

1 [First Amendment to Rubicon Programs Sublease of Housing Units on Treasure Island]

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3 **Resolution approving and authorizing the Director of Island Operations for the**
4 **Treasure Island Development Authority to execute a first amendment to the sublease**
5 **with Rubicon Programs to increase utility rates.**
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7 WHEREAS, On May 2, 1997, the Board of Supervisors passed Resolution No. 380-97,
8 authorizing the Mayor’s Treasure Island Project Office to establish a nonprofit public benefit
9 corporation known as the Treasure Island Development Authority (the “Authority”) to act as a
10 single entity focused on the planning, redevelopment, reconstruction, rehabilitation, reuse and
11 conversion of former Naval Station Treasure Island (the “Base”) for the public interest,
12 convenience, welfare and common benefit of the inhabitants of the City and County of San
13 Francisco; and,

14 WHEREAS, Under the Treasure Island Conversion Act of 1997, which amended
15 Section 33492.5 of the California Health and Safety Code and added Section 2.1 to Chapter
16 1333 of the Statutes of 1968 (the “Act”), the California legislature (i) designated the Authority
17 as a redevelopment agency under California redevelopment law with authority over the Base
18 upon approval of the City’s Board of Supervisors, and, (ii) with respect to those portions of the
19 Base which are subject to the Tidelands Trust, vested in the Authority the authority to
20 administer the public trust for commerce, navigation and fisheries as to such property; and,

21 WHEREAS, The Board of Supervisors approved the designation of the Authority as a
22 redevelopment agency with powers over Treasure Island in Resolution No. 43-98, dated
23 February 6, 1998; and,
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1 WHEREAS, On March 12, 1997, the Authority and the US Navy entered into the Base
2 Caretaker Cooperative Agreement (“Cooperative Agreement”) for the management and
3 operation of the Base; and,

4 WHEREAS, Utilities commodities purchasing and utilities system operation and
5 maintenance responsibilities have been delegated by the Authority to the San Francisco
6 Public Utilities Commission (“SFPUC”); and,

7 WHEREAS, Pursuant to the Base Closure Community Redevelopment and Homeless
8 Assistance Act of 1994, the Treasure Island Homeless Development Initiative (“TIHDI”) and
9 the San Francisco Redevelopment Agency negotiated a Base Closure Homeless Assistance
10 Agreement and Option to Sublease Real Property (the “TIHDI Agreement”), which was
11 endorsed by the City’s Board of Supervisors and approved by the United States Department
12 of Housing and Urban Development; and,

13 WHEREAS, Under the TIHDI Agreement, TIHDI among other things is granted the
14 right, upon the satisfaction of certain conditions precedent, to have one or more of its member
15 organizations sublease certain housing units on the Base, as more particularly described in
16 the TIHDI Agreement; and,

17 WHEREAS, In support of the Rubicon Programs mission of providing supportive
18 housing on Treasure Island for formerly homeless families, on February 28, 2001, the
19 Authority and Rubicon Programs, Inc., a 501 (c) (3) California non-profit corporation, entered
20 into a sublease (“Sublease”) for forty four (44) units on Treasure Island for a term of thirteen
21 (13) years that expires on September 1, 2014, as authorized by Board of Supervisors
22 Resolution No. 738-00; and,

23 WHEREAS, Subtenant is a member organization of TIHDI; and,

24 WHEREAS, According to Exhibit E “Utility Fees”, Paragraph 4. RATES, of the
25 Sublease, residential utility rates for units managed by the Subtenant were established in

1 1999 at a flat rate of One Hundred and Eighty Dollars (\$180) per unit per month and
2 increased by four percent (4%) each year; and,

3 WHEREAS, In accord with the formula for residential utility rates established in 1999,
4 the current residential utility rate is Two Hundred Thirty Six Dollars and eighty seven cents
5 (\$236.87) per unit per month; and,

6 WHEREAS, According to the staff of the SFPUC, the cost of commodities and
7 maintenance have escalated substantially, and the revenues generated from rates charged to
8 utilities consumers on the Base are insufficient to pay for the cost of commodities, operation
9 and maintenance for such utilities systems; and,

10 WHEREAS, Project Staff and SFPUC staff have negotiated a residential utility rate
11 adjustment limited to \$255.00 per unit for units managed by the Subtenant; and,

12 WHEREAS, To reflect the increasing costs of commodities plus maintenance and
13 operations, Project Staff recommends that rates continue to be adjusted by 4% per year; and,

14 WHEREAS, To accommodate unanticipated changes in the costs of commodities plus
15 maintenance and operations, Project Staff recommends that the Authority be allowed to
16 increase rates annually consistent with rate adjustments requested by the SFPUC; and,

17 WHEREAS, The Authority wishes to modify the utilities rates as recommended by
18 Project Staff to establish rates sufficient to allow SFPUC to recover reasonable costs for
19 utilities services provided to residential units on the Base; and,

20 WHEREAS, On April 11, 2007 at a properly noticed public meeting, the Authority's
21 Board of Directors approved the form of, and authorized the Director of Island Operations to
22 enter into, a first amendment to the Sublease to establish a current flat utility fee for residential
23 units of \$255 per unit per month, which rate shall be increased by 4% on July 1 of each year
24 following the first amendment and that the Authority shall be allowed to increase rates
25 annually consistent with rate adjustments requested by the SFPUC; now, therefore, be it

1 RESOLVED, That the San Francisco Board of Supervisors hereby authorizes the
2 Director of Island Operations for the Authority to execute and enter into the first amendment to
3 the Sublease in substantially the form filed with the Clerk of the Board in File No.
4 _____, and any additions, amendments or other modifications to such
5 amendment (including, without limitation, its exhibits) that the Director of Island Operations of
6 the Authority or her designee determines, in consultation with the City Attorney, are in the best
7 interests of the Authority and do not otherwise materially increase the obligations or liabilities
8 of the Authority, and are necessary or advisable to effectuate the purpose and the intent of
9 this resolution.

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RECOMMENDED:

Mirian Saez
Director of Island Operations
Treasure Island Development Authority