

(Proposition L, Continued)

county treasury and maintained in a separate fund for each such utility. Appropriations from such funds shall be made for the following purposes for each such utility in the order named, viz: (1) for the payment of operating expenses, pension charges, and proportionate payments to such compensation and other insurance and accident reserve funds as the commission may establish or the board of supervisors may require; (2) for repairs and maintenance; (3) for reconstruction and replacements as hereinafter described; (4) for the payment of interest and sinking funds on the bonds issued for acquisition, construction or extensions; (5) for extensions and improvements, and (6) for a surplus fund. **The board of supervisors shall transfer to the general fund each year an amount equal to the annual interest and redemption or sinking fund on general obligation bonds issued for acquisition, construction or extension of any utility under the jurisdiction of the Public Utilities Commission.**

(b) The salaries and general expenses of the commission or bureaus thereof not chargeable to a specific department shall be apportioned fairly among the departments under the control of the public utilities commission in such manner as the commission may deem appropriate, and such apportionment shall be shown as expenses of such department.

(c) For the purpose of computing net income, the public utilities commission, on the basis of an appraisal of the estimated life and the then current depreciated value of the several classes of property in each utility, shall determine the amount of reasonable annual depreciation for each utility. During the fiscal year 1937-1938 and at least every five years thereafter, the commission shall make an appraisal or may revise the last preceding appraisal of the value and probable useful life of each of the several classes of property of each utility, and shall, on the basis of said appraisal,

redetermine the amount of the reasonable annual depreciation for each utility.

(d) For the purpose of providing funds for reconstruction and replacements due to physical and functional depreciation of each of the utilities under the jurisdiction of the commission, the commission must create and maintain a reconstruction and replacement fund for each such utility, sufficient for the purposes mentioned in this section, and in accordance with an established practice for utilities of similar character, which shall be the basis for the amount necessary to be appropriated annually to provide for said reconstruction and replacements.

(e) If any accumulation in the surplus fund of any utility shall, in any fiscal year, exceed 25 percent of the total expenditures of such utility for operation, repairs and maintenance for the preceding fiscal year, such excess may be transferred by the board of supervisors to the general fund of the city and county, and shall be deposited by the commission with the treasurer to the credit of such general fund.

(f) Any budget of expenditures for any public utility in excess of estimated revenues may be approved to provide for and include proposed expenditures for additions, betterments, extensions or other capital costs, in amount not to exceed \$.0075 on each \$100 valuation of property assessed in and subject to taxation by the city and county, provided that whenever tax support is required for additions, betterments, extensions or other capital costs the total provision for such purposes shall not exceed an amount equivalent to \$.0075 on each \$100 valuation of property subject to taxation by the city and county and provided further that proposed expenditures for additions, betterments, extensions or other capital costs in excess thereof shall require financing by authorization and sale of bonds. This section shall have precedence over section 6.205 of this charter and any other section deemed in conflict herewith.

TEXT OF PROPOSED ORDINANCE PROPOSITION M

ORDINANCE AMENDING INITIATIVE ORDINANCE DESIGNATED AS PROPOSITION "K" ON THE BALLOT FOR THE ELECTION OF JUNE 6, 1978, RELATING TO THE REGULATION OF TAXICABS AND OTHER MOTOR VEHICLES FOR HIRE; PROVIDING PENALTY FOR VIOLATION THEREOF.

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

Section 1. The initiative ordinance designated as Proposition "K" on the ballot for the election of June 6, 1978, is hereby amended by amending Sections 1, 2 and 4 thereof, to read as follows:

Sec. 1. The qualified electors of the City and County of San Francisco hereby declare it shall be the law of the City and County of San Francisco that:

(a) All taxicab permits and other vehicles for hire permits issued by the City and County of San Francisco are the property of the people of the City and County of San Francisco and, except as herein set forth, shall not be sold, assigned or transferred, and

(b) The Chief of Police of the City and County of San Francisco shall have the responsibility of establishing regulations to assure prompt, courteous and honest service to the riding public, and

(c) The taxicab business shall operate under the

principles of free enterprise and that taxicab operators may charge less than the maximum rate of fare set by law, as set forth below, and

(d) The Police Commission shall issue a sufficient number of permits to assure adequate taxicab service throughout the City and County of San Francisco.

Sec. 2. The Application for a Permit.

(a) Any applicant for a permit to operate a taxicab or other vehicle for hire shall apply to the Police Commission for its declaration of public convenience and necessity on blanks to be furnished by the Secretary of the Police Commission, and within fifteen (15) days of the filing of such an application the Secretary of the Police Commission shall have a notice of said application published in the official newspaper of the City and County of San Francisco. The notice shall state that an application has been filed for a license or permit to operate a taxicab or other vehicle for hire business, the name of the applicant, the kind of equipment and the number of taxicabs or other vehicles for hire which the applicant desires to operate, and the date, time and place of the hearing of said application. The notice shall be published for three

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successive days. A hearing on said application shall be held before the Police Commission not less than 90 days and not more than 120 days after the date of the application.

The applicant shall pay to the City and County of San Francisco a sum to cover the costs of advertising and investigating and processing the application for each permit, such sum to be determined periodically as appropriate by the Police Commission.

An applicant who has had his application denied shall not be eligible to reapply for a period of 180 days after the date of said denial.

Protests against the issuing of a permit may be filed with the Police Commission. The Police Commission shall consider all protests and in conducting its hearing shall have the right to call such witnesses as it desires. In all such hearings the burden of proof shall be upon the applicant to establish by clear and convincing evidence which shall satisfy the Police Commission that public convenience and necessity require the operation of the vehicle or vehicles for which permit application has been made, and that such application in all other respects should be granted.

(b) No permit shall be issued unless the person applying for the permit shall declare under penalty of perjury his or her intention actively and personally to engage as permittee-driver under any permit issued to him or her for at least four (4) hours during any twenty-four (24) hour period on at least seventy-five percent (75%) of the business days during the calendar year. No more than one permit shall be issued to any one person.

(c) For the period ending June 30, 1980, a preference in the issuance of any permit shall be given to any person who has driven a taxicab or other motor vehicle for hire in the City and County of San Francisco for at least one consecutive twelve (12) month period during any of the three (3) calendar years immediately prior to the filing of an application for issuance of such permit.

(d) No permit shall be issued except to a natural person and in no case to any business, firm, partnership or corporation.

(e) Subject to any other preference created in this Ordinance, all applications for a permit to operate a taxicab or other motor vehicle for hire shall be processed and considered in the order of their receipt by the Police Commission.

(f) No part of this Section 2 shall apply to any permit holder described in subparagraph (b) of Section 4 of this Ordinance.

Sec. 4. Continuous Operation

(a) All permittees within the purview of Section 1075 of Chapter VIII, Part II of the San Francisco Municipal Code (Police Code) shall regularly and daily operate their taxicab or other motor vehicle for hire business during each day of the year to the extent reasonably necessary to meet the public demand for such taxicab or motor vehicle for hire service.

Upon abandonment of such business for a period of ten (10) consecutive days by a permittee or operator, the Police Commission shall, after five (5) days

written notice to the permittee or operator, revoke the permit or permits of such permittee or operator; provided, however, that the Chief of Police, subject to the approval of the Police Commission and only after a thorough investigation, may on written application grant to the holder of any permit hereunder permission to suspend operation pursuant to such permit for a period not to exceed ninety (90) calendar days in any one twelve (12) month period in case of sickness, death, or other similar hardship.

(b) All persons, businesses, firms, partnerships, corporations or other entities who possess outstanding permits to operate a motor vehicle for hire on the effective date of this section must surrender and exchange any such permits for new permits within sixty (60) days of the effective date of this section.

Any permit to operate a motor vehicle for hire under this Ordinance shall be transferable upon the consent of the Police Commission after written application shall first have been made to said Commission; provided, however, that the consideration, if any, to be paid to the transferor permittee by the transferee permittee shall not exceed the amount paid by the transferor permittee to his or her predecessor permittee as shown on the records of the Police Commission.

Any permit which has been cancelled on or after July 1, 1978 and before the effective date of this Ordinance by reason of the death of the permit holder shall be reissued to the heirs of said permit holder upon application to the Police Commission therefor. The identity of heirs eligible for reissuance of a permit pursuant to this section shall be determined according to the laws of the State of California in effect at the date of the death of the permit holder.

Any such permit and all rights granted under it may be rescinded and ordered revoked by the Police Commission for good cause.

Section 2. Violations, and Misdemeanor

It shall be unlawful for any person to violate any provision, or fail to comply with, any of the requirements of Proposition K adopted on June 6, 1978 or this Initiative Ordinance. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Initiative Ordinance shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under this Initiative Ordinance shall be punishable by a fine of not more than Five Hundred (\$500) Dollars or by imprisonment in the County Jail for a period of not more than (6) months, or by both such fine and imprisonment.

Section 3. Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not effect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The qualified electors of the City and County of San Francisco hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.