

RESOLUTION 2014-166

RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 106 – COST RECOVERY USER FEE POLICY - REVISED

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, Section 36 of the Port Act provides at pertinent part that “the board [of Port Commissioners] shall by ordinance fix the rate of ...charges... for services furnished or provided by the district”; and

WHEREAS, the Board of Port Commissioners (Board) or (BPC) has adopted a Cost Recovery User Fee Policy, BPC Policy No. 106, to provide general guidelines for establishing and maintaining a Cost Recovery User Fee Schedule (Schedule) to ensure that the District adequately recovers costs for the services it provides for the benefit of individuals, businesses, and other entities; and

WHEREAS, the Board last amended the Schedule in April 2014 by Ordinance No. 2763, which reset the initial deposit at the lower of \$7,500 or 50% of the estimated fee to address a concern that initial deposits were originally set too high; and

WEREAS, during the April 15, 2014 Board meeting, the Board directed staff to develop recommendations for waiver criteria and recommended modifications to BPC Policy No. 106; and

WHEREAS, based on the District’s experience to date with the cost recovery program, and pursuant to the Board’s direction, staff has identified a few specific circumstances where waiving Cost Recover User Fees are appropriate and in the best interest of the District and/or the public; and

WHEREAS, staff recommends modifying BPC Policy No. 106 as reflected in Attachment A to the corresponding staff report; and

WHEREAS, the Board has considered staff’s analysis and proposed modifications, and agrees that these modifications are appropriate, with the exception that the public notice of discretionary fee waivers provided in Paragraph 7 of Attachment A should be issued on a monthly, as opposed to quarterly, basis.

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

That BPC Policy No. 106 – Cost Recovery User Fee Policy, as amended, a copy of which is on file in the Office of the District Clerk, is hereby adopted.

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 12th day of August 2014, by the following vote:

AYES: Bonelli, Castellanos, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: Malcolm, Merrifield.

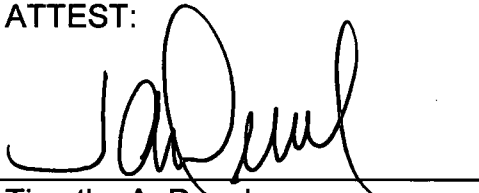
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk



(Seal)