

[Administrative Code - Establishing the Board of Directors - San Francisco Downtown Revitalization and Economic Recovery Financing District]

**Ordinance amending the Administrative Code to establish and define the membership and duties of the Board of Directors of the San Francisco Downtown Revitalization and Economic Recovery Financing District.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
**Additions to Codes** are in *single-underline italics Times New Roman font*.  
**Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
**Board amendment additions** are in double-underlined Arial font.  
**Board amendment deletions** are in ~~strikethrough Arial font~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Board of Supervisors of the City and County of San Francisco ("City") is authorized to initiate the process to establish a downtown revitalization and economic recovery financing district pursuant to Division 8 of Title 6 of the California Government Code, commencing with Section 62450 ("Downtown Revitalization Law").

(b) A downtown revitalization and economic recovery financing district is a governmental entity separate and distinct from the City constituted for the sole purpose of financing commercial-to-residential conversion projects or other projects of community-wide significance in downtown San Francisco (as defined in Government Code Section 62450(h)) that support downtown revitalization and economic recovery.

(c) On \_\_\_\_\_, the Board of Supervisors adopted a resolution declaring its intention to establish the San Francisco Downtown Revitalization and Economic Recovery

1 Financing District (“Downtown Revitalization District”) to finance commercial-to-residential  
2 conversion projects of communitywide significance that provide significant benefits to the  
3 Downtown Revitalization District or the City with incremental tax revenues generated by  
4 commercial-to-residential conversion projects within Downtown Revitalization District. A copy  
5 of said resolution is on file with the Clerk of the Board of Supervisors in Board File No.

6 \_\_\_\_\_.

7 (d) State law requires the Board of Supervisors to establish the governing board of the  
8 Downtown Revitalization District at the same time that it adopts the resolution of intention to  
9 create the Downtown Revitalization District.

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11 Section 2. Chapter 5 of the Administrative Code is hereby amended by adding Article  
12 XLIX, consisting of Sections 5.49-1 through 5.49-8, to read as follows:

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14 **ARTICLE XLIX:**

15 **BOARD OF DIRECTORS OF THE SAN FRANCISCO DOWNTOWN REVITALIZATION AND**  
16 **ECONOMIC RECOVERY FINANCING DISTRICT**

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18 **SEC. 5.49-1. DEFINITIONS.**

19 For purposes of this Article XLIX, the following words or phrases shall have the following  
20 meanings:

21 “Board of Directors of the Downtown Revitalization District” or “Board of Directors” or  
22 “District Board” shall mean the Board of Directors of the San Francisco Downtown Revitalization and  
23 Economic Recovery Financing District, the governing board established to act as the governing board  
24 for the Downtown Revitalization District.

25 “City” shall mean the City and County of San Francisco.

1 "Downtown Revitalization District" shall mean the San Francisco Downtown Revitalization  
2 and Economic Recovery Financing District.

3 "Downtown Revitalization Financing Plan" shall have the meaning given that term in Section  
4 5.49-3.

5  
6 **SEC. 5.49-2. CREATION OF THE BOARD OF DIRECTORS OF THE SAN FRANCISCO**  
7 **DOWNTOWN REVITALIZATION AND ECONOMIC RECOVERY FINANCING DISTRICT.**

8 The Board of Supervisors hereby establishes the Board of Directors of the San Francisco  
9 Downtown Revitalization and Economic Recovery Financing District in accordance with California  
10 Government Code Section 62452(b).

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12 **SEC. 5.49-3. PURPOSE.** The Board of Directors shall serve as the governing body for the  
13 Downtown Revitalization District and, in that capacity, shall be responsible for the duties imposed by  
14 California Government Code Sections 62450 et seq., as may be amended from time to time, (the  
15 "Downtown Revitalization Law") including, but not limited to the following:

16 (a) Facilitating the preparation of, adopting, and implementing the downtown revitalization  
17 financing plan described in California Government Code Section 62456 ("Downtown Revitalization  
18 Financing Plan") for the Downtown Revitalization Financing District. The Downtown Revitalization  
19 Financing Plan will describe, among other things, the allocation by the City to the Downtown  
20 Revitalization Financing District of certain incremental property tax revenue generated by  
21 commercial-to-residential conversion projects within Downtown Revitalization District for the purpose  
22 of financing commercial-to-residential conversion projects of communitywide significance that provide  
23 significant benefits to the Downtown Revitalization District or the City.

24 (b) Facilitating the timely preparation and delivery of the annual report required by California  
25 Government Code Section 62453(e).

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2       **SEC. 5.49-4. MEMBERSHIP.**

3       *The Board of Directors shall consist of five voting members and one alternate member, as*  
4 *follows:*

5           *(a) Seats 1-3 shall be held by members of the Board of Supervisors appointed by the President*  
6 *of the Board of Supervisors.*

7           *(b) Seat 4 shall be an alternate seat held by a member of the Board of Supervisors appointed by*  
8 *the President of the Board of Supervisors. The alternate member may serve and vote in place of any*  
9 *one of the three members in seats 1-3 who is unavailable to vote due to absence from a meeting,*  
10 *recusal from a specific meeting agenda item, or a vacancy in the seat. The alternative member is*  
11 *otherwise not authorized to vote.*

12           *(c) Seats 5 and 6 shall be held by members of the public, nominated by the President of the*  
13 *Board of Supervisors and appointed by the Board of Supervisors. Appointment of members of the*  
14 *public to seats 5 and 6 shall comply with California Government Code Section 54970 et seq., as may be*  
15 *amended from time to time.*

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17       **SEC. 5.49-5. ORGANIZATION AND TERMS OF OFFICE.**

18           *(a) The Board of Directors shall come into existence on the date that appointments have been*  
19 *made to three of the five voting seats on the body.*

20           *(b) The President of the Board of Supervisors and the Board of Supervisors shall make initial*  
21 *appointments to all five seats on the Board of Directors as specified in Section 5.49-4 above by no later*  
22 *than 90 days following the effective date of this Article XLIX.*

23           *(c) The terms of all six members of the Board of Directors shall commence on the date the*  
24 *Board of Directors comes into existence, as specified in Section 5.49-5(a), whether or not all members*  
25 *have been appointed as of that date.*

1           (d) Members of the Board of Directors shall serve four-year terms, except that the initial  
2           appointments to seats 3 and 5 shall be for two-year terms. Subsequent appointments to seats 3 and 5  
3           shall be for four-year terms.

4           (e) Members in seats 1, 2, and 3, and the alternate member in seat 4 shall serve at the pleasure  
5           of the President of the Board of Supervisors and may be removed by the President or by the Board of  
6           Supervisors at any time. Members in seats 5 and 6 shall serve at the pleasure of the Board of  
7           Supervisors and may be removed by the Board of Supervisors at any time.

8           (f) When a vacancy occurs on the Board of Directors, the President of the Board of Supervisors  
9           and/or the Board of Supervisors shall fill the vacancy in accordance with Section 5.49-4. The  
10          replacement appointee shall complete the term of the seat that was vacated, but is not precluded from  
11          being appointed to the Board of Directors for an additional term or terms.

12          (g) If a member of the Board of Directors in seats 1-4 leaves the Board of Supervisors, then  
13          that Supervisor's membership on the Board of Directors, or status as an alternate member, as the case  
14          may be, expires by operation of law, creating a vacancy in the seat.

15          (h) Members of the Board of Directors shall receive no compensation, but they may receive  
16          reimbursement for actual and necessary expenses incurred in the performance of official duties  
17          pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5  
18          of the California Government Code.

19          (i) Members of the Board of Directors are subject to Article 2.4 (commencing with Section  
20          53234) of Chapter 2 of Part 1 of Division 2 of Title 5 of the California Government Code.

21          (j) The Board of Directors shall establish such rules and procedures as are necessary or  
22          appropriate to ensure compliance with the Downtown Revitalization Law, to further the purposes of the  
23          Downtown Revitalization Financing District, and to satisfy the requirements of Section 5.49-7 below.

24          (k) The Clerk of the Board of Supervisors shall provide administrative and clerical support to  
25          the Board of Directors, unless and until that function is reassigned to another City department as part

1 of the annual budget process. Costs incurred in connection with administrative and clerical support to  
2 the Board of Directors shall be paid by the Downtown Revitalization District as provided in the  
3 Downtown Revitalization Law.

4 (l) The Office of Economic and Workforce Development shall provide analytical support to the  
5 Downtown Revitalization Financing District as needed to fulfill the obligations and purposes described  
6 in Section 5.49-3. Costs incurred in connection with such analytical support shall be paid by the  
7 Downtown Revitalization District as provided in the Downtown Revitalization Law.

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9 **SEC. 5.49-6. POWERS AND DUTIES.**

10 (a) The Board of Directors shall have the powers and duties set forth in the Downtown  
11 Revitalization Law.

12 (b) The Board of Directors shall have no authority to act on behalf of the City. The Downtown  
13 Revitalization Financing District, once formed, shall be a governmental entity separate and distinct  
14 from the City, and its sole purpose shall be to finance commercial-to-residential conversion projects or  
15 other projects of communitywide significance in downtown San Francisco that support downtown  
16 revitalization and economic recovery in accordance with the Downtown Revitalization Law.

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18 **SEC. 5.49-7. MEETINGS AND PROCEDURES.**

19 (a) The Board of Directors shall hold its inaugural meeting no later than 120 days after the  
20 effective date of the ordinance establishing this Article XLIX.

21 (b) Following the inaugural meeting, and not counting the inaugural meeting, the Board of  
22 Directors shall hold a regular meeting not less than one time per year.

23 (c) At least 10 days before each meeting of the Board of Directors, including the inaugural  
24 meeting, the Board of Directors shall post notice of the public hearing as follows: (i) in an easily  
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1 identifiable and accessible location on the Board of Directors' website; (ii) at the San Francisco Public  
2 Library; and (iii) in a newspaper of general circulation in San Francisco.

3 (d) The Board of Directors shall elect a chair, and in its discretion may establish such other  
4 offices as it deems appropriate, to be filled by election.

5 (e) The Board of Directors may establish rules for its organization and procedures, as it deems  
6 necessary or appropriate.

7 (f) Three voting members of the Board of Directors shall constitute a quorum.

8 (g) In accordance with Government Code Section 62452(e), the Board of Directors shall be  
9 deemed a local public agency subject to the Ralph M. Brown Act (Title 5, Division 2, Part 1, Chapter 9  
10 (commencing with Section 54950) of the California Government Code); the California Public Records  
11 Act (Title 1, Division 10 (commencing with Section 7920.000) of the California Government Code);  
12 and the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the California  
13 Government Code).

14 (h) The Downtown Revitalization Financing District shall also be subject to the requirements  
15 of the San Francisco Sunshine Ordinance, Chapter 67 of the Administrative Code.

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17 **SEC. 5.49-8 SUNSET.**

18 Unless the Board of Supervisors by ordinance extends the term of the Board of Directors, it  
19 shall terminate on the date on which the Downtown Revitalization Financing District no longer  
20 receives property tax revenues under the Downtown Revitalization Financing Plan. After that date, the  
21 City Attorney is authorized to cause this Article XLIX to be removed from the Administrative Code.  
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23 Section 2. Effective Date. This ordinance shall become effective 30 days after  
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
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1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance.

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4 APPROVED AS TO FORM:  
5 DAVID CHIU, City Attorney

6 By: /s/ \_\_\_\_\_  
7 MARK D. BLAKE  
8 Deputy City Attorney  
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