1	[Agreement - Owners' Association for Administration/Management Renew and Expand of
2	Dogpatch and Northwest Potrero Hill Green Benefit District]
3	Resolution approving an agreement with the nonprofit Owners' Association for
4	administration and management of the property-based business improvement district
5	known as the "Dogpatch & Northwest Potrero Hill Green Benefit District;" pursuant to
6	California Streets and Highway Code, Section 36651, for a period commencing January
7	1, 2026, through December 31, 2040.
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9	WHEREAS, Article XIIID of the California Constitution and the Property and Business
10	Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600 et
11	seq., "1994 Act") authorize cities to establish property and business improvement districts
12	funded by special assessments to promote the economic revitalization and physical
13	maintenance of such districts; and
14	WHEREAS, Under the foregoing authorities as augmented by Article 15A of the
15	Business and Tax Regulation Code, the City previously established a green benefit district
16	known as the "Dogpatch & Northwest Potrero Hill Green Benefit District" ("the District") and
17	levied multi-year assessments on identified parcels in the District for the purpose of funding
18	revitalization and physical maintenance of the District through December 31, 2025, and
19	entered into an agreement for a nonprofit corporation known as the Dogpatch & Northwest
20	Potrero Hill Green Benefit District to serve as Owners' Association for the District and to
21	develop, implement, direct, manage, administer, operate and ensure the timely provision of
22	the District Programs (Board of Supervisors Resolution Nos. 301-15, 476-15); and
23	WHEREAS, On July 22, 2025, the Board of Supervisors adopted Resolution No. 343-
24	25 ("Resolution to Establish," Board File No. 250471), to renew the District and levy additional

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1	assessments to fund specified District Programs for another 15-year term, expiring on
2	December 31, 2040; and
3	WHEREAS, Pursuant to the above authorities and the Resolution to Establish, the
4	assessments may only be used to fund property-related services, "Improvements" (as
5	defined in California Streets and Highways Code, Section 36610 and Article 15A) and
6	"Activities" (as defined in California Streets and Highways Code, Section 36606) within
7	the District in accordance with the Management District Plan (collectively, such
8	authorized services, improvements and activities are referred to here as "District
9	Programs"); and
10	WHEREAS, The District is not a governmental, corporate or separate legal entity,
11	but is a geographic area containing all of the Identified Parcels subject to the
12	Assessments for District Programs described in the Plan and included in the annual
13	budgets submitted to and approved by the Board of Supervisors; the annual budget for
14	District Programs for the first year of operations is set forth in the Plan, and for
15	subsequent years, shall be set forth in the Annual Reports submitted to the Board of
16	Supervisors as required by California Streets and Highways Code, Section 36650; and
17	WHEREAS, Pursuant to the Resolution to Establish and California Streets and
18	Highways Code, Sections 36612 and 36650, the Board of Supervisors may contract with
19	a private nonprofit entity referred to as an "Owners' Association" to administer the District
20	Programs; and
21	WHEREAS, An Owners' Association may be an existing nonprofit entity or a newly
22	formed nonprofit entity; and
23	WHEREAS, An Owners' Association is a private entity and may not be considered
24	a public entity for any purpose, nor may its board members or staff be considered to be

public officials for any purpose; provided, however, that an Owner's Association must

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1	comply with the Ralph M. Brown Act (Government Code, Title 5, Division 2, Part 1,
2	Chapter 9, commencing with Section 54950) at all times when its board of directors or
3	any committee thereof hears, considers or deliberates on matters concerning the District
4	and must comply with the California Public Records Act (Government Code, Title 1,
5	Division 7, Chapter 3.5, commencing with Section 6250) for purposes of providing public
6	access to records relating to the District; and
7	WHEREAS, An Owners' Association is obligated to hold in trust all funds it
8	receives from the City that are derived from the City's levy and collection of the
9	Assessments, and to use such funds exclusively for the purposes of implementing the
10	Management District Plan and administering, managing and providing District Programs
11	set forth in the Plan, Resolution to Establish, and annual budgets submitted by the
12	Owners' Association and approved by the Board of Supervisors; and
13	WHEREAS, Pursuant to the Resolution to Establish, the Department of Public
14	Works ("Public Works") is the City agency responsible for coordination between the City
15	and the Owners' Association for the District; and
16	WHEREAS, Public Works has negotiated an agreement with the California
17	nonprofit corporation Dogpatch & Northwest Potrero Hill Green Benefit District, to, in
18	good faith and with diligence as the Owners' Association for the District, develop,
19	implement, direct, manage, administer, operate and ensure the timely provision of the
20	District Programs ("Management Agreement" or "Agreement"); and
21	WHEREAS, The Management Agreement is on file with the Clerk of the Board of
22	Supervisors in File No which is hereby declared to be a part of this Resolution
23	as if set forth fully herein; and
24	WHEREAS, Pursuant to the Property and Business Improvement District Law of
25	1994, the Resolution to Establish and the express terms of the Management Agreement

1	the Agreement shall not be binding unless the Board of Supervisors approves the
2	Agreement by Resolution; and
3	WHEREAS, It is in the best interest of the City and the property owners within the
4	District for the City to enter into the Management Agreement with the Dogpatch &
5	Northwest Potrero Hill Green Benefit District, according to the terms and conditions set
6	forth therein; and
7	WHEREAS, The Planning Department has determined that the actions
8	contemplated in this Resolution comply with the California Environmental Quality Act
9	(California Public Resources Code, Sections 21000, et seq.); and
10	WHEREAS, Said determination is on file with the Clerk of the Board of Supervisors
11	in File No and is incorporated herein by reference; now, therefore, be it
12	RESOLVED, That the Board of Supervisors declares as follows:
13	Section 1. AUTHORIZATION TO EXECUTE CONTRACT. The Department of
14	Public Works is duly authorized to execute the Management Agreement on behalf of the City
15	and County of San Francisco.
16	Section 2. APPROVAL OF AGREEMENT. The Board of Supervisors hereby
17	approves the Management Agreement on file with the Clerk of the Board of Supervisors in
18	File No which is hereby declared to be a part of this Resolution as if set forth fully
19	herein.
20	Section 3. AUTHORIZATION FOR ACTIONS CONTEMPLATED IN AGREEMENT.
21	The Department of Public Works, the Controller and all other Departments, City
22	Officers and Employees are authorized to take actions, make determinations, exercise
23	discretion, grant or deny approval, and otherwise take all reasonable steps necessary for full
24	performance of the Management Agreement on behalf of the City and County of San
25	Francisco according to its terms.

1	Section 4. AUTHORIZATION FOR AMENDMENTS TO AGREEMENT. Subject to
2	disapproval by the Board of Supervisors within 30 days of submission to the Clerk of the
3	Board, the Department of Public Works may execute amendments to the Agreement on
4	behalf of the City and County of San Francisco that are consistent with the Management
5	District Plan, Resolution to Establish, official City policies and applicable law.
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