



## Legislation Details (With Text)

<b>File #:</b>	2018-0220	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Action Item	<b>Status:</b>		Passed	
<b>File created:</b>	5/8/2018	<b>In control:</b>		Board of Port Commissioners	
<b>On agenda:</b>	7/17/2018	<b>Final action:</b>		7/17/2018	
<b>Title:</b>	RESOLUTION AUTHORIZING THE SAN DIEGO UNIFIED PORT DISTRICT TO ENTER INTO A LICENSE AGREEMENT WITH THE COUNTY OF SAN DIEGO FOR A PERIOD OF UP TO FIVE YEARS FOR USE OF THE SAN DIEGO REGIONAL FIREARMS TRAINING CENTER AND GRANTING INDEMNIFICATION TO THE COUNTY OF SAN DIEGO				

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 4. 2018-0220 Attachment A Final version License - San Diego Regional Firearms Training Center San Diego Unified Port District, 2. 4. 2018-0220 Draft Resolution

Date	Ver.	Action By	Action	Result
7/17/2018	1	Board of Port Commissioners	adopted	

**DATE:** July 17, 2018

**SUBJECT:**

**RESOLUTION AUTHORIZING THE SAN DIEGO UNIFIED PORT DISTRICT TO ENTER INTO A LICENSE AGREEMENT WITH THE COUNTY OF SAN DIEGO FOR A PERIOD OF UP TO FIVE YEARS FOR USE OF THE SAN DIEGO REGIONAL FIREARMS TRAINING CENTER AND GRANTING INDEMNIFICATION TO THE COUNTY OF SAN DIEGO**

### **EXECUTIVE SUMMARY:**

This license agreement between the San Diego Unified Port District (District) and The County of San Diego (County) will allow the Harbor Police Department (HPD) to utilize the San Diego Regional Firearms Training Center (SDRFTC) for firearms training for a period of up to five years. This will be on a scheduled basis with paid fees to conduct range training and firearms qualifications. The license agreement also grants indemnification to the County.

### **RECOMMENDATION:**

Adopt a Resolution authorizing the San Diego Unified Port District to enter into a license agreement with the County Of San Diego for a period of up to five years for use of the San Diego Regional Firearms Training Center and granting indemnification to the County Of San Diego.

### **FISCAL IMPACT:**

Funds for the first year of this expenditure are budgeted for the FY 18/19 Harbor Police Non-

Personnel Expense Budget. Funds required for future fiscal years will be budgeted for in the appropriate fiscal year and cost account subject to board approval upon adoption of each fiscal year's budget.

### **COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A Port that is a safe place to visit, work and play.

### **DISCUSSION:**

The District's HPD conducts firearms training throughout the year with two live fire qualifications. These qualifications involve pistol and rifle qualifications, with ranges reaching up to 100 yards. Currently, in San Diego County, there are only two law enforcement ranges that are available for these ranges. One is the Escondido Police Range at 25855 Valley Center Road, Escondido, CA. The other range is the SDRFTC, at 440 Alta Road, San Diego.

HPD currently has an agreement that allows use of the Escondido Police Range however, due to the increasing need for rifle-capable ranges booking time at the Escondido Police Range is difficult. In addition, while the Escondido Police Range can be more convenient for those living in North County, those who live in South County are driving over an hour to the range. This license agreement for a period up to of five years allows the HPD to have the flexibility to use the SDRFTC as an option for firearms training, which allows more adaptability in scheduling firearms related qualifications or training, as well as a shorter commute for those HPD officers who reside in South County when the SDRFTC is used. The fees for the SDRFTC are identical to those charged by the Escondido Police Range.

While the amount of the five-year license agreement is within the Executive Director's monetary authority, the license agreement requires the District to grant indemnity to the County which requires Board of Port Commissioners approval.

### **General Counsel's Comments:**

The Office of the General Counsel approves this license agreement and indemnity provision as to form and legality as it is typical for firearms facility use agreements.

### **Environmental Review:**

The proposed Board action does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

In addition, the proposed Board action allows for the District to implement its obligation under Section 55 of the Port Act, which allows for the Board to maintain a system of Harbor Police, by providing firearms training at the San Diego Regional Firearms Training Center for a period of up to five years. The Port Act was enacted by the California Legislature and is consistent with the Public Trust

Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

Finally, the proposed Board action does not allow for “development,” as defined in Section 30106 of the California Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

**Equal Opportunity Program:**

Not applicable.

**PREPARED BY:**

Brian Jensen  
Lieutenant, Harbor Police Department

**Attachment(s):**

Attachment A: License Agreement with County of San Diego for use of the San Diego Regional Firearms Training Center