

## **RESOLUTION 2015-22**

### **RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF SAN DIEGO AND GRANTING INDEMNITY TO THE CITY OF SAN DIEGO TO PARTICIPATE IN THE URBAN AREA SECURITY INITIATIVE (UASI) FY13 AND FY14 GRANT PROGRAMS**

**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**, the Board of Port Commissioners (BPC) adopted BPC Policy No. 110 to establish a policy governing the processing and administration of public projects, consulting and service agreements, the purchasing of supplies, materials, and equipment, and grants; and

**WHEREAS**, since 2003, Congress has appropriated funding for the UASI Grant Program, which is allocated as Homeland Security related grants for the thirty largest metropolitan areas in the United States; and

**WHEREAS**, to date, the City of San Diego has been awarded grant awards in an amount greater than \$40 million for regional "all hazards" mission support of local first responder agencies; and

**WHEREAS**, as a member of the UASI Law Enforcement sub-committee, the District's Harbor Police Department (HPD) requested that the City of San Diego budget grant funds for maritime specific training in 2015; and

**WHEREAS**, the City approved this request and has subsequently allocated funding, which HPD will have access to for training and exercise funds; and

**WHEREAS**, HPD will be able to seek reimbursement for overtime incurred for the staff participation in the exercises and training; and

**WHEREAS**, these training funds are regional in nature and all local public safety agencies are eligible to use them; and

**WHEREAS**, the City, in partnership with the Unified Disaster Council, administers this grant and has divided the funding into four categories: equipment, training, exercises and planning; and

**WHEREAS**, in its law enforcement and firefighting roles, HPD is entitled to participate in this program and has been allocated funding for qualified equipment purchases and training; and

**WHEREAS**, each year, the City requests that the District enter into an MOU for the most current year, to provide mutual indemnity against all liability to one another for acts or omissions under the MOU; and

**WHEREAS**, the term of the MOU runs concurrently with the UASI grant, which is an on-going Department of Homeland Security program; and

**WHEREAS**, the MOU specifies that the District, as a sub-recipient to the UASI grant, will be required to comply with all the same grant requirements, including both the U.S. General Accounting Office and Office of Management and Budget auditing standards, as the City; and

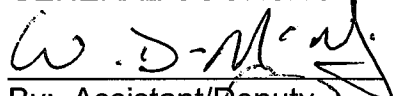
**WHEREAS**, because there is no set timetable for award of this grant, it is difficult to include these funds in HPD's annual budget, and as a result, Harbor Police staff requests that the Board approve all grant funding that may be allocated during the FY13 and FY14 program and that these funds be used to provide training and purchase qualified equipment that advances the Harbor Police Homeland Security mission.

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

That the Assistant Executive Director or his designated representative is hereby authorized and directed on behalf of the San Diego Unified Port District to enter into a Memorandum of Understanding with the City of San Diego, and hereby agrees to defend, indemnify, and hold harmless the City of San Diego as set forth in the Memorandum of Understanding, in order to participate in the Urban Area Security Initiative FY13 and FY14 grant programs.

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 10<sup>th</sup> day of March 2015, by the following vote:

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

NAYS: None.

EXCUSED: None.

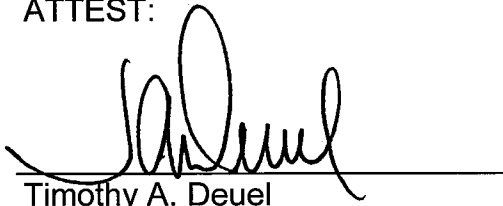
ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk

(Seal)