

## **RESOLUTION 2018-109**

### **RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR GRANT FUNDING, IF AWARDED, IN THE AMOUNT OF \$75,400, FOR A PERIOD OF 18 MONTHS ON OR AROUND DECEMBER 1, 2018, AND ENDING ON OR AROUND JUNE 1, 2020**

**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, grant funded projects and supplies, materials, and equipment purchases; and

**WHEREAS**, the San Diego Association of Governments (SANDAG) established the TransNet Environmental Mitigation Program (EMP), which provides a competitive grant process to provide funding for regional habitat management and monitoring activities per a "Land Management Grant Program"; and

**WHEREAS**, in September 2017, SANDAG issued its Cycle 9 call for projects from entities wishing to apply for a portion of the EMP Regional Habitat Conservation grant funds for use on environmental land management projects meeting certain criteria; and

**WHEREAS**, the District wishes to receive \$75,400 in EMP Regional Habitat Conservation grant funds for the following project: Threatened and Endangered Species Stewardship at D Street Fill; and

**WHEREAS**, EMP grant funds will enhance the nesting success of the California least terns and will be used to prepare the D Street Fill site for the 2019 and 2020 nesting seasons by performing site grading, debris removal, vegetation control, invasive plant management, avian monitoring, and predator control; and

**WHEREAS**, the District understands that the EMP Regional Habitat Conservation grant funding is fixed at the programmed amount, and therefore project cost increases that exceed the grant awarded will be the sole responsibility of the District; and

**WHEREAS**, SANDAG staff has prioritized the District's project and recommends funding the project to the SANDAG Board of Directors; and

**WHEREAS**, execution of a grant agreement between the District and SANDAG will be required prior to the award of grant funds and project implementation for the endangered species program at the D Street Fill; and

**WHEREAS**, SANDAG's sample grant agreement has an indemnity clause that requires the District to agree to indemnify and hold harmless SANDAG from claims resulting from or related to performance of the work funded by the grant; and

**WHEREAS**, SANDAG has indicated that it will not agree to substantive modifications of the sample grant agreement, which would be tailored to the District's project if this item is authorized by the BPC; and

**WHEREAS**, SANDAG staff's recommendation will be brought to SANDAG's Board of Directors for consideration in summer 2018.

**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 to negotiate and enter into an agreement with SANDAG for grant funding, if awarded, in the amount of \$75,400, for a period of 18 months beginning on or around December 1, 2018 and ending on or around June 1, 2020. The District agrees to provide \$0 as matching funds.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

  
\_\_\_\_\_  
By: Assistant/Senior/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12<sup>th</sup> day of June, 2018, by the following vote:

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

NAYS: None.

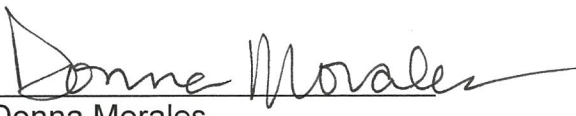
EXCUSED: Malcolm, and Zucchet

ABSENT: None.

ABSTAIN: None.

  
\_\_\_\_\_  
Rafael Castellanos, Chairman  
Board of Port Commissioners

ATTEST:

  
\_\_\_\_\_  
Donna Morales  
District Clerk  
(Seal)