Resolution establishing a property-based business improvement district to be known as the “2500 Block of Mission Street Business Improvement District (BID),” ordering the levy and collection of assessments against property located in that district for five years, commencing with fiscal year 2005-2006, and making environmental findings.

WHEREAS, Pursuant to the Property and Business Improvement Law of 1994, California Streets and Highways Code Sections 36600 et seq. (the "Act"), the Board of Supervisors adopted Resolution No. 385-05 on June 7, 2005, entitled “Resolution declaring the intention of the Board of Supervisors to establish a property-based business improvement district to be known as the '2500 Block of Mission Street Business Improvement District (BID),' to order the levy and collection of a multi-year assessment, and setting a time and place for a public hearing thereon,” (the "Resolution of Intention"); and,

WHEREAS, the Resolution of Intention for the 2500 Block of Mission Street Business Improvement District (the "2500 Block of Mission Street BID" or "District"), among other things, approved the 2500 Block of Mission Street Business Improvement District Management Plan (the "District Management Plan"), the District Assessment Engineer's Report contained therein, the Assessment Ballots and the Notice of Public Hearing, that are on file with Clerk of the Board of Supervisors in File No. 050876; and,

WHEREAS, The Board of Supervisors caused notice of a public hearing concerning the proposed formation of the 2500 Block of Mission Street BID, the proposed levy of assessments against property located within the District for a period of five years, commencing with fiscal year 2005-2006, beginning January 1, 2006 and ending December
31, 2010, to be duly published and mailed as required by law, to the record owner of each
parcel proposed to be assessed within the District; and,

   WHEREAS, The Board of Supervisors has caused ballots to be mailed as required by
   law, to the record owner of each parcel proposed to be assessed within the District; and,
   
   WHEREAS, A public hearing concerning the proposed formation of the 2500 Block of
   Mission Street BID and the proposed levy of assessments within such District was held on
   July 26, 2005, at 3 p.m., in the Board’s Legislative Chambers, located on the Second Floor of
   City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California; and,
   
   WHEREAS, At the public hearing, the testimony of all interested persons for or against
   the proposed formation of the District, the levy of assessments on property within the District,
   the extent of the District, and the furnishing of specified types of improvements, services and
   activities within the District, was heard and considered, and a full, fair and complete meeting
   and hearing was held; and,
   
   WHEREAS, The Board of Supervisors heard and considered all objections or protests
   to the proposed assessments and the Director of the Department of Elections tabulated the
   assessment ballots submitted and not withdrawn, in support of or in opposition to the
   proposed assessments, and the Clerk of the Board determined that a majority of the ballots
   cast (weighted according to the proportional financial obligations of the property) by the
   owners of record of the property located within the proposed District did not oppose
   establishing the proposed district; and,
   
   WHEREAS, The public interest, convenience and necessity require the establishment
   of the proposed 2500 Block of Mission Street Business Improvement District; and,
   
   WHEREAS, In the opinion of the Board of Supervisors, the property within the District
   will be specially benefited by the improvements, services and activities funded by the
   assessments, and no assessment has been imposed on any parcel which exceeds the

Supervisor Ammiano
BOARD OF SUPERVISORS
reasonable cost of the proportional special benefit conferred on that parcel; now therefore be
it

RESOLVED, that the Board of Supervisors declares as follows:

Section 1. FINDING OF NO MAJORITY PROTEST. The Board of Supervisors hereby finds that a majority protest does not exist as defined in Section 4(e) of Article XIIID of the California Constitution and Section 53753 of the California Government Code with respect to the formation of 2500 Block of Mission Street Business Improvement District. All objections or protests both written and oral, are hereby duly overruled.

Section 2. ESTABLISHMENT OF DISTRICT. Pursuant to the Act, a property-based business improvement district designated as the "2500 Block of Mission Street Business Improvement District" is hereby established.

Section 3. DESCRIPTION OF DISTRICT. The 2500 Block of Mission Street Business Improvement District shall include all parcels of real property within the district, the exterior boundaries of which are as set forth in the map entitled "Boundaries and participating properties in the 2500 Block of Mission Street BID," contained in the Management District Plan on file with the Clerk of the Board of Supervisors in File No. 050876, and incorporated herein by reference. The District contains 20 parcels, seven of which are located on the west side of Mission Street between 21st Street and 22nd Street and thirteen of which are on the east side of Mission Street between 21st Street and 22nd Street.

Reference should be made to the detailed map and the list of parcels identified by Assessor Parcel Number contained in the Management District Plan approved by the Resolution of Intention in order to determine which specific parcels are included in the District.

Section 4. FINDING OF BENEFIT. The Board of Supervisors hereby finds that the property within the District will be benefited by the improvements and activities funded by the assessments proposed to be levied.
Section 5. SYSTEM OF ASSESSMENTS. (a) An assessment will be levied annually to pay for the activities to be provided within the District, commencing with fiscal year 2005-2006, and continuing for five years, ending with fiscal year 2009-2010. For purposes of levying and collecting assessments within the District, a fiscal year shall commence on each July 1st and end on the following June 30th.

(b) The total amount of the proposed assessments to be levied and collected for fiscal year 2005-2006 shall be $75,000. The amount of assessments to be levied and collected in subsequent fiscal years through fiscal year 2009-2010 may be increased annually by the Board of Directors of the District by an amount not to exceed the change in the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area, or 3 percent, whichever is lower.

(c) The method and basis of levying and collecting the assessment shall be as set forth in the District Management Plan. The levy of the assessments shall commence with fiscal year 2005-2006. Each year the assessment shall be due and payable in two equal installments. The first installment shall be due on November 1 of each fiscal year during the life of the District, and shall become delinquent on December 10 of that fiscal year. The second installment shall be due on February 1 of each fiscal year during the life of the District, and shall become delinquent on April 10 of that fiscal year. Nonpayment of the assessment shall have the same lien priority and delinquent payment penalties and be subject to the same enforcement procedures and remedies as the ad valorem property tax.

Section 6. USE OF REVENUES. The property-related services, improvements or activities for the District include, three hours per day Monday through Saturday, a beautification, cleaning and maintenance component, consisting of litter and general cleaning, graffiti abatement, removal of posters and other foreign attachments, sidewalk weed removal and street tree maintenance, power washing of sidewalks (every three months); a public
Section 7. AUTHORITY TO CONTRACT. The Board of Supervisors may contract with a separate private entity to administer the improvements, services and activities set forth in Section 6. Any such entity shall hold the funds it receives from the City and County of San Francisco ("City") in trust for the improvements, services and activities set forth in Section 6. Any entity that holds funds in trust for purposes related to the contract shall, at no expense to the City, provide an annual independent audit report by a Certified Public Accountant of all such funds. The audit may be funded from assessment proceeds as part of the general administration of the District. At all times the Board of Supervisors shall reserve full rights of accounting of these funds. The Mayor's Office of Economic and Workforce Development shall be the City agency responsible for coordination between the City and the District.

Section 8. AMENDMENTS. The properties in the District established by this resolution shall be subject to any amendments to the Act.

Section 9. RECORDATION OF NOTICE AND DIAGRAM. The County Clerk is hereby authorized and directed to record a notice and an assessment diagram pursuant to
Section 36627 of the California Streets and Highways Code following adoption of this Resolution.

**Section 10. LEVY OF ASSESSMENT.** The adoption of this Resolution and recordation of the notice and assessment diagram pursuant to Section 36627 of the California Streets and Highways Code constitutes the levy of an assessment in each of the fiscal years referred to in the District Management Plan. Each year, the Assessor shall enter on the County Assessment Roll opposite each lot or parcel of land the amount of the assessment and such assessment shall be collected in the same manner as the County property taxes are collected.

**Section 11. BASELINE SERVICES.** To ensure that assessment revenues from the District are used to enhance the current level of services provided by the City within the District, the establishment of the District will not affect the City’s policy to continue to provide the same level of service to the areas encompassed by the District as it provides to other similar areas of the City for the duration of the District, provided, however, that in the event of a significant downturn in citywide revenues, the Board of Supervisors may reduce the level of municipal services citywide, including within the District.

**Section 12. ENVIRONMENTAL FINDINGS.** The Planning Department has determined that the actions contemplated in this Resolution are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. \(\text{file number}\) and is incorporated herein by reference.
Resolution establishing a property-based business improvement district to be known as the “2500 Block of Mission Street Business Improvement District (BID),” ordering the levy and collection of assessments against property located in that district for five years, commencing with fiscal year 2005-2006, and making environmental findings.

July 26, 2005 Board of Supervisors — ADOPTED
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ma
Excused: 1 - Daly
I hereby certify that the foregoing Resolution was ADOPTED on July 26, 2005 by the Board of Supervisors of the City and County of San Francisco.

Date Approved

JUL 28 2005

Mayor Gavin Newsom