

RESOLUTION 2013-100

RESOLUTION AMENDING BPC (BOARD OF PORT COMMISSIONERS) POLICY NO. 640 TO

A) AUTHORIZE THE EXECUTIVE DIRECTOR OR PORT ATTORNEY TO SETTLE CLAIMS AGAINST THE DISTRICT IN AN AMOUNT OF \$50,000 OR LESS AND AUTHORIZE THE EXECUTIVE DIRECTOR AND PORT ATTORNEY, IF THEY ARE IN CONCURRENCE, TO SETTLE CLAIMS OVER \$50,000 TO \$100,000 OR LESS FOR ANY ONE CLAIM;

B) AUTHORIZE THE EXECUTIVE DIRECTOR OR PORT ATTORNEY TO WAIVE OR COMPROMISE CLAIMS OR POTENTIAL CLAIMS BY THE DISTRICT FOR A TOTAL AMOUNT OF \$50,000 OR LESS AND AUTHORIZE THE EXECUTIVE DIRECTOR AND PORT ATTORNEY, WHEN THEY ARE IN CONCURRENCE, TO WAIVE OR COMPROMISE CLAIMS OR POTENTIAL CLAIMS BY THE DISTRICT FOR AMOUNTS OVER \$50,000 TO \$100,000 OR LESS AND APPROVE RELEASES, HOLD HARMLESS AND INDEMNITY PROVISIONS IN SETTLEMENT AGREEMENTS AS NECESSARY AND APPROPRIATE; AND

C) AUTHORIZE EXECUTIVE DIRECTOR OR PORT ATTORNEY TO APPROVE AGREEMENTS AND LICENSES FOR INFORMATION TECHNOLOGY SERVICES FOR \$175,000 OR LESS THAT CONTAIN LIMITATION OF LIABILITY AND/OR INDEMNIFICATION LANGUAGE FOR THE VENDOR

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, the Port Attorney and Executive Director recommend amending BPC Policy No. 640, Claims to increase settlement authority and authorize information technology services agreements for \$175,000 or less that contain limitation of liability and/or indemnification language for the vendor; and

WHEREAS, the amendment will authorize the Executive Director and Port Attorney, if they are in concurrence to settle claims against the District in an amount over \$50,000 to \$100,000; and

WHEREAS, the amendment will also grant authority to the Executive Director and Port Attorney, to waive or compromise claims or potential claims by the District in the amount up to \$50,000 and if they are in concurrence to waive or compromise claims or potential claims, by the District in an amount over \$50,000 to \$100,000, and to approve releases, hold harmless and indemnity provisions in settlement agreements as necessary and appropriate; and

WHEREAS, the amendment will authorize the Executive Director or Port Attorney to authorize agreements and licenses for information technology services (ITS) of \$175,000 or less which contain limitation of liability and/or indemnification provisions for the vendor.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That BPC Policy No. 640, as amended, a copy of which is on file in the Office of the District Clerk is hereby adopted.

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11th day of June, 2013, by the following vote:

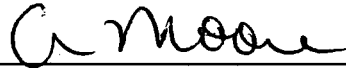
AYES: Castellanos, Malcolm, Merrifield, Moore, Nelson, Smith, Valderrama

NAYS: None.

EXCUSED: None.

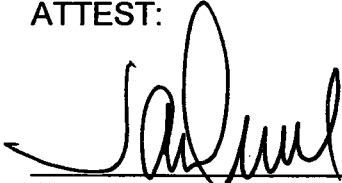
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)