

1 [Assessment Ballots for City-Owned Parcels - Greater Rincon Hill Community Benefit District]

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3 **Resolution authorizing the Mayor or his designees to cast an assessment ballot in the**  
4 **affirmative on behalf of the City and County of San Francisco as the owner of one**  
5 **parcel of real property over which the Board of Supervisors has jurisdiction that would**  
6 **be subject to assessment in the proposed property and business improvement district**  
7 **to be named the Greater Rincon Hill 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  
12 of Supervisors adopted Resolution No. 199-15 on June 9, 2015, entitled "Resolution declaring  
13 the intention of the Board of Supervisors to establish a property-based business improvement  
14 district (community benefit district) known as the 'Greater Rincon Hill Community Benefit  
15 District' and levy a multi-year assessment on all parcels in the district; approving the  
16 management district plan and engineer's report and proposed boundaries map for the district;  
17 ordering and setting a time and place for a public hearing thereon; approving the form of the  
18 Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing  
19 environmental findings; and directing the Clerk of the Board of Supervisors to give notice of  
20 the public hearing and balloting as required by law" (the "Resolution of Intention," BOS File  
21 No. 150592); and

22 WHEREAS, The Resolution of Intention for the Greater Rincon Hill Community Benefit  
23 District (the "Greater Rincon Hill CBD" or "District"), among other things, approved the Greater  
24 Rincon Hill Community Benefit District Management District Plan (the "District Management  
25 Plan"), dated June 2015, the Greater Rincon Hill Community Benefit District Engineer's

1 Report, dated June 2015, and the Notice of Public Hearing, that are all on file with Clerk of the  
2 Board of Supervisors in File No. 150592; and

3 WHEREAS, Article XIID, Section 4 of the California Constitution provides that parcels  
4 within an assessment district that are owned or used by any government agency, the State of  
5 California or the United States shall not be exempt from assessment unless the agency can  
6 demonstrate by clear and convincing evidence that those publicly owned parcels in fact  
7 receive no special benefit; and

8 WHEREAS, The assessments would be levied and collected against all parcels of real  
9 property in the proposed District for a period of 15 years, commencing with fiscal year 2015-  
10 2016 through fiscal year 2029-2030; and

11 WHEREAS, The Board of Supervisors has jurisdiction over one parcel of real property  
12 within the proposed assessment district that is owned by the City and County of San  
13 Francisco, the details of which are set forth in a chart below (on page 3 of this Resolution);  
14 and

15 WHEREAS, The City-owned parcel over which the Board of Supervisors has  
16 jurisdiction is listed in the following chart, showing the street address, Assessor's lot and block  
17 number, name/description of building, proposed assessment amount, and the percent of the  
18 total proposed assessments for the District that the parcel would be assessed for the first year  
19 of the District (which is the corresponding weight to be afforded the City's signature on the  
20 ballot to establish the Greater Rincon Hill CBD):

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ADDRESS	LOT / BLOCK	NAME / DESCRIPTION OF BUILDING	EST. ASSESSMENT AMOUNT FOR FIRST YEAR	% OF TOTAL CBD BUDGET
4 - 8 Guy Place	3749-005	General Services Administration – Future Guy Place Park	\$318.13	0.0131%

WHEREAS, The Board of Supervisors will hold a public hearing on July 28, 2015, to consider public testimony on the proposed formation of the Greater Rincon Hill Community Benefit District, the levy of multi-year assessments on real property located in the proposed district, and assessment ballot proceedings for affected property owners to approve or disapprove the assessments; and

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

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

WHEREAS, At the July 28, 2015, public hearing the Board is likely to receive public testimony both in favor of and against the levying of assessments, and the Department of Elections will tabulate the assessment ballots submitted by the owners of affected properties to determine if there is a majority protest; and

WHEREAS, It is appropriate for the Board of Supervisors to authorize a representative to submit an assessment ballot for the City-owned parcel within the proposed district over which the Board has jurisdiction to avoid confusion on the Board's dual role as both the

1 legislative body that may form the district and levy assessments if there is no majority protest  
2 by the affected property owners, and as the decision-making body for the City as the owner of  
3 property subject to assessments; now, therefore, be it

4           RESOLVED, That the Mayor or his designees is hereby authorized to submit an  
5 assessment ballot in the affirmative for the above-listed parcel of real property owned by the  
6 City and County of San Francisco over which the Board has jurisdiction that would be subject  
7 to assessment in the proposed property and business improvement district to be named the  
8 Greater Rincon Hill Community Benefit District; and, be it

9           FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies  
10 of this Resolution to be delivered to the Office of Economic and Workforce Development, and  
11 the Director of Elections, and placed in the Board of Supervisors file for the Resolution to  
12 establish the proposed district.

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