

1 [Assessment Ballots for City Parcels.]

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3 **Resolution authorizing the Mayor to cast assessment ballots in the affirmative on**  
4 **behalf of the City and County of San Francisco as the owner of parcels of real property**  
5 **that would be subject to assessment in the proposed property and business**  
6 **improvement district to be named the Fillmore Jazz District Community Benefit District.**

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8 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,  
9 California Streets and Highways Code Sections 36600 *et seq.* (the "Act"), as augmented by  
10 Article 15 of the San Francisco Business and Tax Regulations Code, the Board of Supervisors  
11 adopted Resolution No. 389-06 on June 27, 2006 (1) declaring the intention of the Board of  
12 Supervisors to establish a property-based business improvement district (community benefit  
13 district) to be known as the "Fillmore Jazz District Community Benefit District" and order the  
14 levy and collection of a multi-year assessment on identified parcels in the district, (2)  
15 approving the management district plan and engineer's report for the district, (3) ordering and  
16 setting a time and place for a public hearing thereon, (4) approving the form of the Notice of  
17 Public Hearing and Assessment Ballots, and (5) directing the Clerk of the Board of  
18 Supervisors to give notice of the public hearing as required by law; and

19 WHEREAS, Article XIID, Section 4 of the California Constitution provides that parcels  
20 within an assessment district that are owned or used by any agency, the State of California or  
21 the United States shall not be exempt from assessment unless the agency can demonstrate  
22 by clear and convincing evidence that those publicly owned parcels in fact receive no special  
23 benefit; and,

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1           WHEREAS, The City and County of San Francisco owns four parcels of real property  
2 within the proposed assessment district, the details of which are set forth in a spreadsheet  
3 entitled "Proposed Assessments for City Owned Parcels in the Fillmore Jazz District  
4 Community Benefit District – Fiscal Year 2006-2007" on file with the Clerk of the Board of  
5 Supervisors in File No.       , which is hereby declared to be a part of this resolution as if set  
6 forth fully herein; and,

7           WHEREAS, The four parcels in the proposed Fillmore Jazz District Community Benefit  
8 District have combined assessments of \$28,999.72 for fiscal year 2006-2007 out of a total of  
9 \$311,114 in proposed assessments for all properties in the district. The proposed  
10 assessments on City-owned parcels represents approximately 9.32% of the total  
11 assessments for the first year of the district, and is the corresponding weight to be afforded to  
12 the City's vote to approve or disapprove the proposed assessments; and,

13           WHEREAS, The Board of Supervisors will hold a public hearing on August 15, 2006 to  
14 consider public testimony on the proposed formation of the Fillmore Jazz District Community  
15 Benefit District, the levy of multi-year assessments on real property located in the proposed  
16 district, and assessment ballot proceedings for affected property owners to approve or  
17 disapprove the assessments; and,

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

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

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1           WHEREAS, At the August 15, 2006 public hearing the Board is likely to receive public  
2 testimony both in favor of and against the levying of assessments, and the Department of  
3 Elections will tabulate the assessment ballots submitted by the owners of affected properties  
4 to determine if there is a majority protest; and

5           WHEREAS, it is appropriate for the Board to authorize a representative to submit  
6 assessment ballots for City-owned parcels within the proposed district to avoid confusion on  
7 the Board's dual role as both the legislative body that may form the district and levy  
8 assessments if there is no majority protest by the affected property owners, and as the  
9 decision-making body for the City as the owner of property subject to assessments; now,  
10 therefore, be it

11           RESOLVED, That the Mayor is hereby authorized to submit prior to the close of public  
12 testimony at the public hearing any and all assessment ballots in the affirmative for parcels of  
13 real property owned by the City and County of San Francisco that would be subject to  
14 assessment in the proposed property and business improvement district to be named the  
15 Fillmore Jazz District Community Benefit District; and, be it

16           FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies  
17 of this resolution to be delivered to the Mayor's Office of Economic and Workforce  
18 Development and the Director of the Department of Elections, and placed in the Board of  
19 Supervisors file for the resolution to establish the proposed district.

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