

**RESOLUTION 20xx-xxx**

**RESOLUTION BY A FOUR-FIFTHS (4/5) VOTE  
AUTHORIZING CONTINUED ACTION FOR THE  
EMERGENCY STORM WATER MANAGEMENT AT  
THE CHULA VISTA BAYFRONT**

**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**, Section 58 of the Port Act grants authority to the Board of Port Commissioners (Board) to place into effect any emergency rule or regulation, for periods not exceeding thirty (30) days; and

**WHEREAS**, on January 11, 2000, the BPC adopted Resolution 2000-03, pursuant to California Public Contract Code (PCC) Sections 22035 and 22050, establishing contracting procedures in the event of an emergency or disaster allowing contracts without bids, and empowering the Executive Director of the District to waive normal bidding procedures, to enter into any necessary contract and commit District funds without first obtaining BPC approval; and

**WHEREAS**, the San Diego Unified Port District (District) imported approximately 220,000 cubic yards of soil to two development sites at the Chula Vista Bayfront; and

**WHEREAS**, between November 29 and December 7, 2018, two storms occurred that damaged the sites creating the need for cleanup and repairs; and

**WHEREAS**, to meet this need and avoid further damage to District property, the Executive Director declared an emergency and authorized the immediate execution of contracts to design a plan, repair the damage, and deploy additional erosion control and sediment runoff prevention measures termed Best Management Practices (BMP's) to protect the Districts property; and

**WHEREAS**, the declaration of the emergency waived the necessity of formal bidding procedures as required by the State of California Public Contract Code; the contract was implemented, and the contractor began site repairs and BMP Installation and maintenance; and

**WHEREAS**, at its regularly scheduled meeting the Board, by a unanimous vote, ratified the declaration of emergency by the Executive Director on January 16, 2019; and

**WHEREAS**, pursuant to Board Resolution 2000-03, the Board shall review the need for continued emergency action at every regularly scheduled meeting to determine, by a four-fifths (4/5) vote, that there is a need to continue the emergency action; and

**WHEREAS**, the Board authorized continued action at the February 12, 2019 meeting and Staff recommends the Board continue the action at today's meeting.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Port Commissioners of the San Diego Unified Port District, by a four-fifths (4/5) vote, authorizes continued action for the emergency storm water management at the Chula Vista Bayfront.

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 12<sup>th</sup> day of March 2019, by the following vote: