

FILE NO. 982135

RESOLUTION NO. 61-99

AMENDMENT OF THE WHOLE
in BOS Mtg. 1/25/99

1 [Union Square Business Improvement District]
2 ESTABLISHING AN ASSESSMENT DISTRICT TO BE KNOWN AS THE UNION SQUARE
3 BUSINESS IMPROVEMENT DISTRICT AND LEVYING ASSESSMENTS AGAINST
4 PROPERTY LOCATED IN THAT DISTRICT FOR FISCAL YEARS 1999-2000 THROUGH
5 2003-2004.

6 WHEREAS, Pursuant to the Property and Business Improvement District Law of 1994,
7 California Streets and Highways Code Sections 36600 *et seq.* ("the Act"), the Board of
8 Supervisors adopted Resolution No. 973-98, dated December 7, 1998, and entitled "Declaring
9 the Intention of the Board of Supervisors to Establish a Property and Business Improvement
10 District to be Known as the 'Union Square Business Improvement District,' to Order the Levy
11 and Collection of a Multi-Year Assessment, and Setting a Time and Place for a Public Hearing
12 Thereon." As part of that resolution, the Board of Supervisors approved a management
13 district plan that is on file with Clerk of the Board in File No. 98-1844. In addition, the Board of
14 Supervisors adopted Resolution No. 974-98, dated December 7, 1998, establishing
15 procedures by which property owners may cast ballots in favor of, or opposition to,
16 establishment of the proposed district; and,

17 WHEREAS, In accordance with Article XIID of the California Constitution and
18 California Government Code Sections 53750 et seq., the Board of Supervisors has caused
19 notice of a public hearing concerning the proposed establishment of the Union Square
20 Business Improvement District and the proposed levy of an assessment against property
21 located within the proposed District for fiscal years 1999-2000 through 2003-2004 to be duly
22 published and mailed as provided by law; and,

23 WHEREAS, In accordance with Article XIID of the California Constitution and
24 California Government Code Sections 53750 et seq., the Board of Supervisors has caused
25 ballots to be mailed to the record owners of property located within the proposed district; and,

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1 WHEREAS, A public hearing on the establishment of the proposed business
2 improvement district and the proposed levies of assessments against properties within the
3 proposed district was held on January 25, 1999 at 3 p.m., in the Board's Legislative
4 Chambers, located on the Second Floor of City Hall, 1 Dr. Carlton B. Goodlett Place, San
5 Francisco, California; and,

6 WHEREAS, At the public hearing, the testimony of all interested persons for or
7 against the establishment of the proposed business improvement district, the extent of the
8 proposed district, or the furnishing of specified types of activities within the proposed district,
9 and the levies of assessments against properties within the proposed district for fiscal years
10 1999-2000 through 2003-2004 was heard and considered, and a full, fair and complete
11 hearing was held; and,

12 WHEREAS, The Board of Supervisors heard and considered all protests, and all
13 protests, both written and oral, were duly considered and overruled. Following the close of
14 public comment at this hearing, the Clerk of the Board of Supervisors determined that a
15 majority of the ballots cast (weighted according to the proportional financial obligations of the
16 property) by the owners of record of the property located within the proposed district did not
17 oppose establishing the proposed district; and,

18 WHEREAS, The public interest, convenience and necessity require the establishment
19 of the proposed Union Square Business Improvement District; and,

20 WHEREAS, The Board of Supervisors finds that the property within the business
21 improvement district will be specially benefited by the services and activities funded by the
22 assessments proposed to be levied. The goal of such services and activities is to promote the
23 economic vitality of the District through the attraction of more customers and consumers to the
24 District who will patronize District businesses. The system of assessments set forth in Section
25 3 below recognizes that properties will receive varying levels of special benefits based on the

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1 linear sidewalk footage fronting the subject property. The District activities and services will
2 help to increase the amount of pedestrian traffic on the sidewalks fronting the properties in the
3 District and serve to enhance the visibility, attractiveness, and consumer and customer
4 awareness of the businesses on properties located in the District. All of the assessed
5 property in the District will benefit specially from the activities and services, which will prevent
6 economic deterioration and promote economic vitality; now, therefore, be it

7 RESOLVED, That the Board of Supervisors declares as follows:

8 **Section 1. ESTABLISHMENT OF DISTRICT.** Pursuant to the Act, a business
9 improvement area designated as the Union Square Business Improvement District is hereby
10 created and established. The adoption of this resolution and the recordation of the notice and
11 map pursuant to Section 36626.6 of the California Streets & Highways Code shall constitute
12 and effect the levies of assessments in fiscal years 1999-2000 through 2003-2004.

13 **Section 2. DESCRIPTION OF DISTRICT.** The boundaries of the Union Square
14 Business Improvement District shall include the territory as set forth in the map entitled
15 "Proposed Boundaries of the Union Square Business Improvement District, City and County
16 of San Francisco, State of California," on file with the Clerk of the Board of Supervisors in File
17 No. 98-1844.

18 **Section 3. SYSTEM OF ASSESSMENTS.** (a) An assessment will be levied
19 annually to pay for the activities to be provided within the District, commencing with fiscal year
20 1999-2000, and continuing for five years, with the final annual levy being imposed for fiscal
21 year 2003-2004. The method and basis of levying and collecting the assessment shall be as
22 set forth in the management district plan. In accordance with the management district plan,
23 assessments shall be levied against property in the district for a term of five years, beginning
24 with Fiscal Year 1999-2000.

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1 (b) The amount of the assessments against each assessed parcel in the District
2 shall be as set forth in the Union Square Business Improvement District Assessment Roll
3 appended to the Assessment Engineer's Report on file with the Clerk of the Board of
4 Supervisors in File No. 98-1844.

5 (c) For purposes of levying and collecting assessments within the Union Square
6 Business Improvement District, a fiscal year shall commence on each July 1st and end on the
7 following June 30th. The levies of the assessments shall commence with fiscal year 1999-
8 2000. Each year the assessment shall be due and payable in two equal installments. The
9 first installment shall be due on November 1 of each fiscal year during the life of the District,
10 and shall become delinquent after December 10 of that fiscal year. The second installment
11 shall be due after February 1 of each fiscal year during the life of the District, and shall
12 become delinquent on April 10 of that fiscal year.

13 (d) Nonpayment of the assessment shall have the same lien priority and delinquent
14 payment penalties and be subject to the same enforcement procedures and remedies as the
15 ad valorem property tax.

16 (e) Any revenues that remain unspent upon the termination of the District shall be
17 returned on a pro rata basis to the record owners of the assessed properties as of the date of
18 termination.

19 **Section 4. USE OF REVENUES.** The activities and services to be provided in the
20 District will be funded by the levies of assessments against property in the District. The
21 revenue from the levies of assessments within the District shall not be used to provide
22 improvements or activities outside the district or for any purpose other than the purposes
23 specified in Board of Supervisors Resolution No. 973-98.

24 **Section 5. CONTINUATION OF CITY SERVICES.** Within the area encompassed by
25 the proposed District, the City currently provides services at the same level provided to other

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1 similar areas of the City. It is the intent of the Board of Supervisors to continue to provide to
2 the area encompassed by the proposed District the same base level of services it provides to
3 these other similar areas of the City (base level services). The establishment of the District
4 will not affect the City's policy to continue to provide the same base level of service to the
5 areas encompassed by the District as it provides to other similar areas of the City during the
6 duration of the District. Services and activities funded by the assessment will supplement and
7 may not replace or supplant base level services that are being provided in the District.

8 **Section 6. AUTHORITY TO CONTRACT.** The Board of Supervisors may contract
9 with a separate private entity to administer the activities and services set forth in Section 4.
10 Any such entity shall hold the funds it receives from the City in trust for the services and
11 activities set forth in Section 4. Any entity that holds funds in trust for purposes related to the
12 contract shall, at no expense to the City, provide an annual independent audit report by a
13 Certified Public Accountant of these funds. The audit may be funded from assessment
14 proceeds as part of the general administration of the District. At all times the Board of
15 Supervisors shall reserve full rights of accounting of these funds. The Mayor's Office of
16 Economic Development shall be the agency responsible for coordination between the City
17 and the District.

18 **Section 7. AMENDMENTS.** The properties in the district established by this
19 resolution shall be subject to any amendments the Property and Business Improvement
20 District Law of 1994 (California Streets and Highways Code Sections 36600 et seq.)

21 **Section 8. SEVERABILITY.** If any section, sentence, clause or phrase of this
22 resolution is, for any reason, held by a court of competent jurisdiction to be invalid, such
23 decision shall not affect the validity of the remaining portions of this resolution. The Board of
24 Supervisors hereby declares that it would have passed and does hereby pass this resolution
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1 and each section, sentence, clause and phrase hereof, irrespective of the fact that any one or
2 more sections, sentences, clauses or phrases may be declared invalid or unconstitutional.
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Resolution

File Number: 982135

Date Passed:

Resolution establishing an assessment district to be known as the Union Square Business Improvement District and levying assessments against property located in that district for fiscal years 1999-2000 through 2003-2004.

January 25, 1999 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

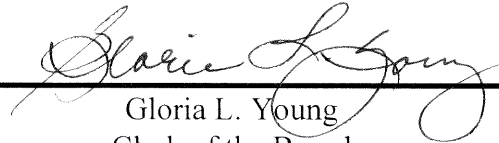
Ayes: 11 - Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee, Ammiano

January 25, 1999 Board of Supervisors — ADOPTED AS AMENDED

Ayes: 8 - Becerril, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki
Noes: 3 - Bierman, Yee, Ammiano

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I hereby certify that the foregoing Resolution was **ADOPTED AS AMENDED** on January 25, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FEB - 5 1999

Date Approved



Mayor Willie L. Brown Jr.

File No. 982135 continued...