

**DRAFT**

**RESOLUTION 20xx-xxx**

**RESOLUTION AUTHORIZING ACCEPTANCE OF  
GRANT FUNDS FROM THE STATE OF  
CALIFORNIA NATURAL RESOURCES AGENCY,  
DEPARTMENT OF PARKS AND RECREATION,  
DIVISION OF BOATING AND WATERWAYS (DPW)  
FOR THE FY 2017/2018 SURRENDERED AND  
ABANDONED VESSEL EXCHANGE PROGRAM  
IN THE AMOUNT OF \$96,876, AND  
INDEMNIFICATION OF DPW**

**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, the purchasing of supplies, materials, and equipment, and grants; and

**WHEREAS**, the DBW administers the Surrendered and Abandoned Vessel Exchange (SAVE) program; and

**WHEREAS**, SAVE combines the Abandoned Watercraft and Abatement Fund (AWAF) with the Vessel Turn In Program (VTIP) for the convenience and flexibility to use grants funds interchangeably for either AWAF or VTIP issues; and

**WHEREAS**, pursuant to BPC Policy No. 110, the District applied for, and subsequently DBW approved, the San Diego Unified Port District grant application for a grant in the amount of \$96,876 over a two-year period; and

**WHEREAS**, pursuant to DBW's authority under Harbors and Navigation Code section 525, the District will enter into an agreement for the removal and disposal of abandoned, wrecked or dismantled noncommercial vessels, or parts thereof, or any other partially submerged objects which pose a substantial hazard to navigation within the District's jurisdiction; and also remove and dispose of surrendered vessels, or parts thereof, which are in danger of being abandoned and have a likelihood of causing environmental degradation or becoming a hazard to navigation within the District's jurisdiction; and

**WHEREAS**, additionally, the terms of the grant agreement require that the District protect, hold harmless, indemnify and defend the DPW, its agents,

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officers, and/or employees against any and all actions, claims, and damages to persons or property, penalties, obligations and liabilities that may be asserted or claimed by any person, firm, association, entity, corporation, political subdivision, or other organization or person, arising out of or in connection with the District or District's contractors' or subcontractors' activities hereunder, whether or not there is concurrent passive negligence on the part of DPW, its agents, officers, and/or employees; and

**WHEREAS**, this grant will provide unbudgeted, unanticipated funding for the removal and disposal of surrendered vessels and other navigational hazards in furtherance of the District's mission; and

**WHEREAS**, the grant has a 10% matching requirement, which can be made in either cash or in-kind contributions, which may include personnel hours, removal and/or storage fees, or other eligible expenses; and

**WHEREAS**, the match contribution in the amount of \$9,687.60 is intended to be met from General Services department budget.

**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 and directed on behalf of the San Diego Unified Port District to accept grant funds from the State of California Natural Resources Agency, Department of Parks and Recreation, Division of Boating and Waterways (DPW) for the FY 2017/2018 Surrendered and Abandoned Vessel Exchange program in the amount of \$96,876; and pursuant to the grant agreement, protect, hold harmless, indemnify and defend the DPW, its agents, officers, and/or employees against any and all actions, claims, and damages to persons or property, penalties, obligations and liabilities that may be asserted or claimed by any person, firm, association, entity, corporation, political subdivision, or other organization or person, arising out of or in connection with the District or District's contractors' or subcontractors' activities under the grant agreement, whether or not there is concurrent passive negligence on the part of DPW, its agents, officers, and/or employees.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10<sup>th</sup> day of October, 2017, by the following vote: