

1 [Memorandum of Understanding - Treasure Island Development Authority - Wastewater  
2 Treatment and Recycling Facilities - Treasure Island and Yerba Buena Island]

3 **Resolution approving and authorizing the execution of a Memorandum of**  
4 **Understanding between the Treasure Island Development Authority and the San**  
5 **Francisco Public Utilities Commission for proposed new wastewater treatment and**  
6 **recycled water treatment facilities to serve Treasure Island and Yerba Buena Island.**

7  
8 WHEREAS, Former Naval Station Treasure Island was a military base located on  
9 Treasure Island and Yerba Buena Island (together, the "Base"), which was owned by the  
10 United States of America, acting by and through the Department of the Navy (the "Navy"); and

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

14 WHEREAS, The United States Department of Defense designated the City and County  
15 of San Francisco ("City") as the entity responsible for the conversion of the Base under the  
16 federal disposition process; and

17 WHEREAS, On May 2, 1997, the Board of Supervisors passed Resolution No. 380-97,  
18 authorizing the Mayor's Treasure Island Project Office to establish a nonprofit public benefit  
19 corporation known as the Treasure Island Development Authority (TIDA) to act as a single  
20 entity focused on the planning, redevelopment, reconstruction, rehabilitation, reuse and  
21 conversion of the Base for the public interest, convenience, welfare and common benefit of  
22 the inhabitants of the City and County of San Francisco; and

23 WHEREAS, In May 10, 2011, the San Francisco Public Utilities Commission (SFPUC)  
24 adopted Resolution No. 11-0068, conditionally approving an Interagency Cooperation  
25 Agreement (ICA) between the City and TIDA, provided that the SFPUC retained full discretion

1 to approve a future agreement with TIDA outlining the terms upon which the SFPUC may  
2 finance, design, build, own and operate a new Wastewater Treatment Facility (WWTF),  
3 including recycled water production; and

4 WHEREAS, SFPUC staff and TIDA staff have negotiated the terms of a Memorandum  
5 of Understanding (the “MOU”); and

6 WHEREAS, It is the intent of the MOU to record the parties’ understanding as to: the  
7 SFPUC’s development of new wastewater treatment facilities necessary for treatment and  
8 discharge of sanitary sewage (WWTF), including production of recycled water (RWTF)  
9 (collectively, the WWTP Project) on Treasure Island; the necessary real property  
10 improvements to the WWTP Project site; TIDA’s transfers to the SFPUC of fee and easement  
11 interests for the WWTP Project construction and operation; SFPUC’s right to continued use of  
12 existing comparable property to support existing contract utility services or future public utility  
13 operations; and TIDA’s transfer to the SFPUC of an additional parcel of 4-6 acres contiguous  
14 to the WWTF site; and

15 WHEREAS, Under the MOU, TIDA must ensure various actions are completed as  
16 condition precedent for the SFPUC to begin construction of the WWTP Project, including but  
17 not limited to, site preparation, conveyance of property to the SFPUC, and any necessary site  
18 remediation; and

19 WHEREAS, New service connections must enter into an agreement with TIDA to  
20 obtain sanitary sewage collection and treatment service for the subdivision, subject to  
21 possible transfer of service to SFPUC in the future on terms consistent with SFPUC's rules,  
22 regulations, rates, fees and charges; and

23 WHEREAS, TIDA will continue to be the service provider for any customers whose  
24 flows are conveyed to the WWTF in whole or in part by currently existing legacy infrastructure;  
25 and

1           WHEREAS, On June 7, 2011, the Board of Supervisors, in compliance with the  
2 California Environmental Quality Act (CEQA), reviewed and considered the Final  
3 Environmental Impact Report (“FEIR”) for the Treasure Island / Yerba Buena Island  
4 Redevelopment Plan, and adopted Resolution No. 246-11, including the CEQA Findings, the  
5 Mitigation and Monitoring Reporting Program (MMRP) and a Statement of Overriding  
6 Considerations for the Treasure Island-Yerba Buena Island Project and approved the Project,  
7 which includes the WWTP Project; and

8           WHEREAS, CEQA review for the WWTP as proposed is complete; and

9           WHEREAS, Additional CEQA review and, if necessary, preparation of the appropriate  
10 CEQA document will be completed prior to this Commission’s approval of the WWTP Project  
11 construction, including specific processes and equipment, any modifications to related  
12 facilities such as the existing outfall, or approval of a development plan for the Additional  
13 Parcel; and

14           WHEREAS, The City’s budget decisions are subject to the discretion of the Mayor and  
15 the Board of Supervisors, and the City has no obligation to make appropriations for the  
16 obligations of the parties contemplated in the MOU in lieu of appropriations for new or other  
17 agreements; and

18           WHEREAS, A copy of the MOU is on file with the Clerk of the Board of Supervisors in  
19 File No. 170570; and

20           WHEREAS, The Commission authorized the General Manager of the SFPUC to  
21 execute the MOU, subject to this Board’s approval, at its meeting on April 25, 2017, by  
22 adopting Resolution No. 17-0089; and

23           WHEREAS, The TIDA Board of Directors authorized the Director of Island Operations  
24 to execute the MOU at its meeting on March 8, 2017; and

1           WHEREAS, TIDA’s Bylaws require the Board of Supervisors' approval of agreements  
2 with a term in excess of ten years or anticipated revenues of one million dollars (\$1,000,000)  
3 or more; and

4           WHEREAS, SFPUC agreements with a term in excess of ten years require the Board  
5 of Supervisors' approval pursuant to Charter Section 9.118; now, therefore, be it

6           RESOLVED, That the Board of Supervisors has reviewed and considered the FEIR  
7 and record as a whole, finds the action taken herein is within the scope of the Project and  
8 activities evaluated in the FEIR, and that the FEIR is adequate for its use as the decision–  
9 making body for the action taken herein; and, be it

10          FURTHER RESOLVED, That the Board of Supervisors, in exercising its independent  
11 judgment, adopts and incorporates by reference all prior findings adopted by the SFPUC and  
12 this Board for the Project including, without limitation, the findings set forth in the San  
13 Francisco Public Utilities Commission Resolution No. 11-0068, and this Board's findings in  
14 Resolution No. 246-11, including the CEQA Findings, the Mitigation and Monitoring Reporting  
15 Program and a Statement of Overriding Considerations for the Treasure Island-Yerba Buena  
16 Island Project, which includes the WWTP Project; and, be it

17          FURTHER RESOLVED, That the Board of Supervisors hereby approves the terms of  
18 the MOU and authorizes TIDA's Director of Island Operations and the SFPUC's General  
19 Manager to execute the MOU.

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RECOMMENDED:

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Robert Beck, Director  
Treasure Island Development Authority

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Harlan L. Kelly, Jr., General Manager  
San Francisco Public Utilities Commission