[Assessment Ballots for City-Owned Parcels for the Proposed Renewal and Expansion of Fillmore Jazz Community Benefit District to be Renamed Fillmore Community Benefit 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 five parcels over which the Board of Supervisors has jurisdiction, where those five parcels would be subject to assessment in the proposed renewed and expanded property and business improvement district currently known as the Fillmore Jazz Community Benefit District, to be renamed the Fillmore Community Benefit District.

WHEREAS, Pursuant to the Property and Business Improvement District 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. 225-67 on June 7, 2011: (1) declaring the intention of the Board of Supervisors to renew and expand the property-based business improvement district (community benefit district) currently known as the "Fillmore Jazz Community Benefit District," to be renamed the "Fillmore Community Benefit 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 Board of Supervisors has jurisdiction over five parcels of real property
that are owned by the City and County of San Francisco within the proposed assessment
district, the details of which are set forth in a spreadsheet entitled "Proposed Assessments for
City Owned Parcels in the Fillmore Community Benefit District – Fiscal Year 2011-2012" on
file with the Clerk of the Board of Supervisors in File No. 110774, which is hereby declared to
be a part of this Resolution as if set forth fully herein; and,

WHEREAS, The Board of Supervisors has jurisdiction over City-owned Assessor's
Parcel No. 0756-015, described as "OEWD (Muni Sub-Station)," which has a proposed
assessment of $1,228.58 for fiscal year 2011-2012 out of $366,159 in total proposed
assessments for all properties in the Fillmore CBD. This parcel's proposed assessment
represents approximately 0.34% 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 Board of Supervisors has jurisdiction over City-owned Assessor's
Parcel No. 0755-010 located at 1392 Golden Gate Avenue, described as "Recreation and
Park Department," which has a proposed assessment of $824.12 for fiscal year 2011-2012
out of $366,159 in total proposed assessments for all properties in the Fillmore CBD. This
parcel's proposed assessment represents approximately 0.23% 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 Board of Supervisors has jurisdiction over City-owned Assessor's
Parcel No. 0756-016, described as "Recreation and Park Department (Turk/Fillmore Mini
Park)," which has a proposed assessment of $844.38 for fiscal year 2011-2012 out of $
366,159 in total proposed assessments for all properties in the Fillmore CBD. This parcel's proposed assessment represents approximately 0.23% 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 Board of Supervisors has jurisdiction over City-owned Assessor's Parcel No. 0706-001, described as "Recreation and Park Department (Kimbell Park)," which has a proposed assessment of $4,484.72 for fiscal year 2011-2012 out of $366,159 in total proposed assessments for all properties in the Fillmore CBD. This parcel's proposed assessment represents approximately 1.22% 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 Board of Supervisors has jurisdiction over City-owned Assessor's Parcel No. 0755-013 located at 1125 Fillmore Street, described as "SFPD Northern Police Station," which has a proposed assessment of $5,366.02 for fiscal year 2011-2012 out of $366,159 in total proposed assessments for all properties in the Fillmore CBD. This parcel's proposed assessment represents approximately 1.47% 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 Management District Plan as amended June 7, 2011 (on file with the Clerk of the Board of Supervisors in BOS File No. 110600) lists these City-owned parcels; and,

WHEREAS, The Board of Supervisors will hold a public hearing on July 26, 2011 to consider public testimony on the proposed renewal and expansion of the Fillmore Jazz Community Benefit District, to be renamed the Fillmore Community Benefit 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,

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,

WHEREAS, the Board of Supervisors may cast the assessment ballots for those parcels and portion of a parcel over which it has jurisdiction to either approve or disapprove the proposed assessments for those parcels and portion of a parcel that would be subject to assessment, or authorize a representative to submit the assessment ballots for parcels over which the Board has jurisdiction; and,

WHEREAS, At the July 26, 2011 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 those parcels and portions of parcels over which it has jurisdiction that are within the proposed district, in order 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 five parcels owned by the City and County of San Francisco over which the Board has jurisdiction, that would be subject to assessment in the proposed property and business improvement district.
district to be named the Fillmore Community Benefit District, specifically: Assessor's Parcels No. 0756-015, 0755-010, 0756-016, 0706-001, and 0755-013; 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 five parcels over which the Board of Supervisors has jurisdiction, where those five parcels would be subject to assessment in the proposed renewed and expanded property and business improvement district currently known as the Fillmore Jazz Community Benefit District, to be renamed the Fillmore Community Benefit District.

July 14, 2011 Government Audit and Oversight Committee - RECOMMENDED AS COMMITTEE REPORT

July 19, 2011 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

I hereby certify that the foregoing Resolution was ADOPTED on 7/19/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved

Mayor Edwin Lee

City and County of San Francisco