

**RESOLUTION 2020-064**

**RESOLUTION WAIVING BPC POLICY NO. 773 - MARITIME INDUSTRIAL IMPACT FUND AND NOT DEPOSIT THE FY 2021 ANNUAL SET ASIDE OF \$134,600 TO THE MARITIME INDUSTRIAL IMPACT FUND (MIIF)**

**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**, on May 19, 2020, the Board adopted the FY 2021 Preliminary Budget and set June 23, 2020 as the date the Board will meet for the purposes of fixing the final budget, and a notice in compliance with Port Act Section 47 was published; and

**WHEREAS**, on June 23, 2020, the Board met for the purposes of fixing the final budget; and

**WHEREAS**, as reflected in the approved FY 2021 Preliminary Budget, staff recommends the Board adopt a resolution waiving the annual set-aside deposit requirement of \$134,600 for BPC No. 773 – Maritime Industrial Impact Fund (MIIF), which is one half of one percent (1/2 of 1%) of the gross revenues earned from Tenth Avenue Marine Terminal and National City Marine Terminal as well as revenues from maritime industrial tenants located between the two terminals for FY 2021.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Port Commissioners of the San Diego Unified Port District hereby waives the annual set-aside deposit requirement of \$134,600 for BPC No. 773 – Maritime Industrial Impact Fund (MIIF), which is one half of one percent (1/2 of 1%) of the gross revenues earned from Tenth Avenue Marine Terminal and National City Marine Terminal as well as revenues from maritime industrial tenants located between the two terminals for FY 2021.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

*Simon Kamm*

---

By: Assistant/Deputy

2020-064

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 23<sup>rd</sup> day of June 2020, by the following vote:

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

NAYS: None.

EXCUSED: Castellanos, and Malcolm

ABSENT: None.

ABSTAIN: None.

*Ann Moore*

---

Ann Y. Moore, Chair  
Board of Port Commissioners

ATTEST:

*Donna Morales*

---

Donna Morales  
District Clerk



## Certificate Of Completion

Envelope Id: 77EC55E25AD042E99471D8C4400485B7	Status: Completed	
Subject: Please DocuSign: Ordinance No. 2974 - S Kann.pdf, Resolution No. 2020-058 - S Kann.pdf, Resolut...		
Source Envelope:		
Document Pages: 13	Signatures: 18	Envelope Originator:
Certificate Pages: 5	Initials: 0	Gabby Livingston
AutoNav: Enabled	Stamps: 6	3165 Pacific Highway
Envelopeld Stamping: Enabled		San Diego, CA 92101
Time Zone: (UTC-08:00) Pacific Time (US & Canada)		glivingston@portofsandiego.org
		IP Address: 207.215.153.162

## Record Tracking

Status: Original 6/25/2020 1:50:37 PM	Holder: Gabby Livingston glivingston@portofsandiego.org	Location: DocuSign
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: San Diego Unified Port District	Location: DocuSign

## Signer Events

Signer Events	Signature	Timestamp
Simon Kann skann@portofsandiego.org Deputy General Counsel Security Level: Email, Account Authentication (None)	  Signature Adoption: Pre-selected Style Using IP Address: 174.195.202.63 Signed using mobile	Sent: 6/25/2020 2:02:47 PM Viewed: 6/25/2020 2:03:42 PM Signed: 6/25/2020 2:04:45 PM

**Electronic Record and Signature Disclosure:**  
Accepted: 6/25/2020 2:03:42 PM  
ID: ac4d870e-a74d-409b-ade5-195d84ff3427

Ann Moore amoore@nmalawfirm.com Security Level: Email, Account Authentication (None)	  Signature Adoption: Pre-selected Style Using IP Address: 68.101.176.8	Sent: 6/25/2020 2:06:31 PM Viewed: 6/28/2020 12:10:49 PM Signed: 6/28/2020 12:11:14 PM
--	--	--

**Electronic Record and Signature Disclosure:**  
Accepted: 6/28/2020 12:10:49 PM  
ID: 1357c972-1361-4b43-9291-2735cd767d60

Donna Morales dmorales@portofsandiego.org District Clerk San Diego Unified Port District Security Level: Email, Account Authentication (None)	  Signature Adoption: Pre-selected Style Using IP Address: 70.95.190.9	Sent: 6/28/2020 12:12:58 PM Viewed: 6/29/2020 6:07:00 AM Signed: 6/29/2020 6:18:56 AM
---	---	---

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Gabby Livingston glivingston@portofsandiego.org Document Management Associate-ODC Port of San Diego Security Level: Email, Account Authentication (None)	  Using IP Address: 207.215.153.162	Sent: 6/29/2020 6:20:41 AM Viewed: 6/29/2020 8:27:37 AM Signed: 6/29/2020 8:29:02 AM
--	---	--

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
<b>Carbon Copy Events</b>	<b>Status</b>	<b>Timestamp</b>
Margret Hernandez mhernandez@portofsandiego.org Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	<b>COPIED</b>	Sent: 6/25/2020 2:06:29 PM
Sally Raney sraney@portofsandiego.org Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	<b>COPIED</b>	Sent: 6/29/2020 8:29:09 AM
<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
Envelope Sent	Hashed/Encrypted	6/29/2020 8:29:09 AM
Certified Delivered	Security Checked	6/29/2020 8:29:09 AM
Signing Complete	Security Checked	6/29/2020 8:29:09 AM
Completed	Security Checked	6/29/2020 8:29:09 AM
<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
<b>Electronic Record and Signature Disclosure</b>		

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, San Diego Unified Port District (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign, Inc. (DocuSign) electronic signing system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after signing session and, if you elect to create a DocuSign signer account, you may access them for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of a DocuSign envelope instead of signing it. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

## **How to contact San Diego Unified Port District:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [rsanagus@portofsandiego.org](mailto:rsanagus@portofsandiego.org)

## **To advise San Diego Unified Port District of your new e-mail address**

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at [rsanagus@portofsandiego.org](mailto:rsanagus@portofsandiego.org) and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc. to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in the DocuSign system.

## **To request paper copies from San Diego Unified Port District**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to [rsanagus@portofsandiego.org](mailto:rsanagus@portofsandiego.org) and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

## **To withdraw your consent with San Diego Unified Port District**

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to [rsanagus@portofsandiego.org](mailto:rsanagus@portofsandiego.org) and in the body of such request you must state your e-mail, full name, US Postal Address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

## **Required hardware and software**

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

Enabled Security Settings:	Allow per session cookies
----------------------------	---------------------------

\*\* These minimum requirements are subject to change. If these requirements change, you will be asked to re-accept the disclosure. Pre-release (e.g. beta) versions of operating systems and browsers are not supported.

**Acknowledging your access and consent to receive materials electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify San Diego Unified Port District as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by San Diego Unified Port District during the course of my relationship with you.