

DRAFT**RESOLUTION 20xx-xxx**

RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15306 AND 15308, AND AUTHORIZING ACCEPTANCE OF PRIORITY LEGISLATIVE BUDGET PROJECT FUNDS IN THE AMOUNT OF \$1,400,000 FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE ZUNIGA SHOAL PROJECT AND GRANTING AUTHORITY TO THE EXECUTIVE DIRECTOR TO EXECUTE THE FUNDS TRANSFER AGREEMENT WHEN FINALIZED AFTER ACCEPTANCE

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, on August 31, 2022, the California legislature passed AB179 – Budget Act of 2022, a trailer bill to California’s fiscal year 2023 budget; and

WHEREAS, the Governor signed AB179 one week later; and

WHEREAS, included in AB179 was \$1,400,000 to support the District’s work in Zuniga Shoal (Project); and

WHEREAS, the California Department of Transportation (CalTrans) was identified as the administrative agency to distribute these funds to the District; and

WHEREAS, since budget adoption, CalTrans staff has been working to establish a process to distribute Priority Legislative Budget Project (PLBP) funding that aligns with existing state funding administration processes; and

WHEREAS, CalTrans staff has provided District staff with a template funds transfer agreement for the Project funding to be finalized after acceptance of the funds by the District (Attachment A to the corresponding Agenda item on

20xx-xxx

file with the Office of the District Clerk); and

WHEREAS, the funds transfer agreement is subject to various conditions and state regulations that must be complied with by the District to use the funds; and

WHEREAS, adopting a resolution accepting the funds is a necessary step to securing the funds for this Project; and

WHEREAS, if the BPC adopts the resolution accepting PLBP funds, the funds will be reflected in the District's FY24 Budget, scheduled to be presented to the BPC for approval on June 13, 2023; and

WHEREAS, no match funds are required to accept the PLBP funds; and

WHEREAS, Project funds will be budgeted in each fiscal year, subject to BPC approval with each fiscal year's budget; and

WHEREAS, staff recommends the BPC adopt a resolution finding the BPC action exempt under the California Environmental Quality Act (CEQA), authorize acceptance of PLBP funds in the amount of \$1,400,000 from CalTrans for the Zuniga Shoal Project, and grant authority to the Executive Director to execute the funds transfer agreement when finalized after acceptance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

1. That the BPC finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution; and

2. That based on the entire record available to the BPC and the findings set forth in this Resolution, the BPC finds that the proposed BPC action, including without limitation, adopting a resolution authorizing acceptance of Priority Legislative Budget Project funds from the California Department of Transportation for the Zuniga Shoal Project, is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15306 and 15308 and Sections 3.f. and 3.h. of the District's Guidelines for Compliance with CEQA because the project would consist of accepting funding from the State to conduct research and resource evaluation activities which would not result in a serious or major disturbance to an environmental resource, and to conduct enforcement activities where the regulatory process involves procedures for protection of the environment; and

20xx-xxx

3. That the Priority Legislative Budget Project funds in the amount of \$1,400,000 from the California Department of Transportation for the Zuniga Shoal Project are hereby accepted; and

4. That the Executive Director or his designated representative is hereby authorized to execute the funds transfer agreement when finalized after acceptance.

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 9th day of May 2023, by the following vote: