

File No. 180929

Committee Item No. 2

Board Item No. \_\_\_\_\_

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date March 11, 2019

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 - Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/> | Vacancy Notice                               |
| <input type="checkbox"/>            | <input type="checkbox"/> | Information Sheet                            |
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Completed by: Victor Young Date March 7, 2019

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Bylaws Amendment - Treasure Island/Yerba Buena Island Citizen's Advisory Board -  
2 Decrease Number of Board Members]

3 **Resolution approving the Eighth Amendment to the Bylaws of the Treasure**  
4 **Island/Yerba Buena Island Citizen's Advisory Board to decrease the current number of**  
5 **Board members from 25 members to 17 members.**

6  
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 the Base for the public interest, convenience, welfare and common benefit of  
12 the inhabitants of the City and County of San Francisco; and

13 WHEREAS, Under the Treasure Island Conversion Act of 1997, which amended  
14 Section 3492.5 of the California Health and Safety Code and added Section 2.1 to Chapter  
15 133 of the Statutes of 1968 (the "Act"), the California legislature (i) designated the Authority as  
16 a redevelopment agency under California redevelopment law with authority over the Base  
17 upon approval of the City's Board of Supervisors, and, (i) with respect to those portions of the  
18 Base which are subject to the Tidelands Trust, vested in the Authority the authority to  
19 administer the public trust for commerce, navigation and fisheries as to such property; and

20 WHEREAS, The Board of Supervisors approved the designation of the Authority as a  
21 redevelopment agency with powers over Treasure Island in Resolution No. 43-98, dated  
22 February 6, 1998; and

23 WHEREAS, On February 25, 1998, the Authority Board of Directors (the "Authority  
24 Board") approved Authority Board Resolution 98-07-2/25, adopting rules and procedures for  
25 the creation of a TI/YBI Citizen Advisory Board (the "TI/YBI CAB"); and

1           WHEREAS, The resolution directed the establishment of a TI/YBI CAB of up to 25  
2 members, and provided that additional categories of desired member expertise could be  
3 added from time to time as deemed necessary by the Authority; and

4           WHEREAS, On February 1, 1999, the Board of Supervisors adopted Resolution No.  
5 89-99, authorizing formation of the TI/YBI CAB, setting the number of members on the TI/YBI  
6 CAB at 25, and dividing TI/YBI CAB appointment power between the Mayor (14 members)  
7 and the Board of Supervisors (11 members); and

8           WHEREAS, On December 13, 2000, the Authority Board of Directors adopted Authority  
9 Board Resolution No. 00-41-12/21 approving the formation of the TI/YBI CAB and approving  
10 the Treasure Island/Yerba Buena Island Citizens Advisory Board Bylaws (the "CAB Bylaws");  
11 and

12           WHEREAS, Since December 2000, the original CAB Bylaws have been amended  
13 seven separate times; and

14           WHEREAS, With the entitlement of the Project in 2011 the most challenging  
15 responsibilities of the TI/YBI CAB were fulfilled; and

16           WHEREAS, The TI/YBI CAB currently has nine vacant positions including five vacant  
17 Mayoral-appointed seats and four vacant Supervisorial-appointed seats, and

18           WHEREAS, CAB Bylaws Article II - Members, currently sets the number of TI/YBI CAB  
19 members at 25; and

20           WHEREAS, In consideration of the amount of vacancies, it is proposed that the size of  
21 the TI/YBI CAB membership be reduced from 25 members to 17 members by amending CAB  
22 Bylaws Article II; and

23           WHEREAS, Language added to Article II by the Seventh Amendment to the Bylaws in  
24 2008 directed the election process related to the original filling of the seats designated for  
25 Treasure Island residents; and

1           WHEREAS, That resident election process occurred in 2008 as directed by the Bylaws  
2 and the related language is thus no longer relevant and should be deleted; now, therefore, be  
3 it

4           RESOLVED, That the Board of Supervisors hereby approves and authorizes the  
5 Treasure Island Director to execute and enter into the Eighth Amended and Restated Bylaws  
6 of the Treasure Island/Yerba Buena Island Citizens Advisory Board in substantially the form  
7 filled with the Clerk of the Board of Supervisors in File No. 180929; and, be it

8           FURTHER RESOLVED, That upon Board of Supervisors approval of the Eighth  
9 Amended and Restated Bylaws, the Secretary of the Authority is hereby directed to execute a  
10 Certificate of Adoption of said Eighth Amended and Restated Bylaws and forward to the  
11 Mayor for approval, and insert the Eighth Amended Bylaws as so certified in the Minute Book  
12 of the Authority and to keep a copy of such Minute Book at the principal office of the Authority;  
13 and, be it

14           FURTHER RESOLVED, That within thirty (30) days of the Eighth Amended Bylaws and  
15 the Certificate of Adoption being fully executed, the Authority shall provide the final document  
16 to the Clerk of the Board for inclusion into the official file.

**Treasure Island Development Authority  
City and County of San Francisco**

**Resolution approving an Amendment to the Bylaws of the Treasure Island/Yerba Buena Island Citizen's Advisory Board to decrease the number of Board members.**

**SUMMARY OF PROPOSED ACTION:**

This item seeks approval and authorization to amend the current Treasure Island/Yerba Buena Island Citizens Advisory Board Bylaws to decrease the number of members on the Citizens Advisory Board from twenty-five (25) to seventeen (17).

**BACKGROUND:**

On February 25, 1998, the Treasure Island Development Authority (the "Authority") Board of Directors approved Authority Board Resolution 98-07-2/25, adopting rules and procedures for the creation of a TI/YBI Citizen Advisory Board (the "TI/YBI CAB"). The resolution directed the establishment of a TI/YBI CAB of up to twenty-five (25) members; and provided that additional categories of desired member expertise could be added from time to time as deemed necessary by the Authority. On February 1, 1999, the San Francisco Board of Supervisors (the "Board of Supervisors") adopted Resolution No. 89-99, authorizing formation of the TI/YBI CAB, setting the number of members on the TI/YBI CAB at 25 members, and dividing TI/YBI CAB appointment power between the Mayor (14 members) and the Board of Supervisors (11 members).

In September 2000, the original 25 members of the TI/YBI CAB were first appointed by the Mayor and the Board of Supervisors. On December 13, 2000, the Authority Board of Directors adopted Authority Board Resolution No. 00-41-12/21 approving the formation of the TI/YBI CAB and approving the Treasure Island/Yerba Buena Island Citizens Advisory Board Bylaws (the "CAB Bylaws").

Since December 2000, the CAB Bylaws have been amended seven times: March 2002 (amending process of appeal/meeting absences by members); January 2003 (allowing members retroactive attendance credits for subcommittee attendance); April 2004 (changing stated meeting time/date); November 2004 (amending timing of member term expirations and allowing for term extensions); March 2005 (allowing members rights of appeal and of re-instatement if terminated); March 2008 (removing member term expiration dates and clarifying triggers for term terminations); and October 2008 (providing for election of Treasure Island residents to TI/YBI CAB). The current version of the CAB Bylaws is now the Seventh Amended and Restated CAB Bylaws.

In 2008, the Authority sought state legislation that would exempt the Authority from the provisions of California Redevelopment Law that required the creation of a Project Area Committee ("PAC"), on the basis that the TI/YBI CAB included representation of residents and community organizations and would fulfill the intended purposes of a PAC. On September 26, 2008, Governor Schwarzenegger signed Assembly Bill 1496 (Leno) ("AB 1496") which allowed the TI/YBI CAB to fulfill the functions that would have otherwise been expected of a PAC under California Redevelopment Law. A provision of

AB 1496 required the Authority to amend the membership composition of the TI/YBI CAB to include not less than four (4) seats specifically for residents currently residing on Treasure Island and Yerba Buena Island, including seats designated for low and moderate income residents. In October 2008, the Seventh Amended and Restated CAB Bylaws were adopted. The amendments included insertion of language in Article II specifying the process for the initial selection, by special election of the Treasure Island/Yerba Buena Island residents, to fill these resident-specific requirements.

As a result of the dissolution of California Redevelopment Law in 2011, the Treasure Island/Yerba Buena Island Project (the "Project") was entitled without the benefit of California Redevelopment Law, the Project did not become a Redevelopment Area, and the Authority never exercised any California Redevelopment Law powers. Following entitlement of the Project in 2011, a legal challenge was filed to the Project's evaluation under the California Environmental Quality Act ("CEQA"), Project progress went into a holding pattern, and, accordingly, the TI/YBI CAB met only infrequently. With the preparation of the Streetscape Masterplan, Major Phase Application and Subphase Applications beginning in 2014, the TI/YBI CAB is again meeting more regularly, but the most challenging responsibilities of the TI/YBI CAB – to shape and inform the reuse and development plan for the islands – have been fulfilled.

#### **Amendment Decreasing the Number of Seats on the Citizens Advisory Board**

With three recent departures, the TI/YBI CAB now has nine vacant positions including five vacant Mayoral-appointed seats and four vacant Supervisorial-appointed seats. Rather than soliciting new appointments for all of these positions it is proposed that at this time Article II of the TI/YBI CAB Bylaws be amended to reduce number of seats on the TI/YBI CAB from twenty-five to seventeen.

#### **Amendments Removing Outdated References**

In addition, deletions of certain Article II language are proposed. These amendments delete language added by the Seventh Amendment to the Bylaws intended to direct the 2008 election process related to the original filling of the seats designated for Treasure Island residents. These references to election process are no longer relevant, as the initial election of Island residents to the TI/YBI CAB as specified by this language has since occurred, and should be removed. The number of TI/YBI CAB seats designated for Treasure Island residents remains unchanged.

Article II of the Bylaws is proposed to be amended as follows (added text is displayed in *bold underline italics* and deletions are struck through):

##### **“Article II - Members**

There shall be up to ~~twenty five (25)~~ **seventeen (17)** members on the CAB, ~~twelve (12)~~ **ten (10)** of whom shall be appointed by the Mayor, ~~nine (9)~~ **seven (7)** of whom shall be appointed by the Board of Supervisors, and four (4) of whom shall be initially selected by a vote of the existing residents of Naval Station Treasure Island

(“NSTI”), and shall themselves be residents currently residing on NSTI. Two (2) of the four (4) NSTI resident member seats shall be designated for low and moderate income residents meeting the State's income limits for low and moderate income households published by the California Department of Housing and Community Development. The election for the four (4) NSTI resident member seats shall be conducted by the Department of Elections in accordance with election procedures established by the Authority and the Department of Elections, and all NSTI resident member seats shall be filled no later than sixty (60) days prior to adoption of the Redevelopment Plan. For the purpose of filling any vacancies in the NSTI resident member seats that arise after the election, two ~~Two~~ (2) of the NSTI resident member seats - one (1) low and moderate income resident and one (1) non income qualified resident - shall be designated as Mayor appointed seats (“post-election Mayor appointed seats”), and two (2) of the NSTI resident member seats – one (1) low and moderate income resident and one (1) non income qualified resident – shall be designated as BoS appointed seats (“post-election BoS appointed seats”).

A member's term shall terminate upon the member's submittal of a written resignation, death or termination for cause in accordance with Article IV, Section 5. In addition to the foregoing termination events, an NSTI resident member's term shall terminate upon the member moving off of NSTI, and/or in the case of a low and moderate income resident, upon the member no longer meeting the State's income limits for low and moderate income households. Authority staff shall communicate any CAB vacancy to the applicable appointing authority. If the vacancy is for a BoS appointed seat, the BoS shall appoint the replacement, ~~including those designated as post-election BoS appointed seats~~. If the vacancy is for a Mayor appointed seat, the Mayor shall appoint the replacement, ~~including those designated as post-election Mayor appointed seats~~. ~~The two (2) post-election BoS appointed seats and the two (2) post-election Mayor appointed seats shall be subject to the eligibility requirements of those members originally selected by a vote of the existing residents of NSTI, including maintaining residency on NSTI, and for the two (2) seats designated for low and moderate income residents.”~~

**RECOMMENDATION:**

Approve the Eighth Amended and Restated Bylaws of the Treasure Island/Yerba Buena Island Citizen's Advisory Board.

Robert Beck, Treasure Island Director

# **TREASURE ISLAND/YERBA BUENA ISLAND CITIZENS ADVISORY BOARD**

## **DRAFT EIGHTH AMENDED AND RESTATED BY-LAWS**

### **ARTICLE I - PURPOSE.**

The purpose of the Treasure Island/Yerba Buena Island Citizens Advisory Board (the "CAB") is to gather public input and opinion from diverse communities in the City and County of San Francisco (the "City") and to provide additional expertise to the Treasure Island Development Authority (the "Authority"). Specifically, the CAB will provide recommendations to the Authority concerning the final reviews and implementation of the draft base reuse plan dated July, 1996 (the "Reuse Plan"), policies and objectives for interim reuses, and other matters of importance to the future of Treasure Island and all citizens of San Francisco as the Board of Directors of the Authority may refer to the CAB from time to time. In providing advice and recommendations, the CAB shall strive to reflect the values and interests of the various communities in the City.

### **ARTICLE II - MEMBERS.**

There shall be up to seventeen (17) members on the CAB, ten (10) of whom shall be appointed by the Mayor, seven (7) of whom shall be appointed by the Board of Supervisors, and four (4) of whom shall be existing residents of Naval Station Treasure Island ("NSTI"), currently residing on NSTI. Two (2) of the four (4) NSTI resident member seats shall be designated for low and moderate income residents meeting the State's income limits for low and moderate income households published by the California Department of Housing and Community Development. Two (2) of the NSTI resident member seats - one (1) low and moderate income resident and one (1) non income qualified resident - shall be designated as Mayor appointed seats, and two (2) of the NSTI resident member seats - one (1) low and moderate income resident and one (1) non income qualified resident - shall be designated as BoS appointed seats.

A member's term shall terminate upon the member's submittal of a written resignation, death or termination for cause in accordance with Article IV, Section 5. In addition to the foregoing termination events, an NSTI resident member's term shall terminate upon the member moving off of NSTI, and/or in the case of a low and moderate income resident, upon the member no longer meeting the State's income limits for low and moderate income households. Authority staff shall communicate any CAB vacancy to the applicable appointing authority. If the vacancy is for a BoS appointed seat, the BoS shall



appoint the replacement. If the vacancy is for a Mayor appointed seat, the Mayor shall appoint the replacement.

### ARTICLE III - OFFICERS.

Section 1. The Officers of the CAB shall be a Chairperson, a Vice-Chairperson, and a Secretary. Their duties shall be as follows:

**Chairperson:** Presides over CAB meetings; develops the monthly meeting agenda (the "Agenda") in conjunction with Authority staff; appoints subcommittees and subcommittee chairpersons; represents the CAB's actions and decisions to the Authority, other appropriate agencies, and to the community at large, or designates other CAB members to perform such duties.

**Vice-Chairperson:** Presides over the CAB meetings in the absence of the Chairperson; performs the other duties of the Chairperson in his/her absence.

**Secretary:** Posts in the office of the Authority, the San Francisco Main Library Government Information Center, and the website for the Authority notices of all regular and special meetings and the Agendas for each such meeting at least three (3) days before the time of the meeting; the meeting notices shall state the time and place of the meeting and the business to be transacted or discussed; all notices and Agendas shall comply with the requirements of the Sunshine Ordinance of the City and County of San Francisco and the Ralph M. Brown Act of the State of California; records and maintains the minutes of all regular and special meetings.

Section 2. Each of the Officers of the CAB shall be elected by a majority of the members on or before the February meeting each year unless extended by a two-thirds (2/3) vote of the duly appointed members of the CAB. The term of office for each Officer shall be one year. If the Chairperson is unable to complete the term of his/her office, the Vice-Chairperson will serve as the Chairperson for the remainder of his/her term. If the Vice-Chairperson or the Secretary is unable to complete the term of his/her office, the CAB may hold an election at a regular or special meeting for a Vice-Chairperson or Secretary (as the case may be) to serve out the remainder of his/her term.

Section 3. Any Officer of the CAB may be removed by a vote of two-thirds (2/3) of the duly appointed members of the CAB, provided that any proposed removal of any Officer shall be duly placed on the Agenda and the proposed removal is considered at a duly noticed regular meeting of the CAB.

## ARTICLE IV - MEETINGS

Section 1. The first CAB meeting shall be January 18, 2001, and thereafter the CAB shall meet once a month at a date, time and place approved by the members of the CAB in accordance with Article IV, Section 4 of the Bylaws.

Section 2. Special meetings of the CAB may be called at any time by the Chair or a majority of the members of the CAB by written notice to each member of the CAB and to any other entity or person legally required to receive notice of CAB meetings. Notice shall be received at least three (3) days before the time of the meeting, and the notice shall include the time and place of the meeting and the business to be transacted.

Section 3. A quorum shall consist of a majority of the then duly appointed members of the CAB ("Quorum"). Once a Quorum is established, the CAB may vote on all matters duly placed on the Agenda before the CAB.

Section 4. No action, requiring a vote, will be taken by the CAB on any matter unless that matter has been placed on the Agenda for possible action. The vote of a majority of the members present at a meeting after a quorum has been established is required for passage of any motion or other action requiring a vote by a CAB member, provided that the vote of at least a Quorum is required for passage of any such motion or action. Each member must be physically present. No proxy or absentee ballots may be counted towards acceptance or denial of any motion or other action requiring a vote. Presentations from the public and discussions on any Agenda items may take place at a duly noticed meeting without a Quorum present. Members of the CAB who are unable to attend a meeting of the CAB may communicate their written opinions of any matters on the Agenda for such meeting, and such members' written opinions will be circulated to the other CAB members at the meeting provided that the Secretary receives a copy of the written opinion(s) at least four (4) days prior to the date of the meeting.

Section 5. Beginning on January 1, 2005, any member of the CAB who is absent for four (4) of any regularly scheduled meetings during any calendar year shall automatically be terminated. The terminated member shall be notified of her/his termination in writing by the Chairperson. Such terminated CAB member shall have the right to submit a written appeal to the Chairperson of the CAB, which must be received no later than five (5) days prior to the next regularly scheduled CAB meeting. Such appeal must be based upon the fact the member had valid reasons for his or her absences, which would establish why the member was excused for such absences (i.e. work- or personal related obligations). The member appealing the automatic termination is required to be present at the next regularly scheduled CAB meeting, and make a presentation before the CAB. After considering the evidence and reasons for his or her absences, the CAB shall cast a written ballot to determine whether a majority is in favor of or opposed to reinstatement of the terminated member. A majority of affirmative votes will reinstate the member to the CAB.

Attendance at a scheduled subcommittee meeting, or special meeting, of the CAB shall constitute a credit of one full meeting against any absences.

Section 6. Items may be added to the Agenda of any CAB meeting by the affirmative vote of a majority of the members of the CAB or by the written request of any of the CAB's duly constituted committees, provided that the Agenda item conforms to the requirements of these Bylaws, including without limitation, that the Agenda item be a matter within the purposes of the CAB as stated in Article I above, that the affirmative vote occur at a duly noticed regular or special meeting of the CAB at which a Quorum is present, and the Agenda item is duly noticed on the Agenda in accordance with the requirements of the Brown Act and the Sunshine Ordinance.

#### **ARTICLE V - PUBLIC COMMENT**

The CAB shall provide opportunity for public comment on all items to be recommended to the Authority in a manner consistent with the Rules of Order for official City Commissions.

#### **ARTICLE VI - SUBCOMMITTEES**

Section 1. Subcommittees and ad hoc committees may be established by the Chairperson as the Chairperson deems necessary.

Section 2. Each subcommittee or ad hoc committee shall consist of at least three (3) CAB members appointed by the Chairperson.

#### **ARTICLE VII - PARLIAMENTARY AUTHORITY**

The rules contained within the current edition of Robert's Rules of Order (Newly Revised) shall govern all CAB and any subcommittee or ad hoc committee meetings except where they are inconsistent with these By-laws.

#### **ARTICLE VIII - SUNSHINE ORDINANCE**

The CAB, including without limitation, all meetings of the CAB or any subcommittee or ad hoc committee and any records maintained by the CAB or any of its members, shall be subject to the City's Sunshine Ordinance, as the same may be amended from time to time, as well as the provisions of the Ralph M. Brown Act (Sections 54950 et seq. of the Government Code) and the Public Records Act (Sections 6250 et seq. of the Government Code) of the State of California, as those laws may be amended from time to time.

**ARTICLE IX - AMENDMENT OF BY-LAWS**

These Bylaws may be amended at any regular meeting of the CAB by a two-thirds (2/3) vote of all duly appointed members of the CAB regardless of whether such members are present and voting, provided that the proposed amendment was submitted in writing to each CAB member at the previous regular meeting and the proposed amendment is approved by the Board of Directors of the Authority.

**ARTICLE X - CONFLICT OF INTEREST**

All members of the CAB shall be subject to all state and local laws regulating conflicts of interest (including without limitation, the Political Reform Act and Government Code Sections 1090, et seq.) and City ordinances proscribing conflicts of interest and incompatible activities as well as the provisions of Section C8.105 of the Charter of the City and County of San Francisco.

**APPROVED AND ADOPTED BY THE TI/YBI CAB**

This \_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Vice Chairperson

\_\_\_\_\_  
Secretary

**APPROVED BY AUTHORITY BOARD OF DIRECTORS**

Resolution No. \_\_\_\_\_

CITY & COUNTY OF SAN FRANCISCO



ROBERT BECK  
TREASURE ISLAND DIRECTOR

TREASURE ISLAND DEVELOPMENT AUTHORITY  
ONE AVENUE OF THE PALMS,  
2<sup>ND</sup> FLOOR, TREASURE ISLAND  
SAN FRANCISCO, CA 94130  
(415) 274-0660 FAX (415) 274-0299  
WWW.SFTREASUREISLAND.ORG

September 18, 2018

Ms. Angela Calvillo  
Clerk of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Dear Ms. Calvillo

The Treasure Island Development Authority ("TIDA") requests formal introduction and assignment of the following two pieces of legislation at the Board of Supervisor's earliest convenience:

- Resolution approving amendments to the Treasure Island Development Authority Bylaws
- Resolution approving amendments to the Treasure Island/Yerba Buena Island Citizen's Advisory Board Bylaws

Please find enclosed one original and four copies of the materials for each item. Thank you for your attention to this matter. Should your office have any questions, please contact me at 415-274-0665.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Summerville".

Peter Summerville

Cc: file

Enclosures

2018 SEP 18 PM 4:31  
BOARD OF SUPERVISORS  
SAN FRANCISCO

