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- [Wastewater Treatment Facility Memorandum of Understanding]
- 2 Resolution Approving a Memorandum of Understanding Between the Treasure
- 3 Island Development Authority and the San Francisco Public Utilities Commission
  - for the Design and Construction of New Wastewater Treatment Facilities to Serve
    - Treasure Island and Yerba Buena Island

WHEREAS, Former Naval Station Treasure Island (the "Base" or "Treasure Island") is a former military base located in the City and County of San Francisco (the "City") consisting of approximately 550 acres on Treasure Island and Yerba Buena Island: and.

WHEREAS, The Base was selected for closure and disposition by the Base Realignment and Closure Commission in 1993, acting under Public Law 101-510, and its subsequent amendments, and the Base ceased operations in 1997; and,

WHEREAS, Under the Treasure Island Conversion Act of 1997 (AB 699), which amended Section 33492.5 of the California Health and Safety Code and added Section 2.1 to Chapter 1333 of the Statutes of 1968, the State Legislature (i) granted to the Board of Supervisors the authority to designate the Treasure Island Development Authority ("TIDA") as a redevelopment agency under California Community Redevelopment Law with authority over the Base; and (ii) with respect to those portions of the Base that are subject to the public trust for commerce, navigation and fisheries (the "Public Trust"), vested in TIDA the authority to administer the Public Trust as to such property; and,

WHEREAS, On April 21, 2011, the TIDA Board of Directors unanimously made certain environmental findings under the California Environmental Quality Act ("CEQA") and approved a package of legislation in furtherance of the development project (the "Project"), including a Disposition and Development Agreement (the "DDA") with Treasure Island Community Development, LLC ("TICD") and an Interagency Cooperative Agreement ("ICA") between TIDA and several City agencies including, amongst others, the San Francisco Public Utilities

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1 Commission ("SFPUC"), Pubic Works, and the San Francisco Municipal Transportation. 2 Agency ("SFMTA"); and, WHEREAS, On June 7, 2011, the Board of Supervisors unanimously confirmed 3 4 certification of the final environmental impact report and made certain environmental findings under CEQA (collectively, the "FEIR") by Resolution No. 246-11 and approved a package of 5 6 legislation in furtherance of the Project; and, 7 WHERAS, The DDA and ICA included as an exhibit an Infrastructure Plan describing 8 the site improvements and public infrastructure to be constructed under the Project; and, 9 WHEREAS, On December 21, 2016, the Director of Public Works, via Public Works 10 Order No. 185562, adopted Subdivision Regulations for Treasure Island and Yerba Buena 11 Islands ("TI/YBI Subdivision Regulations"); and, WHEREAS, The DDA, ICA, Infrastructure Plan, and TI/YBI Subdivision Regulations 12 13 contemplated that the SFPUC would provide new or upgraded wastewater treatment facilities 14 to meet the flow and treatment requirements of the Project and reserved certain design and 15 delivery considerations to the SFPUC and the SFPUC Commission; and 16 WHEREAS, The DDA, ICA, Infrastructure Plan, and TI/YBI Subdivision Regulations further anticipate that TIDA and the SFPUC would negotiate and enter into a Memorandum of 17 18 Understanding (the "WWTF MOU") establishing, amongst other considerations and criteria, 19 the terms upon which the SFPUC will provide new or upgraded wastewater treatment facilities ("WWTF"), a process for providing a service plan for each Major Phase, and meet and confer 20 provisions between TIDA, SFPUC and TICD; and 21 WHEREAS, TIDA and SFPUC have prepared a Draft WWTF MOU on file with the 22 Commission Secretary consistent with the provisions of the DDA, ICA, and Infrastructure 23 24 Plan; and

1 WHEREAS, The TI/YBI Subdivision Regulations anticipate that the WWTF MOU will be 2 executed prior to the approval of the Final Subdivision Map for the initial Subphase areas; and 3 WHEREAS, It is in the best interests of TIDA, the SFPUC, TICD, and the Project that 4 new WWTF be designed and constructed at the earliest possible date to serve the needs of 5 the Project and to allow the existing wastewater treatment plant to be decommissioned; and 6 WHEREAS, The SFPUC has included funding for the new WWTF in its capital program 7 and has initiated the selection of a project manager to oversee the planning and delivery of 8 the new WWTF: now, therefore, be it 9 RESOLVED, That the TIDA Board does hereby approve the Wastewater Treatment 10 Facility Memorandum of Understanding between TIDA and the SFPUC on file with the 11 Commission Secretary; and, be it 12 FURTHER RESOLVED, That the Board of Directors authorizes the Treasure Island 13 Project Director ("Director") to authorize any amendments or modifications to the WWTF MOU 14 that the Director determines, in consultation with other the General Manager of the SFPUC 15 and the City Attorney, are in the best interest of the City, TIDA and the SFPUC, do not 16 materially decrease the benefits to or materially increase the obligations or liabilities of TIDA, 17 and are in compliance with the DDA and all applicable laws. 18 CERTIFICATE OF SECRETARY 19 20 I hereby certify that I am the duly elected Secretary of the Treasure Island 21 Development Authority, a California nonprofit public benefit corporation, and that the 22 Resolution was duly adopted and approved by the Board of Directors of the Authority 23 at a properly noticed meeting on March 8, 2017.

Mark Dunlop, Secretary

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