

RESOLUTION 2017-112

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE U.S. ARMY CORPS OF ENGINEERS, IN SUBSTANTIAL FORM, FOR THE DISTRICT TO ANNUALLY RECEIVE FUNDS PAID INTO THE HARBOR MAINTENANCE TRUST FUND TO BE USED FOR BERTH MAINTENANCE OR ENVIRONMENTAL REMEDIATION PURPOSES

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, Sections 4 and 87 of the Port Act state the District's purposes and authorities related to commerce and navigation, and maintenance of harbor facilities; and

WHEREAS, the District is authorized to receive reimbursement for certain expenses related to berth maintenance or environmental remediation of bay sediments in berths and/or the Federal navigation channel from the federal Harbor Maintenance Trust Fund; and

WHEREAS, Staff recommends the District enter into a Memorandum of Agreement with the U.S. Army Corps of Engineers to facilitate such reimbursement.

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 on behalf of the San Diego Unified Port District to enter into a Memorandum of Agreement with the U.S. Army Corps of Engineers, in substantial form, to annually receive funds paid into the Harbor Maintenance Trust Fund, where these funds will be used for berth maintenance or environmental remediation of bay sediments; and

That the proposed Memorandum of Agreement complies with Sections 4 and 87 of the Port Act, as it relates to the District's promotion of commerce and navigation, and management of the San Diego Bay for such purposes. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Accordingly, the Board also finds the proposed action or project is consistent with the Public Trust doctrine.

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 11th day of July, 2017, by the following vote:

AYES: Bonelli, Castellanos, Merrifield, Moore, Valderrama, and Zucchet

NAYS: None.

EXCUSED: Malcolm

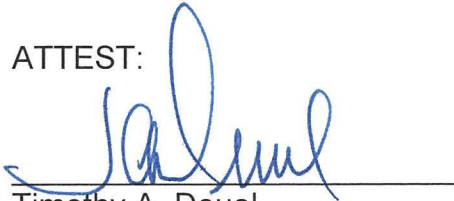
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk



(Seal)