

DRAFT**RESOLUTION 20xx-xxx**

RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE DISTRICT AND THE CITY OF SAN DIEGO, CITY OF OCEANSIDE AND COUNTY OF ORANGE FROM JULY 1, 2018 THROUGH JUNE 30, 2023 TO WORK COLLABORATIVELY ON A REGIONAL HARBOR MONITORING PROGRAM TO EVALUATE THE STATUS AND TRENDS OF WATERS, SEDIMENT, AND AQUATIC LIFE IN THE REGION'S HARBORS AS REQUIRED BY THE SAN DIEGO REGIONAL QUALITY CONTROL BOARD PURSUANT TO §13225 OF THE CALIFORNIA WATER CODE; ALL 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 1 (Port Act); and

WHEREAS, in 2003, the San Diego Regional Water Quality Control Board issued an order pursuant to § 13225 of the California Water Code to the District, Cities of San Diego and Oceanside (Cities), and the County of Orange (County) to coordinate and develop a Regional Harbor Monitoring Program (RHMP) to assess conditions and trends in the quality of water, sediments, and aquatic life in San Diego Bay, Mission Bay, Oceanside Harbor, and Dana Point Harbor; and

WHEREAS, following the Board of Port Commissioner's (BPC) approval, the District entered into a Memorandum of Understanding (MOU) to work collaboratively with the Cities and County in 2005 for the pilot program and again in 2008 and 2013 which has resulted in a cost effective and consistent monitoring program with the District acting as the lead for this program; and

WHEREAS, the current MOU was made effective on July 1, 2013, and will expire on June 30, 2018; and

WHEREAS, a new MOU is needed to continue implementing the RHMP and assessing conditions and trends in each harbor; and

WHEREAS, the proposed MOU herein will be for a five-year period from

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July 1, 2018, to June 30, 2023, and will reaffirm the District as the lead to oversee implementation of the RHMP; and

WHEREAS, the cost share formula presented in the MOU is based on the same formula used in the previous MOUs, which accounts for the acreage and stratification of each harbor as well as fixed costs per agency; and

WHEREAS, due to the size and stratification of San Diego Bay, under the proposed MOU approximately 56 percent of consultant costs will be attributed to the District with the remaining 44 percent of costs reimbursed to the District from the Cities and County on an annual basis; and

WHEREAS, in addition to the reimbursed costs, the MOU includes a provision requiring the Cities and County to provide the District a five percent fee to administer the RHMP and consultant contract; and

WHEREAS, the total cost consultant contracts to assist with RHMP services will not exceed \$1,525,000 for the five year period; and

WHEREAS, the MOU establishes a schedule for budget and payment for each fiscal year, and provides options for early termination; and

WHEREAS, District staff recommends that the BPC authorize the execution of the MOU.

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

The Executive Director or her designated representative is hereby authorized to enter into a Memorandum of Understanding between the District and the City of San Diego, City of Oceanside and County of Orange from July 1, 2018, through June 30, 2023.

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 8th day of May, 2018, by the following vote: