

RESOLUTION 2014-179

RESOLUTION AUTHORIZING THE DECLARATION OF EMERGENCY MADE BY THE ASSISTANT EXECUTIVE DIRECTOR/ACTING CEO/ACTING PRESIDENT ON SEPTEMBER 2, 2014 FOR NECESSARY AND IMMEDIATE REPAIRS TO THE TENTH AVENUE MARINE TERMINAL TANK #4 IN ORDER TO CONTINUE ESSENTIAL PUBLIC SERVICES, AND DIRECTING STAFF TO PROCEED WITH FACILITY REPAIRS

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, pursuant to BPC Policy No. 110, section I(F)(5), Board of Port Commissioners Resolution 2000-03 and Public Contract Code Sections 22035 and 22050, the Assistant Executive Director/Acting CEO/Acting President is authorized to declare an emergency due to an unexpected occurrence that presents eminent danger to District property or causes an interruption of essential public services; and

WHEREAS, District staff was notified that a portion of one fuel tank (tank #4) located at the Tenth Avenue Marine Terminal (TAMT) has significant corrosion in the form of scale and rust covering 95% of the bottom of the tank; and

WHEREAS, this condition will lead to a leak occurring through the corroded tank bottom if refilled with diesel fuel; and

WHEREAS, in order to prevent a leak from the TAMT tank #4, which would result in the contamination of surrounding soil and a violation of numerous environmental regulations, the Assistant Executive Director/Acting CEO/Acting President declared an emergency condition at the TAMT tank farm with regard to tank #4 on September 2, 2014; and

WHEREAS, the inspectors have recommended that a second bottom be installed internally in the tank to replace the severely corroded existing bottom; and

WHEREAS, the estimated repair will cost between \$350,000 - \$500,000, which was not budgeted in Fiscal Year 14/15; and

WHEREAS, this process will take between 8 and 10 weeks to complete, and will necessitate that the tank be out of service for the duration of the repair period; and

WHEREAS, staff has proceeded with repairs to the facility immediately so there are no further delays than the 8 to 10 weeks for repair.

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

That the declaration of emergency made by the Assistant Executive Director/Acting CEO/Acting President on Sept 2, 2014 and the findings based on substantial evidence set forth in the Board of Port Commissioners' meeting on September 16, 2014 that the emergency necessitates immediate repairs to the Tenth Avenue Marine Terminal tank #4 in order to continue essential public services is hereby ratified.

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.

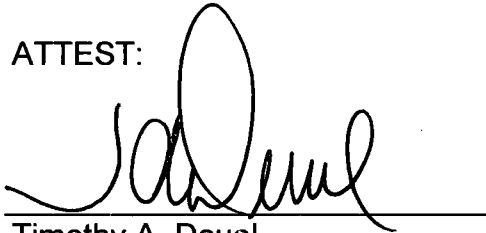
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)