

1 [Committee of the Whole - Tax Sale of Presidio Terrace Common Area - November 28, 2017]

2
3 **Motion directing the Clerk of the Board of Supervisors to schedule a Committee of the**
4 **Whole hearing on November 28, 2017, at 3:00 p.m. to consider rescission of the tax sale**
5 **of the Presidio Terrace Common Area, pursuant to California Revenue and Taxation**
6 **Code, Section 3731; and establishing the process and conduct of the hearing.**

7
8 WHEREAS, On July 11, 2017, the Clerk of the Board of Supervisors received a letter
9 from the legal counsel representing the Presidio Terrace Association, on file with the Clerk of
10 the Board of Supervisors in File No. 170888, petitioning for the Board of Supervisors to
11 schedule a hearing to consider rescission of the tax sale of the Presidio Terrace Common
12 Area; and

13 WHEREAS, Pursuant to California Revenue and Taxation Code, Section 3731(b), the
14 sale of property by the tax collector may be rescinded by the Board of Supervisors if a hearing
15 is scheduled and notification is provided to the purchaser of the property or a successor in
16 interest; and

17 WHEREAS, There is no codified process or current policy for how this hearing and
18 consideration of the rescission should occur; and

19 WHEREAS, In order for the Board to ascertain all the facts and consider whether the
20 property should not have been sold, the Board wishes to hold a Committee of the Whole
21 hearing to consider testimony and documentation related to this matter; now, therefore, be it

22 **MOVED, That the Board of Supervisors of the City and County of San Francisco**
23 **directs the Clerk of the Board of Supervisors to schedule a Committee of the Whole hearing**
24 **on November 28, 2017, at 3:00 p.m. to consider whether to rescind or not rescind the tax sale**
25 **of the Presidio Terrace Common Area; and, be it**

1 FURTHER MOVED, That the Board of Supervisors directs the Clerk of the Board to
2 provide notification to the purchaser of the property or a successor in interest 45 days in
3 advance of the hearing, pursuant to the requirements found in California Revenue and
4 Taxation Code, Section 3731(b)(2); and, be it

5 FURTHER MOVED, That the petitioner or its representative shall submit the names
6 and addresses of interested parties to be notified of the hearing to the Office of the Clerk of
7 the Board no later than 12:00 noon on Friday, October 6, 2017, and those parties will be
8 notified in addition the purchaser of the property or successor of interest; and, be it

9 FURTHER MOVED, The Committee of the Whole hearing shall be conducted in
10 conformance with the Board's Rules of Order and similar to Board Rule 4.19, except that the
11 order of presentation and testimony shall be as follows: 1) the petitioner or its representative,
12 3) public comment in support of the petitioner, 3) Tax Collector, 4) the purchaser of the
13 property or the successor in interest, 5) public comment in support of the purchaser of the
14 property or the successor in interest, 6) final comments from the petitioner, and 7) discussion
15 and questions from the Members of the Board, subject to change by the President of the
16 Board to ensure the efficient flow of business; and, be it

17 FURTHER MOVED, That the petitioner or its representative and the purchaser or
18 successor of interest shall submit any written briefs and documentation they want available to
19 the Board members prior to the hearing and included in the packet materials no later than
20 12:00 noon on Friday, November 17, 2017, and the Tax Collector and City departments shall
21 submit their responses to the petitioner, any written briefs and documentation no later than
22 Monday, November 20, 2017; any written briefs and documentation received after these
23 deadlines may not be a part of the hearing packet materials and the submitting party shall be
24 responsible for distribution; and, be it
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FURTHER MOVED, That upon adjournment of the Committee of the Whole hearing, the Board shall consider a Motion to either rescind or not rescind the tax sale of the Presidio Terrace Common Area, pursuant to the provisions of California Revenue and Taxation Code, Section 3731.



City and County of San Francisco

Tails

Motion: M17-125

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 170888

Date Passed: September 05, 2017

Motion directing the Clerk of the Board of Supervisors to schedule a Committee of the Whole hearing on November 28, 2017, at 3:00 p.m. to consider rescission of the tax sale of the Presidio Terrace Common Area, pursuant to California Revenue and Taxation Code, Section 3731; and establishing the process and conduct of the hearing.

September 05, 2017 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

September 05, 2017 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE


Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

September 05, 2017 Board of Supervisors - APPROVED AS AMENDED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170888

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on 9/5/2017 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board