RESOLUTION NO. 101-2005

Adopted June 21, 2005

AUTHORIZING A FIRST AMENDMENT TO THE 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 THREE MONTHS AND AUTHORIZING OTHER ACTIONS PROPERLY RELATING THERETO

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 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 co-operate with the Authority in the planning, undertaking, construction, or operation of its redevelopment project. Health and Safety Code Section 33220.

4. Until 2004, the Authority did not directly employ its own staff, but rather had 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. In 2004, the Authority directly hired its Executive Director, but asked the Agency to enter into an Agency Agreement ("Agreement") whereby existing City employees in the Treasure Island Project Office became temporary Agency employees with limited term assignments of one year ("Project Office LTA Employees").

6. On June 15, 2004, the Agency Commission, per Resolution No. 78-2004, approved the Agreement with the Authority whereby the City employees working for the Authority became LTA employees of the Agency. Under the Agreement, these employees continue to work on the redevelopment activities at Treasure Island, and the Agency receives 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 rationale underlying the Agreement was to allow the Authority sufficient time to transition to an agency that directly hires all of its staff and that provides retirement and health benefits through the CalPERS system. The Authority originally estimated that the transition to becoming an independent employer would take approximately one year.

8. The Agreement provides that the Project Office LTA Employees are 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.

9. The Agreement requires the Project Office LTA Employees to continue to comply with the Authority’s Bylaws and other rules, principles, and laws applicable specifically to the Authority.

10. 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 days notice.

11. The Authority has complied with the terms and conditions of the Agreement, but needs additional time to complete its transition to becoming an independent employer and now requests that the Agreement be extended for an additional three month term.

12. The Agreement will expire on June 30, 2005. The Authority’s Board of Directors determined that it is in the best interest of the Authority to extend the SFRA Agency Agreement for another three (3) months under the same terms and conditions of the current Agreement while the Authority’s staff continues to analyze long-term options for the Authority’s administrative structure.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that 1) the Executive Director is authorized to enter into the First Amendment to the Agency Agreement with the Treasure Island Development Authority for a term not to exceed three months, substantially in the form lodged with the Agency General Counsel; and 2) the Executive Director is authorized to take appropriate action, in cooperation with the Authority, to provide for the orderly transition of Project Office LTA Employees from Agency employment to Authority employment, including, but not limited to, allowing these employees, at their election, to roll over accrued and unused sick leave, vacation leave, and any other category of accrued and unused leave time mutually agreed upon by the Authority and Agency, subject to the limitations of state and federal law.

APPROVED AS TO FORM:

[Signature]
James B. Morales
Agency General Counsel