



## Legislation Text

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**File #:** 2020-0273, **Version:** 1

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**DATE:** October 6, 2020

**SUBJECT:**

**RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FOR THE CANINE EXPLOSIVE DETECTION TEAM PROGRAM FROM THE TRANSPORTATION SECURITY ADMINISTRATION IN THE AMOUNT OF \$1,136,250 FOR A PERIOD OF FOUR AND ONE HALF YEARS, AND EXECUTION OF A TRANSACTION AGREEMENT WITH TSA PURSUANT TO BPC POLICY NO 110, SECTION IV C1**

### **EXECUTIVE SUMMARY:**

The District's Harbor Police Department (HPD) has received federal grant funding for the Canine Explosive Detection Team Program since 1997. HPD's participation in this program supports Homeland Security at San Diego International Airport and other District infrastructure by providing funding for trained police dog to detect explosives. Funding for this program is provided through a cooperative agreement with the Transportation Security Administration (TSA). The most recent agreement with TSA dated February 12, 2016 expired on June 30, 2020.

A new "Other Transaction Agreement" (formerly titled Cooperative Agreement) between TSA and HPD is required in order for grant funds to be used to continue HPD's canine program. The total award over the term of the agreement is \$1,136,250, which equates to \$50,500 per year for each of five canine teams. The term of the agreement is July 1, 2020 to December 31, 2024.

### **RECOMMENDATION:**

Pursuant to BPC Policy No.110, Section IV B1, adopt a resolution authorizing acceptance of Transportation Security Administration grant for \$1,136,250 and execution of the Other Transaction Agreement for the Harbor Police Department Explosives Detection Canine Team, with a term of July 1, 2020 to December 31, 2024.

### **FISCAL IMPACT:**

The TSA grant amount of \$1,136,250 over the course of the agreement, will fund \$50,500 for each of the five canine teams through December 31, 2024.

### **COMPASS STRATEGIC GOALS:**

This grant supports the HPD Canine Explosive Detection Team's Aviation and Homeland Security missions thereby promoting a safe and secure environment. Also, the use of grant funds supports the

District's goals and is a prudent option to help fund District priorities.

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

- 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:**

In early 1996, due to increased costs, the San Diego County Sheriff's Department notified the District that they were withdrawing from the Federal Aviation Administration (FAA) Explosives Detection Canine Team Program, ending service to San Diego International Airport. HPD subsequently assumed responsibility for that program. In 1997, funding for the expansion of the Explosives Detection Canine Program became available from the Federal Aviation Administration (FAA). The District and the FAA entered into an initial cooperative agreement for participation in the program. A second cooperative agreement was entered into in January 2008 when the program was transferred to the Transportation Security Administration (TSA). This second agreement replaced the initial agreement between the District and the FAA.

Congress appropriates funding for the canine program on an annual basis. The cooperative agreement between the District and TSA is modified to allow the District to receive the agreed upon portion of those funds. Each year, the cooperative agreement allowed the District to be granted up to \$50,000 in reimbursable costs for each of the five canine teams, for a maximum of \$250,000 per federal fiscal year. There was also a \$500 allowance for supplies in support of each of the five canine teams. The most recent modification (#15) to the cooperative agreement was authorized by the Board in July of this year and released \$252,500 and an additional \$33,370.29 for the period October 1, 2014 to March 31, 2015.

### **Other Transaction Agreement (OTA)**

In February 2016, the TSA granted the District a new five-year "Other Transaction Agreement" (formerly titled Cooperative Agreement) for continuation of the Explosive Detection Canine Team Program. The total maximum award over the term of the agreement was \$1,262,500, which equates to \$50,500 each per year for five canine teams. The term of the agreement was January 1, 2015 to December 31, 2019. As in previous years, funds appropriated by Congress were to be released with an annual modification. The budget was \$1,010,000 and funding was subject to annual federal appropriations. TSA issued three modifications to this agreement extending the terms to June 30, 2020 with additional funding ultimately totaling \$126,500. This agenda item establishes a new Other Transaction Agreement for an additional term through December 31, 2024.

Acceptance of this grant award allows continuation of the Explosives Detection Canine Team Program in a fiscally responsible manner for the District.

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

The Office of the General Counsel has reviewed and approved this agenda and the proposed resolution, as presented, as to form and legality.

### **Environmental Review:**

The proposed Board actions, including without limitation, a resolution authorizing acceptance of grant funds for the canine explosive detection team and execution of a transaction agreement, do not constitute a “project” under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because they would not have the potential to result in a direct or indirect physical change in the environment and are, therefore, not subject to CEQA. No further action under CEQA is required.

In addition, the Board actions comply with Sections 21 and 35 of the Port Act, which allow the Board to pass resolutions; and to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the 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 Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

### **Equal Opportunity Program:**

Not applicable.

### **PREPARED BY:**

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