



Legislation Text

File #: 2017-0540, **Version:** 1

DATE: December 5, 2017

SUBJECT:

RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO UNIFIED PORT DISTRICT TO PROVIDE MUTUAL INDEMNITY TO PARTICIPATE IN THE URBAN AREA SECURITY INITIATIVE FY16 GRANT PROGRAM

EXECUTIVE SUMMARY:

As a first responder agency, the District's Harbor Police Department (HPD) is entitled to participate in the Urban Area Security Initiative (UASI) grant program that was awarded to the City of San Diego (City). The purpose of this year's funding is to meet the Homeland Security (HLS) related missions for local first responder agencies. As a condition of participation, the City requires that the District enter into a Memorandum of Understanding (MOU) that provides mutual indemnity to both parties against all liability for acts or omissions under the MOU.

This MOU is required to be reissued with each grant funding year. This will cover the Fiscal Year (FY) 16 grant award from the City.

RECOMMENDATION:

Adopt a Resolution authorizing a Memorandum of Understanding (MOU), including mutual indemnity, with the City in order for the District to participate in the Urban Area Security Initiative (UASI) Grant.

FISCAL IMPACT:

The District recognizes the grant funds as non-operating revenue when reimbursement is received from the City of San Diego.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal:

- A Port that is a safe place to visit, work and play.

DISCUSSION:

The U.S. Congress has appropriated funding for UASI Grant Program since 2003. This funding is

allocated as Homeland Security related grants for the thirty largest metropolitan areas in the United States. The City of San Diego, in partnership with the Unified Disaster Council, administers this grant and has divided the funding into four categories: equipment, training, exercises, and planning. To date, the City of San Diego has been awarded more than \$40 million in grant funding for regional “all hazards” mission support of local first responder agencies.

In its law enforcement and firefighting roles, HPD is entitled to participate in this program. The Urban Area Working Group (UWAG), which determines the funding allocations for all regional entities, recommended that the City of San Diego allocate funding to HPD for terrorism assessments, equipment training, and exercises in an approximate amount of \$35,000 during the course of the fiscal year.

The City of San Diego requests that the District enter into an MOU for the most current year, and to agree to mutual indemnity. The term of the MOU runs concurrently with the UASI grant, which is an on-going Department of Homeland Security program. Furthermore, the MOU specifies that the District, as a sub-recipient to the UASI grant, will be required to comply with all the same grant requirements, including both the U.S. General Accounting Office and Office of Management and Budget auditing standards, as the City.

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 and has reviewed and approved the MOU as to form and legality.

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 obligations under the Port Act. Section 55 of the Port Act provides that the Board may establish and maintain a system of harbor police. The Board action assists in the maintenance of the harbor police. 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:

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Attachment(s):

Attachment A: FY 2016 UASI - Appendices A-D

Attachment B: FY 2016 UASI - Signature Authorization Form

Attachment C: FY 2016 UASI - Agreement City of SD OHS and SDUPD