

RESOLUTION 2014-170

RESOLUTION MAKING FINDINGS IN ACCORDANCE WITH PORT ACT SECTION 30.5 AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF NATIONAL CITY TO SPECIFY TERMS AND CONDITIONS OF PAYMENT FOR THE NATIONAL CITY WAYFINDING SIGNAGE PROJECT, A NEW MARITIME TERMINAL IMPACT FUND PROJECT

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, in accordance with Port Act Section 30.5, the District may take certain actions and make capital expenditures off tidelands when certain findings are made and notice is given to State Lands Commission; and

WHEREAS, the District recognizes that certain communities may be subjected to disproportionate adverse impacts and constraints as a result of the presence of maritime terminals, and potentially other port operations on the tidelands, while at the same time enabling a significant benefit to the District, or region, as a whole; and

WHEREAS, the District includes as part of this Capital Improvement Program (CIP) Policy a provision for the inclusion of off-tidelands projects in the CIP and the establishment of a Maritime Terminal Impact Fund (the "MTIF") to be used to mitigate impacts to communities adjacent to, directly associated with, or which are a result of the District's maritime terminals and other operations, which are of a unique, adverse or exclusionary nature; and

WHEREAS, on April 3, 2014, National City submitted an application to the District for the National City Wayfinding Signage Project (Signage Project) for \$250,000 of MTIF funding to be matched by National City from other sources; and

WHEREAS, the District's CIP Staff Committee reviewed National City's request, and recommends approval; and

WHEREAS, the Signage Project intends to improve on-tidelands operations by providing a more efficient access to the National City Marine Terminal, while directing trucks and industrial parking from the local streets and neighborhoods located off-tidelands thereby mitigating some effects on these adjacent communities; and

WHEREAS, the off-tidelands capital expenditure has a nexus to the District activities, partially mitigating impacts from District operations on neighboring communities, as well as making it easier for the public to find District facilities, and, given the circumstances, National City's matching 50% funding establishes that the District's share is reasonably connected to the established nexus to District activities.

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

That, in accordance with Port Act Section 30.5:

- (1) The off-tidelands portion of the Signage Project funded by the District will be adjacent to tidelands.
- (2) Given the goals of the Signage Project, the off-tidelands portion of the Signage Project funded by the District could not be located on tidelands.
- (3) The off-tidelands portion of the Signage Project funded by the District is consistent with the District purposes described in Section 87 of the Port Act.

BE IT FURTHER RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District, as follows:

The Executive Director or his designated representative is hereby authorized on behalf of the San Diego Unified Port District to execute a Memorandum of Understanding with the City of National City to provide \$250,000 in funding from the MTIF towards the National City Wayfinding Signage Project.

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 16th day of September, 2014, by the following vote:

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

NAYS: None.

EXCUSED: None.

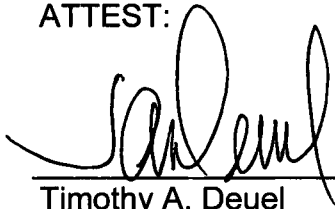
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk



(Seal)