

RESOLUTION 2013-212

**RESOLUTION AUTHORIZING AMENDMENT NO.2
TO THE CARL MOYER PROGRAM GRANT
AGREEMENT, WHICH PROVIDED FUNDING FOR
THE B STREET AND BROADWAY PIER CRUISE
SHIP TERMINALS, EXTENDING TIME OF
AGREEMENT UNTIL 2023 TO MEET EMISSION
REDUCTION REQUIREMENTS**

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, pursuant to Board of Port Commissioner (BPC) Resolution 2004-130, adopted on October 19, 2004, BPC Policy No. 109 was adopted; and

WHEREAS, pursuant to Section 2(a) of BPC Policy No. 109 grant awards shall be presented to the BPC for its consideration and acceptance if the grant award is for more than \$100,000 or obligates the District to provide resources for more than \$100,000; and

WHEREAS, in December 2007, the California Air Resources Board (CARB) adopted a shore power regulation to reduce emissions from ships while docked at berth; and

WHEREAS, to offset the significant cost of installing shore power infrastructure at the cruise ship terminals, the District applied for a Carl Moyer Program grant in 2008; and

WHEREAS, in August 2008, the San Diego Air Pollution Control District (APCD) board awarded the District \$2.4 million in grant funding to install shore power infrastructure at the B Street and Broadway Pier Cruise Ship Terminals (CST) to achieve emission reductions in advance of regulatory requirements; and

WHEREAS, the acceptance of the Carl Moyer Program grant required the District to enter into an agreement, a negotiated statement of work, and a provision requiring indemnification with the APCD to achieve emission reductions in a three-year-period between January 1, 2011 and December 31, 2013; and

WHEREAS, Amendment No. 1 to the Carl Moyer Agreement was issued in August 2010 to extend the term of the agreement until December 31, 2013; and

WHEREAS, at the time the District's grant application in 2008, there were over 250 cruise calls to the District, 51 of which were capable of using shore power; and

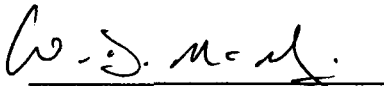
WHEREAS, emission reduction schedules for the grant application were based on 2008 data and since that time there has been a significant reduction in the cruise business and emission reductions from use of the shore power system have been significantly less than originally estimated; and

WHEREAS, District staff has been working in conjunction with staff from the APCD and CARB on options to meet the grant obligations and have determined that an amendment extending the grant reporting period for 10 years is the best way to achieve the emission reduction obligations.

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

That the Executive Director or his designated representative is hereby authorized on behalf of the San Diego Unified Port District to execute Amendment No. 2 to the Carl Moyer Program Grant Agreement to extend the term of the Agreement for a period of 10 years in order to meet required emission reductions.

APPROVED AS TO FORM AND LEGALITY:
PORT ATTORNEY



By: ~~Assistant~~ Deputy

2013-212

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10th day of December, 2013, by the following vote:

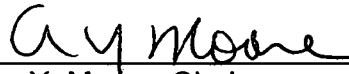
AYES: Castellanos, Malcolm, Merrifield, Moore, Nelson, Smith and Valderrama

NAYS: None.

EXCUSED: None.

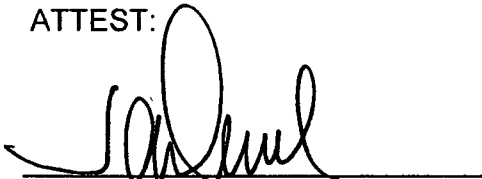
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)