

1 [Assessment Ballot for City Parcel.]

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3 **Resolution authorizing the Mayor to cast an assessment ballot in the affirmative on**
4 **behalf of the City and County of San Francisco as the owner of one parcel of real**
5 **property that would be subject to assessment in the proposed property and business**
6 **improvement district to be named the Central Market Community Benefit District.**

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8 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994
9 (California Streets and Highways Code Sections 36600 *et seq.*) as augmented by Article 15 of
10 the San Francisco Business and Tax Regulations Code, the Board of Supervisors adopted
11 Resolution No. 0519-06 on September 12, 2006: (1) declaring the intention of the Board of
12 Supervisors to establish a property-based business improvement district (community benefit
13 district) to be known as the "Central Market Community Benefit District" and order the levy
14 and collection of a multi-year assessment on identified parcels in the district, (2) approving the
15 management district plan and engineer's report for the district, (3) ordering and setting a time
16 and place for a public hearing thereon, (4) approving the form of the Notice of Public Hearing
17 and Assessment Ballots, and (5) directing the Clerk of the Board of Supervisors to give notice
18 of the public hearing as required by law; and,

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

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1 WHEREAS, The City and County of San Francisco owns one parcel of real property
2 within the proposed assessment district, the details of which are set forth in a spreadsheet
3 entitled "Proposed Assessments for City Owned Parcels in the Central Market Community
4 Benefit District – Fiscal Year 2006-2007" on file with the Clerk of the Board of Supervisors in
5 File No. 060860, which is hereby declared to be a part of this resolution as if set forth fully
6 herein: Assessor's Parcel No. 3704-011(88 5th Street); and,

7 WHEREAS, The City-owned parcel in the proposed Central Market Community Benefit
8 District has an assessment of \$17,175.25 for fiscal year 2006-2007 out of a total of
9 \$535,299.00 in proposed assessments for all properties in the district. The proposed
10 assessment on this City-owned parcel represents approximately 3.21% of the total
11 assessments for the first year of the district, which is the corresponding weight to be afforded
12 to the City's vote to approve or disapprove the proposed assessments; and,

13 WHEREAS, The Board of Supervisors will hold a public hearing on October 31, 2006 to
14 consider public testimony on the proposed formation of the Central Market Community Benefit
15 District, the levy of multi-year assessments on real property located in the proposed district,
16 and assessment ballot proceedings for affected property owners to approve or disapprove the
17 assessments; and,

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

21 WHEREAS, the Board of Supervisors may either cast the assessment ballot to approve
22 or disapprove the proposed assessments for the City-owned parcel that would be subject to
23 assessment, or authorize a representative to submit the assessment ballot for the City-owned
24 parcel; and,

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1 WHEREAS, At the October 31, 2006 public hearing the Board is likely to receive public
2 testimony both in favor of and against the levying of assessments, and the Department of
3 Elections will tabulate the assessment ballots submitted by the owners of affected properties
4 to determine if there is a majority protest; and,

5 WHEREAS, It is appropriate for the Board to authorize a representative to submit an
6 assessment ballot for the City-owned parcel within the proposed district to avoid confusion on
7 the Board's dual role as both the legislative body that may form the district and levy
8 assessments if there is no majority protest by the affected property owners, and as the
9 decision-making body for the City as the owner of property subject to assessments; now,
10 therefore, be it

11 RESOLVED, That the Mayor is hereby authorized to submit prior to the close of public
12 testimony at the public hearing any and all assessment ballots in the affirmative for the parcel
13 of real property owned by the City and County of San Francisco that would be subject to
14 assessment in the proposed property and business improvement district to be named the
15 Central Market Community Benefit District; and, be it

16 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies
17 of this resolution to be delivered to the Mayor's Office of Economic and Workforce
18 Development and the Director of the Department of Elections, and placed in the Board of
19 Supervisors file for the resolution to establish the proposed district.

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