

London N. Breed
MAYOR



Miguel Bustos
CHAIR

Mara Rosales
VICE-CHAIR

Nadia Sesay
EXECUTIVE DIRECTOR

Bivett Brackett
Dr. Carolyn Ransom-Scott
COMMISSIONERS

**MINUTES OF A REGULAR MEETING OF THE
COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE
OF THE CITY AND COUNTY OF SAN FRANCISCO HELD ON THE
15th DAY OF SEPTEMBER 2020**

The members of the Commission on Community Investment and Infrastructure of the City and County of San Francisco met in a regular meeting via teleconference at 1:00 p.m. on the 15th day of September 2020. The public was invited to watch the meeting live on SFGOVTV: <https://sfgovtv.org/ccii>

PUBLIC COMMENT CALL-IN: 1-408-418-9388 Access Code: 146 642 8927

In accordance with Governor Gavin Newsom's statewide order for all residents to "Stay at Home" - and the numerous preceding local and state proclamations, orders and supplemental directions - aggressive directives were issued to slow down and reduce the spread of the COVID-19 virus. Individuals were encouraged to participate in the meetings remotely by calling during the public comment section of the meeting.

REGULAR MEETING AGENDA

1. Recognition of a Quorum

Meeting was called to order at 1:01 p.m. by Chair Bustos. Roll call was taken.

Commissioner Brackett - absent
Commissioner Scott - present
Vice-Chair Rosales - present
Chair Bustos - present

Commissioner Brackett arrived late. The other Commissioners were present.

2. Announcements

- a) The next regularly scheduled Commission meeting will be held on Tuesday, October 6, 2020 at 1:00 pm.
- b) Announcement of Time Allotment for Public Comments from participants dialing in: Please be advised a member of the public has up to three minutes to make pertinent public comments on each agenda item unless the Commission adopts a shorter period on any item. Please note that during the public comment period, all dial-in participants from the public will be instructed to call a toll-free number and use their touch-tone phones to register any desire for public comment. Comments will be taken in the order that it was received. Audio prompts will signal to dial-in participants when their audio input has been enabled for commenting.

PUBLIC COMMENT CALL-IN: 1-408-418-9388 Access Code: 146 642 8927

Secretary Cruz read instructions for the public to be able to call in.

3. Report on actions taken at previous Closed Session meeting - None

4. Matters of Unfinished Business - None

5. Matters of New Business:

CONSENT AGENDA

- a) Approval of Minutes: Regular meeting of August 18, 2020

PUBLIC COMMENT - None

Commissioner Scott motioned to move Item 5(a) and Vice-Chair Rosales seconded that motion.

Secretary Cruz called for a voice vote on Item 5(a).

Commissioner Brackett – absent

Commissioner Scott - yes

Vice-Chair Rosales - yes

Chair Bustos – yes

ADOPTION: IT WAS VOTED BY THREE COMMISSIONERS WITH ONE ABSENCE THAT APPROVAL OF MINUTES FOR THE REGULAR MEETING OF AUGUST 18, 2020, BE ADOPTED.

REGULAR AGENDA

- b) Conditionally authorizing the Executive Director to enter into a First Amendment to the December 14, 2010 Grant Agreement between the Mexican Museum and the Successor Agency to extend the term by one year to December 14, 2021, conditionally authorizing the Executive Director to transfer the Grant Agreement to the City and County of San Francisco and authorizing the transmittal of the amendment and the assignment to the Oversight Board of the City and County of San Francisco (Discussion & Action) (Resolution No 24-2020)

Speakers: Nadia Sesay, Executive Director; Hilde Myall, Manager, Real Estate and Development Services Division; Victor M. Marquez, Partner, Squire Patton Boggs, LLP; Raymond Lee, Contract Compliance Supervisor; Jim Morales, General Counsel and Deputy Director

PUBLIC COMMENT – None

Commissioner Scott thanked staff for their presentation. She inquired about whether the one-year extension would be enough time in light of COVID-19.

Ms. Myall acknowledged that in light of the uncertain timeframe of the pandemic as well as the Museum's progress on tenant improvement plans as well as issues that may come up by the State Department of Finance (DOF) and the Oversight Board (OB), one year might not be enough time. She deferred to Mr. Marquez for more detail.

Mr. Marquez responded that an extension of 18 months would be more helpful. He explained that the key point here was what the DOF and the OB might accept. Mr. Marquez reported that certainly circumstances had changed since they submitted their request such as the issue that local businesses might not open again until November or December and some maybe not until the first quarter of 2021. He pointed out that the City had allowed many extensions throughout the pandemic

so to suggest an extension of 18 months would not be out of line and would give the DOF and the OB more time to work on this item.

Ms. Myall added that assigning the grant funds to the City would allow for that flexibility considering the timeframe because after assignment, the City would not have the same requirements that OCII would have regarding the OB and state approval of any changes to the agreement.

Chair Bustos requested clarification about whether, if they approved this item for 12 months, they were then giving Executive Director Sesay the ability to negotiate for 18 months.

Ms. Myall responded that this would be two separate actions. She explained that, as proposed, this would be an extension of the 12-month term and then a separate request to transfer to the City. If approved by the OB and the State, OCII would extend the agreement and then work on the transfer assignment to the City within 12 months. Depending on recovery from the pandemic, if there was a need to extend to 18 months, the City would have time to consider that.

Mr. Marquez stated that considering an extension of 18 months would give the Museum as well as the City some additional time to work through the semantics and other issues.

Vice-Chair Rosales inquired about whether this would be considered a discretionary decision by OCII; inquired about whether they were bound by any deadline to make this transfer; inquired about whether they had to take action to transfer to the City at this time.

Ms. Myall responded that OCII was proposing to take the transfer request through the OB and the State and then would work with their City partners on the transfer implementation actions.

Executive Director Sesay responded that because of the DOF timeline and approval and because OCII did not have authority to just transfer, they were proposing they take this to the OB so they could take some action before the expiration date. She explained that they could delay that action but wanted to adhere to the agreement before the expiration date. She reported that response from the DOF was unknown and thought this was the best approach.

Ms. Myall responded that it was up to the City to make that decision, but what was most likely was that the City Department of Real Estate would take ownership of the Museum space and as they are also involved in the Purchase/Sale agreement.

Vice Chair Rosales inquired about which department of the City would take over responsibility for the oversight on the project going forward. She stated that, once transfer to the City was completed, she assumed that all of our jurisdiction ceases, in all respects.

Ms. Myall responded in the affirmative and stated that the grant agreement was the last financial obligation to fund the Museum so if the Museum was transferred or if the grant agreement expired, that would be the end of OCII's involvement. She pointed out that OCII was also a party to the Purchase/Sale agreement and the Museum was a beneficiary under this. Ms. Myall explained that the Purchase/Sale agreement ended when the developer's obligations were concluded.

Vice-Chair Rosales referred to the City's small business and local hire programs, which were similar to OCII's and inquired about what would happen to those commitments as well as obligations to the OCII contract compliance requirements once the transfer was made.

Ms. Myall deferred to Mr. Lee to respond.

Mr. Lee responded that the obligation to OCII would end when the grant agreement is transferred. However, he explained that during negotiations with the City and the Museum, a form of the OCII SBE and local hire programs could continue. It was Mr. Lee's understanding that the Museum was

committed to these OCII programs so their continuation would depend on making new arrangements for the City to enforce.

Vice-Chair Rosales stated that she had no concern about the one year extension to 18 months for flexibility purposes; however, she stated that she would prefer that OCII retain jurisdiction to make sure all the agreements and promises were maintained and realized.

Chair Bustos confirmed that what was being requested by Vice-Chair Rosales was to extend the commitment from 12 to 18 months through an amendment and retain jurisdiction for now.

Mr. Morales clarified that what needed to be done was to first vote on whether there was a majority of the Commissioners to support amending the item and then take a second vote on the item as amended. One amendment would be to move the 12 months to 18 months.

Chair Bustos called for a motion to amend Item(b) from 12 months to 18 months.

Vice-Chair Rosales motioned to amend Item 5(b) from 12 months to 18 months and Commissioner Scott seconded that motion.

Secretary Cruz called for a voice vote to amend Item 5(b) from 12 months to 18 months.

Commissioner Brackett – absent
Commissioner Scott - yes
Vice-Chair Rosales - yes
Chair Bustos – yes

ADOPTION: IT WAS VOTED BY THREE COMMISSIONERS WITH ONE ABSENCE TO APPROVE AMENDING ITEM(B) TO EXTEND THE AGREEMENT FROM 12 MONTHS TO 18 MONTHS.

Chair Bustos called for a motion to delete the transfer assignment from Item(b).

Vice-Chair Rosales motioned to delete the transfer assignment from the term of Item 5(b) and Commissioner Scott seconded that motion.

Secretary Cruz called for a voice vote to delete the transfer assignment from Item 5(b).

Commissioner Brackett – absent
Commissioner Scott - yes
Vice-Chair Rosales - yes
Chair Bustos – yes

ADOPTION: IT WAS VOTED BY THREE COMMISSIONERS WITH ONE ABSENCE TO DELETE THE TRANSFER ASSIGNMENT FROM ITEM(B).

Chair Bustos called for a motion to vote on Item(b) with the extension of 18 months.

Vice-Chair Rosales motioned to move Item 5(b) with the extension of 18 months and Commissioner Scott seconded that motion.

Secretary Cruz called for a voice vote to vote on Item 5(b) with the extension of 18 months.

Commissioner Brackett – absent
Commissioner Scott - yes
Vice-Chair Rosales - yes
Chair Bustos – yes

ADOPTION: IT WAS VOTED BY THREE COMMISSIONERS WITH ONE ABSENCE THAT RESOLUTION No 24-2020, CONDITIONALLY AUTHORIZING A FIRST AMENDMENT TO THE DECEMBER 14, 2010 GRANT AGREEMENT BETWEEN THE MEXICAN MUSEUM AND THE SUCCESSOR AGENCY TO EXTEND THE TERM BY EIGHTEEN MONTHS TO JUNE 14, 2022 AND AUTHORIZING THE TRANSMITTAL OF THE AMENDMENT TO THE OVERSIGHT BOARD OF THE CITY AND COUNTY OF SAN FRANCISCO, BE ADOPTED AS AMENDED BY THE COMMISSIONERS.

- c) Workshop on Amendment to the Recognized Obligation Payment Schedule for January 1, 2021 to June 30, 2021 (Discussion)

Speakers: Nadia Sesay, Executive Director; Mina Yu, Financial Reporting & Management Analyst

PUBLIC COMMENT – None

Chair Bustos opened discussion for comments and questions by Commissioners and there were none.

6. Public Comment on Non-Agenda Items - None

7. Report of the Chair

Chair Bustos stated that he had no report.

8. Report of the Executive Director

Executive Director Sesay gave an update on OCII's trainee program. She related that in 2016 OCII launched the OCII Architecture and Engineering Training Program in coordination with the Japanese Community Youth Center and the SF Office of Economic and Workforce Development (OEWD). She described the overall program in detail. Ms. Sesay then announced that as of 2020 the program has successfully secured 50 student positions across 30 firms. She reported that the majority of students who had participated attended colleges and universities in San Francisco and were economically disadvantaged; over 50% of placements were women and a majority were minorities. Ms. Sesay reported that the program was offered on an annual basis with a graduation exercise, with the most recent graduation occurring in August 2020. Ms. Sesay thanked the Commissioners who participated as well as the firms that participated in that graduation via Zoom.

PUBLIC COMMENT - None

9. Commissioners' Questions and Matters – None

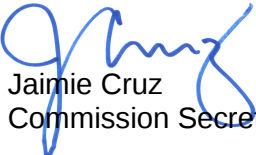
10. Closed Session – None

11. Adjournment

Commissioner Scott motioned to adjourn and Vice-Chair Rosales seconded that motion.

Chair Bustos adjourned the meeting at 2:00 p.m.

Respectfully submitted,


Jaimie Cruz
Commission Secretary