

RESOLUTION 2015-05

**RESOLUTION APPROVING TRANSFER OF FUNDS
WITHIN THE FY 2014-2018 CAPITAL
IMPROVEMENT PROGRAM BUDGET
APPROPRIATION FROM CONTINGENCY TO THE
NATIONAL CITY AQUATIC CENTER PROJECT IN
THE AMOUNT OF \$500,000 PURSUANT TO BPC
POLICY NO. 90 AND AUTHORIZING AMENDMENT
NO. 1 TO AMENDED AND RESTATED
MEMORANDUM OF UNDERSTANDING WITH THE
CITY OF NATIONAL CITY TO INCREASE THE
BUDGET FOR THE NATIONAL CITY AQUATIC
CENTER BY \$500,000**

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 District and the City of National City (City) have been working in cooperation to develop the Aquatic Center on Districts tidelands; and

WHEREAS, pursuant to Resolution 2011-129, adopted by the Board of Port Commissioners (BPC) on September 13, 2011, the District entered into a Memorandum of Understanding (MOU) with the City to transfer the matching funds to the City with conditions; and

WHEREAS, District, on the 26th day of September, 2011, fulfilled its MOU obligation to transfer funds to City in the amount of \$830,000; and

WHEREAS, In June 2011, the California legislature passed two bills that dissolved Redevelopment Agencies (RDA) throughout California, therefore dissolving the City's RDA; and

WHEREAS, the dissolution of the RDA created set-backs for the City regarding progress with the development of the Aquatic Center and meeting its obligations of conditions in its MOU with the District; and

WHEREAS, pursuant to Resolution 2012-176, adopted by the BPC on December 11, 2012, the District amended the MOU to extend the construction commencement deadline from December 31, 2012 to December 31, 2013; and

WHEREAS, City requested the District increase its financial support for the Aquatic Center to \$3,910,000 by reallocating its planned financial support for a separate National City Park project to the Aquatic Center, and such Park project has been removed from the District's amended FY 2009-2013 CIP list; and

WHEREAS, pursuant to Resolution 2013-133, adopted by the BPC on August 13, 2013, the District entered into an Amended and Restated MOU; and

WHEREAS, in September 2014, the District received a letter from National City requesting an additional \$500,000 for the Project; and

WHEREAS, at the October 27, 2014 Capital Improvement Program (CIP) Workshop, at the request of the City of National City, the Board of Port Commissioners (BPC) authorized an increase in funding for the National City Aquatic Center to a total of \$4,410,000 conditioned on an amendment to the Amended and Restated Memorandum of Understanding between the San Diego Unified Port District and the City of National City regarding the National City Aquatic Center (MOU); and

WHEREAS, Amendment No. 1 to the MOU was approved by the City of National City, City Council on December 16, 2015, increasing the District's contribution by \$500,000 and reimbursable costs to include payments for construction costs as well as construction support services.

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

- A. The transfer of funds within the FY 2014-2018 Capital Improvement Program budget appropriation from contingency to the National City Aquatic Center Project in the amount of \$500,000 pursuant to BPC Policy No. 90 is hereby approved; and
- B. The Assistant Executive Director or his designee is authorized to execute the Amendment No. 1 to the Amended and Restated Memorandum of Understanding between the San Diego Unified Port District and the City of National City regarding the National City Aquatic Center to increase the District's contribution by \$500,000.

2015-05

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 13th day of January 2015, by the following vote:

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

NAYS: None.

EXCUSED: None.

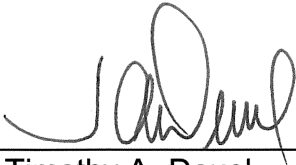
ABSENT: None.

ABSTAIN: None.

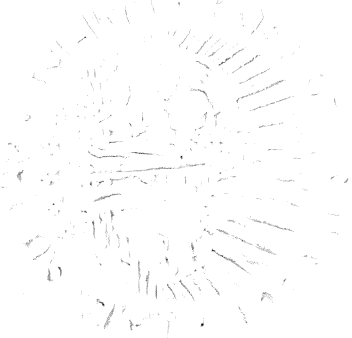


Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk



(Seal)