RESOLUTION NO. 137-2005

Adopted September 20, 2005
(Four ayes, two nays, one absent)

AUTHORIZING A SECOND 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 ON
A MONTH-TO-MONTH BASIS FOR A TERM NOT TO EXCEED SIX MONTHS, AND
AUTHORIZING OTHER ACTIONS PROPERLY RELATED 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
   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 "limited term assignment" 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 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.

8. 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.

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 days notice.

10. On June 21, 2005, at the Authority’s request, the Agency, per Resolution No. 101-2005, authorized a First Amendment to the Agreement to extend the term for three months so that the Authority could continue to analyze the long term options for an administrative structure. The Agreement, as amended, expires on September 30, 2005.

11. The Authority has complied with the terms and conditions of the existing Agreement.

12. On September 14, 2005, the Authority’s Board of Directors requested that the Agency extend the Agreement and adopted Resolution No. 05-030-09/14 approving a six (6) month extension of the Agreement under the same terms and conditions of the current Agreement while the Authority’s staff analyzes 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 Second Amendment to the Agency Agreement with the Treasure Island Development Authority for a term not to exceed six 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 to a new administrative structure, 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