

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.**

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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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