

RESOLUTION 2014-81

RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE SAN DIEGO REGIONAL STORMWATER COPERMITTEES TO SHARE COSTS AND PROGRAM RESPONSIBILITIES FOR ACTIVITIES REQUIRED UNDER ORDER NO. R9-2013-0001, THE MUNICIPAL STORMWATER PERMIT, TO ESTABLISH A FISCAL YEAR 2014/2015 COST SHARING LIMITATION FOR REGIONAL COSTS NOT TO EXCEED \$4,051,589, FOR THE SAN DIEGO UNIFIED PORT DISTRICT'S SHARE NOT TO EXCEED \$33,438, AND EXTENDING THE MOU TERM TO AUGUST 31, 2015

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 states that the Board of Port Commissioners (BPC) may pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, on December 11, 2007, the Board of Port Commissioners (BPC) approved a MOU between the San Diego Regional Copermittees (Copermittees) to share costs and work cooperatively on the regional program requirements contained in Order No. R9-2007-001, the San Diego County Municipal Stormwater Permit (2007 Permit); and

WHEREAS, to comply with the 2007 Permit, the MOU established the responsibilities of each Copermittee and included a cost-share formula that identified each Copermittee's share of regional costs for monitoring, education, and other required collaborative efforts; and

WHEREAS, the MOU was amended in June 2010 to allow Copermittees to be reimbursed directly for expenditures incurred on behalf of regional program development and will expire on May 8, 2014; and

WHEREAS, on May 8, 2013, the San Diego Regional Water Quality Control Board replaced the 2007 Permit with Order No. R9-2013-0001 Regional Stormwater Permit (2013 Permit) and as with the 2007 Permit, the 2013 Permit

includes conditions that require the Copermittees to cooperate in the implementation of regional programs and activities; and

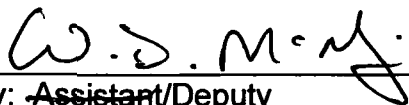
WHEREAS, an MOU is required to memorialize the revisions to the existing MOU or a new MOU may be necessary to meet the needs of all Copermittees over the five-year life of the Permit, however, in the interest of time, a second amendment to the existing MOU is being entered into in order to continue to share regional costs during the remainder of the FY2013/2014 through August 31, 2015; and

WHEREAS, the second amendment also establishes not-to-exceed cost sharing limitation for the total regional cost at \$4,051,589, with the District amount not to exceed \$33,438.

NOW, THEREFORE, BE IT RESOLVED that 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 and directed to enter into Amendment No. 2 to the MOU between the San Diego Regional Stormwater Copermittees to share costs and program responsibilities for activities required under Order No. R9-2013-0001, the Municipal Stormwater Permit, to establish a Fiscal Year 2014/2015 cost sharing limitation for regional costs, and extend the MOU term to August 31, 2015.

APPROVED AS TO FORM AND LEGALITY:
PORT ATTORNEY


By: ~~Assistant~~/Deputy

2014-81

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)