

1 [Resolution to establish the 2500 Block of Mission Street Business Improvement District]

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3 **Resolution establishing a property-based business improvement district to be known**
4 **as the “2500 Block of Mission Street Business Improvement District (BID),” ordering**
5 **the levy and collection of assessments against property located in that district for five**
6 **years, commencing with fiscal year 2005-2006, and making environmental findings.**

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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"), the Board of
10 Supervisors adopted Resolution No. 385-05 on June 7, 2005, entitled "Resolution declaring
11 the intention of the Board of Supervisors to establish a property-based business improvement
12 district to be known as the '2500 Block of Mission Street Business Improvement District (BID),'
13 to order the levy and collection of a multi-year assessment, and setting a time and place for a
14 public hearing thereon," (the "Resolution of Intention"); and,

15 WHEREAS, the Resolution of Intention for the 2500 Block of Mission Street Business
16 Improvement District (the "2500 Block of Mission Street BID" or "District"), among other
17 things, approved the 2500 Block of Mission Street Business Improvement District
18 Management Plan (the "District Management Plan"), the District Assessment Engineer's
19 Report contained therein, the Assessment Ballots and the Notice of Public Hearing, that are
20 on file with Clerk of the Board of Supervisors in File No. 050876; and,

21 WHEREAS, The Board of Supervisors caused notice of a public hearing concerning
22 the proposed formation of the 2500 Block of Mission Street BID, the proposed levy of
23 assessments against property located within the District for a period of five years,
24 commencing with fiscal year 2005-2006, beginning January 1, 2006 and ending December
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1 31, 2010, to be duly published and mailed as required by law, to the record owner of each
2 parcel proposed to be assessed within the District; and,

3 WHEREAS, The Board of Supervisors has caused ballots to be mailed as required by
4 law, to the record owner of each parcel proposed to be assessed within the District; and,

5 WHEREAS, A public hearing concerning the proposed formation of the 2500 Block of
6 Mission Street BID and the proposed levy of assessments within such District was held on
7 July 26, 2005, at 3 p.m., in the Board's Legislative Chambers, located on the Second Floor of
8 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California; and,

9 WHEREAS, At the public hearing, the testimony of all interested persons for or against
10 the proposed formation of the District, the levy of assessments on property within the District,
11 the extent of the District, and the furnishing of specified types of improvements, services and
12 activities within the District, was heard and considered, and a full, fair and complete meeting
13 and hearing was held; and,

14 WHEREAS, The Board of Supervisors heard and considered all objections or protests
15 to the proposed assessments and the Director of the Department of Elections tabulated the
16 assessment ballots submitted and not withdrawn, in support of or in opposition to the
17 proposed assessments, and the Clerk of the Board determined that a majority of the ballots
18 cast (weighted according to the proportional financial obligations of the property) by the
19 owners of record of the property located within the proposed District did not oppose
20 establishing the proposed district; and,

21 WHEREAS, The public interest, convenience and necessity require the establishment
22 of the proposed 2500 Block of Mission Street Business Improvement District; and,

23 WHEREAS, In the opinion of the Board of Supervisors, the property within the District
24 will be specially benefited by the improvements, services and activities funded by the
25 assessments, and no assessment has been imposed on any parcel which exceeds the

1 reasonable cost of the proportional special benefit conferred on that parcel; now therefore be
2 it

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

4 **Section 1. FINDING OF NO MAJORITY PROTEST.** The Board of Supervisors
5 hereby finds that a majority protest does not exist as defined in Section 4(e) of Article XIID of
6 the California Constitution and Section 53753 of the California Government Code with respect
7 to the formation of 2500 Block of Mission Street Business Improvement District. All objections
8 or protests both written and oral, are hereby duly overruled.

9 **Section 2. ESTABLISHMENT OF DISTRICT.** Pursuant to the Act, a property-based
10 business improvement district designated as the "2500 Block of Mission Street Business
11 Improvement District" is hereby established.

12 **Section 3. DESCRIPTION OF DISTRICT.** The 2500 Block of Mission Street
13 Business Improvement District shall include all parcels of real property within the district, the
14 exterior boundaries of which are as set forth in the map entitled "Boundaries and participating
15 properties in the 2500 Block fo Mision Street BID," contained in the Management District Plan
16 on file with the Clerk of the Board of Supervisors in File No. 050876, and incorporated herein
17 by reference. The District contains 20 parcels, seven of which are located on the west side of
18 Mission Street between 21st Street and 22nd Street and thirteen of which are on the east side
19 of Mission Street between 21st Street and 22nd Street.

20 Reference should be made to the detailed map and the list of parcels identified by
21 Assessor Parcel Number contained in the Management District Plan approved by the
22 Resolution of Intention in order to determine which specific parcels are included in the District.

23 **Section 4. FINDING OF BENEFIT.** The Board of Supervisors hereby finds that the
24 property within the District will be benefited by the improvements and activities funded by the
25 assessments proposed to be levied.

1 **Section 5. SYSTEM OF ASSESSMENTS.** (a) An assessment will be levied

2 annually to pay for the activities to be provided within the District, commencing with fiscal year
3 2005-2006, and continuing for five years, ending with fiscal year 2009-2010. For purposes of
4 levying and collecting assessments within the District, a fiscal year shall commence on each
5 July 1st and end on the following June 30th.

6 (b) The total amount of the proposed assessments to be levied and collected for
7 fiscal year 2005-2006 shall be \$75,000. The amount of assessments to be levied and
8 collected in subsequent fiscal years through fiscal year 2009-2010 may be increased annually
9 by the Board of Directors of the District by an amount not to exceed the change in the
10 Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose
11 Consolidated Metropolitan Statistical Area, or 3 percent, whichever is lower.

12 (c) The method and basis of levying and collecting the assessment shall be as set
13 forth in the District Management Plan. The levy of the assessments shall commence with
14 fiscal year 2005-2006. Each year the assessment shall be due and payable in two equal
15 installments. The first installment shall be due on November 1 of each fiscal year during the
16 life of the District, and shall become delinquent on December 10 of that fiscal year. The
17 second installment shall be due on February 1 of each fiscal year during the life of the District,
18 and shall become delinquent on April 10 of that fiscal year. Nonpayment of the assessment
19 shall have the same lien priority and delinquent payment penalties and be subject to the same
20 enforcement procedures and remedies as the ad valorem property tax.

21 **Section 6. USE OF REVENUES.** The property-related services, improvements or

22 activities for the District include, three hours per day Monday through Saturday, a
23 beautification, cleaning and maintenance component, consisting of litter and general cleaning,
24 graffiti abatement, removal of posters and other foreign attachments, sidewalk weed removal
25 and street tree maintenance, power washing of sidewalks (every three months); a public

1 safety component, consisting of uniformed community ambassadors with cell phones to
2 support police and property owners in crime prevention and provide street population with
3 social services information; and a community relations component, consisting of uniformed
4 community ambassadors to assist visitors with area information and serve as liaisons to city
5 agencies; and similar services, activities and improvements which benefit businesses and real
6 property located in the District.

7 The above improvements, services and activities will be funded by the levy of the
8 assessments. The revenue from the levy of the assessments within the District shall not be
9 used to provide improvements, services or activities outside the District or for any purpose
10 other than the purposes specified in Board of Supervisors Resolution No. 385-05.

11 **Section 7. AUTHORITY TO CONTRACT.** The Board of Supervisors may contract
12 with a 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 of San
14 Francisco ("City") in trust for the improvements, services and activities set forth in Section 6.
15 Any entity that holds funds in trust for purposes related to the contract shall, at no expense to
16 the City, provide an annual independent audit report by a Certified Public Accountant of all
17 such funds. The audit may be funded from assessment proceeds as part of the general
18 administration of the District. At all times the Board of Supervisors shall reserve full rights of
19 accounting of these funds. The Mayor's Office of Economic and Workforce Development
20 shall be the City agency responsible for coordination between the City and the District.

21 **Section 8. AMENDMENTS.** The properties in the District established by this
22 resolution shall be subject to any amendments to the Act.

23 **Section 9. RECORDATION OF NOTICE AND DIAGRAM.** The County Clerk is
24 hereby authorized and directed to record a notice and an assessment diagram pursuant to
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1 Section 36627 of the California Streets and Highways Code following adoption of this
2 Resolution.

3 **Section 10. LEVY OF ASSESSMENT.** The adoption of this Resolution and
4 recordation of the notice and assessment diagram pursuant to Section 36627 of the California
5 Streets and Highways Code constitutes the levy of an assessment in each of the fiscal years
6 referred to in the District Management Plan. Each year, the Assessor shall enter on the
7 County Assessment Roll opposite each lot or parcel of land the amount of the assessment
8 and such assessment shall be collected in the same manner as the County property taxes are
9 collected.

10 **Section 11. BASELINE SERVICES.** To ensure that assessment revenues from the
11 District are used to enhance the current level of services provided by the City within the
12 District, the establishment of the District will not affect the City's policy to continue to provide
13 the same level of service to the areas encompassed by the District as it provides to other
14 similar areas of the City for the duration of the District, provided, however, that in the event of
15 a significant downturn in citywide revenues, the Board of Supervisors may reduce the level of
16 municipal services citywide, including within the District.

17 **Section 12. ENVIRONMENTAL FINDINGS.** The Planning Department has
18 determined that the actions contemplated in this Resolution are in compliance with the
19 California Environmental Quality Act (California Public Resources Code sections 21000 et
20 seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No.
21 _____ and is incorporated herein by reference.

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