

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION AUTHORIZING A 10-YEAR
MUNICIPAL SERVICES AGREEMENT WITH THE
CITY OF IMPERIAL BEACH FOR LAW
ENFORCEMENT, FIRE, EMERGENCY MEDICAL,
LIFEGUARD, ANIMAL CONTROL, AND
MAINTENANCE SERVICES ON NON-AD
VALOREM DISTRICT PROPERTY LOCATED IN
THE CITY OF IMPERIAL BEACH**

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 21 of the Port Act authorizes the Board of Port Commissioners (Board) to pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, the District reimburses its five Member Cities for certain services provided on non-taxpaying Tidelands; and

WHEREAS, these agreements are referred to as Municipal Services Agreements (MSAs); and

WHEREAS, the District previously entered into two MSAs with the City of Imperial Beach (City) – one for the provision of police, fire, emergency medical, lifeguard, and animal control services, and the other, for tidelands maintenance services; and

WHEREAS, the current MSAs are set to expire June 30, 2021; and

WHEREAS, to continue to provide these valuable services to the District and as a replacement for the existing MSAs, staff has negotiated a proposed combined MSA with the City to cover all of the aforementioned services which will be provided at the currently-budgeted “Baseline Rate” of \$5,125,320 for FY 20/21 escalating by approximately 5.7% to \$5,415,888 in FYI 21/22 due to the addition of more law enforcement services in the beach areas and an overall increased cost to provide the services; and

WHEREAS, as with the existing MSAs, this proposed combined MSA includes a provision for subsequent annual adjustments to the Baseline Rate; and

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WHEREAS, based on conversations with the City, the previous method does not adequately compensate the City for its costs to provide these services; and

WHEREAS, as a result, staff negotiated a fixed, three percent (3%) annual increase (commencing in FY 22/23) to the Baseline Rate subject to a review in 2025 to the service levels and the Baseline Rate then in effect; and

WHEREAS, the Board, in its sole and absolute discretion, may approve an increase or decrease or no change to the Baseline Rate as part of the review of the Baseline Rate and service levels in 2025; and

WHEREAS, the proposed combined MSA also allows the District to defer an amount equal to five (5) service years' worth of the annual three percent (3%) payment increases; and

WHEREAS, the proposed combined MSA includes provisions that permit the District to perform an audit and service study of the City's records and performance associated with providing the services under the combined MSA, with the objective of establishing reasonable metrics to measure the costs of such services; and

WHEREAS, the proposed combined MSA allows either party to terminate upon six (6) months' prior written notice; and

WHEREAS, staff and the City have worked closely together to negotiate a new combined MSA to provide more certainty for both the District and the City as well as to more accurately reflect the cost of providing services on tidelands; and

WHEREAS, upon the effectiveness of the proposed combined MSA, the existing MSAs will automatically terminate, provided that each of the City and the District shall remain liable for obligations arising prior to the effectiveness of the proposed combined MSA and other specific obligations in the existing MSAs that survive termination; and

WHEREAS, staff recommends the Board approve the proposed combined MSA with the City.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District that the Executive Director, or her designee, is hereby authorized on behalf of the San Diego Unified Port District to enter into a 10-Year Municipal Services Agreement with the City of Imperial Beach for law enforcement, fire, emergency medical, lifeguard, animal control, and maintenance services on non-ad valorem tideland trust property located in the City of Imperial Beach.

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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 28th day of December 2020, by the following vote: