Type. The City shall determine the land use type for each development based on the land use or land uses applicable to the lot to be developed in its entirety. If the exact land use type applicable to the lot is not listed in a table, then the City shall use the land use type that contains the highest number of major components of the exact land use applicable to the lot. If a lot consists of two (2) or more separate areas with different land uses applicable to each separate area, then the impact fee shall be determined by adding up all the fees that would be applicable for each land use type in each separate area as if each such area was a freestanding lot. (3502,4039)

3. Meter Size. The City shall determine the meter size for each lot based on the actual meter size installed on each lot. If the exact meter size is not listed in a table then the City shall use the next largest meter size in such table. If a lot consists of two (2) or more separate areas with separate meters in each separate area, then the impact fee shall be determined by adding up all the fees that would be applicable for each meter size in each separate area as if each such area was a freestanding lot. (3502,4039)

4. Credit of Prior Fees. If the applicant is applying for an extension of a permit issued prior to November 1, 1998, then the water impact fee shall be reduced by any amount previously paid as a water development fee at the time the permit was originally issued, the wastewater impact fee shall be reduced by

any amount previously paid as a wastewater development fee at the time the permit was originally issued, and the park impact fee shall be reduced by any amount previously paid as a residential development tax at the time the permit was originally issued. In the event that there has been a net decrease in the impact fee for the new development since the permit was initially applied for, there shall be no refund of development fees or development taxes previously paid. (3502,3547,4039)

5. Development Fees. If the applicant is applying for a permit to provide for a change in use of a lot, the impact fee shall be based on the net increase in the impact fee for the new housing type, land use type or meter size as compared to the previous housing type, land use type or meter size. In the event that the proposed change in use results in a net decrease in the fee for the new housing type, land use type or meter size as compared to the previous housing type, land use type, or meter size, there shall be no refund of impact fees previously paid. (3502,4039)

Missouri

Chapter 143 Income Tax Section 143.183

August 28, 2004

Professional athletes and entertainers, state income tax revenues from nonresidents--transfers to Missouri arts council trust fund, Missouri humanities council trust fund, Missouri state library networking fund, Missouri public television broadcasting corporation special fund and Missouri historic preservation revolving fund.

143.183. 1. As used in this section, the following terms mean:

(1) "Nonresident entertainer", a person residing or registered as a corporation outside this state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic, dance or other performance in this state before a live audience and any other person traveling with and performing services on behalf of a nonresident entertainer, including a nonresident entertainer who is paid compensation for providing entertainment as an independent contractor, a partnership that is paid compensation for entertainment provided by nonresident entertainers, a corporation that is paid compensation for entertainment provided by nonresident entertainers, or any other entity that is paid compensation for entertainment provided by nonresident entertainers;

(2) "Nonresident member of a professional athletic team", a professional athletic team member who resides outside this state, including any active

player, any player on the disabled list if such player is in uniform on the day of the game at the site of the game, and any other person traveling with and performing services on behalf of a professional athletic team;

(3) "Personal service income" includes exhibition and regular season salaries and wages, guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type of compensation paid to the nonresident entertainer or nonresident member of a professional athletic team, but does not include prizes, bonuses or incentive money received from competition in a livestock, equine or rodeo performance, exhibition or show;

(4) "Professional athletic team" includes, but is not limited to, any professional baseball, basketball, football, soccer and hockey team.

2. Any person, venue, or entity who pays compensation to a nonresident entertainer shall deduct and withhold from such compensation as a prepayment of tax an amount equal to two percent of the total compensation if the amount of compensation is in excess of three hundred dollars paid to the nonresident entertainer.

3. Any person, venue, or entity required to deduct and withhold tax pursuant to subsection 2 of this section shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, remit the taxes withheld in such form or return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

4. Any person, venue, or entity subject to this section shall be considered an employer for purposes of section 143.191, and shall be subject to all penalties, interest, and additions to tax provided in this chapter for failure to comply with this section.

5. Notwithstanding other provisions of this chapter to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but none after December 31, 2015, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, sixty percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri arts council trust fund, and shall be transferred from the general revenue fund to the Missouri arts council trust fund established in section 185.100, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. Notwithstanding other provisions of this section, the Missouri arts council shall not be appropriated more than ten million dollars in any fiscal year. The director shall by rule establish the method of determining the portion of personal service income of such persons that is allocable to Missouri.

6. Notwithstanding the provisions of sections 186.050 to 186.067, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri humanities council trust fund, and shall be transferred from the general revenue fund to the Missouri humanities council trust fund established in section 186.055, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

7. Notwithstanding other provisions of section 182.812, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri state library networking fund, and shall be transferred from the general revenue fund to the secretary of state for distribution to public libraries for acquisition of library materials as established in section 182.812, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

8. Notwithstanding other provisions of section 37.200, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri public television broadcasting corporation special fund, and shall be transferred from the general revenue fund to the Missouri public television broadcasting corporation special fund established in section 37.200, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year; provided, however, that twenty-five percent of such allocation shall be used for grants to public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant

and an operating grant. The basic service grant shall be equal to thirty-five percent of the total amount and shall be divided equally among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants.

9. Notwithstanding other provisions of section 253.402, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri department of natural resources Missouri historic preservation revolving fund, and shall be transferred from the general revenue fund to the Missouri department of natural resources Missouri historic preservation revolving fund established in section 253.402, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. As authorized pursuant to subsection 2 of section 30.953, RSMo, it is the intention and desire of the general assembly that the state treasurer convey, to the Missouri investment trust on January 1, 1999, up to one hundred percent of the balances of the Missouri arts council trust fund established pursuant to section 185.100, RSMo, and the Missouri humanities council trust fund established pursuant to section 186.055, RSMo. The funds shall be reconveyed to the state treasurer by the investment trust as follows: the Missouri arts council trust fund, no earlier than January 2, 2009; and the Missouri humanities council trust fund, no earlier than January 2, 2009.

(L. 1994 S.B. 477, et al., A.L. 1998 S.B. 724, A.L. 2003 S.B. 52)

Missouri Revised Statutes

Chapter 143

Income Tax

Section 143.183

August 28, 2004

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(2) "Nonresident member of a professional athletic team", a professional athletic team member who resides outside this state, including any active player, any player on the disabled list if such player is in uniform on the day of the game at the site of the game, and any other person traveling with and performing services on behalf of a professional athletic team;

(3) "Personal service income" includes exhibition and regular season salaries and wages, guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type of compensation paid to the nonresident entertainer or nonresident member of a professional athletic team, but does not include prizes, bonuses or incentive money received from competition in a livestock, equine or rodeo performance, exhibition or show;

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2. Any person, venue, or entity who pays compensation to a nonresident entertainer shall deduct and withhold from such compensation as a prepayment of tax an amount equal to two percent of the total compensation if the amount of compensation is in excess of three hundred dollars paid to the nonresident entertainer.

3. Any person, venue, or entity required to deduct and withhold tax pursuant to subsection 2 of this section shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, remit the taxes withheld in such form or return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

4. Any person, venue, or entity subject to this section shall be considered an employer for purposes of section 143.191, and shall be subject to all penalties, interest, and additions to tax provided in this chapter for failure to comply with this section.

5. Notwithstanding other provisions of this chapter to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but none after December 31, 2015, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter

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(L. 1994 S.B. 477, et al., A.L. 1998 S.B. 724, A.L. 2003 S.B. 52)

San Francisco

CHAPTER 50 NONPROFIT PERFORMING ARTS LOAN PROGRAM

**CHAPTER 50
NONPROFIT PERFORMING ARTS LOAN PROGRAM**

Article

I.
GENERAL PROVISIONS

II.
LOAN ADMINISTRATION

III.
LOAN REQUIREMENTS

IV.
MISCELLANEOUS PROVISIONS

**ARTICLE I
GENERAL PROVISIONS**

Sec. 50.1.
Purpose and Findings.

Sec. 50.2.
Definitions.

SEC. 50.1. PURPOSE AND FINDINGS.

The Board of Supervisors hereby finds and declares that nonprofit performing arts organizations are an important cultural element of the quality of life in San Francisco. The Board also finds and declares that numerous arts organizations either operate out of facilities which do not meet the standards imposed by City and State fire, building, earthquake and other safety codes or are unable to acquire adequate operating space. Many of these arts organizations are financially unable to maintain their facilities or make the capital improvements needed to bring their facilities into compliance with these codes. This Chapter is therefore enacted in order to make low-cost loans available to qualified arts organizations for facilities maintenance, renovation and capital improvements so that they may carry on their work in facilities which are in full compliance with all applicable code requirements and with all other requirements which enable the facilities to be used for performing arts. In addition, this Chapter is enacted in order that low-cost loans may be made to these arts organizations for the acquisition or renovation of adequate operating space, to the extent that funds are available for this purpose.

The Board of Supervisors expressly finds and declares that the appropriation and expenditure of public funds for the purposes set forth above will serve a public purpose and will benefit the residents of San Francisco as a whole. Nonprofit arts organizations which work in substandard facilities are currently faced with the choice of either continuing to work in environments that are unsafe for their members and audiences alike, or of interrupting their work while they seek new and adequate facilities. The loans to be provided under this Chapter will assure that these arts organizations carry on their efforts in facilities which enhance the health, safety and welfare of the artists and of those who come to view their work. (Added by Ord. 69-84, App. 2/15/84; amended by Ord. 160-91, App. 4/25/91)

SEC. 50.2. DEFINITIONS.

Unless otherwise indicated by the context, the following definitions shall govern the construction of this Chapter:

(a) "Arts organization" shall mean a nonprofit performing arts organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and which is otherwise eligible for loans under this Chapter.

(b) "Director" shall mean the Director of the Mayor's Office of Housing, or his or her designee.

(c) "Fund" shall mean the Nonprofit Performing Arts Loan Fund, established pursuant to Administrative Code Section 10.117-41.

(d) "Incipient code violation" shall mean a physical condition of property which may reasonably be expected to deteriorate into a code violation within two years. (Added by Ord. 69-84, App. 2/15/84; amended by Ord. 160-91, App. 4/25/91)

ARTICLE II LOAN ADMINISTRATION

Sec. 50.10.

Duties of City and County Agencies.

Sec. 50.11.

Rules and Regulations.

Sec. 50.12.

Reports to the Board of Supervisors.

SEC. 50.10. DUTIES OF CITY AND COUNTY AGENCIES.

The Director shall be responsible for administration of all aspects of the Nonprofit Performing Arts Loan Program. The Director and each City and County agency assigned responsibilities under this Chapter shall have all such authority as may be reasonably necessary to carry out those

responsibilities. While retaining the overall responsibility for the administration of the program, the Director may utilize the services of the Department of Public Works and the Fire Department in connection with the code enforcement aspects of the program, and the services of the Real Estate Department in connection with the loan financing aspects of the program. The Director may also request the assistance of any other City and County agency in meeting his or her responsibilities under this program. (Added by Ord. 69-84, App. 2/15/84)

SEC. 50.11. RULES AND REGULATIONS.

The Director shall promulgate such rules and regulations as he or she may deem appropriate to carry out the provisions of this Chapter. Said rules and regulations shall be developed in consultation with pertinent City and County agencies and any other appropriate organizations which the Director in his or her discretion may choose to consult. The Board of Supervisors shall by resolution approve all such rules and regulations prior to their effective date. A copy of all such rules and regulations shall be available for review by the public during regular business hours in the office of the Director, the office of the Clerk of the Board of Supervisors, the Fire Prevention Bureau of the Fire Department, the Department of Public Works and in every other office which is assigned responsibilities for carrying out this program. (Added by Ord. 69-84, App. 2/15/84)

SEC. 50.12. REPORTS TO THE BOARD OF SUPERVISORS.

The Director shall submit a semi-annual report to the Board of Supervisors, within 90 days following the completion of each six-month period, setting forth a description of all loans made under this Chapter and an accounting of the uses made of all monies appropriated to the fund for the period in question. The Director's report shall include the fees, interest rates and other charges levied for each loan. The semi-annual reports shall also include the following information:

(a) For loans subsequent to the date of the last semi-annual report, the primary purpose of the loan, the principal amount, interest rate, and any fees which have been charged on the loan in excess of regularly scheduled interest payments; and

(b) For loans outstanding as of the date of the last semi-annual report, the outstanding principal balance, the current status of principal and interest, repayments made, if any, any current or potential default under the loan documents and any potential administrative action to be taken with respect thereto. (Added by Ord. 69-84, App. 2/15/84; amended by Ord. 160-91, App. 4/25/91)

ARTICLE III LOAN REQUIREMENTS

Sec. 50.20.

Applicant's Plan for Facilities Maintenance and Capital Improvements.

Sec. 50.21.
Eligibility for Loans.

Sec. 50.22.
Maximum Loan Amount; Factors in Determining Terms and Conditions.

Sec. 50.23.
Loan Fees and Interest Rates; Deferrals and Waivers.

Sec. 50.24.
Security for Loans.

Sec. 50.25.
Insurance.

Sec. 50.26.
Transfer and Assignment of Loans.

SEC. 50.20. APPLICANT'S PLAN FOR FACILITIES MAINTENANCE AND CAPITAL IMPROVEMENTS.

Each loan applicant shall submit a proposed plan for facilities maintenance and capital improvements or acquisition as part of the loan application process. The proposed plan shall include provisions designed to correct all code violations and incipient code violations of applicable City and State fire, building, earthquake and other safety codes, and any other provisions which the Director in his or her discretion may require. In consultation with the Department of Public Works, the Fire Department and other relevant City and County agencies, the Director shall review the proposed plan to ensure that it meets all applicable code requirements for the subject property. (Added by Ord. 69-84, App. 2/15/84)

SEC. 50.21. ELIGIBILITY FOR LOANS.

Each arts organization working in a facility in San Francisco which has been or is subject to being cited for code violations or incipient code violations or that intends to acquire or renovate a facility in San Francisco shall be eligible for a loan under this Chapter. Loans under this Chapter shall be available only to arts organizations with annual budgets of less than \$1,000,000, and only for the repair and maintenance or acquisition of facilities containing 50 to 499 seats. Each arts organization shall apply for a loan in compliance with all applicable rules and regulations as promulgated by the Director; shall demonstrate to the satisfaction of the Director the ability to repay such a loan; and shall meet all applicable requirements as set forth in this Chapter.

Priority for loans shall be given to arts organizations seeking funds to correct life safety code violations in the facility where they are presently working or acquisitions necessitated by life safety code defects. It is the intent

of the Board of Supervisors that the maximum degree of cultural and ethnic diversity be achieved among loan recipients, to insure that minority, disabled, lesbian/gay and other arts organizations may share in the benefits of this program. In administering this loan program, the Director shall give priority to this intent and shall insure that sufficient funds are available to achieve this purpose. (Added by Ord. 69-84, App. 2/15/84; amended by Ord. 160-91, App. 4/25/91)

SEC. 50.22. MAXIMUM LOAN AMOUNT; FACTORS IN DETERMINING TERMS AND CONDITIONS.

The maximum amount of a loan under this Chapter shall be \$200,000. The Director shall determine the terms and conditions of each loan, based upon the following factors:

- (a) Whether the arts organization owns the subject property or holds a longterm lease the life of which exceeds the anticipated repayment period;
- (b) The size, age, value and condition of the subject property;
- (c) The nature and extent of all code and incipient code violations;
- (d) The type of security to be given for the loan;
- (e) The verifiable financial soundness of the arts organization and its ability to complete the project for which the loan application is made;
- (f) The degree to which an arts organization can demonstrate community interest in and support for its artistic programs; and
- (g) Any other factors that the Director shall, by rule and regulation, establish. (Added by Ord. 69-84, App. 2/15/84; amended by Ord. 160-91, App. 4/25/91; Ord. 280-99, File No. 991737, App. 10/29/99)

SEC. 50.23. LOAN FEES AND INTEREST RATES; DEFERRALS AND WAIVERS.

A one percent loan fee on the principal of the loan shall be levied for all loans made under this Chapter. An interest rate of three percent simple interest shall also be levied by the Director.

In individual cases of documented hardship, the Director may either waive payment of the loan fee or defer it until the termination of the loan. The Director shall promulgate rules and regulations which shall be applied in making determinations of such waivers and deferrals. (Added by Ord. 69-84, App. 2/15/84)

SEC. 50.24. SECURITY FOR LOANS.

The owner of the subject property shall agree in writing to all alterations to the property to be financed by the loan as a prerequisite to granting a loan to any arts organization which is a tenant in the subject property. A copy of the arts organization's lease shall also be filed with the Director.

Every loan made under this Chapter shall be fully secured. The Director shall evaluate the types of security offered by each loan applicant and shall give preference to those types and amounts of security that in his or her opinion will provide the greatest protection for the City's funds. Further, the Director shall determine that the liquidation value of any security equals or exceeds the full value of the loan and the expected costs of proceeding on such security and obtaining the proceeds of any collateral. Those types of security shall include, but are not limited to:

(a) A deed of trust on the subject property, naming the City and County as beneficiary;

(b) The guarantee of the owner of the subject property, in cases where the arts organization is the tenant of the property to be improved;

(c) The independent, joint and several, collateral guarantee of the Board of Directors of an arts organization;

(d) A chattel mortgage or financing statement on equipment or other personal property owned by the arts organization. (Added by Ord. 69-84, App. 2/15/84; amended by Ord. 160-91, App. 4/25/91)

SEC. 50.25. INSURANCE.

All loans made under this Chapter shall provide that the loan applicant shall maintain, throughout the term of the loan, fire and lightning insurance with an extended coverage endorsement and a vandalism and malicious mischief endorsement. Such insurance shall be in an amount equal to 100 percent of the replacement cost of the improvements or other work to be financed by the proceeds of the loan. If a loss occurs which results in the total destruction of the subject structure, the insurance policy shall provide payment to the City in the amount of the then outstanding loan balance. The Director shall promulgate regulations, in consultation with the Risk Manager, to determine the circumstances in which any additional insurance requirements may be imposed. (Added by Ord. 69-84, App. 2/15/84)

SEC. 50.26. TRANSFER AND ASSIGNMENT OF LOANS.

(a) The unpaid amount of any loan shall be due and payable upon the occurrence of any of the following events:

(1) Sale or transfer of ownership of the property, if the arts organization is the owner of the subject property.

(2) The vacation of the property by the arts organization, if the organization is the tenant of the subject property.

(3) Cessation of activities by the borrower as a nonprofit performing arts organization, whether or not the property is transferred or vacated.

(4) Cessation of use of the property as a performing arts facility.

(b) Assignment of the unpaid amount of such a loan to a purchaser or transferee may be permitted where the Director determines that the purchaser or transferee is an arts organization which qualifies for a loan under current loan eligibility standards. The Director shall promulgate rules and regulations which shall be applied in making the determinations required under this subsection. (Added by Ord. 69-84, App. 2/15/84; amended by Ord. 160-91, App. 4/25/91)

ARTICLE IV MISCELLANEOUS PROVISIONS

Sec. 50.30.

Severability.

SEC. 50.30. SEVERABILITY.

The provisions of this ordinance shall not apply to any person, association, corporation or to any property as to whom or which it is beyond the power of the City and County to legislate. If any sentence, clause, section or part of this ordinance is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this ordinance, or person or entity; and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this ordinance, or its effect on other persons or entities. It is hereby declared to be the intention of the Board of Supervisors of the City and County that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part of this ordinance not been included herein; or had such person or entity been expressly exempted from the application of this ordinance. To this end the provisions of this ordinance are severable. (Added by Ord. 69-84, App. 2/15/84)

San Francisco Administrative Code

CHAPTER 50 NONPROFIT PERFORMING ARTS LOAN PROGRAM

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Article

I.
GENERAL PROVISIONS

II.
LOAN ADMINISTRATION

III.
LOAN REQUIREMENTS

IV.
MISCELLANEOUS PROVISIONS

ARTICLE I
GENERAL PROVISIONS

Sec. 50.1.
Purpose and Findings.

Sec. 50.2.
Definitions.

SEC. 50.1. PURPOSE AND FINDINGS.

The Board of Supervisors hereby finds and declares that nonprofit performing arts organizations are an important cultural element of the quality of life in San Francisco. The Board also finds and declares that numerous arts organizations either operate out of facilities which do not meet the standards imposed by City and State fire, building, earthquake and other safety codes or are unable to acquire adequate operating space. Many of these arts organizations are financially unable to maintain their facilities or make the capital improvements needed to bring their facilities into compliance with these codes. This Chapter is therefore enacted in order to make low-cost loans available to qualified arts organizations for facilities maintenance, renovation and capital improvements so that they may carry on their work in facilities which are in full compliance with all applicable code requirements and with all other requirements which enable the facilities to be used for performing arts. In addition, this Chapter is enacted in order that low-cost loans may be made to these arts organizations for the acquisition or renovation of adequate operating space, to the extent that funds are available for this purpose.

The Board of Supervisors expressly finds and declares that the appropriation and expenditure of public funds for the purposes set forth above will serve a public purpose and will benefit the residents of San Francisco as a whole. Nonprofit arts organizations which work in substandard facilities are currently faced with the choice of either continuing to work in environments that are unsafe for their members and audiences alike, or of interrupting their work while they seek new and adequate facilities. The loans to be provided under this Chapter will assure that these arts organizations carry on their efforts in facilities which enhance the health, safety and welfare of the artists

and of those who come to view their work. (Added by Ord. 69-84, App. 2/15/84; amended by Ord. 160-91, App. 4/25/91)

SEC. 50.2. DEFINITIONS.

Unless otherwise indicated by the context, the following definitions shall govern the construction of this Chapter:

(a) "Arts organization" shall mean a nonprofit performing arts organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and which is otherwise eligible for loans under this Chapter.

(b) "Director" shall mean the Director of the Mayor's Office of Housing, or his or her designee.

(c) "Fund" shall mean the Nonprofit Performing Arts Loan Fund, established pursuant to Administrative Code Section 10.117-41.

(d) "Incipient code violation" shall mean a physical condition of property which may reasonably be expected to deteriorate into a code violation within two years. (Added by Ord. 69-84, App. 2/15/84; amended by Ord. 160-91, App. 4/25/91)

ARTICLE II LOAN ADMINISTRATION

Sec. 50.10.

Duties of City and County Agencies.

Sec. 50.11.

Rules and Regulations.

Sec. 50.12.

Reports to the Board of Supervisors.

SEC. 50.10. DUTIES OF CITY AND COUNTY AGENCIES.

The Director shall be responsible for administration of all aspects of the Nonprofit Performing Arts Loan Program. The Director and each City and County agency assigned responsibilities under this Chapter shall have all such authority as may be reasonably necessary to carry out those responsibilities. While retaining the overall responsibility for the administration of the program, the Director may utilize the services of the Department of Public Works and the Fire Department in connection with the code enforcement aspects of the program, and the services of the Real Estate Department in connection with the loan financing aspects of the program. The Director may also request the assistance of any other City and County agency in meeting his or her responsibilities under this program. (Added by Ord. 69-84, App. 2/15/84)

SEC. 50.11. RULES AND REGULATIONS.

The Director shall promulgate such rules and regulations as he or she may deem appropriate to carry out the provisions of this Chapter. Said rules and regulations shall be developed in consultation with pertinent City and County agencies and any other appropriate organizations which the Director in his or her discretion may choose to consult. The Board of Supervisors shall by resolution approve all such rules and regulations prior to their effective date. A copy of all such rules and regulations shall be available for review by the public during regular business hours in the office of the Director, the office of the Clerk of the Board of Supervisors, the Fire Prevention Bureau of the Fire Department, the Department of Public Works and in every other office which is assigned responsibilities for carrying out this program. (Added by Ord. 69-84, App. 2/15/84)

SEC. 50.12. REPORTS TO THE BOARD OF SUPERVISORS.

The Director shall submit a semi-annual report to the Board of Supervisors, within 90 days following the completion of each six-month period, setting forth a description of all loans made under this Chapter and an accounting of the uses made of all monies appropriated to the fund for the period in question. The Director's report shall include the fees, interest rates and other charges levied for each loan. The semi-annual reports shall also include the following information:

(a) For loans subsequent to the date of the last semi-annual report, the primary purpose of the loan, the principal amount, interest rate, and any fees which have been charged on the loan in excess of regularly scheduled interest payments; and

(b) For loans outstanding as of the date of the last semi-annual report, the outstanding principal balance, the current status of principal and interest, repayments made, if any, any current or potential default under the loan documents and any potential administrative action to be taken with respect thereto. (Added by Ord. 69-84, App. 2/15/84; amended by Ord. 160-91, App. 4/25/91)

ARTICLE III LOAN REQUIREMENTS

Sec. 50.20.

Applicant's Plan for Facilities Maintenance and Capital Improvements.

Sec. 50.21.

Eligibility for Loans.

Sec. 50.22.

Maximum Loan Amount; Factors in Determining Terms and Conditions.

Sec. 50.23.

Loan Fees and Interest Rates; Deferrals and Waivers.

Sec. 50.24.
Security for Loans.

Sec. 50.25.
Insurance.

Sec. 50.26.
Transfer and Assignment of Loans.

SEC. 50.20. APPLICANT'S PLAN FOR FACILITIES MAINTENANCE AND CAPITAL IMPROVEMENTS.

Each loan applicant shall submit a proposed plan for facilities maintenance and capital improvements or acquisition as part of the loan application process. The proposed plan shall include provisions designed to correct all code violations and incipient code violations of applicable City and State fire, building, earthquake and other safety codes, and any other provisions which the Director in his or her discretion may require. In consultation with the Department of Public Works, the Fire Department and other relevant City and County agencies, the Director shall review the proposed plan to ensure that it meets all applicable code requirements for the subject property. (Added by Ord. 69-84, App. 2/15/84)

SEC. 50.21. ELIGIBILITY FOR LOANS.

Each arts organization working in a facility in San Francisco which has been or is subject to being cited for code violations or incipient code violations or that intends to acquire or renovate a facility in San Francisco shall be eligible for a loan under this Chapter. Loans under this Chapter shall be available only to arts organizations with annual budgets of less than \$1,000,000, and only for the repair and maintenance or acquisition of facilities containing 50 to 499 seats. Each arts organization shall apply for a loan in compliance with all applicable rules and regulations as promulgated by the Director; shall demonstrate to the satisfaction of the Director the ability to repay such a loan; and shall meet all applicable requirements as set forth in this Chapter.

Priority for loans shall be given to arts organizations seeking funds to correct life safety code violations in the facility where they are presently working or acquisitions necessitated by life safety code defects. It is the intent of the Board of Supervisors that the maximum degree of cultural and ethnic diversity be achieved among loan recipients, to insure that minority, disabled, lesbian/gay and other arts organizations may share in the benefits of this program. In administering this loan program, the Director shall give priority to this intent and shall insure that sufficient funds are available to achieve this purpose. (Added by Ord. 69-84, App. 2/15/84; amended by Ord. 160-91, App. 4/25/91)

SEC. 50.22. MAXIMUM LOAN AMOUNT; FACTORS IN DETERMINING TERMS AND CONDITIONS.

The maximum amount of a loan under this Chapter shall be \$200,000. The Director shall determine the terms and conditions of each loan, based upon the following factors:

- (a) Whether the arts organization owns the subject property or holds a longterm lease the life of which exceeds the anticipated repayment period;
- (b) The size, age, value and condition of the subject property;
- (c) The nature and extent of all code and incipient code violations;
- (d) The type of security to be given for the loan;
- (e) The verifiable financial soundness of the arts organization and its ability to complete the project for which the loan application is made;
- (f) The degree to which an arts organization can demonstrate community interest in and support for its artistic programs; and
- (g) Any other factors that the Director shall, by rule and regulation, establish. (Added by Ord. 69-84, App. 2/15/84; amended by Ord. 160-91, App. 4/25/91; Ord. 280-99, File No. 991737, App. 10/29/99)

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**ARTICLE IV
MISCELLANEOUS PROVISIONS**

Sec. 50.30.

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