

**DRAFT****RESOLUTION 20xx-xxx****RESOLUTION APPROVING THE TRANSFER OF FUNDS WITHIN THE FY2019 BUDGET FROM PERSONNEL EXPENSE TO EXPENSE MAJOR MAINTENANCE PROJECT – EMERGENCE REPAIR OF THE FLOATING UPWELLER SYSTEM AT TUNA HARBOR IN THE AMOUNT OF \$220,000 PURSUANT TO BPC POLICY 90**

**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 (Act); and

**WHEREAS**, on June 20, 2017, the Board of Port Commissioners (BPC) authorized an agreement through the District's Blue Economy Incubator with San Diego Bay Aquaculture (SDBA), LLC for a 5-year pilot project to demonstrate shellfish aquaculture nursery operations using a Floating Upweller System (FLUPSY) (Resolution 2017-085); and

**WHEREAS**, as part of the agreement, the District purchased the FLUPSY and installed it at the end of Dock #2 at Tuna Harbor. It remains the District's asset/property, and SDBA is responsible for operating it as a shellfish nursery; and

**WHEREAS**, due to a recent series of strong storm events and intense wake from the bay, one of the two guide piles securing the FLUPSY at the end of Dock #2 at Tuna Harbor was found to have been leaning from its vertical position and lost its ability to properly anchor the system; and

**WHEREAS**, the FLUPSY sustained damage to its pile guides and was moved away from its location to prevent further damage. Urgent repair is required to remove the leaning pile and install replacement pile(s) to provide an adequate structural supporting system for the FLUPSY; and

**WHEREAS**, in order to restore the FLUPSY to its original location for nurturing oysters, an expeditious repair is essential; and

**WHEREAS**, Engineering staff is working on obtaining the necessary permits to commence the work as soon as possible, and a consultant has been retained to provide a structural analysis and recommendations for the repair and

**WHEREAS**, prior to developing a complete scope of work for the repair, the consultant will investigate critical pile availability to minimize delivery time. Concurrent with repair plan development, Engineering staff is coordinating with

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marine contractors to procure work proposals; and

**WHEREAS**, pursuant to Public Contracting Code Section 22035 and 22050, Section 58 of the Port Act, and BPC Resolution 2000-03, the Executive Director declared an emergency at the April 9, 2019 Board meeting; and

**WHEREAS**, this authorized the immediate execution of contracts to investigate, quantify, and repair the damage to protect District owned property; and

**WHEREAS**, the declaration of an emergency waives the necessity of formal bidding procedures as required by the State of California Public Contract Code; and

**WHEREAS**, the BPC is requested to consider this action. Pursuant to BPC Resolution 2000-03, a 4/5 affirmative vote of the BPC is required; and

**WHEREAS**, an initial estimate of project costs is \$245,000. The Expense Major Maintenance Contingency has \$25,000 available to fund the project. Staff recommends the BPC transfer \$220,000 from the FY2019 Personnel Expense to fund the remaining costs.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Port Commissioners of the San Diego Unified Port District, approves the transfer of funds within the FY2019 budget from Personnel Expense to Expense Major Maintenance Project – Emergence Repair of the Floating Upweller System at Tuna Harbor in the amount of \$220,000 pursuant to BPC Policy 90

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 14<sup>th</sup> day of May 2019, by the following vote: