

1 [Memorandum of Understanding between the Treasure Island Development Authority and the
2 Office of the City Administrator.]

3 **Resolution approving and authorizing the Treasure Island Development Authority to**
4 **enter into a Memorandum of Understanding appointing the City, acting by and through**
5 **the Office of the City Administrator, as its agent to provide the services to carry out the**
6 **Authority's operations and provide oversight to the Treasure Island Project Office for**
7 **the term beginning July 1, 2009.**

8
9 WHEREAS, Former Naval Station Treasure Island is a military base located on
10 Treasure Island and Yerba Buena Island (together, the "Base"), which is currently owned by
11 the United States of America (the "Navy"); and,

12 WHEREAS, The Base was selected for closure and disposition by the Base
13 Realignment and Closure Commission in 1993, acting under Public Law 101-510, and its
14 subsequent amendments; and,

15 WHEREAS, On May 2, 1997, the Board of Supervisors passed Resolution No. 380-97,
16 authorizing the Mayor's Treasure Island Project Office to establish a nonprofit public benefit
17 corporation known as the Treasure Island Development Authority (the "Authority") to act as a
18 single entity focused on the planning, redevelopment, reconstruction, rehabilitation, reuse and
19 conversion of the Base for the public interest, convenience, welfare and common benefit of
20 the inhabitants of the City and County of San Francisco; and,

21 WHEREAS, At its December 14, 2005 meeting, the Authority appointed a working
22 group to review the findings of an audit of the Authority performed by the Office of the
23 Controller and to provide recommendations to the Authority on how to implement the findings
24 and suggestions regarding staffing for the Authority contained in the audit report; and,

1 WHEREAS, The findings and recommendations of the working group were presented
2 to the Authority Board at its March 22, 2006 meeting; and,

3 WHEREAS, The working group report recommended that the most efficient way to
4 provide staffing to the Authority was to establish a Treasure Island project office under the
5 jurisdiction of the Office of the City Administrator ("OCA"); and,

6 WHEREAS, Article V, Section 2(k) of the Authority's Bylaws authorizes the Authority to
7 contract with governmental agencies, including without limitation, any department,
8 commission or agency of the City, for the performance of services in furtherance of and
9 related to the purposes of the Authority; and,

10 WHEREAS, At its December 13, 2006 meeting, the Authority Board approved a
11 Memorandum of Understanding (the "Original MOU") between the Authority and the City,
12 acting by and through the OCA, to provide the services to carry out the Authority's operations
13 and to provide oversight to the Treasure Island Project Office for the term beginning July 1,
14 2006; and,

15 WHEREAS, At its May 8, 2007 meeting, the Board of Supervisors adopted Resolution
16 No. 241-07 approving and authorizing the Authority to enter into the Original MOU; and,

17 WHEREAS, The Original MOU expires June 30, 2009 and the Authority and the City
18 have negotiated a new Memorandum of Understanding (the "2009 MOU") for the OCA's
19 continued provision of services to carry out the Authority's operations and provide oversight to
20 the Treasure Island Project Office for the term beginning July 1, 2009 and continuing on a
21 year to year basis during the interim period pending the adoption and implementation of a
22 redevelopment plan for the proposed redevelopment of the Base, provided, any extension of
23 the cumulative term of the 2009 MOU beyond June 30, 2012 years requires the approval of
24 the Authority's Board of Directors and the Board of Supervisors; and,
25

1 WHEREAS, The 2009 MOU provides that during any period that the Authority's
2 Executive Director position is vacant, (i) the Director of Island Operations is granted the full
3 power and authority to carry out any and all duties and powers relating to the provision of the
4 day-to-day Island Operations management and municipal services, to the extent such duties
5 and powers were previously delegated to the Executive Director in the Bylaws or in any of the
6 Authority's policies or agreements approved by resolution of the Authority Board; and (ii) the
7 Treasure Island Redevelopment Project Director is granted the full power and authority to
8 carry out any and all duties and powers relating to the provision of Redevelopment and Base
9 Conversion services, to the extent such duties and powers were previously delegated to the
10 Executive Director in the Bylaws or in any of the Authority's policies or agreements approved
11 by resolution of the Authority Board; and,

12 WHEREAS, At its May 13, 2009 meeting, the Authority's Board of Directors approved
13 the 2009 MOU; and,

14 WHEREAS, The Authority's organizational documents require the Board of
15 Supervisors' approval of any contract that the Authority enters into prior to the adoption of a
16 redevelopment plan for the Base if the contract is worth more than \$1,000,000 or has a term
17 of 10 years or more; and,

18 WHEREAS, The 2009 MOU is a contract for an amount in excess of \$1,000,000; now
19 therefore, be it

20 RESOLVED, That the Board of Supervisors hereby approves the 2009 MOU; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the
22 Authority's Director of Island Operations to execute and enter into the 2009 MOU in
23 substantially the form filed with the Clerk of the Board in File No. 090651, and any
24 additions, amendments or other modifications to such 2009 MOU (including, without limitation,
25 its exhibits) that the Director of Island Operations determines, in consultation with the City

1 Attorney, are in the best interests of the Authority and do not otherwise materially increase the
2 obligations or liabilities of the Authority, and are necessary or advisable to effectuate the
3 purpose and intent of this resolution.

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City and County of San Francisco

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

Tails
Resolution

File Number: 090651

Date Passed:

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Memorandum of Understanding appointing the City, acting by and through the Office of the City Administrator, as its agent to provide the services to carry out the Authority's operations and provide oversight to the Treasure Island Project Office for the term beginning July 1, 2009.

July 14, 2009 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090651

I hereby certify that the foregoing Resolution was ADOPTED on July 14, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

7/21/2009

Date Approved