

1 [Board response to the 2008-2009 Civil Grand Jury Report entitled "USE IT OR LOSE IT: A
2 Report on the Surplus Real Property Owned by the San Francisco Unified School District"]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled**
5 **"USE IT OR LOSE IT: A Report on the Surplus Real Property Owned by the San**
6 **Francisco Unified School District."**

7 WHEREAS, Under California Penal Code Section 933 et seq., the Board of
8 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
9 Court on the findings and recommendations contained in Civil Grand Jury Reports; and,

10 WHEREAS, In accordance with Penal Code Section 933.05(c), if a finding or
11 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
12 county agency or a department headed by an elected officer, the agency or department head
13 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
14 response of the Board of Supervisors shall address only budgetary or personnel matters over
15 which it has some decision making authority; and,

16 WHEREAS, The 2008-2009 Civil Grand Jury Report entitled "USE IT OR LOSE IT: A
17 Report on the Surplus Real Property Owned by the San Francisco Unified School District" is
18 on file with the Clerk of the Board of Supervisors in File No. 090782, which is hereby declared
19 to be a part of this resolution as if set forth fully herein; and,

20 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
21 to Finding No. 1, 6, 7 and 8 as well as Recommendation No. 4 contained in the subject Civil
22 Grand Jury report; and,

23 WHEREAS, Finding No. 1 states: "The SFUSD owns a great deal of property for which
24 it has, and has had for a long time, no educational use;" and,

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1 WHEREAS, Finding No. 6 states: “The Jury’s review of the CBRE study and additional
2 information indicates that the result of SFUSD selling the selected surplus properties would be
3 following:

- 4 A. the City would receive an annual tax revenue, conservatively, of between \$4.35
5 million and \$6.98 million;
- 6 B. the SFUSD would receive its share of property taxes, an amount annually that can
7 be estimated as between \$1.31 million and \$2.1 million; and
- 8 C. neighboring properties no longer would experience devaluation as a result of the
9 disrepair and disuse of SFUSD properties;” and,

10 WHEREAS, Finding No. 7 states: “At stake is an enormous amount of property. The
11 CBRE report did not include consideration of additional property that should be sold.
12 Specifically, the SFUSD anticipated selling its Font Street property for approximately \$20
13 million. In addition, the CBRE report did not include consideration of the full 20% of the
14 SFUSD property that the Board of Education recognized is surplus;” and,

15 WHEREAS, Finding No. 8 states: “The City has an interest in preventing the blight that
16 results from disuse of SFUSD properties. The City also has an interest in encouraging the
17 productive use of real property within City and County limits. The City has, on more than one
18 occasion, provided for SFUSD ‘Rainy Day’ or ‘Bail Out’ funds and annually provides through
19 City departments tens of millions of dollars in funds to the SFUSD for specific programs;” and,

20 WHEREAS, Recommendation No. 8 states: “Make availability of City funds contingent
21 upon the SFUSD meeting specific goals toward the sale of surplus property as spelled out in a
22 long range real estate plan;” and,

23 WHEREAS, In accordance with Penal Code Section 933.05(c), the Board of
24 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
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1 Court on Finding No. 1, 6, 7 and 8 as well as Recommendation No. 4 contained in the subject
2 Civil Grand Jury report; now, therefore, be it

3 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
4 Superior Court that, regarding Finding Nos. 1, 6, 7 and 8 of the Civil Grand Jury Report
5 entitled "USE IT OR LOSE IT: A Report on the Surplus Real Property Owned by the San
6 Francisco Unified School District," the SFUSD is a state agency that is governed by the Board
7 of Education. Decisions about surplus school property fall under the purview of the SFUSD,
8 not the Board of Supervisors. However, the SFUSD should make every effort to inform the
9 Board of Supervisors in a timely manner of any such decisions which may be expected to
10 affect the rights and interests of the City and County of San Francisco; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors reports that regarding
12 Recommendation No. 4, the City and County of San Francisco currently contributes to the
13 Public Education Enrichment Fund as required by a voter-approved Charter amendment
14 (Proposition H, 2004), and it cannot withhold or divert this funding to require SFUSD action.

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