FILE NO. 250105 RESOLUTION NO.

[Behested Payment Waiver - Embarcadero Plaza and Sue Bierman Park]

Resolution authorizing the Mayor, officers and employees of the Office of the Mayor, and officers and employees of the Recreation and Park Department to solicit donations for the renovation of Embarcadero Plaza and Sue Bierman parks from individuals, nonprofits, private organizations, grantmakers, and foundations for six months, effective upon approval of this Resolution, notwithstanding the Behested Payment Ordinance.

WHEREAS, The Recreation and Park Department (RPD) operates and maintains certain real property owned by the City that are commonly referred to as Embarcadero Plaza and Sue Bierman Park (collectively, the "Park"), located on the western side along the Embarcadero between Washington Street and Market Street, and seeks to activate the public spaces it manages for the well-being of everyone in San Francisco's diverse community; and

WHEREAS, The Office of Economic and Workforce Development (OEWD) strives to create a thriving and resilient economy, where barriers to economic and workforce opportunities are removed, and prosperity is shared equitably by all; and

WHEREAS, BXP Embarcadero Plaza LP ("BXPE") is an affiliate of the entities that own certain commercial office buildings adjacent to the Park, which are commonly known as One Embarcadero Center, Two Embarcadero Center, Three Embarcadero Center, and Four Embarcadero Center, consisting of approximately 3.3 million square feet of commercial office and retail space in the aggregate; and

WHEREAS, The Downtown Community Benefit District, also known as the Downtown San Francisco Partnership ("DSFP)", is a nonprofit community benefit district working to enhance San Francisco's Downtown Core; and

WHEREAS, RPD and OEWD intend to partner with BXPE and DSFP on a project to renovate the Parks that is expected to cost approximately $32,000,000, and are separately seeking authorization from the Board of Supervisors to for RPD to accept cash and in-kind grants of approximately $12,500,000 for the project (approximately $10,000,000 from DSFP for construction, $200,000 from BXPE to cover RPD project management, and an additional $2,300,000 from BXPE in the form of professional design services), all pursuant to the terms of the agreement which is on file with the Clerk of the Board of Supervisors and which is incorporated herein by reference (Board of Supervisors File No. 241095); and

WHEREAS, Among other things, the agreement requires BXPE and DFSP to comply with disclosure requirements regarding sources of outside funding and donor financial interest information as set forth in Administrative Code, Section 67.29-6, ensuring a high level of transparency in the funding efforts; and

WHEREAS, As part of the agreement DSFP will endeavor to raise approximately $10,000,000 in third-party philanthropic donations for the Project, and is likely to require assistance from RPD and BXPE; and

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

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

RESOLVED, That under Section 3.620(f) of the Campaign and Governmental ConductCode, the Board of Supervisors hereby waives application of the Behested Payment Ordinance for six months from the effective date of this Resolution to fundraising from nonprofits, private organizations, grantmakers and foundations to support the Initiative; and be it

FURTHER RESOLVED, That granting this waiver under Section 3.620(f) serves the public interest by bringing private funding to a project that is critical to the economic revitalization of the city; and, be it

FURTHER RESOLVED, That granting this waiver under Section 3.620(f) does not create an appearance of impropriety.

Recommended:

/s/_____
Phil Ginsburg,
General Manager, Recreation and Park Department