



## Legislation Text

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**File #:** 2017-0439, **Version:** 1

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**DATE:** October 10, 2017

**SUBJECT:**

**RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY, DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS (DPW) FOR THE FY 2017/2018 SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) PROGRAM IN THE AMOUNT OF \$96,876, AND INDEMNIFICATION OF DPW**

**EXECUTIVE SUMMARY:**

The DBW has awarded the District a Surrendered and Abandoned Vessel Exchange (SAVE) Grant for the abatement, removal, storage and/or disposal of eligible water hazards and eligible surrendered vessels. Under the terms of this two-year grant agreement, DBW agrees to reimburse costs for an amount not to exceed \$96,876. The District's required matching contribution is \$9,687.60, and can be in the form of either cash or in-kind charges. Board approval is required for acceptance of this grant. Staff recommends the Board accept the funds and authorize indemnification of DBW.

**RECOMMENDATION:**

Adopt a Resolution authorizing the acceptance of grant funds from the State of California Natural Resources Agency, Department of Parks and Recreation, Division of Boating and Waterways for the FY 2017/2018 Surrendered and Abandoned Vessel Exchange program in the amount of \$96,876 and indemnification of DPW.

**FISCAL IMPACT:**

These grant revenues and expenditures were not anticipated during the development of the FY 17/18 operating budget. The grant funds, if accepted, would positively impact the General Service's department's operating budget. Matching funds have been identified in the General Services budget in the form of personnel hours. There are no ongoing costs associated with this expenditure.

**COMPASS STRATEGIC GOALS:**

This agenda item supports the District's role to protect the Tidelands Trust by providing a balanced approach to water and land recreation, environmental stewardship and public safety. The use of grant funds is a prudent option to finance District projects.

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

- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port that is a safe place to visit, work and play.

### **DISCUSSION:**

The DBW administers the Surrendered and Abandoned Vessel Exchange (SAVE) program. SAVE combines the Abandoned Watercraft and Abatement Fund (AWAF) with the Vessel Turn In Program (VTIP) for the convenience and flexibility to use grants funds interchangeably for either AWAF or VTIP issues.

Per BPC Policy No. 110, the District applied for, and subsequently DBW approved, the San Diego Unified Port District grant application for a grant in the amount of \$96,876 over a two-year period.

Pursuant to DBW's authority under Harbors and Navigation Code section 525, the District will enter into an agreement for the removal and disposal of abandoned, wrecked or dismantled noncommercial vessels, or parts thereof, or any other partially submerged objects which post a substantial hazard to navigation within the District's jurisdiction; and also remove and dispose of surrendered vessels, or parts thereof, which are in danger of being abandoned and has a likelihood of causing environmental degradation or becoming a hazard to navigation within the District's jurisdiction.

Additionally, the terms of the grant agreement require that the District protect, hold harmless, indemnify and defend the DPW, 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, association, entity, corporation, political subdivision, or other organization or person arising out of or in connection with the District or District's contractors' or subcontractors' activities hereunder, whether or not there is concurrent passive negligence on the part of DPW, its agents, officers, and/or employees.

This grant will provide unbudgeted, unanticipated funding for the removal and disposal of surrendered vessels and other navigational hazards in furtherance of the District's mission. The grant has a 10% matching requirement, which can be made in either cash or in-kind contributions, which may include personnel hours, removal and/or storage fees, or other eligible expenses. The match contribution in the amount of \$9,687.60 is intended to be met from General Services department budget.

Staff recommends the Board accept the funds and grant indemnity.

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

The Office of the General Counsel has reviewed the issues set forth in this agenda and found no legal concerns as presented.

### **Environmental Review:**

The proposed Board action to authorize acceptance of grant funds from the State of California Natural Resources Agency for the surrendered and abandoned vessel exchange program is

Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Class 1 - Existing Facilities) and Section 3.a (6) of the District's Guidelines for Compliance with CEQA because the project will involve a negligible expansion of use beyond that previously existing. No further action under CEQA is required.

In addition, the Proposed Board action complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses, including, but not limited to, snack bars, cafes, restaurants, motels, launching ramps, and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandlerys, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways, and landscaped areas. 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 is considered an "excluded development" pursuant to Section 8.a. (9) (Existing Facilities) of the District's Coastal Development Permit (CDP) Regulations; therefore, issuance of a CDP is not required.

**Equal Opportunity Program:**

Not applicable.

**PREPARED BY:**

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Attachment(s):  
Attachment A: Grant Agreement Certificate of Funding