

## **RESOLUTION 2013-30**

### **RESOLUTION AUTHORIZING AGREEMENT WITH H.P. PURDON & COMPANY FOR SPONSORSHIP OF 2013 JULY 4<sup>TH</sup> BIG BAY BOOM FIREWORKS SHOW IN THE AMOUNT OF \$125,000 IN FUNDING AND A NOT TO EXCEED AMOUNT OF \$50,000 IN SERVICES**

**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 1, (Port Act); and

**WHEREAS**, the annual July 4<sup>th</sup> Big Bay Boom Fireworks Show produced by H.P. Purdon & Company has been held on San Diego Bay since 2001 with the District serving as title sponsor throughout its history; and

**WHEREAS**, at its January 12, 2012 meeting the Board of Port Commissioners (BPC) directed staff to investigate the feasibility of contracting directly with a third party events management or fireworks company for the production of July 4<sup>th</sup> fireworks shows, as opposed to filling its current role as a sponsor of the shows; and

**WHEREAS**, in April, 2012, the show's producer, H.P. "Sandy" Purdon of H.P. Purdon & Company submitted an application for sponsorship of the 2013 Big Bay Boom to the District's Marketing Sponsorship Program requesting \$170,000 and District services in the amount of \$50,000; and

**WHEREAS**, the Marketing Advisory Committee (MAC) recommended \$145,000 and \$50,000 in District services while staff's recommendation to the MAC was \$120,000 in funding and \$50,000 in District services; and

**WHEREAS**, at its October 9, 2012 meeting the BPC approved a recommendation by staff that the District remain in the role of sponsor of future fireworks shows with conditions on the District's agreement with the sponsorship recipient for funding and services as well as prioritizing District funding for program features and actions to address environmental considerations for the show; and

**WHEREAS**, following a fireworks malfunction at the July 4, 2012 Big Bay Boom, the fireworks provider Garden State Fireworks offered H.P. Purdon & Company a refund in the form of \$125,000 in fireworks which prompted Mr. Purdon to divide the refunded fireworks over the course of the three upcoming July 4<sup>th</sup> shows in order to provide an enhanced show each year while securing additional sponsorships that would sustain larger shows in the subsequent years; and

**WHEREAS**, in October, 2012 as a result of Mr. Purdon's future plans he submitted a revised Marketing Sponsorship Program application again requesting

\$170,000 due to a 37% increase in tug and barge costs (from \$40,000 to \$55,000) and enhanced pyrotechnics that he intends to provide using his refund from Garden State Fireworks; and

**WHEREAS**, after reviewing Mr. Purdon's revised application staff recommended \$125,000 in funding and District services in an amount not to exceed \$50,000 which took into account the credit received from Garden State Fireworks and the District's 47% share of the total funding for the 2012 Big Bay Boom; and

**WHEREAS**, the MAC met on November 16, 2012 to review Mr. Purdon's revised application and supports staff's recommendation of \$125,000 in funding and \$50,000 in District services; and

**WHEREAS**, due to environmental concerns regarding fireworks shows expressed by attorney Marco Gonzalez of the Coastal Environmental Rights Foundation (CERF), staff met with him to discuss his suggestions to include program features to address his concerns; and

**WHEREAS**, the majority of the fireworks displays in the July 4<sup>th</sup> Big Bay Boom are discharged from barges in locations under State Lands Commission jurisdiction, which requires the producer to obtain a permit from the California Coastal Commission; and

**WHEREAS**, the fireworks discharged from the Imperial Beach Pier fall within the District's jurisdiction and the District has issued determinations that have exempted and excluded that portion of the show from CEQA and the District's Coastal Development Permit Regulations based on the temporary nature of the event; and

**WHEREAS**, on February 5, 2013, staff was informed by the City of Imperial Beach that the city is unable to fund its share of the fireworks or provide the needed city services to support the Imperial Beach portion of the Big Bay Boom Fireworks Show and as such the Imperial Beach portion of the show will likely not be held in 2013; and

**WHEREAS**, in order to address environmental concerns, staff has added a set of program features and actions to Mr. Purdon's agreement that he will be required to implement and pay for as a condition of his sponsorship, as set forth in the Environmental Practices section of the Scope of Services, Attachment A, to the sponsorship agreement:

1. Ensure that the net explosive weight of the 2013 Big Bay Boom Fireworks Show does not exceed that of the 2012 show;
2. Obtain a District approved consultant to prepare a Sampling Plan to analyze surface water of San Diego Bay before and after the event pursuant to the Regional Water Quality Control Board General National Pollutant Discharge Elimination System Permit with the area of water samples to focus on one barge recommended by the water sampling consultant;

3. To determine the feasibility and effectiveness of attempting to capture debris while the fireworks show is in progress, provide a downwind debris trap at one barge for the capture, collection and photographing of fireworks debris;
4. Obtain a District approved consultant or coordinate with the San Diego County Regional Airport Authority to conduct California least tern monitoring on the day of and after the event;
5. Provide two security guards to monitor pedestrian traffic along the Silver Strand the evening of July 4<sup>th</sup> to protect sensitive wildlife nesting sites in the event that the Imperial Beach portion of the show occurs; and,
6. Employ Best Management Practices specific to firework shows before, during and after the event, including setup safety inspections and multiple clean up measures to gather debris.

**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 to enter into an agreement with H.P. Purdon & Company for sponsorship of the 2013 July 4<sup>th</sup> Big Bay Boom Fireworks Show in the amount of \$125,000 in funding and a not to exceed amount of \$50,000 in District services.

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12th day of February, 2013, by the following vote:

AYES: Malcolm, 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)