

## **RESOLUTION 2016-137**

### **RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) FOR THE DISTRICT TO UTILIZE UP TO \$100,000 OF CAPACITY UNDER AN EXISTING AGREEMENT BETWEEN SANDAG AND THE REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) TO FACILITATE THE RWQCB'S REVIEW OF DISTRICT PROJECTS**

**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**, SANDAG and the State Water Resources Control Board, acting on behalf of the California Regional Water Quality Control Board, San Diego Region ("RWQCB"), entered into SANDAG Agreement No. 5004464 whereby the RWQCB agreed to assist with the development of project design necessary to ensure protection of water quality, among other services, for transportation improvement projects and other projects approved by SANDAG; and

**WHEREAS**, SANDAG included provisions in Agreement No. 5004464 that upon the direction of the SANDAG Contract Manager on a project-by-project basis, the RWQCB may provide environmental reviews for local agency planning projects; and

**WHEREAS**, the Port has requested assistance from the RWQCB for environmental review for multiple public works and transportation planning projects; and


**WHEREAS**, the RWQCB has provided written confirmation acknowledging the ability of the Port to utilize up to \$100,000 of available local agency review capacity under Agreement No. 5004464, and SANDAG is willing to allow the Port to utilize such capacity under the direction of the SANDAG Contract Manager and upon the payment by the Port to SANDAG pursuant to the terms of the proposed Memorandum of Understanding, SANDAG Agreement No. 5004884 (MOU) which is on file in the Office of the District Clerk; and

**WHEREAS**, District staff recommends that that the BPC authorize entry into the MOU to facilitate the review of District permit application by the RWQCB.

**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 her designated representative is hereby authorized to enter into the Memorandum of Understanding with the San Diego Association of Governments for the District to utilize up to \$100,000 of capacity under SANDAG Agreement No. 5004464, so long as it is in substantial conformance to the proposed Memorandum of Understanding attached to the corresponding Agenda on file in the Office of the District Clerk.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL



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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 8<sup>th</sup> day of September 2016, by the following vote:

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

NAYS: None.



EXCUSED: None.

ABSENT: None.

ABSTAIN: None.

  
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Marshall Merrifield, Chairman  
Board of Port Commissioners

ATTEST:

  
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 Timothy A. Deuel  
District Clerk

(Seal)