

1 [Assessment Ballots for City Parcels to Form the Proposed West Portal Community Benefit
2 District]

3 **Resolution authorizing the Mayor to cast ballots in the affirmative on behalf of the City**
4 **and County of San Francisco as owner of two (2) parcels of real property over which**
5 **the Board of Supervisors has jurisdiction, where those parcels would be subject to**
6 **assessment in the proposed property and business improvement district to be named**
7 **the West Portal Community Benefit District.**

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9 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,
10 California Streets and Highways Code Sections 36600 *et seq.* (the "Act"), as augmented by
11 Article 15 of the San Francisco Business and Tax Regulations Code ("Article 15"), the Board of
12 Supervisors adopted Resolution No. 340-11 on August 2, 2011, entitled "Resolution declaring
13 the intention of the Board of Supervisors to establish a property-based business improvement
14 district to be known as the West Portal Community Benefit District (CBD)," to order the levy
15 and collection of a multi-year assessment, and setting a time and place for a public hearing
16 thereon" (the "Resolution of Intention," BOS File No. 110772); and,

17 WHEREAS, The Resolution of Intention for the West Portal Community Benefit District
18 (the "West Portal CBD" or "District"), among other things, approved the West Portal
19 Community Benefit District Management District Plan (the "District Management Plan") dated
20 May 17, 2011 and the District Assessment Engineer's Report dated May 17, 2011, and the
21 form of the Assessment Ballots and the Notice of Public Hearing, all on file with the Clerk of
22 the Board of Supervisors in File No. 110772, which is hereby declared to be a part of this
23 Resolution as if set forth fully herein; and,

24 WHEREAS, Article XIID, Section 4 of the California Constitution provides that parcels
25 within an assessment district that are owned or used by any government agency, the State of

1 California or the United States shall not be exempt from assessment unless the agency can
 2 demonstrate by clear and convincing evidence that those publicly owned parcels in fact
 3 receive no special benefit; and,

4 WHEREAS, The Board of Supervisors has jurisdiction over two (2) parcels of real
 5 property within the proposed assessment district that are owned by the City and County of
 6 San Francisco, the details of which are set forth in a chart below; and,

7 WHEREAS, The City and County of San Francisco owns additional real property within
 8 the proposed assessment district that is subject to the exclusive jurisdiction and control of
 9 another City department, the Municipal Transportation Agency (the "Other Property"); and,

10 WHEREAS, The City-owned parcels over which the Board of Supervisors has
 11 jurisdiction (not including the Other Property) are listed in the following chart, showing the
 12 street address for each, Assessor's lot and block number, name/description of building,
 13 proposed assessment amount for each, and the percent of the total proposed assessments
 14 for the District that each parcel would be assessed (which is the corresponding weight to be
 15 afforded the City's signature on the ballot to establish the West Portal CBD):

APN (Block/Lot)	City Department: Name/Description of Building	Property Street Address/Location	Est. Parcel Assessment Amount For First Year	% of Total First Year CBD Budget
2919 031	SF Public Library: West Portal Public Library	900 – 910 Ulloa St.	\$5,362.62	2.71%
2919 013A	Recreation & Park Dept.: West Portal Muni Station	West Portal Muni Station/Park	\$7,485.52	3.78%
Subtotal for City-Owned Parcels under Board of Supervisors Jurisdiction, for Year One (Fiscal Year 2011-2012) of West Portal CBD, to be Established for a 13-Year Term			\$12,848.14	6.49%

24 WHEREAS, The Board of Supervisors will hold a public hearing on September 27,
 25 2011 to consider public testimony on the proposed formation of the West Portal Community

1 Benefit District, the levy of multi-year assessments on real property located in the proposed
2 district, and assessment ballot proceedings for affected property owners to approve or
3 disapprove the assessments; and,

4 WHEREAS, The property owners or their authorized representatives may submit,
5 withdraw or change assessment ballots for their respective properties prior to the close of
6 public testimony at the public hearing; and,

7 WHEREAS, the Board of Supervisors may cast the assessment ballots for those
8 parcels over which it has jurisdiction, to either approve or disapprove the proposed
9 assessments for those parcels that would be subject to assessment; or the Board may
10 authorize a representative to submit the assessment ballots for parcels over which the Board
11 has jurisdiction; and,

12 WHEREAS, At the September 27, 2011 public hearing the Board is likely to receive
13 public testimony both in favor of and against the levying of assessments, and the Department
14 of Elections will tabulate the assessment ballots submitted by the owners of affected
15 properties to determine if there is a majority protest; and,

16 WHEREAS, It is appropriate for the Board of Supervisors to authorize a representative
17 to submit assessment ballots for the City-owned parcels within the proposed district over
18 which the Board has jurisdiction, to avoid confusion on the Board's dual role as both the
19 legislative body that may form the district and levy assessments if there is no majority protest
20 by the affected property owners, and as the decision-making body for the City as the owner of
21 property subject to assessments; now, therefore, be it

22 RESOLVED, That the Mayor is hereby authorized to submit any and all assessment
23 ballots in the affirmative for the above-listed parcels of real property owned by the City and
24 County of San Francisco over which the Board has jurisdiction (which list does not include the
25 Other Property) that would be subject to assessment in the proposed property and business
improvement district to be named the West Portal Community Benefit District; and, be it

1 RESOLVED, That the Board encourages any City department that has exclusive
2 jurisdiction over the Other Property to submit any and all assessment ballots in the affirmative;
3 and, be it

4 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies
5 of this Resolution to be delivered to the Office of Economic and Workforce Development, the
6 Director of Elections, the City departments with jurisdiction over the Other Property, the West
7 Portal Community Benefit District Steering Committee, and placed in the Board of Supervisors
8 file for the Resolution to establish the proposed district.

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