

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 (DBW)
FOR THE FY 2019/2020 SURRENDERED AND
ABANDONED VESSEL EXCHANGE (SAVE)
PROGRAM IN THE AMOUNT OF \$200,000 AND
GRANTING INDEMNITY**

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, grant funded projects and supplies, materials, and equipment purchases; and

WHEREAS, on December 20, 2019, the California State Parks Agency, Division of Boating and Waterways (DBW), announced awards under the FY 2019/2020 Surrendered and Abandoned Vessel Exchange (SAVE) program; and

WHEREAS, SAVE provides grant funds for the abatement, removal, storage and/or disposal of eligible water hazards and surrendered vessels; and

WHEREAS, the District was awarded the full requested amount, \$200,000; and

WHEREAS, the District has agreed to provide matching funds in the amount of \$472,000, for a full program amount of \$672,000; and

WHEREAS, the District's match is fully funded in General Services' budget; and

WHEREAS, the terms of the grant agreement require that the District protect, hold harmless, indemnify and defend DBW, 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, associations, entity, corporation, political subdivision, or other organization or person arising out of or in connection with the District or District's contractor's or subcontractor's activities hereunder, whether or not there is

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concurrent passive negligence on the part of DBW, it's agents, officers, and/or employees; and

WHEREAS, District staff recommends that the BPC approve the agreement granting indemnity to DBW, as the grant funding will enable the District to remove derelict and abandoned vessels that can cause navigational hazards and environmental pollution in San Diego Bay, additionally, the work to be done will largely be done by services providers that will in turn indemnify the District, and for that work done by the District pursuant to the grant agreement, the District has appropriate insurance coverage should a loss occur.

NOW THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District (District), hereby grants indemnity to the California State Parks Agency, Division of Boating and Waterways (DBW) to protect, hold harmless, indemnify and defend DBW, 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, associations, entity, corporation, political subdivision, or other organization or person arising out of or in connection with the District or District's contractor's or subcontractor's activities hereunder, whether or not there is concurrent passive negligence on the part of DBW, it's agents, officers, and/or employees.

BE IT FURTHER RESOLVED that the Executive Director and/or her designated representative is hereby authorized to accept grant funding, if awarded, from the State of California Natural Resources Agency, Department of Parks and Recreation, Division of Boating and Waterways for the FY 2019-2020 Surrendered and Abandoned Vessel Exchange Program in the amount of \$200,000.

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 11th day of February 2020, by the following vote: