



Legislation Text

File #: 2019-0324, Version: 1

DATE: October 8, 2019

SUBJECT:

ACTIONS RELATED TO THE FY19 PORT SECURITY GRANT PROGRAM:

- A) RESOLUTION ACCEPTING THE FY19 PORT SECURITY GRANT PROGRAM (PSGP) AWARDS FOR A TOTAL AMOUNT OF \$1,401,743.00, REQUIRING A COST MATCH OF \$495,625.00, 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).**
- B) ORDINANCE AMENDING THE FY 19/20 BUDGET INCREASING THE NON- PERSONNEL EXPENSE (NPE) BUDGET BY \$58,326, AND THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS BUDGET BY \$433,000. FUNDING FOR \$368,495 WILL BE FROM THE PSGP GRANT WHILE THE REQUIRED DISTRICT MATCH OF \$122,831 WILL BE FUNDED FROM CUMULATIVE UNRESTRICTED RESOURCES. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.**

EXECUTIVE SUMMARY:

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. The District was eligible to apply as the San Diego Unified Port District and the Harbor Police.

The following projects received funding:

- Tenth Avenue Security Gate Physical Enhancements
- B Street Cruise Ship Terminal Security Gate Physical Enhancements
- Port of San Diego Resilience and Readiness Program
- Port of San Diego Homeland Security Strategic Plan
- Enhanced Security Sensors / Find and Follow Protection
- Patrol Vessel Maintenance and Sustainment Planning
- Mobile Anti-Vehicle Barriers

The District's award is \$651,743 and Harbor Police will receive \$750,000, for a total \$1,401,743. The required cost match is \$495,625. The performance period for these grant awards concludes on August 31, 2022, and all project work must be completed by this date.

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.

RECOMMENDATION:

- A) Adopt a Resolution Accepting the FY19 PSGP awards totaling \$1,401,743, authorizing a match of \$495,625, and Authorizing the District to Enter into Award Agreements with the U.S. Department of Homeland Security/Federal Emergency Management Agency.
- B) Adopt an Ordinance Amending the District's FY 19/20 Budget Increasing the NPE Appropriations by \$58,326 and the Equipment Outlay and Other Capital project by \$433,000. Funding for \$368,495 will be from PSGP Grants while the required District Match of \$122,831 will be funded from the Cumulative Unrestricted Resources.

FISCAL IMPACT:

Approval of these items will authorize the amendment to the District's FY19/20 budget as noted in the table below. Staff plans to fund this budget amendment from Cumulative unrestricted resources.

Appropriated Budget Item	Amended	FY19/20	FY19/20	FY19/20	FY19/20
	FY19/20 Budget	PSGP Grant Funded	Required District Match Need	Grant and Match Total	Proposed Amended Budget
Ordinary Annual Expenses	174,839,400	43,745	14,582	58,326	174,897,726
Equipment Outlay and Other Capital Projects	7,948,500	324,750	108,250	433,000	8,381,500
Total FY19/20	182,787,900	368,495	122,832	491,326	183,279,226

The District's FY 19/20 Budget as stated above will be increased by \$491,326.00 for items other than Capital Improvement Program related projects for the portions expected to be executed in FY 19/20. Additional funds projects will be budgeted in future fiscal years.

Staff plans to include the capital related projects such as the Tenth Avenue Security Gate Physical Enhancements project and the B Street Cruise Ship Terminal Security Gate Physical Enhancements project in the Capital Improvement Program. Staff will recommend adding these projects to CIP and budgeting the match funds from cumulative unrestricted resources as a separate agenda item to the Board.

COMPASS STRATEGIC GOALS:

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

- A Port that the public understands and trusts.
- A thriving and modern maritime seaport.

- A vibrant waterfront destination where residents and visitors converge.
- A Port that is a safe place to visit, work and play.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

Port Security Grant Program FY19 Award

The Port Security Grants Program (PSGP) is a Department of Homeland Security (DHS) - Federal Emergency Management Agency (FEMA) grant program that provides federal funds to support maritime transportation infrastructure security activities. This program has made \$100,000,000 available annually through a competitive grant program for transportation infrastructure security projects that implement Area Maritime Transportation Security Plans and facility security plans at port authorities, facility operators and state and local government agencies that provide port security services. With the FY19 PSGP funds, FEMA awarded grant funds to projects that increased port-wide risk management, enhanced domain awareness, facilitated training, expanded recovery and resilience capabilities at ports, and increased preparedness and recovery from non-conventional weapons attacks.

The District and the Harbor Police have active projects funded with Port Security Grant Program funds from fiscal years 2015-2019. The District has benefited from this program by using grant funds to purchase equipment, fund disaster and recovery training, and implement infrastructure projects that increase facility security.

In May 2019, the US Department of Homeland Security released the FY19 Notice of Funding Opportunity for PSGP. The District and the Harbor Police Department are considered two entities for the PSGP and may submit separate grant applications. Each applicant is invited to submit a total of five projects for consideration. In August, DHS/FEMA announced that the District was allocated \$651,743 for four projects and the Harbor Police Department was allocated \$750,000 for three projects. The total match required is \$495,625.

The following projects received funding:

District			
Project Name	Award	Match	Total
TAMT Security Gate Physical Enhancements	\$347,985.00	\$115,995.00	\$463,980.00
B Street Cruise Ship Terminal Security Gate Physical Enhancements	\$96,030.00	\$32,010.00	\$128,040.00
Port of San Diego Resilience and Readiness Program	\$131,228.00	\$43,742.67	\$174,970.67
Port of San Diego Homeland Security Strategic Plan	\$76,500.00	\$25,500.00	\$102,000.00

Harbor Police			
Project Name	Award	Match	Total
Enhanced Security Sensors	\$300,000.00	\$100,000.00	\$400,000.00
Patrol Vessel Maintenance and Sustainment Planning	\$187,500.00	\$62,500.00	\$250,000.00
Mobile Anti-Vehicle Barriers	\$262,500.00	\$87,500.00	\$350,000.00

The award letter from FEMA is attached.

District FY19 Budget Amendment for PSGP-funded, non-CIP projects

Staff is recommending amending the District's FY19 budget to reflect the addition of PSGP grant and match funds that are likely to be spent during this fiscal year. Funding for future fiscal years will be budgeted in the appropriate fiscal year and subject to the Board of Port Commissioner's approval.

The following projects are receiving funds and would be amended in the budget:

- Port of San Diego Resilience and Readiness Program - \$58,326.00
- Patrol Vessel Maintenance and Sustainment Planning - \$83,000.00
- Mobile Anti-vehicle barriers - \$350,00.00

PSGP-funded projects have a three-year performance period. Funds will be budgeted in future fiscal years as follows:

Project Name	FY19/20	FY20/21	FY21/22	Total
Port of San Diego Resilience and Readiness Program	\$58,326.00	\$58,326.00	\$58,326.00	\$174,978.00
Port of San Diego Homeland Security Strategic Plan		\$50,750.00	\$50,750.00	\$101,500.00
Enhanced Security Sensors		\$400,000.00		\$400,000.00
Patrol Vessel Maintenance and Sustainment Planning	\$83,000.00	\$83,000.00	\$84,000.00	\$250,000.00
Mobile Anti-Vehicle Barriers	\$350,000.00			\$350,000.00
Total	\$491,326.00	\$592,076.00	\$193,076.00	

In accordance with BPC Policy 110, these awards are being presented to the BPC for award acceptance and to authorize staff to enter into grant award agreements with the DHS/FEMA.

Staff recommends the Board accept the FY19 PSGP awards and approve the ordinance with the recommended budget amendments.

General Counsel's Comments:

The Office of the General Counsel reviewed this Agenda and the proposed agreements as presented to it and approved them as to form and legality.

Environmental Review:

The proposed Board actions, including without limitation, resolutions accepting grant funding for the FY19 Port Security Grant Program and amending the FY20 budget, do not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the District adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of Board's actions that requires the District or the Board's discretionary approval resulting in a physical change to the environment will be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a "no project alternative" or adopting a Statement of Overriding Consideration, if required. The proposed Board actions in no way limit the exercise of this discretion. Therefore, no further CEQA review is required.

In addition, the proposed Board actions comply with Sections 21, 35, and 81 of the Port Act, which

allow for the Board to pass resolutions, to do all acts necessary and convenient for the exercise of its powers, and for the use District funds for expenses of conducting the District. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board actions are consistent with the Public Trust Doctrine.

The proposed Board actions do 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 (CDP) Regulations because they will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a Coastal Development Permit or exclusion is not required. However, development within the District requires processing under the District’s CDP Regulations. Future development, as defined in Section 30106 of the Coastal Act, will remain subject to its own independent review pursuant to the District’s certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. The Board’s actions in no way limits the exercise of the District’s discretion under the District’s CDP Regulations. Therefore, issuance of a CDP or exclusion is not required at this time.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

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Attachment(s):
Attachment A: FY_2019_Award_Announcement_Final
Attachment B: 2019 PSGP Agreement District
Attachment C: 2019 PSGP Agreement HPD