RESOLUTION NO. 78-2004

(Adopted June 15, 2004)

AUTHORIZING AN AGENCY AGREEMENT WITH THE TREASURE ISLAND DEVELOPMENT AUTHORITY, A PUBLIC BODY, CORPORATE AND POLITIC, FOR THE PROVISION OF AGENCY STAFF SERVICES TO THE TREASURE ISLAND DEVELOPMENT AUTHORITY, FOR A TERM NOT TO EXCEED ONE YEAR

BASIS FOR RESOLUTION

1. The Treasure Island Development Authority ("Authority") and the Redevelopment Agency of the City and County of San Francisco ("Agency") are independent redevelopment agencies operating within the territorial limits of the City and County of San Francisco ("City") with all of the rights and duties prescribed under the Community Redevelopment Law ("CRL"), Health and Safety Code Sections 33000 et seq., and, in the case of the Authority, under the Treasure Island Conversion Act of 1997, Stats. 1997, ch. 898 (amending Section 33292.5 of the Health and Safety Code and adding Section 2.1 to Chapter 1333 of the Statutes of 1968).

2. Under the CRL, the Authority may either appoint its own employees to provide staff support or contract with any other agency for the furnishing of any necessary staff services associated with or required by its redevelopment activities. Health and Safety Code Section 33126.

3. Under the CRL, the Agency, as a public body, is authorized to aid and cooperate with the Authority in the planning, undertaking, construction, or operation of its redevelopment project. Health and Safety Code Section 33220.

4. Since its formation in 1997, the Authority has not directly employed staff, but rather has entered into an agency agreement with the City whereby it used certain City employees to provide the staff support necessary to fulfill its redevelopment purposes related to the planning, reuse, and conversion of the former Naval Station Treasure Island.

5. The Authority and the City now wish to terminate the above-referenced agency agreement for the purpose of transitioning the Authority to an agency that directly hires its own staff and that provides retirement and health benefits through the CalPERS system. The Authority estimates that the transition to becoming an independent employer will take approximately one year.
6. The Authority has asked the Agency to assist it in this effort by entering into an Agency Agreement ("Agreement") whereby existing City employees in the Treasure Island Project Office would become temporary Agency employees with limited term assignments of one year ("Project Office LTA Employees"), these employees would continue to work on the redevelopment activities at Treasure Island, and the Agency would receive full reimbursement for all of the direct and indirect costs of employing the Project Office LTA Employees, including the costs of other Agency employees who might assist in the implementation of the Agreement.

7. The Agreement provides that the Project Office LTA Employees would be subject to the Agency’s Personnel Policy, job classifications, applicable labor agreements, and organizational structure and that the rights of these employees would not adversely affect the rights of any other Agency employee.

8. The Agreement preserves the previously-accrued City benefits that the Project Office LTA Employees may have earned but ensures that the Agency is not liable for any of these benefits, and requires the Project Office LTA Employees to continue to comply with the Authority’s Bylaws and other rules, principles, and law applicable specifically to the Authority.

9. The Agreement requires the Authority to indemnify the Agency for any liabilities arising from the performance of the Agreement, requires the Authority to provide quarterly advance payments to the Agency of the estimated costs associated with the Agreement’s implementation, and limits the term of the Agreement to one year with termination by either party on sixty (60) days notice.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Executive Director is authorized to enter into an Agency Agreement with the Treasure Island Development Authority for a term not to exceed one year, substantially in the form lodged with the Agency General Counsel.

APPROVED AS TO FORM:

[Signature]
James B. Morales
Agency General Counsel