

RESOLUTION 2014-80

**RESOLUTION AUTHORIZING PARTICIPATION IN
THE CITY OF SAN DIEGO'S AND SAN DIEGO
COUNTY WATER AUTHORITY'S FREE
COMMERCIAL WATER SURVEY PROGRAM AND
ENTERING INTO A COMMERCIAL LANDSCAPE
WATER SURVEY PROGRAM HOLD HARMLESS
AGREEMENT TO INDEMNIFY THE CITY OF SAN
DIEGO AND SAN DIEGO COUNTY WATER
AUTHORITY FOR SAID PARTICIPATION**

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, Section 21 of the Port Act authorizes the Board of Port Commissioners (BPC) to pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, the District wants to participate in the Commercial Landscape Water Survey Program (Program), a free water audit program offered by the City of San Diego (City) and the San Diego County Water Authority (SDCWA); and

WHEREAS, the Program will be conducted on District property within the City of San Diego and will identify opportunities to reduce water use through a thorough on-site evaluation of sites selected by District staff; and

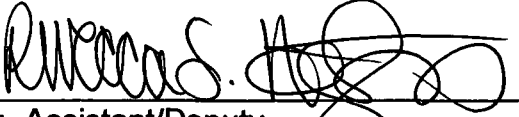
WHEREAS, as a condition of the participation, the District must enter into a Commercial Landscape Water Survey Program Hold Harmless Agreement, whereby the District agrees to defend, indemnify and hold the City and the SDCWA harmless from and against claims, asserted liability established for damage or injuries to any person or property, but only to the extent such claims or liability are caused by the negligent or wrongful acts or omissions of the District in performing the Program, and all expenses of investigating and defending the same; and

WHEREAS, the District's duty to indemnify and hold the City and SDCWA harmless under the Commercial Landscape Water Survey Program Hold Harmless Agreement, shall not extend to any claims or liability arising from the established sole negligence or willful misconduct of the City or SDCWA.

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

That the San Diego Unified Port District is hereby authorized to participate in the City of San Diego's and San Diego County Water Authority's Commercial Landscape Survey Program and that the Executive Director or his designated representative is authorized to enter into the Commercial Landscape Water Survey Program Hold Harmless Agreement (Attachment A to the related Agenda Sheet).

APPROVED AS TO FORM AND LEGALITY:
PORT ATTORNEY


By: ~~Assistant~~ Deputy

2014-80

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 6th day of May 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)