

**RESOLUTION 2016-84**

**RESOLUTION AUTHORIZING TWO MEMORANDA  
OF AGREEMENTS WITH THE COUNTY OF  
SAN DIEGO AND GRANTING INDEMNITY, TO  
RECEIVE "OPERATION STONEGARDEN" (OPSG)  
GRANT FUNDS IN THE AMOUNT OF \$234,090  
FOR FEDERAL FY2014 AND \$166,000 FOR  
FEDERAL FY2015**

**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**, in Federal FY2014 and FY2015, the Department of Homeland Security (DHS) awarded the San Diego County Sheriff's Department "Operation Stonegarden" Grant Program (OPSG) funds to coordinate the efforts of federal, state and local law enforcement agencies to raise border security by mitigating smuggling activities in each agency's jurisdiction; and

**WHEREAS**, as a sub-recipient of the grant, the San Diego Unified Port District's (District) Harbor Police Department (HPD) utilizes funding for overtime/fringe benefits, fuel costs, vehicle mileage, and vessel maintenance; and

**WHEREAS**, HPD officers will conduct maritime and landside patrols in order to provide an increased law enforcement presence in San Diego Bay, tidelands and coastal waters; and

**WHEREAS**, protecting the nation's borders is a priority mission of U.S. Customs and Border Protection (CBP); and

**WHEREAS**, the San Diego CBP has been making progress in controlling the border area; however, smugglers have continued to adapt and exploit other means of egress to the United States; and

**WHEREAS**, as levels of control of the border are raised, the frequency of criminal organizations utilizing boats to further their illegal enterprises has increased; and

**WHEREAS**, law enforcement partnerships between federal, state, and local entities are critical to gaining control of these activities; and

**WHEREAS**, DHS created the OPSG grant program to facilitate partnerships through enhanced intelligence gathering/information sharing capabilities and increased law enforcement presence in border areas; and

**WHEREAS**, HPD has been a participant since the initial grant award in Federal FY2008 and has received over \$2M in OPSG funding; and

**WHEREAS**, HPD has and will continue to use its OPSG funding for overtime, fuel, vehicle mileage, and vehicle/vessel maintenance; and

**WHEREAS**, HPD officers will continue to conduct harbor and coastal patrols to provide an increased marine law enforcement presence in San Diego Harbor and coastal waters; and

**WHEREAS**, HPD partners with the United States Coast Guard, CBP, and the Sheriff's Department Border Suppression Team, conducting operations as intelligence dictates; and

**WHEREAS**, as a sub-recipient, the District is required to enter into an Memorandum of Agreement (MOA) which requires the District to indemnify the County of San Diego for workers' compensation and status of employment claims from District employees or District-retained contract labor; and

**WHEREAS**, the MOA also states that the parties shall indemnify each other for claims arising solely out of its own acts or omissions in performing the MOA; and


**WHEREAS**, the parties to the MOA also agree to defend themselves from claims arising out of concurrent acts or omissions.

**NOW, THEREFORE, BE IT RESOLVED** by 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 and directed on behalf of the San Diego Unified Port District to enter into two Memoranda of Agreements with the County of San Diego and granting indemnity, to receive OPSG funds in the amount of \$234,090 for Federal FY2014 and \$166,000 for Federal FY2015.

2016-84

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 15<sup>th</sup> day of June, 2016, by the following vote:


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

NAYS: None.

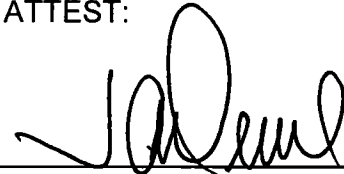
EXCUSED: Malcolm.

ABSENT: None.

ABSTAIN: None.

  
Marshall Merrifield, Chairman  
Board of Port Commissioners

ATTEST:

  
Timothy A. Deuel  
District Clerk

(Seal)