

**COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE**

**RESOLUTION NO. 68-2014**

**Adopted August 19, 2014**

**CONSENTING TO FORMER SUCCESSOR AGENCY COMMISSIONER  
THEODORE ELLINGTON'S WORK WITH THE GOLDEN STATE WARRIORS  
REGARDING THE DEVELOPMENT OF AN ARENA AND EVENT CENTER UNDER  
THE MISSION BAY SOUTH OWNER PARTICIPATION AGREEMENT; MISSION  
BAY SOUTH REDEVELOPMENT PROJECT AREA**

WHEREAS, Mr. Theodore Ellington served as a Commissioner of the Successor Agency to the Redevelopment Agency of the City and County of San Francisco, also known as the Office of Community Investment and Infrastructure, ("Successor Agency" or "OCII") from its inception in December 2012 until July 3, 2014. During his tenure as an OCII Commissioner, Mr. Ellington participated in several decisions involving the Mission Bay South Redevelopment Project Area ("Project Area") and the Mission Bay South Owner Participation Agreement ("OPA") between the Master Developer, currently FOCIL-MB, LLC ("FOCIL"), and OCII; and

WHEREAS, The California Department of Finance has determined "finally and conclusively" that the OPA is an enforceable obligation under Redevelopment Dissolution Law, Cal. Health and Safety Code §§ 34171 (d) (1) & 34177.5 (i). Accordingly, OCII is authorized to perform all of its obligations under the OPA, including the review and approval of development projects that will complete the redevelopment of the Project Area; and

WHEREAS, In April 2014, the Golden State Warriors ("GSW") publicly announced that they were under contract with salesforce.com to purchase Blocks 29 to 32 in the Project Area for the development of an arena, office and retail uses ("Warriors' Project"). Previously, the Warriors had explored constructing the arena and associated uses on Piers 30 and 32 and Seawall Lot 330, which are outside of any redevelopment project area; and

WHEREAS, On April 29, 2014, OCII staff presented, at a special meeting, an informational item to the Successor Agency Commission about the Warriors' Project and described the approval process for the project; and

WHEREAS, To date, the Successor Agency has not taken any action or made any decisions regarding the Warriors' Project; and

WHEREAS, The Successor Agency's Personnel Policy, Section IX, H, prohibits a former Commissioner from acting on behalf of anyone other than the Successor Agency on a matter in which the Successor Agency has a direct and substantial interest and in which the former Commissioner personally and substantially participated

as a Commissioner, unless the Agency gives its consent. Accordingly, this policy would preclude, absent Successor Agency consent, Mr. Ellington from representing GSW on matters involving development in Mission Bay South under the OPA, given his prior involvement in OPA matters as a Commissioner; and

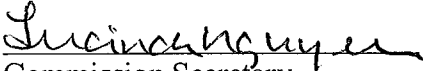
WHEREAS, The Successor Agency's Personnel Policy, Section IX, H, prohibits a former Commissioner, for a period of two years after departure from the Commission, from appearing before the Successor Agency Commission for any purpose except to represent himself, herself or the Agency. This two year ban on appearance is not subject to waiver under the Personnel Policy; and

WHEREAS, Mr. Ellington has requested that the Successor Agency consider granting approval under the Personnel Policy to allow him to represent GSW in its activities to obtain approval of the Warriors' Project in the Mission Bay South Redevelopment Project Area under the OPA; and

WHEREAS, Given that Mr. Ellington, as a Successor Agency Commissioner, participated only in an informational workshop on the Warriors' Project and resigned before the Successor Agency has taken any actions or made any decisions about the Warriors' Project, staff does not believe that there is a conflict of interest that could adversely OCII; and now, therefore, be it

RESOLVED, That the OCII Commission consents, under Section IX, H of the Successor Agency's Personnel Policy, to Mr. Theodore Ellington's work on behalf of the Golden State Warriors in seeking approval of the Warriors' Project in the Project Area under the Mission Bay OPA, subject to the existing prohibition of appearing before the OCII Commission for a period of two years following his resignation from the Commission except to the extent that he is representing himself or OCII in making an appearance.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of August 19, 2014.

  
Commission Secretary