

1 [Noe Valley Community Benefit District Annual Reports to the City.]

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3 **Resolution regarding Noe Valley Community Benefit District annual reports to the City:**
4 **modifying the "Authority to Contract" provision of the Resolution establishing the**
5 **District (Resolution No. 583-05) to require an annual financial report that has been**
6 **reviewed by a Certified Public Accountant who provides a statement of negative**
7 **assurance, to change the current requirement for an annual CPA "independent audit"**
8 **to instead require a CPA independent audit upon request of the City, and authorizing**
9 **amendment of the District's management contract with the City to conform; and**
10 **receiving and approving the District's Annual Report for 2005-2006 as submitted**
11 **pursuant to Section 3.4 of the District's management contract.**

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13 WHEREAS, on June 7, 2005, pursuant to the Property and Business Improvement Law
14 of 1994, California Streets and Highways Code Sections 36600 *et seq.* (the "Act"), as
15 augmented by Article 15 of the San Francisco Business and Tax Regulations Code ("Article
16 15"), the Board of Supervisors adopted Resolution No. 420-05 "Resolution of Intention to form
17 the Noe Valley Community Benefit District (CBD)" ("Resolution of Intention"); and,

18 WHEREAS, on August 2, 2005 the Board of Supervisors adopted Resolution No.
19 583-05 "Resolution to Establish the Noe Valley Community Benefit District" (Resolution to
20 Establish) for a period of 15 years commencing with fiscal year 2005-2006; and,

21 WHEREAS, on January 10, 2006 the Board of Supervisors adopted Resolution No. 13-06
22 "Contract with Owners' Association for Administration of Noe Valley Community Benefit District;"
23 now be it,

24 RESOLVED, that the Board of Supervisors declares as follows:

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1 **Section 1. MODIFICATION OF "AUTHORITY TO CONTRACT" PROVISION IN**
2 **RESOLUTION ESTABLISHING THE DISTRICT (RESOLUTION NO. 583-05).** Section 7

3 "Authority to Contract" in the Resolution to Establish (Resolution No. 583-05) is hereby
4 modified to require an annual financial report from the District that has been reviewed by a
5 Certified Public Accountant who provides a statement of negative assurance, and to change
6 the current requirement for an annual CPA "independent audit" to instead require a CPA
7 independent audit upon request of the Controller or the Mayor's Office of Economic and
8 Workforce Development (MOEWD), so that Section 7 will now provide (changed/additional
9 words are designated by broken underlining, and deleted words are designated by ~~double~~
10 ~~strikeout~~):

11 **"AUTHORITY TO CONTRACT.** The Board of Supervisors may contract with a
12 separate private entity to administer the improvements, services and activities set forth
13 in Section 6. Any such entity shall hold the funds it receives from the City and County
14 of San Francisco ("City") in trust for the improvements, services and activities set forth
15 in Section 6. Any entity that holds funds in trust for purposes related to the contract
16 shall, at no expense to the City, ~~provide an annual independent audit report by a~~
17 ~~Certified Public Accountant of all such funds.~~ deliver to City no later than one hundred
18 twenty (120) days following the end of any Fiscal Year, a balance sheet and the related
19 statement of income and cash flows for each fiscal year, all in reasonable detail
20 acceptable to City, reviewed by a Certified Public Accountant (CPA); this review shall
21 include a statement of negative assurance from the CPA. In addition, or alternatively,
22 the Controller or the Mayor's Office of Economic and Workforce Development may in
23 their discretion require Corporation to deliver, at no expense to the City, an annual
24 independent audit report by a Certified Public Accountant of all such funds. The CPA
25 review or 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."

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1 **Section 2. CONFORMING THE DISTRICT'S MANAGEMENT CONTRACT**
2 **BETWEEN THE CITY AND THE NONPROFIT PROPERTY OWNERS' ASSOCIATION.**

3 The Mayor's Office of Economic and Workforce Development is hereby authorized to
4 enter into an amendment of the City's agreement/contract with the nonprofit property owners'
5 "Noe Valley Association, A Community Benefit District" ("Noe Valley Association") for
6 administration and management of the district known as the Noe Valley Community Benefit
7 District ("Management Contract," see Resolution No. 13-06), that conforms the Management
8 Contract to Section 1 of this Resolution, above.

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11 **Section 3. RECEIPT AND APPROVAL OF THE DISTRICT'S ANNUAL REPORT**
12 **TO THE CITY.** The Board hereby receives and approves the District's Annual Report for
13 2005-2006, as submitted pursuant to Section 3.4 of the District's Management Contract (*i.e.*,
14 §3.4 of the City's agreement/contract with the nonprofit property owners' Noe Valley
15 Association for management and administration of the Noe Valley Community Benefit
16 District), on file with the Clerk of the Board of Supervisors in File No. _____.