

**DRAFT****RESOLUTION 20xx-xxx**

**RESOLUTION ACCEPTING THE FY20 PORT SECURITY GRANT PROGRAM (PSGP) AWARDS FOR A TOTAL AMOUNT OF \$1,012,500.00, REQUIRING A COST MATCH OF \$337,500.00, AND AUTHORIZING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) TO ENTER INTO AGREEMENTS WITH THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY (DHS/FEMA). ALL PROJECTS WILL BE EXECUTED IN FUTURE FISCAL YEARS AND DISTRICT'S MATCHING FUNDS 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**, the Port Security Grant Program's (PSGP) purpose is to help protect critical port infrastructure from terrorism, enhance maritime domain awareness, improve port-wide maritime security risk management, and maintain or re-establish maritime security mitigation protocols that support port recovery and resiliency capabilities; and

**WHEREAS**, the District was eligible to apply as the San Diego Unified Port District and the Harbor Police; and

**WHEREAS**, the following projects received funding:

- Patrol Vessel Maintenance
- Command Van Update
- MARTAC Security Equipment (Telescopic Pole & Ladder)
- Emergency Management Program
- TAMT Access Control – Phase III
- High End Cameras (TAMT); and

**WHEREAS**, The District's award is \$800,000 and Harbor Police will receive \$550,000, for a total of \$1,350,000 with a required cost match of \$337,500; and

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**WHEREAS**, the performance period for these grant awards concludes on August 31, 2023, and all project work must be completed by this date; and

**WHEREAS**, in accordance with Board Port Commissioners (BPC) Policy 110, the above award allocations are being presented to the BPC for acceptance of award and for authorization to enter into grant award agreements with the DHS/FEMA.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Port Commissioners of the San Diego Unified Port District hereby accepts the FY20 PSGP awards totaling \$1,350,000, authorizing a match of \$337,500, and authorizing the District to enter into Award Agreements with the U.S. Department of Homeland Security/Federal Emergency Management Agency. All projects will be executed in future fiscal years and District's matching funds will be budgeted in the appropriate fiscal year and subject to the Board of Port Commissioner's approval.

**BE IT FURTHER RESOLVED THAT**, pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) and its implementing CEQA Guidelines, the Board has exercised its independent judgment and analyzed the proposed actions or project as described above. Based on the entire record, the Board finds that the project is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 Existing Facilities, 15302 Replacement or Reconstruction, 15303 New Construction or Conversion of Small Structures, and/or 15304 Minor Alterations to Land and Sections 3.a., 3.b., 3.c., and/or 3.d. of the District's Guidelines for Compliance with CEQA because the project consists of funding for and development of security-related projects that would involve negligible expansion of use beyond that previously existing, would consist of the replacement of existing facilities, would be located on the same site as the structure replaced, would have substantially the same purpose and capacity, would consist of construction and location of new, small facilities, would have no permanent effects on the environment, and would not involve the removal of mature, scenic trees. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2). No further action under CEQA is required.

The Board also hereby finds that the proposed Board actions comply with Sections 21, 35, and 87 of the Port Act, which allow the Board to pass resolutions and to do all acts necessary and convenient for the exercise of its powers, and which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was enacted by the California Legislature and is consistent with the Public Trust

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Doctrine. Consequently, the proposed Board actions are consistent with the Public Trust Doctrine.

The Board further hereby finds that the proposed Board actions are considered “excluded development” pursuant to Sections 8.a. (Existing Facilities), 8.b. (Replacement or Reconstruction), 8.c. (New Construction or Conversion of Small Structures), and 8.d. (Minor Alterations to Land) of the District’s Coastal Development Permit Regulations because the project would consist of funding for and development of security-related projects that would involve negligible expansion of use beyond that previously existing, would be located essentially on the same site as the structure replaced, would have substantially the same purpose and capacity as the structure replaced, would have no permanent effects on the environment, and would not involve the removal of mature scenic trees. No further action under the Coastal Act is required.

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 6<sup>th</sup> day of October 2020, by the following vote: