Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco, as the owner of three four parcels of real property that would be subject to assessment in the proposed renewed and expanded property and business improvement district to be named the Greater Union Square Business Improvement District.

WHEREAS, Pursuant to the Property and Business Improvement Law of 1994 (California Streets and Highways Code Sections 36600 et seq.) as augmented by Article 15 of the San Francisco Business and Tax Regulations Code, the Board of Supervisors adopted Resolution No. 208-09 on June 2, 2009: (1) declaring the intention of the Board of Supervisors to renew and expand the property-based business improvement district to be known as the "Greater Union Square Business Improvement District" and order the levy and collection of a multi-year assessment on identified parcels in the district, (2) approving the management district plan and engineer's report for the district, (3) ordering and setting a time and place for a public hearing thereon, (4) approving the form of the Notice of Public Hearing and Assessment Ballots, and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing as required by law; and,

WHEREAS, Article XIIIID, Section 4 of the California Constitution provides that parcels within an assessment district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit; and,
WHEREAS, The City and County of San Francisco owns three four parcels of real property within the proposed assessment district, the details of which are set forth in a spreadsheet entitled "Proposed Assessments for City Owned Parcels in the Greater Union Square Business Improvement District – Fiscal Year 2009-2010" on file with the Clerk of the Board of Supervisors in File No. 090855, which is hereby declared to be a part of this Resolution as if set forth fully herein; and,

WHEREAS, The City-owned parcel that is Assessor's Parcel No. 0287-015, commonly known as Harlan Place (at end of alley), has a proposed assessment of $1,235.15 for fiscal year 2009-2010 out of $3,040,061.36 in total proposed assessments for all properties in the Greater Union Square Business Improvement District. This parcel's proposed assessment represents approximately 0.04% of the total assessments for the first year of the District, which is the corresponding weight to be afforded the City's vote on this parcel's ballot to approve or disapprove the proposed assessments; and,

WHEREAS, The City-owned parcel that is Assessor's Parcel No. 0341-013, part of what is commonly known as Hallidie Plaza, has a proposed assessment of $31,648.25 for fiscal year 2009-2010 out of $3,040,061.36 in total proposed assessments for all properties in the Greater Union Square Business Improvement District. This parcel's proposed assessment represents approximately 1.04% of the total assessments for the first year of the District, which is the corresponding weight to be afforded the City's vote on this parcel's ballot to approve or disapprove the proposed assessments; and,

WHEREAS, The City-owned parcel that is Assessor's Parcel No. 0341-014, also part of what is commonly known as Hallidie Plaza, has a proposed assessment of $23,536.50 for fiscal year 2009-2010 out of $3,040,061.36 in total proposed assessments for all properties in the Greater Union Square Business Improvement District. This parcel's proposed assessment represents approximately 0.77% of the total assessments for the first year of the
1 District, which is the corresponding weight to be afforded the City's vote on this parcel's ballot to approve or disapprove the proposed assessments; and,

2 WHEREAS, The City-owned parcel that is Assessor's Parcel No. 0308-001, commonly known as Union Square Park/Plaza, has a proposed assessment of $97,047.50 for fiscal year 2009-2010 out of $3,040,061.36 in total proposed assessments for all properties in the Greater Union Square Business Improvement District. This parcel's proposed assessment represents approximately 3.19% of the total assessments for the first year of the District, which is the corresponding weight to be afforded the City's vote on this parcel's ballot to approve or disapprove the proposed assessments; and,

3 WHEREAS, The Board of Supervisors will hold a public hearing on July 28, 2009 to consider public testimony on the proposed formation of the Greater Union Square Business Improvement District, the levy of multi-year assessments on real property located in the proposed district, and assessment ballot proceedings for affected property owners to approve or disapprove the assessments; and,

4 WHEREAS, The property owners or their authorized representatives may submit, withdraw or change assessment ballots for their respective properties prior to the close of public testimony at the public hearing; and,

5 WHEREAS, the Board of Supervisors may either cast the assessment ballots to approve or disapprove the proposed assessments for the City-owned parcels that would be subject to assessment, or authorize a representative to submit the assessment ballots for the City-owned parcels; and,

6 WHEREAS, At the July 28, 2009 public hearing the Board is likely to receive public testimony both in favor of and against the levying of assessments, and the Department of Elections will tabulate the assessment ballots submitted by the owners of affected properties to determine if there is a majority protest; and,
WHEREAS, It is appropriate for the Board to authorize a representative to submit assessment ballots for the City-owned parcels within the proposed district to avoid confusion on the Board's dual role as both the legislative body that may form the district and levy assessments if there is no majority protest by the affected property owners, and as the decision-making body for the City as the owner of property subject to assessments; now, therefore, be it

RESOLVED, That the Mayor is hereby authorized to submit prior to the close of public testimony at the public hearing any and all assessment ballots in the affirmative for the parcels of real property owned by the City and County of San Francisco that would be subject to assessment in the proposed renewed and expanded property and business improvement district to be named the Greater Union Square Business Improvement District; and, be it

FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies of this Resolution to be delivered to the Office of Economic and Workforce Development and the Director of the Department of Elections, and placed in the Board of Supervisors file for the Resolution to establish the proposed district.
Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco, as the owner of four parcels of real property that would be subject to assessment in the proposed renewed and expanded property and business improvement district to be named the Greater Union Square Business Improvement District.

July 21, 2009 Board of Supervisors — ADOPTED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly
I hereby certify that the foregoing Resolution was ADOPTED on July 21, 2009 by the Board of Supervisors of the City and County of San Francisco.

July 23, 2009

Date Approved

MAYOR EDWIN NEWSOM

SIGNATURE CLERK