

RESOLUTION 2014-131

RESOLUTION AUTHORIZING THE SAN DIEGO UNIFIED PORT DISTRICT TO: SUBMIT A GRANT APPLICATION TO THE CALIFORNIA STATE OCEAN PROTECTION COUNCIL IN PARTNERSHIP WITH SCRIPPS INSTITUTION OF OCEANOGRAPHY AND THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY TO FUND ADVANCED FLOODING AND SEA LEVEL RISE MODELING; ENTER INTO AN AGREEMENT ACCEPTING THE GRANT IF AWARDED AND INDEMNIFYING CALIFORNIA STATE OCEAN PROTECTION COUNCIL; DESIGNATE AN AUTHORIZED DISTRICT REPRESENTATIVE FOR GRANT CONTRACTING PURPOSES; AND CONSIDER A PORT MASTER PLAN AMENDMENT TO INCLUDE GRANT-FUNDED RESEARCH RESULTS SUBJECT TO COMPLIANCE WITH THE CALIFORNIA COASTAL ACT, CALIFORNIA ENVIRONMENTAL QUALITY ACT, CALIFORNIA CODE OF REGULATIONS AND OTHER APPLICABLE LAWS

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 California State Ocean Protection Council (OPC) is part of the California Natural Resources Agency and is charged with, among other things, coordinating the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies; and

WHEREAS, the University of California, San Diego Scripps Institution of Oceanography (SIO) is a leader in ocean and atmospheric science research, education, and public service; and

WHEREAS, the San Diego County Regional Airport Authority (Airport) was created in 2003 to manage the day-to-day operations of San Diego International Airport and to address the region's long-term air transportation needs; and

WHEREAS, OPC has approved a competitive grant program to assist public agencies with local and regional vulnerability assessments and updates to Local Coastal Programs and other Coastal Act-authorized plans, such as the Port Master Plan, to address sea level rise modeling and climate adaptation planning; and

WHEREAS, the District's Integrated Planning efforts are underway to establish a 50-Year Vision Plan which may include a Port Master Plan amendment; and

WHEREAS, the inclusion of flooding, sea level rise, and adaptation considerations in the District's Integrated Planning may assist District efforts to, among other things, invest in resilient infrastructure and other structures; and

WHEREAS, the Airport is updating the Airport Master Plan to reflect the complexities of storm water flows throughout the San Diego International Airport and its relationship to San Diego Bay; and

WHEREAS, the District has an opportunity to coordinate its planning efforts with the Airport and with SIO, who wish to partner in seeking OPC grant funding and the resulting project, if funded; and

WHEREAS, OPC requires a Board of Port Commissioners (BPC) resolution in order to apply for its sea level rise modeling and climate adaptation planning grants; and

WHEREAS, the OPC requires the BPC resolution to include the following: (a) authorization to submit a grant application and project proposal, (b) authorization to enter into a grant agreement if the grant is awarded, (c) designation of the applicant's authorized representative with respect to the grant, and (d) a commitment to submission of a Port Master Plan amendment to the California Coastal Commission that incorporates the results of any project funded by the requested grant; and

WHEREAS, the District must conduct environmental review under the California Environmental Quality Act and may adopt, in its sole and absolute discretion, mitigation measures, an alternative to the project, including without limitation the no project alternative, and/or a statement of overriding consideration, prior to committing to an amendment to the Port Master Plan, and therefore, the District cannot and is not committing to the submission of a Port Master Plan amendment to the California Coastal Commission that incorporates the results of any project funded by the requested grant; and

WHEREAS, the District and the California Coastal Commission must follow the procedures enumerated in the California Coastal Act, California Code of Regulations and other applicable laws and regulations to effectuate an amendment to the Port Master Plan and therefore, the District cannot and is not committing to the submission of a Port Master Plan amendment to the California Coastal Commission that incorporates the results of any project funded by the requested grant; and

WHEREAS, though the District is not committing to an update to its Port Master Plan to include the results of grant-funded research, the District may consider an update to the Port Master Plan to include grant-funded research results once complete, subject to compliance with the California Coastal Act, California Environmental Quality Act, the California Code of Regulations and all other applicable laws; and

WHEREAS, OPC has included a Sample Grant Agreement with the California Natural Resources Agency as Attachment D to the Local Coastal Program Planning Grants Joint Application Form, which includes provisions granting indemnity from the grantee to the State of California and committing to specific performance in the event of breach by the grantee; and

WHEREAS, OPC does not require a matching fund commitment to apply for its grants, but such commitments can make applications more competitive; and

WHEREAS, the District proposes to submit an application to OPC requesting \$250,000 in grant funding, with matching funds provided by the District, Airport, and SIO in the amount of \$40,000 each, for a total project cost of \$370,000; and

WHEREAS, BPC Policy No. 110 Section IV.B. requires grant awards to be presented to the BPC for its consideration, acceptance and authorization to enter into an agreement if the award is for more than \$175,000; and

WHEREAS, if awarded the grant, the source of the District's matching fund contribution will be identified in appropriate fiscal years and submitted to the BPC for approval.

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 District to: (1) submit a grant application to the California State Ocean Protection Council to provide financial and other assistance to fund sea level rise modeling and climate adaptation planning; (2) negotiate and enter into a grant agreement with the California State Ocean Protection Council in substantial conformance with Attachment D to the Local Coastal Program Planning Grants Joint Application Form, in conformance with BPC Policy No. 110 Section IV.B.; and (3) Designate the Chief Financial Officer of the District to serve as the District's authorized representative with respect to the District's California State Ocean Protection Council grant application and for the purpose of executing any grant agreement that might result.

BE IT FURTHER RESOLVED by the Board of Port Commissioners that the District may consider a future Port Master Plan Amendment to include the grant-funded research subject to compliance with the California Coastal Act, the California Environmental Quality Act, the California Code of Regulations and applicable other laws and regulations.

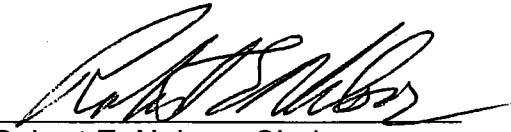
APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



By: Assistant/Deputy

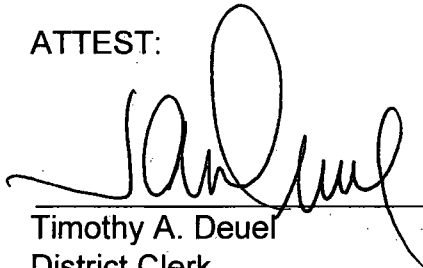
PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 24th day of June, 2014, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama
NAYS: None.
EXCUSED: None.
ABSENT: None.
ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)