

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," and urging the Mayor to cause the implementation**  
7 **of accepted findings and recommendations through his/her department heads and**  
8 **through the development of the annual budget.**

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

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

19 WHEREAS, The 2008-2009 Civil Grand Jury Report entitled "USE IT OR LOSE IT: A  
20 Report on the Surplus Real Property Owned by the San Francisco Unified School District" is  
21 on file with the Clerk of the Board of Supervisors in File No. 091118, which is hereby declared  
22 to be a part of this resolution as if set forth fully herein; and,

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

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

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

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

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

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

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

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

5           RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the  
6 Superior Court that it agrees with Finding No. \_\_\_\_\_ as well as Recommendation No. \_\_\_\_\_  
7 of the 2008-2009 Civil Grand Jury Report entitled "USE IT OR LOSE IT: A Report on the  
8 Surplus Real Property Owned by the San Francisco Unified School District"; and, be it

9           RESOLVED, That the Board of Supervisors reports that it disagrees wholly or partially  
10 with Finding No. \_\_\_\_\_ as well as Recommendation No. \_\_\_\_\_, for reasons as follows \_\_\_\_\_:

11           FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the  
12 implementation of accepted findings and recommendations through his/her department heads  
13 and through the development of the annual budget.

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