

RESOLUTION 2014-61

RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO AN AGREEMENT AND GRANT INDEMNITY TO THE COUNTY OF SAN DIEGO TO RECEIVE LAW ENFORCEMENT/ HOMELAND SECURITY GRANT FUNDS IN THE AMOUNT OF \$120,000 FOR FISCAL YEAR 2013 "OPERATION STONEGARDEN"

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 Board of Port Commissioners (BPC) adopted BPC Policy No. 110 incorporating the provisions of the Accounting Act to govern the processing and administration of public projects; and

WHEREAS, the United States Department of Homeland Security has created the Operation Stonegarden grant program to facilitate partnerships between federal, state, and local law enforcement related to U.S. and Mexico border issues, including drug smuggling and crossing of potential terrorists into the U.S.; and

WHEREAS, the Operation Stonegarden grant program facilitates these partnerships through enhanced intelligence gathering/information sharing capabilities and increase law enforcement presence in border areas; and

WHEREAS, the District Harbor Police Department has been a participant of the Operation Stonegarden grant program since the initial grant award in Federal fiscal year (FY) 2008 and have been awarded grant funds of approximately \$1.6 million through the District's FY 2013; and

WHEREAS, the District Harbor Police Department has used the Operation Stonegarden grant program funds for overtime/fringe benefits, fuel costs, vehicle mileage, and vessel maintenance; and

WHEREAS, the U.S. Department of Homeland Security awarded the most recent Operation Stonegarden grant of approximately \$6.6 million dollars to the San Diego County Sheriff's Department (County); and

WHEREAS, the District, as sub-recipient, proposes to enter into an Agreement for the Operation Stonegarden (OPSG) Grant (Agreement), attached as Attachment A of the Agenda Sheet for the item, with the County and other participants of the Operation Stonegarden grant program to receive grant funds for


Harbor Police Department's overtime/fringe benefits, fuel costs, vehicle mileage, and vessel maintenance; and

WHEREAS, Sections 7.1 and 7.2 of the Agreement requires that: (1) the County indemnify the District for workers' compensation and status of employment claims from County employees or County retained contract labor; (2) the District indemnify the County for workers' compensation and status of employment claims from District employees or District retained contract labor; (3) the parties indemnify each other for claims arising solely out of its own acts or omissions in performing the Agreement; and (4) the parties defend themselves from claims arising out of concurrent acts or omissions.

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 the Agreement for Operation Stonegarden (OPSG) Grant and grant indemnity to the County of San Diego and other party participants pursuant to Sections 7.1 and 7.2 of the Agreement.

APPROVED AS TO FORM AND LEGALITY:
PORT ATTORNEY


By: Assistant/Deputy

2014-61

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 15th day of April, 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:



Laura Nicholson
Deputy District Clerk

(Seal)