

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION ESTABLISHING A BASELINE RATE
AND SCOPE OF SERVICES FOR THE FY23
BASELINE RESET DATE UNDER THE MUNICIPAL
SERVICES AGREEMENT WITH THE CITY OF CHULA
VISTA AND AUTHORIZING AN AMENDMENT TO
SUCH AGREEMENT TO REFLECT THE UPDATED
RATE**

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 authorized the Board of Port Commissioners (BPC) to pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, the District provides law enforcement, marine firefighting, and certain emergency response services throughout the taxpaying and nontaxpaying parcels within its jurisdiction (collectively, the “tidelands”) through the San Diego Harbor Policy Department; and

WHEREAS, on tidelands, the District also contracts with its member cities for such cities to provide certain police, fire, and emergency medical services specifically to non-taxpaying tidelands (defined as those parcels which do not pay possessory-interest tax such as parks and roads); and

WHEREAS, the scopes and rates for these services are memorialized in Municipal Services Agreements (MSAs); and

WHEREAS, pursuant to the terms of the MSA with the City of Chula Vista (on file in the Office of the District Clerk as Document No. 72282), the current annual reimbursement rate paid by the District for the services described in the MSA is \$1,170,859; and

WHEREAS, the Chula Vista MSA requires baseline rate and scope of services resets on July 1, 2022 and July 1, 2025, after which there are no further baseline rate resets through the expiration of the MSA on June 30, 2030 other than an annual 3% baseline rate increases; and

WHEREAS, negotiations between the District and the City of Chula Vista for an updated baseline rate and scope of services in connection with the July 1, 2022 reset date have been ongoing since early 2022, with any resulting agreed upon new

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rates and updated scope of services to take effect either retroactively on July 1, 2022 or prospectively depending on the agreed upon services to be provided; and

WHEREAS, the District and Chula Vista have agreed to a new baseline rate of \$1,473,214, which staff recommends the BPC adopt as the FY 2023 baseline rate to be retroactively effective as of July 1, 2022; and

WHEREAS, the current scope of services set forth in the Chula Vista MSA will remain in effect in connection with such new baseline rate.

NOW THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District that the Executive Director, or his designee, is hereby authorized on behalf of the San Diego Unified Port District to amend the Municipal Services Agreement with the City of Chula Vista to reflect the new baseline rate of \$1,473,214 as the FY 2023 baseline rate to be retroactively effective as of July 1, 2022.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy General Counsel

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: