

1 [Accept and Expend Grant - Behested Payment Waiver - San Francisco Foundation - India  
2 Basin Waterfront Park - \$50,000,000]

3 **Resolution authorizing the Recreation and Park Department to accept and expend a**  
4 **grant valued at approximately \$50,000,000 from the San Francisco Foundation for the**  
5 **India Basin Waterfront Park Initiativefor a term to begin upon approval of the**  
6 **Resolution through December 2026; authorize the solicitation of donations from**  
7 **various private entities and foundations, notwithstanding the Behested Payment**  
8 **Ordinance; and authorizing the Recreation and Park Department to enter into**  
9 **amendments or modifications to the agreement that do not materially increase the**  
10 **obligations or liabilities of the City and are necessary to effectuate the purposes of the**  
11 **Project or this Resolution.**

12  
13 WHEREAS, The Bayview-Hunters Point community is a historically underserved  
14 community that has experience with a concentration of polluting industries and has lacked the  
15 civic investment and inspiring greenspaces found elsewhere in San Francisco; and

16 WHEREAS, Community members have long advocated for improvements to and  
17 expansion of the existing India Basin Shoreline Park, located at 950 Galvez Avenue (at  
18 Hunters Point Boulevard and Hawes Street) as a way to correct previous disinvestment and  
19 ensure residents have access to the physical health, mental health, and community benefits  
20 that come from world class parks; and

21 WHEREAS, This advocacy moved closer to reality when the Recreation and Park  
22 Department (RPD) acquired the 900 Innes property adjacent to the south side of the Park in  
23 2014, with the goal of cleaning the formerly industrial site and connecting it to the existing  
24 Park and waterfront spaces; and

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1           WHEREAS, A concept design was approved by the Recreation and Park Commission  
2 on August 16, 2018, under Resolution No. 1808-007, for a project to combine the existing  
3 India Basin Shoreline Park and 900 Innes property into one 10-acre India Basin Waterfront  
4 Park (IBWP); and

5           WHEREAS, The India Basin Waterfront Park Initiative (the Initiative) is a multi-pronged  
6 \$200 million public-private partnership in which RPD is working in close partnership with the  
7 Bayview-Hunters Point community, the Trust for Public Land, the San Francisco Parks  
8 Alliance, and the A. Philip Randolph Institute (collectively, the Partners) to build IBWP in one  
9 of the City's most historically underserved neighborhoods; and

10           WHEREAS, In addition to building IBWP, the Initiative will also enable RPD and the  
11 Partners to ensure the benefits of the project accrue to the existing neighborhood through  
12 projects and programs undertaken by Initiative Partners and other community-serving  
13 nonprofits consistent with the India Basin Equitable Development Plan (EDP); and

14           WHEREAS, On May 14, 2019, The Board of Supervisors authorized RPD to accept  
15 and expend a grant for the Initiative in the amount of \$25,000,000 from the John Pritzker  
16 Family Fund, under Resolution No. 242-19; and

17           WHEREAS, RPD has secured public grants to date totaling approximately  
18 \$123,000,000 including \$29,000,000 from the 2020 Health and Recovery Bond; and

19           WHEREAS, Additional funding is required to support the \$200,000,000 Initiative,  
20 including at least \$15,000,000 that is needed for EDP implementation; and

21           WHEREAS, The Partners have agreed to privately fundraise approximately  
22 \$55,000,000 in order to compete construction and implement the EDP; and

23           WHEREAS, This additional funding will primarily go to the San Francisco Foundation,  
24 under the terms of a Funds Establishment Agreement, which will require the San Francisco  
25 Foundation to grant the funds to RPD and/or the Partners, solely for purposes of the Initiative,

1 and a copy of the Funds Establishment Agreement is on file with the Clerk of the Board of  
2 Supervisors in File No. 231170; and

3 WHEREAS, RPD will also enter into a separate Related Agreement with each of the  
4 Partners, to address the particulars of how the Partners will raise and spend funds for the  
5 Initiative, and to govern roles and responsibilities, and copies of the Related Agreements are  
6 on file with the Clerk of the Board of Supervisors in File No. 231170; and

7 WHEREAS, All of these agreements ensure transparency in Initiative fundraising  
8 through public postings in compliance with the Sunshine Ordinance and commitments by all  
9 partners to comply with City requirements related to disclosure, recordkeeping and auditing;  
10 and

11 WHEREAS, The Agreements will remain effective until grant funds held at SFF or with  
12 the Partners are expended in full; and

13 WHEREAS, The grant terms prohibit including indirect costs in the grant budget, and

14 WHEREAS, On September 21, 2023, the Recreation and Park Commission adopted  
15 Resolution No. 2309-014 recommending that the Board of Supervisors authorize RPD to  
16 accept and expend the Grants and approve the Funds Establishment Agreement and Related  
17 Agreements; and

18 WHEREAS, RPD and the Office of the Mayor partner with numerous nonprofit  
19 organizations, private entities, grantmakers and foundations, often through contracts or  
20 permits; and

21 WHEREAS, RPD, the Recreation and Park Commission, the Mayor and the Office of  
22 the Mayor seek a waiver of the City's Behested Payment Ordinance (Campaign and  
23 Governmental Conduct Code, Section 3.600 et seq.) to the extent it prohibits solicitations of  
24 financial support for the Initiative from persons or entities who would qualify as interested  
25 parties under the Behested Payments Ordinance; now, therefore, be it

1           RESOLVED, That the Board of Supervisors authorizes the Recreation and Park  
2 Department to accept and expend a grant valued at approximately \$50,000,000 from San  
3 Francisco Foundation for the India Basin Waterfront Park Initiative; and, be it

4           FURTHER RESOLVED, That the Board of Supervisors hereby waives inclusion of  
5 indirect costs in the grant budget; and be it

6           FURTHER RESOLVED, That the Board of Supervisors approves the Funds  
7 Establishment Agreement with the San Francisco Foundation; and be it

8           FURTHER RESOLVED, That the Board of Supervisors authorizes the RPD General  
9 Manager to enter into any modifications and amendments to the foregoing agreements  
10 including to any of their exhibits, and authorizes the RPD General Manager to execute further  
11 agreements related to the Grant, that the RPD General Manager determines, in consultation  
12 with the City Attorney, are in the best interests of the City and do not materially increase the  
13 obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of  
14 the Project or this Resolution, and are in compliance with all applicable laws, including the  
15 City's Charter; and, be it

16           FURTHER RESOLVED, That under Section 3.620(f) of the Campaign and  
17 Governmental Conduct Code, the Board of Supervisors hereby waives application of the  
18 Behested Payment Ordinance to fundraising from nonprofits, private organizations,  
19 grantmakers and foundations to support the Initiative; and, be it

20           FURTHER RESOLVED, That granting this waiver under Section 3.620(f) serves the  
21 public interest by bringing private funding into an underserved neighborhood to support an  
22 Initiative long advocated for by the community and executed in partnership with neighborhood  
23 residents; and, be it

24           FURTHER RESOLVED, That granting this waiver under Section 3.620(f) does not  
25 create an appearance of impropriety; and, be it

1           FURTHER RESOLVED, That within thirty (30) days of the agreement being fully  
2           executed by all parties, the Recreation and Park Department shall provide the final agreement  
3           to the Clerk of the Board for inclusion into the official file.

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6           Recommended:

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8           \_\_\_\_\_/s/\_\_\_\_\_

9           Phil Ginsburg,

10          General Manager, Recreation and Park Department

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12          Approved:

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15          \_\_\_\_\_/s/\_\_\_\_\_

\_\_\_\_\_/s/\_\_\_\_\_

16          Mayor

Controller

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