

RESOLUTION 2015-139

RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY, DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS FOR THE FY 2015/2016 SURRENDERED AND ABANDONED VESSEL EXCHANGE PROGRAM IN THE AMOUNT OF \$44,900 AND GRANTING INDEMNITY

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, BPC Policy No. 110, IV (D) provides that where specific granting agency limitations are more stringent than BPC Policy No. 110, the granting agency requirements for approval will be followed; and

WHEREAS, the State of California Natural Resources Agency, Department of Parks and Recreation, Division of Boating and Waterways (DBW) administers the Surrendered and Abandoned Vessel Exchange (SAVE) program; and

WHEREAS, SAVE combines the Abandoned Watercraft and Abatement Fund (AWAF) with the Vessel Turn In Program (VTIP) for the convenience and flexibility to use grant funds interchangeably for either AWAF or VTIP issues; and

WHEREAS, per BPC Policy No. 110, the District applied for, and subsequently DBW approved, the San Diego Unified Port District grant application for a grant in the amount of \$44,900 over a two-year period; and

WHEREAS, pursuant to DBW's authority under Harbors and Navigation Code Section 525, the District will enter into an agreement for the removal and disposal of abandoned, wrecked or dismantled non-commercial vessels, or parts thereof, or any other partially submerged objects which post a substantial hazard to navigation within the District's jurisdiction; and also remove and dispose of surrendered vessels, or parts thereof, which are in danger of being abandoned

and has a likelihood of causing environmental degradation or becoming a hazard to navigation within the District's jurisdiction; and

WHEREAS, the terms of the grant agreement require that the District protect, hold harmless, indemnify and defend the Department of Parks and Recreation (DPR), its agents, officers, and/or employees against any and all actions, claims, and damages to persons or property, penalties, obligations and liabilities that may be asserted or claimed by any person, firm, association, entity, corporation, political subdivision, or other organization or person arising out of or in connection with the District or District's contractors' or subcontractors' activities hereunder, whether or not there is concurrent passive negligence on the part of DPR, its agents, officers, and/or employees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, that the Executive Director or her designated representative is hereby authorized to accept grant funds from the State of California Natural Resources Agency, Department of Parks and Recreation, Division of Boating and Waterways for the FY 2015/2016 Surrendered and Abandoned Vessel Exchange Program in the amount of \$44,900 and grant indemnification to the Department of Parks and Recreation, Division of Boating and Waterways.

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 17th day of November, 2015, by the following vote:

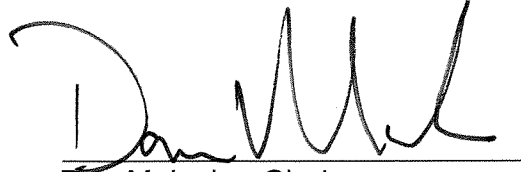
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

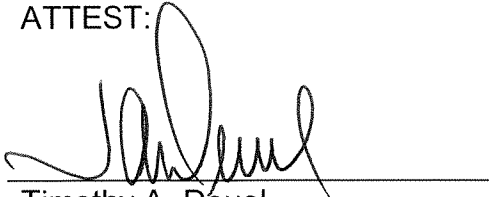
ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)

