

RESOLUTION 2019-035

RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE SAN DIEGO REGIONAL STORMWATER COPERMITTEES TO SHARE COSTS AND PROGRAM RESPONSIBILITIES FOR ACTIVITIES REQUIRED UNDER ORDER NO. R9-2013-0001 AS AMENDED BY ORDERS R9-2015-0001 AND R9-2015-0100, THE MUNICIPAL STORMWATER PERMIT; THE DISTRICT'S SHARE NOT TO EXCEED \$111,027. FY 2019 EXPENDITURES ARE BUDGETED; FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

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 I ("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, in 2007, the California Regional Water Quality Control Board, San Diego Region ("Regional Board"), adopted Order No. R9-2007-0001 requiring the District and 20 municipal entities within the San Diego region (the "Copermittees") to comply with discharge requirements for discharges of urban runoff from their respective municipal separate storm sewer systems ("MS4s"); and

WHEREAS, on December 11, 2007, the BPC approved a Memorandum of Understanding ("MOU") between the Copermittees to share costs and work cooperatively on the regional stormwater program requirements contained in Order No. R9-2007-001; and

WHEREAS, on June 8, 2010, the Board approved the First Amendment to the MOU; and

WHEREAS, on May 8, 2013, the Regional Board adopted a new regional MS4 permit, Order No. R9-2013-0001, which replaced Order No. R9-2007-0001 and imposed new requirements on the Copermittees; and

WHEREAS, on May 6, 2014, the BPC approved Amendment No. 2 to the MOU, which allowed the Copermittees to continue their coordination with respect to regional storm water programs; and

WHEREAS, on August 11, 2015, the BPC approved Amendment No. 3 to the MOU, which allowed the Copermittees to continue their coordination with respect to regional storm water programs; and

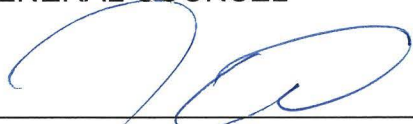
WHEREAS, the MOU, as amended, is set to expire on August 31, 2019; and

WHEREAS, staff recommends that the BPC approve entering into the Fourth Amendment to the MOU which would, among other things, extend the term and impose a cumulative District contribution cap of \$111,027, and which is attached as Exhibit E to the corresponding agenda sheet.

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 execute the Fourth Amendment to Memorandum of Understanding between the San Diego Regional Stormwater Copermittees to share costs and program responsibilities for activities required under Order No. R9-2015-0001 as amended by Orders R9-2015-0001 and R9-2015-100.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



By: ~~Assistant/Deputy~~

2019-035

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 9th day of April 2019, by the following vote:

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

NAYS: None.

EXCUSED: Malcolm, Zucchet

ABSENT: None.

ABSTAIN: None.



Garry J. Bonelli, Chairman
Board of Port Commissioners

ATTEST:



Donna Morales
District Clerk

(Seal)